

MEDIA FREEDOM IN SERBIA – FREEDOM OF EXPRESSION AND MEDIA PLURALISM

2021/2022

**ALTERNATIVE REPORT ON THE IMPLEMENTATION
OF THE REVISED ACTION PLAN FOR CHAPTER 23**



CIVILNO DRUŠTVO ZA
UNAPREĐENJE PRISTUPANJA
SRBIJE EVROPSKOJ UNIJI



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**MEDIA FREEDOM IN SERBIA – FREEDOM OF EXPRESSION
AND MEDIA PLURALISM 2021/2022**

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INTRODUCTION AND METHODOLOGY

This report is an alternative report on the implementation of the Action Plan for Chapter 23 in the part regarding the protection of journalists and media legislation, all within the framework of Chapter 3.3 – Freedom of Expression and Media Pluralism. The report is based on monitoring the implementation of a total of 13 activities that should be implemented by competent authorities in order to achieve the final results:

- more efficient protection of journalists from threats of violence ensured through improvement of the system of preventive measures undertaken for the purpose of protecting journalists and prioritization of investigations of threats and violence against journalists in order to effectively sanction past attacks;
- achieved higher level of cooperation between the journalists' associations, the police and public prosecutors in relation to the protection of journalists' safety;
- improved legal and institutional framework for the protection of media freedoms;
- achieved full withdrawal of state ownership of the media;
- absence of unauthorized disclosure of information related to ongoing or planned criminal investigations to the media.

With this report, we will analyze the individual activities provided for in the Revised Action Plan for Chapter 23 and the Report on the Implementation of the Revised Action Plan for Chapter 23, in order to evaluate what has been achieved in the most significant areas. Methods used to gather information for the report include:

- analysis of relevant national and international reports on media freedoms and journalists' safety;
- analysis of media articles and collection of statements by national and international officials on media freedoms and journalists' safety;
- analysis of legal acts and other official documents related to journalists' safety and media policies;
- conducting interviews with relevant persons on the topic of improving journalists' safety;
- sending requests for information of public importance to the relevant institutions responsible for improving the protection of journalists' safety and media policies.

Through the analysis of the Report on the Implementation of the Revised Action Plan for Chapter 23 (2/2022), it was observed that the reports are not consolidated, that only quarterly reports of institutions were included in the report, with no analysis or consolidated indicators, and in some activities there was repetition of identical parts. In the Implementation Report, there is no consistency regarding the reporting period: some activities list reports for the first two quarters of 2022, while others also include quarters from 2021. Explanations of individual activities are not always directly tied to result indicators.

At a meeting held on 26 July, the Council for the implementation of the Action Plan for Chapter 23, after analyzing the relevant reports and holding a discussion involving its members, gave recommendations to the stakeholders responsible for the implementation of activities from the Action Plan. Those recommendations primarily refer to making efforts to fulfill activities that have been delayed. However, some recommendations were repeated, such as those that the reports of the institutions should be clear and tied to a result indicator, that wordings such as "no activities were implemented" should be avoided because they make it impossible to evaluate the fulfillment, that when explaining delays, clear and detailed reasons should be provided, etc.

PROTECTION OF JOURNALISTS

Interim benchmark

3.3.1. Serbia fully respects the independence of the media, having zero tolerance when it comes to threats and attacks on journalists, and prioritizes criminal investigations whenever such a case occurs. Serbia shows an initial record of progress in the work of the Commission for reviewing the facts that came into light in the investigations conducted in connection with the murders of journalists, including additional investigations, effective prosecution and preventive sanctions for perpetrators.

Result of benchmark implementation

More efficient protection of journalists from threats of violence is ensured through the improvement of the system of preventive measures taken in order to protect journalists and the introduction of priority actions in investigations of threats and violence against journalists in order to effectively sanction conducted attacks.

A higher level of cooperation has been achieved between journalists' associations, the police and public prosecutors regarding the protection of journalists' safety.

Impact indicators

1. The European Commission's Annual Progress Report on Serbia notes progress in the area of greater protection of journalists from threats and violence.

As in the previous year, the latest report of the European Commission¹ states that Serbia has some level of preparation concerning freedom of expression, but that in the reporting period, no progress was made regarding recommendations from the previous year. The report states that cases of threats and violence against journalists remain a concern, and that verbal attacks and smear campaigns against the media and journalists have continued. It points out that recurrent statements by high-ranking state officials on the daily and investigative work of journalists are preventing the creation of an environment where freedom of expression can be exercised without hindrance. The report also highlights the work of two working groups – the Standing Working Group and the Government Working Group for the Protection and Safety of Journalists – and that in certain cases, the police and the prosecution reacted swiftly thanks to the coordination facilitated through those groups. However, even the prosecution's data cited in the report shows a high number of unresolved cases, and a low number of resolved cases with punishments for the perpetrators.

According to the report, one of the priorities that Serbia should deal with in the coming period is strengthening the security and safety of journalists, notably ensuring that high-level officials refrain from labelling or making verbal attacks on journalists, and that any threats and cases of physical and verbal violence are swiftly followed up and, as appropriate, publicly condemned, investigated or prosecuted.

Given that the state of Serbia has not made progress in this field for many years, especially considering the latest report, and despite some progress being made and activities undertaken in this area, we must conclude that this impact indicator has not been achieved.

¹ European Commission, „Republic of Serbia, Report for 2022“, Brussels, 2022, p. 38 and 39. <file:///C:/Users/NUNS-101/Downloads/Serbia%20Report%202022.pdf>

2. The annual report of the Protector of Citizens states progress in the part related to a higher degree of protection of journalists from threats and violence.

According to the Regular Annual Report of the Protector of Citizens,² the media and journalists in the Republic of Serbia continued in 2021 to work under pressure, and were often exposed to verbal and in some cases even physical attacks. Verbal attacks, most often in the form of threats, intimidation and insults, were frequent in the public space and especially on social networks, and in most cases were not legally sanctioned, primarily because of the fact that interactions in the sphere of the Internet are not yet normatively regulated in our country. The report states that in 2021, journalists were most exposed to economic pressures (economic uncertainty caused by low monthly incomes and unregulated employment status), and that these have been further intensified by SLAPP lawsuits. It is pointed out that a special problem is that SLAPP lawsuits are not recognized in the legislation of the Republic of Serbia

The report also highlights the activities undertaken by the Protector of Citizens in this field. Considering that numerous pressures and attacks on journalists do not fall within the domain of criminal acts and that it is necessary to ensure legal protection of media workers, the Protector of Citizens initiated amendments to the Law on Public Peace and Order, which would enable the sanctioning of insults and attacks on journalists on social networks as misdemeanors.

In addition, the 2021 report points out that the technical development of a single database on all pressures and attacks on journalists was almost completed, having been formed in May 2020 within the Agreement on Establishing a Platform for Recording Cases of Endangering the Safety of and Pressures on Journalists and Other Media Actors, launched by the Protector of Citizens together with seven media associations and three journalists' unions. As stated, the goal of forming this database is to create a single platform that would enable a faster and more efficient reaction of the Protector of Citizens to the actions of the competent authorities on reported cases of violations of freedom of the media and freedom of expression. Data on the measures taken would be publicly available at any time, while based on the analysis of the existing data, the need for changes and improvements in the normative framework could be determined, the adoption of which, that is, the amendment of which, can be initiated by the Protector of Citizens.

Since the report for 2020 states that no progress has been recorded and since the latest report points out that journalists and the media continued to work under pressure in 2021 and were often exposed to verbal and physical attacks, we can conclude that this impact indicator has not been achieved.

Despite the activities of the Protector of Citizens mentioned in the report, we cannot say that certain developments have been achieved or that the single database has contributed to the goal for which it was formed. In fact, although the Protector stated that the goal of forming the database was the creation of a single platform that would enable a faster and more efficient reaction of the Protector of Citizens to the actions of the competent authorities on reported cases of violations of freedom of the media and freedom of expression, we have not recorded in the previous period any significant reactions or special measures taken by the Protector in cases of endangerment of the safety of journalists, or involving other pressures on journalists.

² Protector of Citizens, "Regular Annual Report of the Protector of Citizens for 2021", Belgrade, 2022, p. 21-23. <https://www.ombudsman.rs/attachments/article/7369/Redovan%20Godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202021.%20godinu.pdf>

3. Increased number of actions taken by the Prosecutor's Office in order to ensure the protection of journalists, as well as criminal prosecution of perpetrators of crimes against journalists.

In the last year, the Republic Public Prosecutor's Office actively participated in the work of working groups dealing with journalists' safety (Standing Working Group for the Safety of Journalists and Working Group for the Protection and Safety of Journalists).

In December 2020, the Republic Public Prosecutor's Office issued mandatory instructions regulating in more detail the emergency proceedings of prosecutors' offices and contact points in cases of attacks on journalists. Prosecutor's offices largely respect the instructions in that first initial reaction when a case is reported. However, the later stages of proceedings and the very low number of resolved cases remain a problem. Records of attacks on journalists are updated and submitted to representatives of the association within the Standing Working Group.

According to the latest data obtained from Republic Public Prosecutor's Office, by the end of June 2022, 41 cases were filed in prosecutor's offices against persons who perform tasks of public importance in the field of public information, of which in 8 cases either a decision was made to dismiss the criminal complaint or an official note was issued stating that there is no basis for initiating criminal proceedings. In 2021, 87 cases were established, of which in 31 cases a decision was made to dismiss the criminal complaint or an official note was issued stating that there is no basis for initiating criminal proceedings. In 7 cases, a guilty verdict was handed down, and in one case, the verdict was acquittal. In 2020, four guilty verdicts were handed down, in four cases the opportunity principle was applied, and there was one verdict of acquittal. In 25 cases, the criminal complaint was dismissed or an official note was issued stating that there is no basis for initiating criminal proceedings.

Despite the actions taken by the prosecution and the active participation of representatives of the prosecution in working groups, the prosecution of perpetrators is still not at a satisfactory level, the proceedings take a long time, there is a high number of cases involving unknown perpetrators, few cases with a judicial outcome, and a low number of sentences imposed. Due to all of the above, we can conclude that this impact indicator has not been achieved.

4. Finalization of the investigation in three cases of murders of journalists through the work of the Commission for reviewing the facts that came to light in the investigations conducted in connection with the murders of journalists

There have still not been any major developments in the cases of murders of journalists. In the previous period, a first-instance verdict was passed for the second time in the case of the murder of Slavko Ćuruvija, while no progress was made in the cases of the murder of Radislava Dada Vujasinović and of Milan Pantić, and the cases are still in the pre-investigation procedure.

Given the set indicator and the fact that investigations have not been completed in two of the cases, we can conclude that this impact indicator has still not been achieved.

5. Significant improvement of Serbia's position on various internationally recognized indices of media freedom.

Some reports of international organizations show that steps forward have been made. The Reporters Without Borders Index shows that Serbia has made progress, having moved up from 93rd to 79th place.³ It is necessary to emphasize that this year, the organization applied a new methodology for ranking countries. However, the report states that despite efforts to improve security and the fight against impunity (two working groups and the introduction of SOS phone numbers), journalists in Serbia feel far from protected.

³ Reporters Without Borders website: <https://rsf.org/en/country/serbia>

According to a Freedom House report, Serbia is still in the group of “partially free” countries, with an index of 2 in the part related to freedom of expression and freedom and media independence.⁴ The report states that independent investigative groups have been increasingly subjected to harassment, intimidation, and violence by authorities and pro-government groups, and that journalists have in general faced physical attacks and smear campaigns.

That the situation is not good is also pointed out by the Western Balkans’ Journalists’ Safety Index,⁵ developed by the regional “SafeJournalists” network. In 2021, Serbia recorded a smaller decline compared to 2020, with an index of 2.91 (on a scale from 1 to 7). As in 2020, Serbia received the worst marks in the field of actual safety (index of 2.44), while its highest score is in due prevention, with an index of 3.52.

In the report “Indicators on the Level of Media Freedom and Journalists’ Safety” for 2021,⁶ it is emphasized that state institutions recognize the attacks on journalists, but complete efficiency regarding all cases of attacks is still lacking. It is stated that representatives of authorities often launch harsh attacks on journalists themselves through targeting and thus provide the basis for other more serious attacks. It is also pointed out that investigations are initiated quickly. However, in the later stages of the proceedings, depending on the case, they are considerably slowed down and there is no efficiency in solving them.

Even though some reports show a certain degree of improvement when it comes to journalists’ safety and media freedoms, in reality the situation has not improved, and journalists remain exposed to a large number of threats and attacks, intimidation, as well as targeting, particularly by public officials. Despite various mechanisms and working groups, the environment in which journalists work has not changed, and their feeling unsafe remains present to a large extent.

What has been done to achieve the result?

3.3.1.1. Analyse the relevant provisions of the Criminal Code to assess the potential need for amendments that would lead to a higher level of protection of journalists from threats of violence, taking into account the results of TAIEX “Expert Mission on the Protection of Journalists in the Criminal Code JHA IND/EXP 63971”.

In charge of the activity: Republic Public Prosecutor’s Office in cooperation with the Standing working group that monitors the implementation of the Agreement on cooperation and measures to improve the safety of journalists

Timeframe/deadline: by IV quarter of 2020.

Result indicator:

- analysis of the Criminal Code conducted, including recommendations for establishing more effective protection of journalists from threats and violence;
- conclusions arising from analyses related to the potential need for amendments to the Criminal Code have been submitted to the Ministry of Justice for consideration.

Assessment from the Implementation Report: The activity has been fully implemented.

⁴ Freedom House website: <https://freedomhouse.org/country/serbia/freedom-world/2022>

⁵ SafeJournalists network, “Western Balkans’ Journalists’ Safety Index, Report for Serbia for 2021”, Belgrade, 2022.

⁶ Independent Journalists’ Association of Serbia, “Indicators on the Level of Media Freedom and Journalists’ Safety 2021 – Serbia”, Belgrade, 2021, p. 38. <https://nuns.rs/media/2022/06/SRB-SRB-2021.pdf>

The Implementation Report lists the activities of the Working Subgroup for the Analysis of the Criminal Code, formed in accordance with the Agreement on Cooperation and Measures to Increase the Level of Journalists' Safety,⁷ which was concluded in December 2016. As part of the agreement, a Standing Working Group for the Safety of Journalists and two subgroups (for the analysis of the CC and degree of openness of institutions) were established. The subgroup for the analysis of the Criminal Code, which consisted of representatives of all signatories, analyzed the articles of the Criminal Code and found that there were 35 criminal offenses that can be committed against journalists in relation with the work they perform, based on which a conclusion was reached in April 2019. In December 2020, the Republic Public Prosecutor's Office issued mandatory instructions in which, among other things, they list those 35 criminal acts that can be committed to the detriment of journalists, and which prosecutors should pay attention to when it comes to cases committed to the detriment of journalists, in order to achieve legality, effectiveness and uniformity in treatment.

In the previous period, there were proposals for changes to the Criminal Code. At the initiative of the Standing Working Group and the OSCE, criminal law professor Zoran Stojanović gave his opinion on amendments to the Criminal Code with the aim of broader criminal protection of journalists. The professor formed his opinion based on consultations with journalist and media associations, members of the Standing Working Group. After that, the Ministry of Justice established a Working Group for Amendments to the Criminal Code, within which the proposals were accepted and a public debate was opened. However, due to numerous criticisms from journalists, legal experts and representatives of civil society, it was decided to abandon the proposal at that moment and to consider the changes in this part of the CC when working on the changes to the entire CC, set to be carried out in 2022. The Working Group for Amendments to the Criminal Code has been established, it will soon finish its work, but according to the information obtained at the round table held on the occasion of the amendments to the Criminal Code, amendments to the law in the part relating to journalists have not been considered.⁸

NUNS assessment: The activity has been fully implemented.

Given the set result indicators, we can conclude that this activity has been fully implemented, bearing in mind the activities of the Subgroup for the Analysis of the Criminal Code, opinion and proposals for amendments to the Criminal Code. However, we must also bear in mind that potential changes to the Criminal Code will not bring about improvement in themselves – work must rather be done on prevention and on more effective action in specific cases, and ultimately on punishing perpetrators in order to send a clear message that such behavior is unacceptable. In addition, it is necessary to create a more favorable environment for the work of journalists and to change the negative rhetoric of public officials towards journalists.

⁷ Agreement on Cooperation and Measures to Increase the Level of Journalists' Safety: <http://www.rjt.gov.rs/sr/bezbednost-novinarar>

⁸ Minutes from the round table "Protecting the Safety of Journalists through Amendments to the Criminal Code - Can we Reach a Consensus?", organized by the Slavko Ćuruvija Foundation (SĀF) and the Media Freedom Coalition (Association of Serbian Media, Online Media Association (AOM), Independent Journalists' Association of Vojvodina (NDNV), Independent Journalists' Association of Serbia (NUNS), the Business Association of Associations of Local and Independent Media "Local Press" and the Slavko Ćuruvija Foundation).

3.3.1.2. Continuation of the work of the Commission for reviewing the facts that came to light in the investigations conducted in connection with the murders of journalists and regular reporting.

***In charge of the activity:* Government of the Republic of Serbia, Commission for reviewing the facts that came to light in the investigations conducted on the murders of journalists.**

***Timeframe/deadline:* Continuously.**

Result indicator:

- annual reports on the work of the Commission have been submitted;
- the competent authorities regularly follow up on the Commission's recommendations through investigations and criminal prosecutions.

***Assessment from the Implementation Report:* The activity is being successfully implemented.**

The Commission for reviewing the facts that came to light in the investigations conducted on the murders of journalists was established in 2013 by the Government of the Republic of Serbia, and in 2018 its jurisdiction was extended to include cases of murders and disappearances of journalists in Kosovo and Metohija between 1998 and 2001 and murders of journalists in conflicts in the SFRY between 1991 and 1995.

The Implementation Report states that the Commission continued its work, that it lost two very important members due to retirement, and that the President will prepare proposals for the reconstruction of this body. According to the President of the Commission, Veran Matić, the Commission continues to submit reports that are sent to the Ministry of Justice, but which are not available to the public. He pointed out the problem of the retirement of two members and the impossibility of electing new members until a new government is formed. In 2022, the Commission held one meeting.

Also, according to Matić, the competent authorities to the greatest extent follow the Commission's recommendations regarding investigations and criminal prosecutions, and communicate with the Commission regarding specific activities, except in the case of the murder of Milan Pantić, where the Commission insists on jurisdiction passing to the Prosecutor's Office for Organized Crime, which has not happened yet.

In the reporting period, the only progress made was in the case of the murder of Slavko Ćuruvija, where the first-instance court once again pronounced the same guilty verdict, with the same explanation. Appeals were filed by both defense and prosecution. The decision of the second-instance court is still pending.

No progress has been made in the other two cases, and they remain in the pre-investigation procedure. As stated in the Implementation Report, in the case of the death of Radoslava Dada Vujašinović, following the super-expert examination conducted in the Netherlands, the Commission could not specify the cause of death, but the only conclusion is that suicide, murder and unintentional firearm death were all possible. In the case of the murder of Milan Pantić, the situation is the same – the competent prosecution has not taken steps since the Commission submitted its report back in 2017, in which it is stated that the actions taken demonstrate that the motives of the persons who ordered the killing have been clarified and that he was killed because of his journalistic work and investigative texts on corruption and crime. The Commission continues to insist that this case be taken over by the Prosecutor's Office for Organized Crime.

***NUNS assessment:* The activity has been partially implemented.**

Given the set result indicators, especially that the competent authorities should regularly follow the recommendations of the Commission through investigations and criminal prosecutions, and bearing in mind that the Commission made recommendations for the case of the murder of Milan Pantić back in 2017 and that the prosecution has not acted on them to date and has not taken further steps, this activity is considered to have been partially implemented.

3.3.1.3. Regular updating of special records in appellate, higher and basic public prosecutor's offices in relation to criminal offences committed to the detriment of persons performing tasks of public importance in the field of information, in connection with the work they perform, as well as attacks on media websites, in terms of which cases require urgent action.

In charge of the activity: Republic Public Prosecutor's Office.

Timeframe/deadline: Continuously.

Result indicator:

- **adopted instructional guidelines for the establishment of separate records in relation to criminal offenses committed to the detriment of journalists and attacks on media websites, as well as the determination of priorities in dealing with these criminal offences;**
- **the special records listed in this activity are regularly updated.**

Assessment from the Implementation Report: The activity has been successfully implemented.

Special records of criminal offences committed to the detriment of persons performing tasks of public importance in the field of information are provided for by the mandatory instructions issued by the Republic Public Prosecutor's Office in December 2016, and are regulated in more detail by the instructions from 2020. In accordance with the instructions, the records in each public prosecutor's office are managed by the deputy public prosecutor designated as the contact person, and the deputy public prosecutor and the public prosecutor are responsible for the accuracy of the data in the records. It is also stated that the records should contain information about the injured party, the media outlet in which they were engaged, the criminal offence, the time and place of execution, the actions taken, and the decisions made by the public prosecutor and court. Appellate public prosecutor's offices submit to the Republic Public Prosecutor's Office monthly summary reports on the handling of these cases, not later than the 7th day of each month for the previous month.

On the basis of these records, the Republic Public Prosecutor's Office regularly delivers bulletins containing information on all registered cases to media and journalists' associations that are members of the Standing Working Group for the Safety of Journalists.

The mandatory instructions from 2020 prescribe in more detail the procedure for keeping records compared to the ones from 2015. However, in the previously adopted instructions, there was an obligation to keep records of attacks on media websites, which was omitted in the 2020 instructions. The Special Prosecution Office for High Tech Crime does not keep separate records for attacks on media websites.

The same instructions provide for urgent action in cases where journalists are the injured party. The instructions from 2020 specify the urgent procedure in more detail and stipulate that within 24 hours of receiving a report or notification, the prosecutor's office must first form a case and assign it to a processor. Then, within 48 hours, actions in accordance with the law should begin,

which includes inviting the injured party to come to the prosecutor's office in order to provide additional information about the case. Also, the Ministry of the Interior adopted instructions that provide for the immediate action of a police officer when a journalist addresses the police, and informing the competent public prosecutor without delay regarding consultations, qualifications of a criminal offense or misdemeanor, as well as the implementation of further measures and actions under the Ministry's scope of work.

NUNS assessment: The activity has been partially implemented.

Based on all of the above, we conclude that despite special records being kept of attacks on journalists and urgent action being taken in those cases, this activity has been partially implemented considering the fact that the prosecution does not keep special records regarding attacks on media websites, which is provided as a result indicator of this activity, and which was provided for in the instructions from 2016.

3.3.1.4. Implementation of the Cooperation Agreement between the Republic Public Prosecutor's Office and the Ministry of Interior, which envisages action in the investigation of threats and violence against journalists as a priority in order to improve the efficiency of investigation of attacks on journalists and criminal prosecution of perpetrators.

In charge of the activity: Republic Public Prosecutor's Office and the Ministry of Interior.

Timeframe/deadline: Continuously.

Result indicator:

- **increased number of actions taken by the Prosecutor's Office and the Ministry of Interior based on the implementation of the Cooperation Agreement, which results in more efficient investigation and prosecution of defendants;**
- **number of organized meetings of the Standing working group;**
- **the established obligation to act urgently in cases of criminal offences committed to the detriment of journalists is implemented in practice; contact points and coordinators for dealing with these cases have been designated;**
- **number of criminal charges filed by the Ministry of Interior at the request of the Republic Public Prosecutor's Office, against perpetrators of criminal offences committed to the detriment of journalists.**

Assessment from the Implementation Report: The activity has been successfully implemented.

The Republic Public Prosecutor's Office and the Minister of the Interior have signed a Cooperation Agreement, and that agreement stipulates that these institutions, through internal acts, will ensure urgent action in cases of criminal acts committed to the detriment of persons who perform tasks of public importance in the field of information, in relation to the tasks which they perform. This was done with mandatory instructions, as already mentioned in the previous activity. Meetings of the Standing Working Group for the Safety of Journalists are held regularly, while extraordinary meetings are also held for specific cases when necessary. In 2022, the Standing Working Group held four regular meetings and one extraordinary meeting. Also, on the occasion of certain events that took place locally, representatives of journalists' and media associations met with representatives and contact points from the prosecution and contact points from the Minister of the Interior in two cities during 2022 (Vranje and Niš).

In the majority of cases, prosecutor's offices take urgent action once a report is filed, issuing orders to the police, who take further measures, in accordance with the adopted instructions. However, the problem that remains is a large number of unresolved cases, as well as a large number of cases recorded as having unknown perpetrators. According to the latest bulletin received from the Republic Public Prosecutor's Office, by the end of June 2022, out of 41 cases, 33 cases are still pending. In 8 cases, a decision was made to dismiss the criminal complaint or an official note was issued stating that there is no basis for initiating criminal proceedings. In 2021, out of 87 cases, in 31 cases a decision was made to dismiss the criminal complaint or an official note was issued stating that there is no basis for initiating criminal proceedings, while 48 are pending. Of the 58 cases established in 2020, 24 are still pending, and in 25 cases a decision was made to dismiss the criminal complaint or an official note was issued stating that there is no basis for initiating criminal proceedings. According to the report of the Republic Public Prosecutor's Office in the period from 1 January, 2016 to 28 February, 2022, out of a total of 213 cases in which it was assessed that there is a well-founded suspicion that a criminal offense has been committed whereby the prosecution initiates an indictment ex officio, 69 were recorded as having unknown perpetrators.⁹

The established system of contact points in prosecutor's offices, police departments and associations, as well as the increase in the number and education of the contact points themselves, have all certainly contributed to better and more efficient action. At prosecutor's offices, there were five contact points set up at the beginning of the mechanism, and there is now a network of 115 contact points, while in the police there are about 100 contact points at police departments throughout Serbia.

However, through the work of the Standing Working Group in the previous period, certain failures in the actions of competent authorities were observed. In the case of threats made via landline to journalist Dragojlo Blagojević after the publication of the article "Distribution of Raw Materials from State Forests under Veil of Secrecy" in the professional magazine "Drvotehnika", there was discrepancy in the data obtained from the Ministry of Interior, which has a special department for access to operators' databases, and data received from the operators. The Sector for Internal Control of the Ministry of Interior submitted a report to the prosecution regarding suspicions that key evidence in this case was concealed by someone within the police in order to have the criminal charges dismissed, and informed the prosecution that the critical call was not registered in the competent department of the Ministry of Interior for technical reasons, and that work will be done to fix this.¹⁰ Journalists' and media associations expressed concern about the whole event and regarding the explanation of the Sector for Internal Control, and demanded clarification.¹¹ In this case, as in the case of threats against journalist Blagojević, proceedings are still ongoing.

⁹ In the same period, 366 cases were launched by public prosecutor's offices. Of the total number of cases, in 153 the decision was made that there were no elements of a criminal offense whereby the prosecution initiates an indictment ex officio, while in 213 cases there was a well-founded suspicion that a criminal offense had been committed to the detriment of journalists' safety. <http://www.rjt.gov.rs/assets/Statisti%C4%8Dki%20podaci%20o%20postupanju%20javnih%20tu%C5%BEila%C5%A1tava%2028022022.pdf>

¹⁰ "Veran Matić: Ministry of Interior Tried to Hide Key Evidence of Death Threats to Journalist Dragojlo Blagojević", Cenzolovka, 10 October, 2022. <https://www.cenzolovka.rs/pritisci-i-napadi/veran-matic-u-mup-u-pokusali-da-sakriju-klju-can-dokaz-o-pretnji-smrcu-novinaru-dragojlu-bлагојевићу/>

¹¹ NUNS, "Journalists and media associations: Investigate who in the Ministry of Internal Affairs (MUP) hid evidence in the 'Dragojlo Blagojevic case'", 11 October, 2022. <https://nuns.rs/novinarska-i-medijska-udruzenja-ispitati-ko-je-u-mup-u-sakrio-dokaze-u-slucaju-dragojla-bлагојевића/>

The majority of cases are initiated through reports by the injured parties themselves, newsrooms or associations, while the prosecution and the police still rarely submit reports on their own initiative. Positive examples have been recorded, like in the case before Europride, when the Higher Public Prosecutor's Office announced that it would take all measures to uncover and prosecute all persons who behave violently during this event towards journalists reporting from the event, and after the event it contacted NUNS in order to collect information about attacks on journalists.

NUNS assessment: The activity has been partially implemented.

Despite the fact that various activities, primarily of the Standing Working Group, contributed to the implementation of this activity, we still have to conclude that it was partially implemented, especially taking into account the number of unresolved cases, the number of cases recorded as having unknown perpetrators, as well as omissions made by competent authorities in certain cases.

3.3.1.5. Implementation of the Cooperation Agreement between the Republic Public Prosecutor's Office, the Ministry of Interior and relevant journalists' associations.

In charge of the activity: Republic Public Prosecutor's Office, Ministry of Interior and representatives of journalists' associations

Timeframe/deadline: Continuously.

Result indicator:

- regular meetings of the Standing working group; - minutes of the sessions of the Standing working group;
- annual report of the Standing working group available to the public.

Assessment from the Implementation Report: The activity has been successfully implemented.

In December 2016, an agreement on cooperation and measures to raise the level of journalists' safety was signed between the Republic Public Prosecutor's Office, the Ministry of Interior and seven journalists' and media associations (Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Journalists' Association of Vojvodina,¹² Association of Serbian Media, Online Media Association and Association of Independent Electronic Media). The main goal of the Agreement is to provide greater legal protection for journalists.

Within the framework of the Agreement, the Standing Working Group for the Safety of Journalists was established, consisting of representatives of all signatory parties. As already pointed out, the Standing Working Group holds regular meetings, of which there were 4 in 2022 until mid-October, but extraordinary meetings are also held for individual cases, and in 2022 one extraordinary meeting was held. Minutes of the meetings are drawn up and sent to all representatives.

¹² The Agreement was initially signed by 7 journalists' and media associations, and after the Journalists' Association of Vojvodina ceased to exist, representatives of 6 journalists' and media associations remained in the Standing Working Group.

In 2022, in addition to regular and extraordinary meetings, the Standing Working Group actively participated in cases in the south of Serbia. In fact, after several months of harassment and threats which the employees and management of OK Radio were exposed to,¹³ the Standing Working Group provided support to this radio, held a meeting with representatives of the Basic and Higher Prosecutor's Office in Vranje, which were attended not only by representatives of those institutions, but also the contact point from the police for that region. At the meeting, there was talk about the case of threats to OK Radio, but also about threats to journalists in general in the region that falls under the jurisdiction of these prosecutor's offices. After that, a meeting with journalists was also organized. Representatives of journalists' and media associations from the Standing Working Group continued to provide support to this local media and attend every hearing held against those suspected of making threats. Also, representatives of journalists' and media associations held a meeting in Niš with representatives of the prosecutor's office at various levels – with the presence of contact points from the police – where they discussed the problems faced by journalists and the efficiency of competent authorities in the region. On that occasion, representatives of the Standing Working Group met with journalists in Niš.

Although no annual reports of the Standing Working Group for the Safety of Journalists have been prepared so far, in 2021 the Work Report of the Standing Working Group covering the period from 2017 to 2021 was prepared and presented. The goal of the Action Plan for Improving the Work of the Standing Working Group for 2021-2022 is to compile a work report for 2022, which will be prepared and presented by the end of 2022.

NUNS assessment: The activity has been successfully implemented.

Given the set result indicators, our conclusion is that this activity has been successfully implemented. However, despite the work of the Standing Working Group and certain steps forward in specific cases, representatives of journalists' and media associations are still not satisfied with the actions or efficiency of competent institutions and the overall situation regarding the safety of journalists.

3.3.1.6. Improve the system of measures taken to protect the safety of journalists through:

- **the use of the established mechanism of cooperation between the public prosecutor's office, the police, journalists' associations and media associations;**
- **training of journalists and media owners on the possibilities of legal protection and the basics of information security;**
- **training of representatives of the prosecution and the police in order to better understand the problem and act more efficiently in cases where the safety of journalists is endangered.**

In charge of the activity: Republic Public Prosecutor's Office, in cooperation with the Standing working group, which monitors the implementation of the Agreement on cooperation and measures to improve the safety of journalists, and the Ministry of Interior.

Timeframe/deadline: Continuously.

Result indicator:

- **improved system of measures taken to protect the safety of journalists in cooperation with representatives of journalists' associations;**

¹³ Ivana Kragulj, "Kantar Still in Custody, OK Radio's Windows Still Bricked up," NUNS, 5 August, 2022. <https://nuns.rs/kantar-i-dalje-u-pritvoru-a-prozori-ok-radija-jos-uvek-zazidani/>

- **regular risk assessment of endangering the safety of journalists through the work of the Standing working group that monitors the implementation of the Agreement on cooperation and measures to improve the safety of journalists;**
- **review of the work of the established cooperation mechanism by the Standing working group;**
- **organized training of journalists and media owners on the possibilities of legal protection and the basics of information security;**
- **organized trainings for representatives of the prosecution and the police in order to better understand the problems and act more efficiently in cases when the safety of journalists is endangered.**

Assessment from the Implementation Report: The activity has been successfully implemented.

In the Implementation Report, as previously within this activity, primarily listed are the activities implemented within the framework of the Agreement on Cooperation and Measures to Improve the Safety of Journalists and by the Standing Working Group for the Safety of Journalists. In the past few years, various mechanisms have been established to improve the safety of journalists. In addition to the aforementioned agreement, the Working Group for the Protection and Safety of Journalists was formed, established by the Government of the Republic of Serbia, and the Agreement on Establishing a Platform for Recording Cases of Endangering the Safety of and Pressures on Journalists and Other Media Actors was signed with the Protector of Citizens. However, these mechanisms have not contributed to better legal protection of journalists.¹⁴ Also, an SOS phone number was set up, which is available 24 hours a day, seven days a week, and through which journalists can report cases and receive legal advice regarding situations in which they feel threatened.

In the previous period, there were multiple cases of safety risk assessments for some journalists, with their prior consent.

The work of the Standing Working Group for the Safety of Journalists and the implementation of the Agreement on Cooperation and Measures to Improve the Safety of Journalists were analyzed within the Work Report prepared for the period between 2017 and 2021. The Action Plan foresees that the Work Report for 2022 will be prepared by the end of the year.

Trainings of journalists and media owners, and of representatives of the prosecution and the police, were organized through various projects of international institutions and non-governmental organizations. The Action Plan for Improving the Work of the Standing Working Group envisages trainings, but they have not been implemented. Certain trainings of journalists and the media were organized by non-governmental organizations through various projects, while the Council of Europe, through the program “Freedom of Expression and Freedom of the Media in Serbia JUFREX 2”, organized this year, by the end of October 2022, three trainings for contact points in the police on the topic “Protection and Safety of Journalists”.

NUNS assessment: The activity has been partially implemented.

The established mechanism contributed to certain positive developments such as easier reporting of cases, immediate initial action by authorities, as well as progress in individual cases, but we cannot say that it contributed to an overall improvement of journalists’ safety

¹⁴ Independent Journalists’ Association of Serbia, “Analysis: Media Freedom and Journalists’ Safety in Serbia through the Prism of Existing Legal Solutions – How to Reach Better Solutions?”, Belgrade, 2021, p. 18 and 19. https://nuns.rs/media/2021/06/publikacija-SRB_final_web.pdf

in Serbia. A large number of attacks and pressures on journalists is still being recorded. According to NUNS's database of attacks and pressures on journalists, a total of 108 cases of attacks, threats and harassment were recorded in 2022 until mid-October, of which there were 28 verbal threats, 8 physical attacks, 3 attacks on property, 6 threats to property and 63 various forms of pressure, some of which can seriously threaten the safety of journalists even though there is no direct threat. In 2021, 151 cases were recorded: 44 verbal attacks, 6 physical attacks, 3 attacks on property, 2 threats to property and 96 various forms of pressure. The records of the prosecution, as already mentioned, also show a large number of formed cases involving journalists as injured parties, as well as a large number of unresolved cases and dismissals of criminal charges. Due to all of the above, we believe that this activity has been partially implemented.

INSTITUTIONAL FRAMEWORK FOR FUNCTIONING OF THE MEDIA

The part related to the institutional framework for functioning of the media includes a large number of activities. However, we will focus here on those parts that are related to the Media Strategy, on those that are related to the events that marked the reporting period and those areas where the biggest problems were noted.

Interim benchmark

3.3.2. Through the implementation of the Strategy for the development of the public information system, Serbia is taking active measures to reform its media environment, thus creating an encouraging environment for free expression, based on transparency (including media ownership), integrity and pluralism.

Result of benchmark implementation

- **improved normative and institutional framework for the protection of media freedom;**
- **achieved full withdrawal of state ownership from the media;**
- **absence of unauthorized disclosure of information on ongoing or planned criminal investigations to the media.**

Impact indicators

1. The European Commission's Annual Progress Report on Serbia notes progress in the part related to freedom of expression and the media.

As already stated, the European Commission's Report states that no progress was made in the reporting period with regard to the recommendations from the previous year. The Report mentions the delay in the implementation of the Media Strategy, particularly the amendments to the Law on Public Information and Media and the Law on Electronic Media. It is stated that political and economic influence on the media remains a source of concern. The report emphasizes the need to ensure transparent and fair co-financing of media content that serves the public interest, as well as increase the transparency of media ownership and advertising. Special emphasis is placed on the fact that print media that violate the journalistic code the most received funds through project-based co-financing, especially at the local level. Privatization of media outlets has yet to be completed.

It is stated that the Media Strategy highlighted a lack of appropriate criteria and mechanisms for assessing the existence of media pluralism, that measures to resolve these issues were identified and that they should now be implemented. It is necessary to strengthen the independence of the Regulatory Authority for Electronic Media (REM) in order to enable it to effectively protect media pluralism. It is particularly emphasized that the process of granting licenses to four television channels with national coverage was widely criticized by media associations and other interested parties, and it is noted that REM made the decision to grant licenses to the same television channels even though those television channels once again received warnings from REM in the previous period due to violation of their legal obligations. Referring to the pre-election campaign, the ODIHR's report states that REM, although tasked with monitoring the work of electronic media, was for the most part passive during the campaign period.

Considering all the issues highlighted in the Report, the fact that no progress was made in these areas in the previous period, as well as the delays in implementing activities from the Media Strategy, we can conclude that this impact indicator has not been implemented.

Impact indicator 2 is described in the previous chapter of this report. Impact indicator 3 is not relevant to the areas covered in this report.

4. Significant improvement of Serbia's position on various internationally recognized media freedom indices.

The Reporters Without Borders' 2022 report states that despite advanced laws and a constitution that guarantees freedom of expression, journalists often work in a restrictive environment, including self-censorship. Most media outlets generate income from advertising and public subsidies, while access to both is largely controlled by the ruling elite, and the concentration of the media is also a problem. The report states that in a polarized political climate, journalists are regularly exposed to political attacks instigated by members of the ruling elite, and that neither politicians nor institutions, nor the Regulator, showed a willingness to improve the situation.

The Freedom House report states that media freedom is undermined by threats of lawsuits or criminal charges against journalists for criminal offenses, a lack of transparency in media ownership, pressures on editorial policy by politicians and politically connected media owners, direct pressures and threats to journalists, and a high rate of self-censorship. It is particularly highlighted that the Regulatory Authority for Electronic Media has been criticized for its lack of independence, and that the state and the ruling party influence private media, partly through advertising contracts and other indirect subsidies.

The "Indicators on the Level of Media Freedom and Journalists' Safety" report for 2021 emphasizes that a legal framework has been established, but that its implementation is not at the desired level. It is emphasized that the Regulatory Authority is not fulfilling its obligations in accordance with the law. State advertising in the media affects their editorial independence, while project-based co-financing of media content of public interest is largely abused, and protection is ineffective.

Due to all the issues mentioned in the reports – poor implementation of legal regulations, insufficient independence of the Regulatory Authority for Electronic Media, abuse of the system of project-based co-financing of media content of public interest, lack of transparency in media ownership, various ways of influencing the editorial policy of the media and others – we can conclude that this impact indicator has not been implemented.

What has been done to achieve the result?

3.3.2.1. Implementation and effective monitoring of the implementation of a set of media laws and regular reporting.

In charge of the activity: Ministry of Culture and Information.

Timeframe/deadline: Continuously, through annual reports.

Result indicator:

- reports from the Ministry of Culture and Information indicating the effective implementation of a set of media laws are available to the public.

Assessment from the Implementation Report: The activity has been successfully implemented.

In the Implementation Report, the Ministry of Culture and Information points out that it continues with the continuous implementation of monitoring activities in the sense of giving opinions on the application of certain provisions of the law. They point out that 10 competitions for co-financing projects for the realization of public interest in the field of public information were announced and carried out, and that reports were made on the implementation of several competitions for co-financing projects from the previous year.

The reports prepared by the Ministry of Culture and Information, which are submitted to the National Assembly, are not available to the public. As in the previous period, we were unable to find publicly available work reports submitted by the Ministry, or other reports or information on the application of media laws and their supervision. On the website of the Ministry, only reports on the realization of competitions for project co-financing can be found.

NUNS assessment: The activity has not been implemented.

Despite the fact that the laws are not bad, although there room for their improvement, a big problem is the application of those laws. This was established in the Media Strategy adopted by the Government of the Republic of Serbia, in which changes to media laws were proposed. Bearing in mind all these problems in the application of media laws, we believe that supervision over their application by providing opinions on the application of certain provisions of the law is not adequate, even though we are aware of the capacities available to the Ministry. The aforementioned activities cannot demonstrate the manner and effectiveness of the application of the law, and the reports submitted by the Ministry to the National Assembly have not been made publicly available. Although this was highlighted in the previous Implementation Report, the activities of the Ministry within the framework of monitoring the implementation of the law have not changed in the past year, and the reports of various non-governmental organizations continue to highlight the poor implementation of the law and other issues. Due to all of the above, our conclusion is that the activity has not been implemented.

3.3.2.3 – 3.3.2.4. Adopt the Action plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025. Implementation of the Media Strategy and its action plan. Establish a clear mechanism for monitoring the implementation of the Strategy.

In charge of the activity: Ministry of Culture and Information and Government of the Republic of Serbia.

Timeframe/deadline: IV quarter of 2020.

Result indicator:

- adopted Action plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025.

Assessment from the Implementation Report: The activity has been fully implemented.

- effective implementation of the Action plan was confirmed by monitoring the precise indicators given in the Action plan;

- reports on the implementation of the Action plan are publicly available;

- alternative reports by journalists' associations indicate the level of implementation.

Assessment from the Implementation Report: The activity has been successfully implemented.

In January 2020, the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025 was adopted by the Government of the Republic of Serbia, and the Action Plan for the implementation of that strategy for the period from 2020 to 2022 was also adopted. In December 2020, the Government adopted the Decision on the establishment of a Working Group to monitor the implementation of the Action Plan for the Implementation of the Media Strategy.

For this activity and specifically for individual areas that are particularly highlighted (further strengthening of transparency, media ownership, further monitoring of the effects of media privatization, prevention of media control due to excessive dependence on state advertising, strengthening media pluralism, strengthening media literacy, strengthening self-regulation) , the Action Plan for the Media Strategy states what each of these activities includes in the Media Strategy and by when they should be implemented.

The Ministry of Culture and Information in the Working Group for Monitoring the Implementation of the Action Plan for the Implementation of the Media Strategy submitted certain reports to the members of the Working Group, but they are not publicly available.

NUNS assessment: The activity has been successfully implemented.

Given the set result indicator, we can conclude that this activity has been successfully implemented. However, the Implementation Report states that this activity has been fully implemented, which we cannot agree with, bearing in mind that the Action Plan for the Implementation of the Media Strategy was adopted for the period from 2020 to 2022, while the Media Strategy was adopted for the period from 2020 to 2025.

In order to monitor the implementation of the Action Plan, as already mentioned, a Working Group was established to monitor the implementation of the Action Plan for the Implementation of the Media Strategy. In addition to monitoring the implementation of activities, the task of this group is also to propose to the Ministry of Culture and Information ways to overcome potential issues arising during the implementation of the Action Plan. Also, the Ministry of Culture and Information should submit to the Working Group a Report on the activities carried out at least once every three months. In 2022, the Working Group held three meetings, one of which was held with the Prime Minister of the Republic of Serbia, at which representatives of journalists' and media associations highlighted issues with delays in activities, as well as lost time when it comes to the Law on Public Information and Media. In fact, after the completion of the work of the Working Group for Amendments to this Law in October 2021, the whole process was stopped and to this day we do not have a final draft of amendments.

Last year, after the association's objections regarding the way of reporting, the Ministry started submitting amended reports which, in addition to the activities planned for a certain quarter, also included those activities that were not done in the previous quarter, which had not been the case in the previous form. The Ministry submitted four such amended reports in 2021. At the meetings of the Working Group for Monitoring the Implementation of the Media Strategy in 2022, activities from the strategy were discussed. However, the Ministry has not submitted its final report.

The Report on the implementation of the Action Plan for Chapter 23 states that the Ministry of Culture and Information is fully committed to the implementation of all activities foreseen in the Action Plan. It states how many meetings were held by the Working Group for Monitoring the Implementation of the Action Plan for the Media Strategy, and by the Working Group for the Protection and Safety of Journalists. It highlights the activities carried out in the framework of media literacy, provides brief information about the amendments to the Law on Public Information and Media, as well as the activities of the inter-party dialogue on election conditions

with the mediation of the European Parliament and the amendments to the Law on Electronic Media in Article 47 paragraph 1 item 5,¹⁵ as well as the amendments to the Law on Public Service Media.¹⁶ Research into media freedoms by various organizations is also mentioned.

However, the problem is the delay in the activities whose deadlines are determined by the Action Plan for the Implementation of the Media Strategy. One such activity is amendments to the Law on Public Information and Media. In fact, in the last year, nothing has been done on the topic of changes to this law, except that at the mentioned meeting with the Prime Minister, a remark was made about the delay and the overall work of the Working Group. The Working Group finished its work at the end of 2021, and the work resulted in certain proposals where agreement was reached, as well as those where it was not reached, but alternative solutions were left in place. Fears still remain regarding the outcome of the work on amendments to this law, as well as how it will be affected by proposals that contradict the Media Strategy.¹⁷

The Action Plan envisages amendments to the Law on Electronic Media, the deadline for which was the second quarter of 2022, and amendments to the Law on Public Service Media, the deadline for which was the third quarter of 2022. However, these deadlines have already passed, and changes to these laws have not even started.

Furthermore, media privatization has not yet been fully carried out, Radio Television Kragujevac has still not been privatized and remains owned by the city of Kragujevac, and neither has Narodne Novine, a local media from Bačka Palanka.

With regard to journalists' safety, the work of the Working Group for the Protection and Safety of Journalists is mentioned, and the Report highlights the number of meetings held, that the members of the Working Group were during those meetings familiarized with all available information related to specific cases of attacks on journalists, and that it was stated that the system of reporting cases and the response of institutions was effective (actions by the prosecution and SOS phone number), as well as that prevention and coordination of all actors will continue in the future in order to reduce the number of incidents. As we can see, certain advances were made in the first part of this report, primarily during the application process and the first steps taken by the competent institutions; however, further action by the competent authorities is not at a satisfactory level and this is a fact that must be highlighted. There is a large number of recorded cases, proceedings that have not been resolved, and those involving unknown perpetrators.

The Report states that a Draft of Amendments to the Criminal Code has been drawn up. However, according to the information obtained at the round table held on the occasion of making amendments to the Criminal Code, the Working Group that dealt with the amendments to the entire Criminal Code this year did not deal with the proposals and acts that were in the previous period proposed in order to ensure greater safety of journalists.

NUNS assessment: The activity has been partially implemented.

¹⁵ The media service provider is obliged to respect the ban on political advertising outside the election campaign, before the start of the election campaign, to announce fees for political advertising, and during the election campaign to ensure representation without discrimination to registered political parties, coalitions and candidates. The criteria by which the price of political advertising is determined and the terms of payment must apply to all candidates in the elections and all submitters of declared electoral lists, i.e. proposers of declared candidates and must be published.

¹⁶ Public media services are obliged during regular information programs, as well as in special broadcasts dedicated to the election campaign, to act in accordance with the principles of impartial, fair and balanced presentation of political entities, i.e. electoral lists and candidates in elections, and they are especially recommended to organize radio and television duels or debates in order to discuss certain current political issues in the form of a discussion.

¹⁷ Vukašin Obradović, "Working Group for Returning to the Past", Dossier on the Media, 19 October 2021. <https://nuns.rs/radna-grupa-za-povratak-u-proslost/>

Bearing in mind all of the above, the delays in the implementation of the Action Plan, the standstill in the amendments to the Law on Public Information and Media, the fact that the amendments to the Law on Electronic Media and the Law on Public Service Media have not even started and the deadlines have already passed, as well as the failure to implement other activities, we thus conclude that this activity has been partially implemented.

3.3.2.5 – 3.3.2.6. Conditions created for full functionality, transparency and updating of media registers and/or registers of media in accordance with the activities of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025 and effective monitoring of the functioning of the media register.

***In charge of the activity:* Ministry of Culture and Information and Business Registers Agency.**

***Timeframe/deadline:* Continuously, commencing from III quarter of 2019.**

Result indicator:

- **efficient, comprehensive and transparent register of the structure of media ownership, established in accordance with the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025;**
- **the data on the ownership structure of the media in the register are regularly updated;**
- **the register provides access to data on the provision of public funds, the basis for the provision of public funds and ownership.**

Assessment from the Implementation Report:

- **publishing annual reports on the work of the media register in accordance with the mechanism envisaged by the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025;**
- **the number of rejected media when applying for the competition as a consequence of not being entered in the register.**

***Assessment from the Implementation Report:* The activity has been successfully implemented.**

In the Implementation Report, within the activities related to the conditions for complete functionality, transparency and updating of media registers, the Ministry of Culture and Information stated that the Action Plan for the Implementation of the Media Strategy envisages the technical improvement and search of the Media Registry and its connection to other public registries by the end of the fourth quarter of 2022, and that after the amendment of the relevant regulations, it is necessary to provide software solutions for the connection of the mentioned registries. On the other hand, in the Implementation Report, the Business Registers Agency lists within this activity the actions it usually carries out under the applicable law.

The Media Strategy envisages activities related to the improvement of the Registry. As part of the Working Group for Amendments to the Law on Public Information and Media, proposals were made for amendments to that part of the law; however, as already stated, the amendments to this law have stalled and we still do not have information on when they will continue, while the amendments to the Law on Electronic Media have not even started even though the deadlines have passed. Based on all of the above, we may freely conclude that the deadlines set in the Action Plan will not be met when it comes to the technical improvement and search of the

Media Registry and its connection to other public registries. And in general, all the activities from the Action Plan related to the improvement of the registry have not been implemented, given that the amendments to the law were not continued.

NUNS assessment: The activity has not been implemented.

Since the planned activities were not carried out, and since the activities of the Business Registers Agency are something that is usually carried out, we cannot agree with the assessment from the Implementation Report that the activity has been partially implemented because these are activities that have been carried out thus far. Since there has been no improvement in the functioning of the Registry, we may conclude that this activity has not been implemented.

In the Implementation Report, in relation to the second activity related to effective monitoring of the functioning of the Media Registry, the Ministry of Culture and Information states that as in the previous period, it regularly monitors the work of the Media Registry through electronic inspection of registered data and by giving instructions to citizens who have are unsure regarding certain actions in the procedure of registration of data prescribed by law. They also state that in 2022, the Ministry brought six decisions rejecting applications for co-financing projects because it was determined that the applicants did not have the right to participate in the competition since they did not have all the data entered in the Media Registry in accordance with the Law on Public Information and Media.

The Ministry continued with the same activities as in the previous period when it comes to effective monitoring of the functioning of the Media Registry. Although we are aware of the Ministry's limited capacity, we believe that this type of supervision by the Ministry is insufficient and that no progress has been made compared to the previous year.

NUNS assessment: The activity has been partially implemented.

Bearing in mind all of the above, insufficiently effective monitoring and insufficiently updated data, as well as set impact indicators, we conclude that the activity has been partially implemented.

3.3.2.10. Effective monitoring of the functioning of the system of co-financing media projects from the budget and/or public revenues in accordance with the new regulations on media financing.

In charge of the activity: Ministry of Culture and Information, Provincial Secretariat for Culture and Information and local self-government units.

Timeframe/deadline: Continuously.

Result indicator:

Effective mechanisms have been established to monitor the functioning of the system of co-financing media projects from the budget and/or public revenues in accordance with the new regulations on media financing through:

- introduction of the obligation of public authorities to regularly prepare reports on co-financing of media projects and publish them;**
- analysis of public authorities on the quality of supported projects, conducted on the basis of user reports on the use of funds. Data from the external evaluation of project implementation are available to the public through the publication of reports.**

Assessment from the Implementation Report: The activity has been successfully implemented.

Project-based co-financing of media content of public interest in the field of public information is one of the things that has stood out for many years as a major problem of the media scene in Serbia. The model that was supposed to serve the public interest has turned into a media financing model, and the fact that funds in competitions continue to be awarded to media that systematically violate the code of ethics is further cause for concern.

The entire process is accompanied by a series of issues – from the fact that there is no analysis for missing media content of public interest prior to competitions being called in order to determine the needs of a certain local community, through the composition of commissions, the selection of projects, distribution to media that violate the code of ethics, to the very evaluation of projects. There is no effective mechanism for monitoring the functioning of this system.

The Implementation Report states that the Ministry has been working on a report on implemented projects that were supported in 2021 and that, when completed, it will be published on its website. It is pointed out that based on the evaluation, the Ministry will in the future project priority topics and missing media content. Although the regulation allows for the possibility that a public authority can prepare a report on the conducted competition and a quality analysis of the supported projects, but is not obliged to do so, such reports are rarely made. The Ministry actually prepares reports on the realization of competitions, which represents a very good practice that is rarely used as a way of oversight of funds spent.

It is also stated that in January 2022, the Ministry of Finance adopted the Regulation on the Conditions and Criteria for the Compatibility of State Aid in the Field of Public Information, which stipulates the obligation of the provider of state aid to develop an effective mechanism of control, monitoring and reporting on the aid granted. It is emphasized that for the purposes of the competition for co-financing of projects, the Ministry developed in 2022 Guidelines for defining and justifying the costs of projects for the production of media content and the organization of professional, scientific and special gatherings in the field of public information based on the aforementioned Regulation. A single Application Form for members of the commissions for the competition has been created, and in this way, all proposals for potential members of the commission will have to submit an identical corpus of data, which will contribute to an easier selection of the most competent representatives of journalists' and media associations and media experts.

During the work of the Working Group for Amendments to the Law on Public Information and Media, representatives of media and journalists' associations made proposals to improve the entire system of project-based co-financing, and in particular the monitoring and evaluation system. The proposals were related to the introduction of internal and external evaluation, but did not receive the support of all group members. As the drafting of the law has stalled, we still do not know what the final draft of the amendments will look like.

Although the Report mentions certain activities, the entire procedure as well as the effective monitoring of the functioning of this system remain accompanied by a number of issues and no progress has been made. This is confirmed by other research that shows the weaknesses of this mechanism from the beginning of the process, but what is especially emphasized is that the evaluation of projects and the lack of oversight are the weakest points of the application of this mechanism and that previous practice has shown that through the submission of narrative and financial reports, it is not possible to adequately evaluate the implementation of public interest goals.¹⁸

NUNS assessment: The activity has not been implemented.

¹⁸ BIRN, "Project-based (Co-)Financing of Projects of Public Interest: Analysis of the Legal Framework in the Media, Civil Society, Culture and Youth Sectors", 2021, Belgrade, p. 18. <https://birn.rs/baza-o-javnim-konkursima/Analiza-pravnog-okvira-Konkursno-sufinansiranje-projekata.pdf>

Given the set result indicators, and bearing in mind that effective monitoring of the functioning of this system has not been established, that all the issues in the entire procedure remain present, that the adopted Regulation and guidelines have not yet contributed to greater efficiency, and that no progress has been made when it comes to amendments to the Law on Public Information and Media, we believe that no progress has been made and we conclude that this activity has not been implemented.

3.3.2.30. Ensure organizational, functional and financial independence of the Regulatory Authority of Electronic Media and improve its professionalism, as well as accountability to the public (Measure 3.2 in the Media Strategy).

In charge of the activity: Ministry of Culture and Information.

Partners: Ministry of Trade, Tourism and Telecommunications and the Regulatory Authority of Electronic Media.

Timeframe/deadline: Continuously.

Result indicator:

- legal status and powers of the Regulatory Authority of Electronic Media adjusted to its scope of work;
- number of actions taken by the Regulatory Authority of Electronic Media against media service providers which have violated their obligations;
- the level of independence of the Regulatory Authority of Electronic Media assessed by the INDIREG method;
- established channels of communication of the Regulatory Authority of Electronic Media with the public.

Assessment from the Implementation Report: The activity has been partially implemented.

In the Implementation Report, when it comes to activities related to ensuring the organizational, functional and financial independence of the Regulatory Authority for Electronic Media (REM), the Ministry of Culture and Information states that work on amendments to the Law on Electronic Media is planned after the formation of a new government, while the Regulatory Authority itself provides information on the number of measures imposed and information on where and what can be found on the REM website.

In the previous year, no progress was made in the work of REM. Insufficient transparency and susceptibility to political influence are still cited as the biggest issues, as is insufficient response in cases of violations of legal acts and delegated legislation. In the previous period, new problems and non-compliance with the law were observed in the case of granting four licenses to television channels for national coverage. Licenses were granted once again to the same television channels even though they violated legal acts, delegated legislation and the Code of Journalists of Serbia, as well as the reports on the basis of which they were previously granted licenses. Also, there has been a large number of violations of the Law on Advertising, and several reports have been filed for hate speech and the broadcasting of violence. When making decisions, REM did not respect the minimal conditions for providing media services and criteria for decision-making in the process of issuing a license for providing media services prescribed by the delegated legislation.¹⁹ Also, after this, REM announced a competition for a

¹⁹ NUNS, "Coalition for media freedom: REM's decision is a continuation of media darkness in Serbia", 29 July, 2022. <https://nuns.rs/koalicija-za-slobodu-medija-odluka-rem-a-je-nastavak-medijskog-mraka-u-srbiji/>

fifth national frequency license, the competition has passed, and we expect a decision in the coming period.

REM has still not published its Work Report for 2021 on its website, even though 2022 is coming to an end, so we cannot see the total number of reports made in 2021. On REM's website, one can see how many measures it took against broadcasters, which is still a low number compared taking into consideration the situation in electronic media. It took measures on 9 separate occasions: issuing 2 notices, 6 warnings, and one temporary ban on broadcasting program content, while in 2022 it issued only 2 notices.

Also, REM has been criticized in relation to the powers it has in connection with monitoring the pre-election campaign. In some reports, it is pointed out that REM regulated exclusively the obligations of public media services with a binding legal act and that the influence of REM's work on the very content of the campaign, i.e. the behavior of the media service providers, was questionable, and that in this election process it continued with the practice of not acting on reports from citizens.²⁰

Although the Law on Electronic Media stipulates that the obligations of media service providers during the election campaign must apply to all media service providers, and not only to public media services, in 2020 REM adopted the Rulebook on the manner of performing the obligations of public media services during the election campaign, while it only gave recommendations for commercial broadcasters. In addition to journalists' associations, the Ministry of Culture and Information also considered that this proposal by REM was not in accordance with the law, and it sent comments and expressed its opinion prior to the adoption of the Rulebook itself;²¹ however, the Rulebook was adopted. It is worrying that two years later, the same Ministry, at the request of another organization, submitted a completely different opinion on the same Rulebook, in which it states that it has no objections to its constitutionality and legality.²²

The implementation of this activity is further hampered by the fact that the amendments to the Law on Electronic Media, scheduled for the second quarter of 2022 and which have not even started yet, have been delayed. It is now quite certain that the amendments to this law will not be adopted until the end of 2022.

NUNS assessment: The activity has not been implemented.

All of the above shows that, when it comes to the establishment of an independent Regulator, things have not changed, that no progress has been made and no changes to the law have been made within the stipulated deadlines. REM's silence on violations of legal acts and delegated legislation, non-compliance with the minimal conditions for providing media services and criteria for decision-making in the process of issuing a license for the provision of media services, mistakes in the licensing process and other problems are cause for concern. Considering all the above, we cannot agree that this activity has been partially implemented, and instead we conclude that it has not been implemented.

²⁰ CRTA, "Second Preliminary Long-Term Observation Report", Belgrade, 2022, p. 7 and 8.

<https://crt.rs/drugi-preliminarni-izvestaj-dugorocnih-posmatraca-15-februar-25-mart/>

²¹ Opinion submitted by the Ministry of Culture and Information to NUNS following a request to access information of public importance in 2020.

²² Opinion submitted by the Ministry of Culture and Information to the CRTA organization following a request to access information of public importance in 2022.

TABLE OVERVIEW

Assessment of the activity	Fully implemented	Successfully implemented	Almost completely implemented	Partially implemented	Not implemented
Council for monitoring the Implementation of the Action Plan for Chapter 23	2	9	0	2	0
NUNS	1	2	0	6	4

RECOMMENDATIONS

- principal bodies should in the Revised Action Plan for Chapter 23 adopt the recommendations of the Council for the implementation of the Action Plan, in order to improve the Report on the implementation of the Revised Action Plan for Chapter 23 and in order for it to contain precise data;
- the adoption of laws or other documents cannot be the only activity results indicators, but their effectiveness and contribution to the achievement of overall goals related to the safety of journalists and the institutional framework for functioning of the media should be measured;
- efforts should be made to implement the delayed activities, which are provided for in the Action Plan for the Implementation of the Media Strategy, in accordance with the solutions provided for in the Media Strategy itself;
- all signed agreements and mandatory instructions of the Republic Public Prosecutor's Office and the Ministry of Interior regarding the safety of journalists should be fully and effectively implemented, in order to establish urgent and more effective protection that would result in a better investigation and prosecution of the accused;
- competent authorities should regularly follow the recommendations of the Commission for reviewing the facts that came to light in the investigations conducted on the murders of journalists, which would contribute to greater efficiency in solving cases of murders of journalists, particularly in the case of the murder of journalist Milan Pantić;
- competent authorities should submit reports on their own initiative after learning about a criminal offense in accordance with the law, without waiting for official reports or notifications;
- records of attacks on journalists kept by the Republic Public Prosecutor's Office should be changed in order to more efficiently monitor each individual case and the statistics of resolved and unresolved cases;
- the procedure of amendments to the Law on Public Information and Media should be completed in accordance with the amendments proposed within the Media Strategy, and the proposed amendments that contradict the strategy should be abandoned;
- the capacities and activities of the Ministry of Culture and Information should be increased in order to more effectively monitor the implementation of media laws, and in order to measure the effectiveness of law enforcement in reports through clear impact indicators;
- amendments to other laws, which the Action Plan for the Implementation of the Media Strategy stipulates will be implemented by the end of 2022, should be commenced;
- conditions should be created for effective co-financing of media projects of public interest in the field of information, in accordance with the measures and activities foreseen by the Media Strategy; it should be ensured that the amendments to the law are in accordance with the solutions proposed by the Media Strategy, with special consideration of the quality analysis of supported projects and the external evaluation of the implementation of the projects;
- work should commence on amendments to the Law on Electronic Media so that the proposed solutions are in accordance with the proposals from the Media Strategy; greater independence of the Regulator in its work and the use of available authority and measures to fulfill its role should be reached