



**safejournalists.net**

# **The Western Balkans Journalist Safety Index**

**2021 Narrative Report for Serbia**

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# Introduction

The Western Balkans Journalist Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the Western Balkan countries, that have a direct or indirect impact on the safety of journalists and media professionals while practicing their profession. The Western Balkans Journalist Safety Index primarily relies on research evidence collected and analysed by partners in the [SafeJournalists.net](https://www.safejournalists.net) platform who follow a rigorous research procedure. Collected data on various dimensions of the complex "journalist safety" concept were quantified and grouped into a composite indicator, the Journalist Safety Index, to monitor changes in the seven countries of the Western Balkans over time. Based on the research material, nine members of the Advisory Panel from each of the countries<sup>1</sup> assessed the situation and assigned points for each of the 19 indicators within the following dimension:

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

WB-JSI was jointly developed by researchers from the RESIS Institut<sup>2</sup> from Skopje and partners from the Safejournalists.net platform: Nezavisno udruženje novinara Srbije [The

<sup>1</sup> Members of the Advisory Panel in Serbia were Ljiljana Stojanović, Bojana Jovanović, Vukašin Obradović, Nedim Sejdinović, Veljko Milić, Ljubica Gojgić, Milica Šarić, Milorad Ivanović and Veran Matić.

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

Independent Journalists Association of Serbia], Udruženje/ Udruga BH novinari [The Journalists' Association BH Journalists], Sindikat medija Crne Gore [The Media Union of Montenegro], Udruženje novinara Makedonije [The Association of Journalists of Macedonia], Udruženje novinara Kosova [The Association of Journalists of Kosovo], Hrvatsko novinarsko društvo [Croatian's Journalists Association], and an independent researcher from Albania<sup>3</sup>. As such, the Index is the result of a joint effort of the Safejournalists.net platform and covers all specific issues identified by local partners as relevant to their country.

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

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<sup>3</sup> Blerjana Bino, an independent researcher from Albania for the Safejournalists.net platform

## JOURNALIST SAFETY INDEX



	2020	2021		Main new developments in each dimension
1. Legal and Organisational Environment	3.17	3.18	↑	Despite endeavours, the media legislation has not been improved yet. Journalists are not subject to censorship, they write openly, although they are exposed to constant pressure and lawsuits filed by politicians and people in power due to critical articles on behalf of their actions. The public, journalists and civil associations successfully fought the attempts of introducing biometric surveillance and the deterioration of the status of the journalists' sources.
2. Due Prevention	3.55	3.52	↓	Although the efficient mechanisms of reporting and starting cases due to attacks have been established, the applied measures are, in fact, far from efficient compared to what is available. The failures in the work of the competent authorities have been noted, and, first of all, a vast political influence of the authorities' representatives who rarely condemn attacks against journalists.
3. Due Process	3.47	3.44	↓	Although the mechanisms predict a higher level of accountability and stimulus for the competent bodies, there is no progress in resolving cases of attacks against journalists. The investigations take a long time, often without any effect, so despite the quick prosecution, the cases are usually dismissed because criminal offences have not been established.
4. Actual Safety	2.49	2.44	↓	The number of threats and attacks against journalists is almost the same as in the previous year, but the sphere of attacks changed. Although the number of physical attacks diminished, the online threats and intimidation of journalists and media outlets became prominent, often prompted by aggressive statements and officials' messages.
<b>Journalist Safety Index</b>	<b>2.95</b>	<b>2.91</b>	<b>↓</b>	

## — SUMMARY

### I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- The applicable laws still contain provisions that stipulate that journalists could be held responsible for criminal offences against reputation and honour. In particular, media laws and criminal regulations do not stipulate the provisions protecting reputation and honour. The media laws and criminal regulations do not stipulate provisions protecting, in particular, the reputation and honour of the civil servants; the journalists are more familiar with the regulations stipulating the violation of reputation and honour, but also mechanisms that could be used to protect the violated right. In the previous year, there were fewer judgments against journalists because of

their critical writing when influential politicians were filing lawsuits. Journalists wrote openly about topics that became reasons for lawsuits for alleged defamation. The chilling effect and impact of lawsuits and imposed penalties on the further work of journalists and media outlets are most often met in the local environments.

- Regulations protect journalistic sources, and a journalist is not obliged to disclose the source of information, but this right is not unconditional. Draft Law on internal affairs stipulated the introduction of biometric camera surveillance in Serbia, which would weaken the protection and jeopardise the right to privacy of all citizens, in particular, the specific groups such as people who are sources of information for journalists. However, the associations managed with joint forces to prevent the adoption of this law. Although they maintain frequent contact with them, journalists no longer feel free to request information from the sources. Maintaining contacts is getting harder, so with the repressive methods of the institutions towards sources, the whistle-blowers and sources are pulling back.
- Misdemeanour charges were filed against journalists who reported and covered the citizens' gatherings due to alleged violation of regulations in relation to traffic, and investigative proceedings were conducted against several journalists due to alleged participation in the rallies organisation. Many SLAPP lawsuits were filed against journalists and media; this is almost becoming a trend, but these lawsuits have not had particularly adverse consequences so far.
- The journalists in Serbia do not have to possess a licence to do their job. In the previous year, the attempts to define and licence journalistic jobs have been noted. Journalists were obstructed on several occasions, or their access was prohibited as well as coverage of some events, which occurred especially in local environments.
- Journalists do their job in very unfavourable working conditions, and this position has not improved. As their greatest problems, journalists single out low salaries and irregular payments, precariousness and uncertainty of survival in the media outlet, and poor working conditions regarding their workplace and job as a journalist. In their fear of securing basic living conditions, the journalists even suppress and leave at the side the physical and verbal pressures and their own safety, and as the most significant problem, they highlight the economically severe living conditions.

## **II. DUE PREVENTION**

- State institutions, in cooperation with journalists' associations and organisations, through the Standing

Working Group for Journalists Safety, have established the mechanism of fast reporting and emergency procedures in the event of attacks against journalists who are injured parties. In agreement with representatives of public prosecutor's offices and the police, the system of contact points has been established with a mission, among others, of reporting and inspecting the cases of attacks on journalists. In 2021, more than 130 different complaints were recorded. The competent authorities' response was usually quick and urgent, undertaking actions in their jurisdiction. Although journalists have access to urgent response mechanisms that work very well in practice, the measures are, in essence, far from efficient compared to what is available.

- At the national level in the Republic of Serbia, there is a mechanism for providing physical protection for citizens who are threatened with danger. This support involves both journalists and persons hired for other tasks in the media outlets. In each case, it is necessary to launch the safety assessment procedure to establish if there is any danger against this person and their family. The Ministry of Interior has adopted internal regulations that should contribute to changing the relationship towards victims, reducing secondary victimisation and improving their status as crime victims.
- Relevant institutions still need to establish regular services for providing information on safety measures and legal support for female journalists. As prosecution investigations in the majority of cases have not yielded positive results, there are no immediate improvements in the specific protection of female journalists.
- There are no clear, firm and equal positions regarding all cases of attacks on journalists. The authorities selectively and periodically react and usually fail to respond to severe verbal threats, pressures, targeting and accusations against journalists. The highest government officials often target critically oriented media and journalists. At the same time, the officials create an atmosphere in which journalists feel unsafe. On the other hand, due to organised and continuing insults, pressures and attacks, the citizens are completely confused about what investigative journalists are in fact doing.
- The police representatives have improved their relationship towards journalists, in particular in communication and transparency of actions regarding attacks against journalists. However, in some segments, there are still grave omissions in their work, particularly in organised pressure and investigations against journalists. Investigations of attacks from the 2020 July protests have not been completed yet.

### III. DUE PROCESS

- Regarding the work of the police and prosecutor's office, in line with adopted internal regulations, special persons, deputy public prosecutors and the Mol officers at different levels have been assigned to operate as contact points in the cases of incidents against journalists. The prosecutors and police officers demonstrate a different level of understanding of misdemeanours and criminal offences committed against journalists.
- The selective application and lack of efficiency in some cases often give the impression of pressure and influence of other branches of government. Regardless of effectiveness and efficiency in some cases, the unclear decisions in strategically highly relevant cases indicate the problems in the middle and later stages of investigations. It often happens that representatives of the executive interfere with the work of competent authorities, putting them in a subordinate position. In 2021, there were 86 cases established in the public prosecutor's offices regarding events against the safety of persons carrying out tasks of public importance in the field of public information.
- For dealing with online harassment, the Criminal Code provides for criminal offences that are also applied regarding threats or attacks on social media. Regardless of urgent reactions under filed complaints, numerous shortcomings are highlighted regarding data collection and investigations of specific profiles wherefrom the threats originated, so a large number of cases are being stalled in the early stages by announcements on social media, primarily due to the inability to determine the potential perpetrators.
- The journalists, as injured parties, can access investigative phases and get information that competent authorities are willing to share with them. The information may be obtained by the official insight into the cases but also through contact points from journalists' associations with the Standing Working Group for Journalists Safety (SWG).
- The up-to-date records maintained by the Republic Public Prosecutor's Office (RPPO) are delivered to the representatives of the SWG every three months. The data that RPPO keeps are the most voluminous and recorded per type of criminal offence, basic information on the injured party and phases in the proceedings. The data that the police have at their disposal are almost secret since it has not been confirmed that any person received such data.

### IV. ACTUAL SAFETY

- What was characteristic of 2021 is the continuation of the trend of threats and harassment of journalists



by stalking and aggressive statements of the representatives of authorities. There were 20 cases of different forms of verbal threats and harassment, most often expressed online, i.e. on social media.

- The number of severe verbal threats compared to the previous year has slightly increased, so 26 such cases were recorded. The trend of threats on social media and online in general is evident, so these threats are easily detected but very difficult to prove and sanction. The largest number of threats remains in the category of unknown perpetrators, and the capacities for detecting the offences and using the information and evidence have been exceedingly unclear.
- The number of physical attacks has dropped compared to previous years; however, there are still obvious problems in securing appropriate working conditions and protecting journalists at outdoor rallies and civil protests. The police failed to demonstrate that they could protect journalists every time.
- The number of attacks and threats against media companies is not standing out compared to other forms of threats and attacks, however, in 2021, there were 12 such cases recorded, the most against TV N1 crews who were verbally harassed, physically obstructed, attacked and insulted, and their equipment and property were also attacked. Most attacks are related to certain events and decisions of the representatives of authorities, including the organised forms of protests with a particular political background.

# Legal and Organizational Environment

3.18

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

3.33

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

3.66

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

3.04

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

2.90

Journalists' job position is stable and protected at the workplace

2.96

1.00  
2.00  
3.00  
4.00  
5.00  
6.00  
7.00



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

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

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

**Score for 2020: 3.24 / Score for 2021: 3.33**

**The situation in this field has slightly improved. Although the laws still include the provisions based on which the journalists could be held responsible for violation of honour and reputation, and public officials file lawsuits for criticism expressed against their work, there have been no court decisions preventing and disabling journalists and media from continuing with their work. There has been no clear evidence that lawsuits against some journalists have been exclusively politically motivated as the basic reason they were filed, but it is indicative that some politically influential persons are filing lawsuits for almost every article certain newsrooms publish about them.**

The applied laws still contain provisions based on which the journalists could be held responsible for criminal offences against honour and reputation. The legislative forms of protection of the injured party could be the following: a) criminal offences regarding the violation of honour and reputation prosecuted through private lawsuits, usually through lawsuits accusing journalists of unauthorised collection of personal data (pecuniary fine or imprisonment are predicted for this offence), while others are prosecuted ex officio<sup>1</sup>, and b) offences stipulated in the media laws, which allow the injured party with compensation of material and non-material damage. Defamation has been decriminalised in Serbia, however, the protection of rights closely related to defamation, such as violation of reputation and honour, has been stipulated under the Law on Public Information and Media (LPIM) and Law on

<sup>1</sup> Criminal Code, Chapter on offences against honour and reputation. Chapter XVII of the Criminal Code still contains the criminal offences related to the field of violation of honour and reputation: the criminal offence of insult (Article 170), the criminal offence of dissemination of information on personal and family life (Article 172), as well as the criminal offence from Article 146 – an unauthorised collection of personal data, which are prosecuted under the private lawsuit, while the ex officio prosecution is initiated for the following: ruining the reputation of Serbia (Article 173), ruining the reputation because of the racial, religious, ethnic or other affiliation (Article 173), ruining the reputation of a foreign state or international organisation (Article 175).

— INDICATOR 1.1

Contracts and Torts (LCT). On the other hand, the lawsuits against public interest watchdogs have not been limited only to civil litigation as criminal complaints are also filed accusing journalists of criminal offences of unauthorised collection of personal data. The regulations still contain provisions that could be used against journalists, particularly by the authorities' representatives. The provisions could be very strict, however, the manner of interpreting them could often raise questions of a potential violation, in particular, against the honour and reputation of the official persons for the cases instigated against journalists. On the other hand, the media laws and criminal regulations do not stipulate the provisions that, in particular, protect the honour and reputation of civil servants and other appointed and designated persons. However, in practice, there are still judgments in which judges, through their reasoning, indicate the need for greater protection of specific officials compared to other citizens and journalists. The sanctions provided are appropriate, in most cases, to the prescribed offence. The journalists are more familiar with the foundations of the regulations governing the violation of honour and reputation, but also mechanisms that could be used to protect violated rights. The huge pressure from the representatives of the authorities on the judicial authorities and distrust of journalists in the system raises concerns regarding the quality and efficiency of the regulations. In most cases, journalists are not discouraged to continue writing but are aware of the weight and pressures they are exposed to, particularly of financial nature. In the previous year, there were fewer judgments against journalists for critical writing in the cases of influential politicians filing lawsuits. There has not been a single judgment against investigative journalists. The problems of the SLAPP lawsuits have become visible again by the end of the previous year and the beginning of 2022. Numerous lawsuits were filed in January 2021, and these proceedings are still ongoing. The journalists write openly about topics that become reasons for lawsuits based on alleged defamation, although they are increasingly aware that the rising pressure of lawsuits can cause a serious level of self-censorship and even censorship by the newsrooms as such, which can succumb to the weight of lawsuits pressure. There is still not enough evidence that lawsuits filed against some journalists were exclusively politically motivated. However, it is indicative that some politically influential persons or civil servants are suing the journalists, editors or media outlets almost for every article that specific newsrooms publish on them. The lawsuits are filed even for the very simple reports from trials, which inform the public that the lawsuit was filed and what the allegations are. The lawsuits represent a classic type of pressure on journalists for their work, warning and exhausting them to directly affect them to give up on certain topics and self-censor themselves. There were no special penalties disproportionate with the offences replacing the defamation in 2021. The imposed penalties mostly did not have a deterring effect. These are mostly smaller fines, but on the other hand, the independent media mostly have good

— INDICATOR 1.1

support from the journalists' associations, organisations and colleagues. The chilling effect and impact of such lawsuits and imposed penalties on the further work of journalists and media are most often met in the local environments. Each imposed penalty leaves a certain dose of pressure that could affect the potential self-restriction of both journalists and media, in particular in local environments. In some cases, the penalties in the amount of EUR 1,500-2,000 could affect local portals to stop their work, which is indicative of present financial problems and their sustainability. There is no clear evidence that the officials are directly abusing their rights during the court proceedings. However, many adjournments in the court proceedings, plaintiff's failure to be present at court, exploiting legal gaps and possibilities of adjournment or attorneys and representatives in the court proceedings not being present, witness the potential abuse of the proceedings against journalists who are defendants in those cases. The journalists have to use their resources, such as time and financial means to be present in court, and the hearings in this type of proceedings are often adjourned for suspicious reasons. In some situations, the judgments had left negative effects. That is reflected, in particular, in the local environments, where journalists and media outlets do their work in different, often very personal social, political and financial living conditions. On the other hand, there is fear that some judgments could make a negative step and create a path for other similar judgments in which the journalists would be penalised for the offences against the honour and reputation of the officials.

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

**Score for 2020: 3.67 / Score for 2021: 3.66**

**Although protected, journalistic sources and their protection system have experienced more adverse positions and faced many challenges. The media regulations still stipulate that journalists are not obligated to disclose the source of information, with some limitations. However, the legal framework could be seriously disturbed if the Draft Law on Internal Affairs were introduced that, after the repeated work on the text, still stipulates the biometric camera surveillance in Serbia, which would put at risk the protection of particular groups such as people with potential sources of information for journalists. Although there was no direct pressure on journalists to disclose their sources, the representatives of the authorities applied pressure to obtain some information from journalists, which was particularly visible during so-called eco protests. Although they often maintain contact with their sources, the journalists no longer feel free to request information from them.**

Journalistic sources are protected under the Law on Public Information and Media and Criminal Code. The Law on Public Information and Media stipulates that a journalist is not obliged to disclose the source of information, but this right is not unconditional. If the information that had to be obtained concerns the criminal offence that is predicted with a sentence of at least five years of imprisonment cannot be obtained in any other way, the journalist is obliged to indicate the sources that hold those pieces of information. The Media Strategy recognises "inadequate level of protection of sources of information", indicating the growing problems such as intercepting communication. However, the suggested provisions of the Draft Law on Internal Affairs (LIA) that the working group drafted in the framework of the MoI, the acquired rights would be directly threatened (collection and processing of biometric data using cameras that would be placed all around Serbia). The LIA Draft has provided for the introduction of biometric camera surveillance all around Serbia,

— INDICATOR 1.2

which would significantly weaken the protection and threaten the citizens' right to privacy, in particular specific groups such as potential sources of information for journalists. Following pressure from the public and interested associations, the Draft law was withdrawn. The MoI working group that created the draft included in their further work on the disputed questions the interested non-governmental organisations and journalists' associations and stipulated almost identical provisions. The journalists' sources are often subject to pressure and oppression by the authorities' representatives. In many cases, the reaction is not meant for journalists but their sources, as the underlying intent towards the sources is to send them a message what they can expect if they cooperate with investigative journalists, in particular. In 2021, there were fairly fewer cases of attempts to disclose sources from journalists. There was no direct pressure against journalists to disclose their sources, however, the representatives of the authorities have abused their positions and their competences to obtain specific information from journalists, thereby using even certain types of pressure. The Media Centre in Nis was paid a visit by the police asking about the activities of certain opposition politicians. During the so-called eco protests, some journalists were summoned to give statements to the police, with the aim of determining the organisers of the banned protests, although the journalists reported from the gatherings. A more serious form of sanctioning was the misdemeanour charges on the basis of alleged participation or the organisation of the banned protests. In 2021, there were 6 misdemeanour proceedings recorded and 2 imposed sentences of fines. In 2021, the complete equipment was seized from the team of the 24sedam portal, which was a case of seizure at the airport in Podgorica, Montenegro. At the airport exit, the complete equipment was seized from the cameraman, and the customs officers provided no explanation, although the Belgrade TV crew had all the necessary certificates for the equipment they brought into Montenegro, as well as accreditations for covering the event of the enthronement of Metropolitan Joanikije. At the beginning of 2022, the drone was seized from the Serbian media Centre in Caglavice in Kosovo by the Kosovo police. Journalists have different experiences regarding their relationship with the sources of information. Although they maintain contact with them, journalists no longer feel free to request information from the sources. Maintaining contacts is becoming more difficult, as the sources are aware of examples of repressive methods of the institutions through, i.e. internal procedures or even complaints to the prosecutor's offices and the police against the sources themselves, so the sources are increasingly pulling back. In previous years, the case of journalists Ana Lalic from Novi Sad and the insiders who delivered information on the situation in the Clinical Hospital Centre Vojvodina made a huge impact, as well as the case of the whistle-blower from the Arms Factory Krusik in Valjevo, Aleksandar Obradovic. Journalists mention them quite often as examples as one of the main reasons sources are more afraid to get in contact with journalists or maintain contact with them.

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

**Score for 2020: 3.08 / Score for 2021: 3.04**

**The misdemeanour provisions in the scope of the Law on Traffic Safety have been arbitrarily used against journalists doing their job during the so-called eco protests that were held in November and December 2021, but more in the form of pressure than serious sanctions. In the previous year, more lawsuits were filed against media outlets that could be characterised as SLAPP lawsuits, so in January, almost 30 lawsuits were filed against several journalists, editors and media outlets.**

The provisions in the scope of the Law on Traffic Safety have been arbitrarily used against journalists doing their job during the so-called eco protests, which were continually held in November and December 2021. With the view to that, the organisation of the protests was prohibited by the Serbian Mol, misdemeanour charges were filed against journalists who reported and covered citizens' gatherings for the alleged violation of traffic regulations, and investigative proceedings were carried out against some journalists for the alleged participation in the organisation of protests. Journalist Milena Dimic was summoned to Leskovac police station several times to give a statement regarding the alleged participation in the protests, but at first summoning, the police officers appeared in front of the family house door, finding the journalists with her one-year child in her arms and demanded her to immediately report to the police station and give her statement. In 2021, very serious charges were instigated by the high representatives of the authorities against the KRIK portal editor and investigative journalist, and these charges represent a warning to others, in particular critical investigative and other media outlets and journalists. Bratislav Gasic, the director of the Security Information Agency, sued the KRIK journalist Milica Vojinovic and editor Stevan Dojcinovic for reporting the news from one trial that KRIK was monitoring (the trial against so-called Jotka's criminal group). Goran Zivkovic, the commander of the police unit for witness protection and two other heads of this unit – Milan Isic and Nebojsa Pavlovic sued KRIK editors Bojana



— INDICATOR 1.3

Jovanovic and Stevan Dojcinovic for articles they wrote on the problems within this unit. The Agency for Environmental Protection launched misdemeanour proceedings against KRIK and the organisation's legal representative because KRIK allegedly did not pay the eco-tax amount of RSD 228 (about 2 EUR) on time – it's a fee for specific waste streams. Nikola Petrovic, a former director of the state-owned company Elektromreza Serbia and the best man to the President of Serbia, filed a criminal complaint against KRIK journalists who published the story within the scope of international research "Open Luxembourg". In this article, it was revealed that Petrovic was the owner of the off-shore company in Luxembourg and through this company, he secretly became involved in various jobs in Serbia. Petrovic demanded imprisonment for two women journalists in his lawsuit: sentencing Dragana Peco to two months and Vesna Radojevic to one month of prison. In 2021, there were no direct attempts to silence the journalists based on provisions regarding the dissemination of disinformation, fear and panic. There are no special protective measures in Serbian regulations protecting journalists and media outlets from SLAPP lawsuits. In 2021, several lawsuits were filed against media outlets that could be characterised as SLAPP lawsuits. The period at the beginning of the year was in particular critical when in two cases, several lawsuits were filed against journalists and newsrooms. For example, the company Millennium Team, which carries out some of the biggest government construction projects in Serbia, sued several media outlets and demanded from each compensation for damage in the amount of EUR 100,000 in each of the filed lawsuits. The sued media outlets reported on the information mentioned in the press conference of the opposition People's Party. In the Higher Court in Belgrade report, it was established that in the period March-May 2021, this company filed in total 34 lawsuits before this court, and out of that number, 27 lawsuits were against the media outlets, which is 79 per cent of the total number of filed lawsuits. In the meantime, the particulars of the claim were drastically reduced, which reveals that the lawsuits are used to apply pressure on the media and play with lawsuits and not to demand compensation for damage. The portal VOICE from Novi Sad editors and journalists were multiply sued. The journalists received two lawsuits with compensation for damage of a million of dinars each. The lawsuits were directed against six workers of that centre and against the publisher themselves. There are still threats to the rights of journalists and their safety while reporting from the protests or other events that include citizens' gatherings. The journalists are still under the attack of protesters and the police, mostly depending on the events and the reason for gatherings. In 2021, the police targeted journalists, in particular in November and December, when due to their reporting, they were treated the same as the citizens who gathered, and often they were suspected of the organisation of the events. The misdemeanour charges were filed against journalists, and they were summoned to the police to give statements regarding the organisation of events, or the police officers came to them to take statements.

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

**Score for 2020: 2.89 / Score for 2021: 2.90**

**In the previous year, there were attempts to propose and introduce in the provisions the definitions and licencing of journalists. On several occasions, the journalists were prevented from entering and covering some events, and their work was obstructed. However, there were no significant changes in this area or any greater problems. Practical results, mostly through the Standing Working Group and actions of the public prosecutors who are slowly accepting the broader interpretation of a journalistic job, show the good direction.**

The journalists in Serbia do not need a licence to do the job of journalists. In the previous year, there were attempts to define and licence journalists, which was done through the proposal in the Working group for amendments to the Law on Public Information and Media. On the other hand, the government and competent bodies' tendencies to reduce the circle of persons who are considered journalists in the event of incidents to the detriment of journalists and media workers are still visible. On several occasions, journalists were disturbed, or their access was prohibited from covering some events, and in the previous year, at least 9 such cases were recorded, which were left without any explanation, and mostly against the journalists who critically cover the work of representatives of the authorities and institutions, in particular in local environments. The most drastic example was prohibiting TV N1 from entering the churchyard of the Orthodox church in Srbobran, and journalist of the Brus Portal On-line, Nenad Miljkovic, was removed from the building of the municipality administration although he came to cover the organised event. The local journalists endure direct pressure from the local authorities' representatives who fail to notify them of the events they organise and often cause trouble regarding communication and visits to the assembly events. In criminal proceedings, the prosecutors, their deputies and police often ask questions about journalists' recognition regarding a journalistic job or the definition provided for under the Criminal Code of Serbia. They do not give up on insisting that journalists

— INDICATOR 1.4

need to belong to a specific media outlet or that such outlet must be recognisable in public, or that journalists must be employed and perform the job of a journalist as their primary task, however without negative systemic changes. On the other hand, the prosecutors accept a broader interpretation of the journalistic job, and in their records of attacked journalists and media workers, they also record cases of persons who were not observed as journalists before. The journalists are free to organise, and it is done through journalists' associations. They are very active and recognisable in public for defending the journalists' rights in several segments, but the criticism was also heard related to their work. There were no direct pressures on journalists to join the associations. For years now, several types of pressure have been exercised against associations, mostly reflected in constantly disputing their credibility and the role of protecting journalists' rights. The associations critically oriented in the cases of violation of media freedoms, very active in the field of journalists' safety, are under the special pressure of the authorities' representatives and pro-government media who are characterising them as Serbian enemies, foreign mercenaries and foreign embassies associates. Two parallel media associations were founded in Serbia. Their mission is to deteriorate the power of real and representative associations, placing additional pressure and attempting to confuse some journalists to diminish the power of the existing organisations and associations. The journalists believe that founding parallel journalists' associations represents an attempt to represent government positions in the media world and the manner of establishing parallel and competitive journalists' organisation. The parallel associations were particularly active in the framework of the Working group for drafting the Law on Public Information and Media, where their positions were represented as the deterioration of the already established values.

# Journalists' job position is stable and protected in the workplace

**Score for 2020: 2.98 / Score for 2021: 2.96**

**The situation regarding the position of journalists within their workplace is almost unchanged. There is still no precise information on a number of journalists who signed employment contracts, but apart from that, it is clear that more than half of journalists are employed on the basis of work contracts depending on the media outlet. The journalists' salary in Serbia is still below the average salary, yet it is somewhat better for public broadcasters. The working conditions of journalists are quite unfavourable, and this position has not been improved.**

There is still no precise information on how many journalists signed employment contracts. The majority of journalists do their job on the basis of their work contract, however, they vary depending on the media outlet. Moreover, there is still no information on how many journalists have appropriate social insurance as the number of employers who do not settle their obligations towards the employees on time and fully is quite significant, in particular regarding social insurance. The average journalist's salary in Serbia is about EUR 300 to 400. Public broadcasters' salary is somewhat higher and goes beyond the average income in the Republic of Serbia. The journalists' salaries are not generally paid on time (except for public broadcasters). Journalists' working conditions are very unfavourable, and such a position is not improving. As their biggest problems, journalists highlight low salaries and irregular payments, precariousness and uncertainty of survival in the media outlet, and poor working conditions in the workplace and job as a journalist. In their fear of securing basic living conditions, the journalists even suppress and leave at the side the physical and verbal pressures and their safety, and as the greatest problem, they highlight the economically severe living conditions. Journalists in local environments actively work in several newsrooms and do other jobs to secure basic means of living. The position of female journalists in their workplace has aggravated compared to the position of male journalists. The impression of more women journalists being hired in media

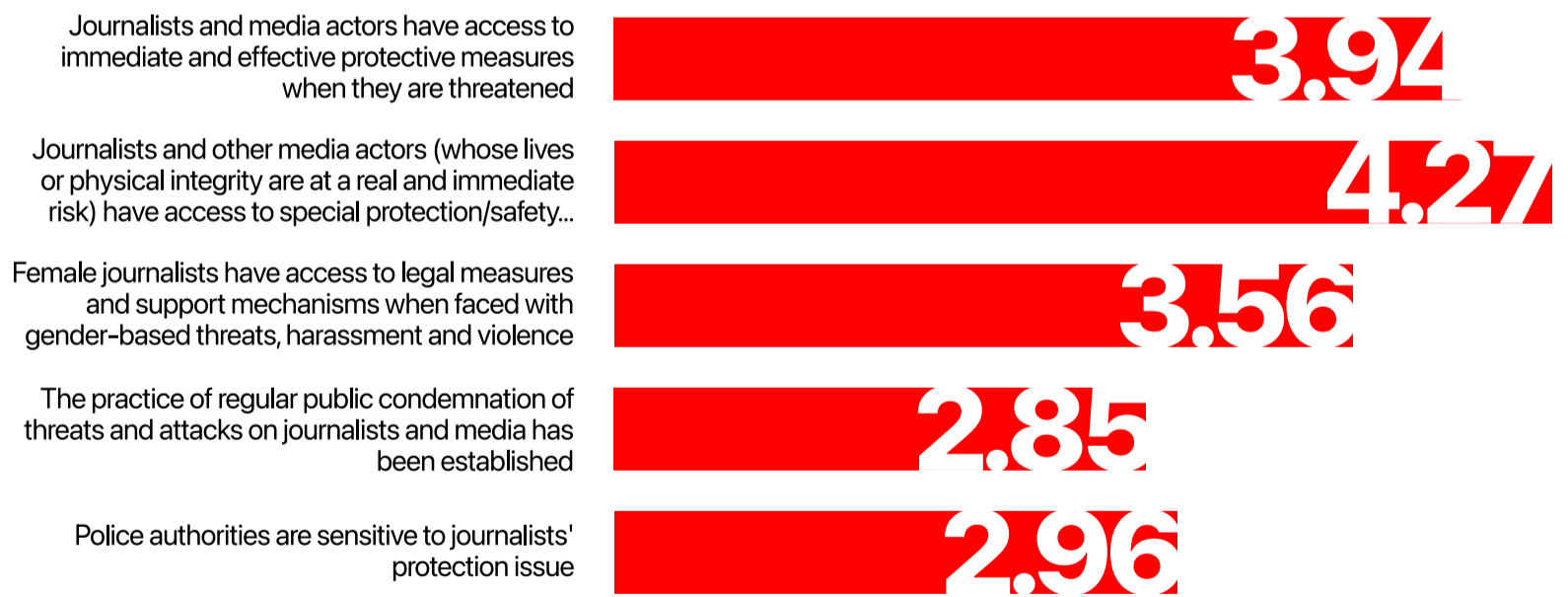
— INDICATOR 1.5

is related to the poor position of a journalistic profession that is observed in society as a job without a meaningful position of power with very poor status. On the other hand, the official data indicate an almost equal level of employment. Due to competition and their position, female journalists are under higher economic and financial pressure than male journalists but are also exposed to the pressure that results from the values and cultural and traditional attitudes regarding their roles as women. Working conditions of freelance journalists are quite unfavourable compared to their colleagues who have a certain type of contractual obligations towards their employers. Their number is increasing, but that is mostly due to firing and very poor work conditions in newsrooms. In Vojvodina, 6.8% of journalists have the status of unemployed persons, and 4.1% do volunteer work. Compared to the number of employed media professionals, 5.4% of self-employed journalists and media workers have been recorded. Journalists are organised within trade unions to some extent, however that is far from the level necessary to protect the profession by the trade unions fully. There are no special trade unions in private media, and journalists join already existing union organisations at the general level. There are no collective contracts in Serbia signed for the protection of the employment rights of journalists in private media outlets. The journalists in media outlets have some level of access to legal aid and free support, however that mostly depends on the attitudes of editors and media owners, i.e. the interest of the media outlet itself and not the specific needs of journalists.



# Due Prevention

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

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

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

**Score for 2020: 3.89 / Score for 2021: 3.94**

**Although journalists have access to the mechanisms of quick response working very well in practice, in essence, the measures are not even as closely efficient compared to what is available. The cases in which the prosecutor's office and police consider that the injured parties are not journalists are still problematic, as well as what is regarded as threat by the public prosecutor's offices since their reaction depends on that. There are omissions in the work of the competent bodies and, first of all, the huge political impact of the representatives of the authorities and some political parties. On several occasions, the police were misused to put pressure on journalists.**

State institutions, in cooperation with journalists' associations and organisations, through the Standing Working Group for Journalists Safety, have established the mechanism of fast reporting and emergency procedures in the event of attacks of journalists being injured parties. In agreement with representatives of public prosecutor's offices and the police, the system of contact points has been established with a mission, among others, of reporting and inspecting the cases of attacks on journalists. The aim of the special portal Safe journalist is to secure as much information relevant to the work of journalists in one place, from help guidelines and relevant practices to an SOS phone line for reporting cases and information on contact points with the competent bodies. Most cases reported to the public prosecutor's offices, and the police come through the SOS phone line for reporting cases of attacks and system of contact points and journalists' representatives in the Standing Working Group for Safety. In 2021, more than 130 different complaints were recorded. In line with the Agreement on establishing the Standing Working Group for Safety, the competent authorities usually reacted urgently and quickly, undertaking actions from their scope of work. Moreover, it remains problematic what public prosecutor's offices consider a threat since their reaction depends on that. If journalist experiences a certain message as a threat and prosecutor's

— INDICATOR 2.1

office as a critical opinion, the prosecutor's office's reaction, regardless of the reporting manner, will not be satisfying for the injured party. The public prosecutor's office and police adopted the mandatory instructions providing for their urgent reaction, quick registration and actions, as well as accountability if they fail to act. Although the police demonstrated progress regarding their reaction, actions and sensibility, there are still failures in their work, primarily the huge political impact of the representatives of the authorities and political parties in power. On several occasions, the police officers have been abused to exert pressure on journalists; on the other hand, no resistance was detected. The best example concerned the activities against journalists during civil protests in November and December 2021, yet without very grave consequences.



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

**Score for 2020: 4.20 / Score for 2021: 4.27**

**Assessment of journalists' safety is mildly progressing. In the Republic of Serbia, there is a mechanism in place to provide physical protection to citizens who are threatened with danger, including journalists. However, the systematically regulated risk assessments are still missing, and requests for safety assessment are submitted exclusively if the injured parties agree, so each time, it is necessary to launch the safety assessment procedure to establish if there is a risk to a person, their family or environment. What is good is that such assessments are submitted in a facilitated manner, particularly with the support of journalists' associations in the Standing working group.**

In the Republic of Serbia, at the national level, there is a mechanism in place to provide physical protection to threatened citizens. This support includes journalists and persons hired on other bases in the media. Mechanism of protection is provided under the Law on the Programme of protection of witnesses in criminal proceedings and Criminal Procedure Code, and the proceedings are initiated before the Ministry of Interior, whose representatives protect citizens. On the other hand, the protection mechanism is burdened with problems. The investigative journalists, precisely due to the lack of trust and poor experience they had with state services, show resistance towards potential (police) security. Systematic risk assessments still do not exist, and risk assessment requests are submitted exclusively upon request and in agreement with the injured party. In each case, it is necessary to launch a procedure of safety assessment to establish if there is a danger to a person, their family or the environment. On the other hand, there are problems in the realisation of such protection since journalists are often not aware there

— INDICATOR 2.2

is a threat to their safety, and many have serious concerns regarding the protection of data obtained when carrying out the assessment, in particular by the Security Information Agency. The police protection assigned to journalist Milan Jovanovic back in 2019 is still in force. In the meantime, that protection ceased in August 2021, after the assessments of the Administration for Personal Protection of the MoI that there was no more danger to his safety, but after the journalists' associations and organisations reacted, the assessment was done again, and Jovanovic's protection was restored. For 14 years, without interruption, journalist Zoran Mitric from Loznica has been under police protection. In November 2021, the MoI adopted internal regulations that should contribute changing the relationship of police officers towards victims and reducing secondary victimisation and improving their position as the victims of crimes. These instructions will be mandatory for all police officers in providing information and carrying out vulnerability risk and needs for protection and support measures. As the police and public prosecutor's office fail to react regarding the secondary victimisation, the journalists' associations help journalists through legal aid, reporting attacks and support to further actions, advocating and monitoring cases, including psychological and any other form of support to attacked journalists.

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

**Score for 2020: 3.64 / Score for 2021: 3.56**

**Irrelevant to the increased measures and improved quality regulations, with mild regression, the specific application is not satisfying. Since the number of attacks on women journalists increased, in particular in the online sphere, and as prosecutor's investigations did not yield positive results in the majority of cases, there has been no direct progress in a specific area of women journalists' protection.**

The Istanbul Convention is partly incorporated into Serbian legislation through several regulations. There is a huge dissatisfaction in the non-governmental sector with how the Istanbul Convention was incorporated, so it is concluded that, apart from specific provisions, strategic documents and some crimes, there has not been much systematic work on real integration of the document. On the basis of the report that Serbia submitted to the Group of Experts on Action against Violence against Women, it is visible that serious measures were undertaken, but through the cooperation with women journalists who were victims of violence, the association of Women journalists against violence and reports of other associations working on violence against women. With practical insight into the competent authorities' work results and the situation regarding women journalists' safety, one gets an entirely different picture of the position of women journalists in Serbia. The preventive measures in the Criminal Code include criminal offences of stalking, sexual harassment, forced marriage and mutilation of female genitals. As they are more often targets of online attackers, it was especially important for women journalists that the criminal offence of stalking was included in the group of 27 criminal offences that could be related to the incidents against journalists, as the police and prosecutor's office paid special attention to them. Stalking was one of the most common initial qualifications of threats against women journalists in the online sphere. The Law on Free Legal Aid recognises women as victims of domestic violence and beneficiaries of free legal aid for those who

— INDICATOR 2.3

are allowed to benefit from it outside the legally prescribed income threshold. The circle of free legal aid beneficiaries is very narrow, and applied methodology could exclude a large number of women journalists. The law stipulates that women with income below the minimum have the right to free legal aid, so women journalists have difficulties being part of the free legal aid beneficiaries group. Under this legislative solution, the women failing to meet legal requirements for free legal aid can only get general legal information from civil society organisations and assistance with filling in the forms, which is in direct contravention of Article 9 of the Istanbul Convention. This problem spills over to the work of journalists, media and other associations that provide legal support to women journalists. The relevant institutions failed to set up regular services to provide information on safety measures and legal support for women journalists. The Commissioner for Gender Equality and the Ombudsman of Serbia very rarely make announcements regarding insults, pressure and attacks on women journalists. Women journalists rarely address institutions for advice, legal aid or protection. So far, there has been no adequate data on the extent to which the journalists could contact the competent institutions. Women journalists address institutions mostly through journalists and other associations or by phoning the SOS line. In their work with women journalists, the Women Journalists against Violence are especially prominent since they cooperate with journalists' contact points when preparing and submitting reports on attacks against their members. International organisations also provide support to women journalists. Women journalists are mostly unsatisfied with the actions of competent institutions. The inadequate roles of the Commissioner for Gender Equality and the Ombudsman of Serbia are particularly emphasised, as they failed to react in many cases, such as organised targeting and pressure against the KRIK portal women journalists by the pro-government tabloids.

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

**Score for 2020: 3.02 / Score for 2021: 2.85**

**There are no firm and equal positions regarding all cases of attacks against journalists, and representatives of the authorities react in a selective manner and usually fail to condemn very serious verbal threats, pressures, and targeting of journalists, which further aggravates the situation. The real intent is missing to condemn attacks and threats, which are even incited on social media or by government representatives participating in TV shows in pro-government tabloid media. The highest representatives of government very often target critically oriented media outlets and their journalists to create confusion among citizens and a negative image of those media and journalists.**

There are no clear, firm and equal positions regarding all cases of attacks against journalists. The authorities react in a selective manner and usually fail to condemn very serious verbal threats, pressures, targeting of journalists and accusations against them. There is no real intent to condemn attacks and threats, which are even incited on social media or by participation in TV shows in pro-government tabloid media. The representatives of the government, in their public appearance and statements, very often fail to condemn threats against journalists and often have no reaction and no message against verbal threats made. As an example, we mention the case against the investigative portal KRIK, when domestic organisations, expert public and international organisations reacted due to a hard campaign in the pro-government tabloids when women journalists and editors of KRIK were seriously targeted as associates of the criminal group of Belivuk. The highest representatives of government very often target critically oriented media outlets and their journalists, while National Assembly MPs insult and attack some journalists, in particular from the investigative portals such as KRIK and CINS, and media outlets – newspapers Danas, TV N1 and Nova S. In this way, the officials at the same time create an atmosphere where journalists do not feel safe. On the other hand, due to organised and continuing insults,

— INDICATOR 2.4

pressures and attacks, the citizens are left with confusion about what the investigative portals, in fact, do. In reference to the expressed threats, it is obvious that representatives of the authorities could be found more easily taking the side with those expressing threats, insults and invitations to attack journalists than those condemning the attacks.

# Police authorities are sensitive to journalists' protection issue

**Score for 2020: 2.98 / Score for 2021: 2.96**

**Although police representatives demonstrate more knowledge in relation to journalists' problems and attacks against them, and the communication improved to a certain extent, the police are often found in the roles of those performing pressure against journalists, mostly under the negative pressure of other branches of government. The Mol has significantly improved communication and exchange of information with journalists' associations, but the communication is not reflected in the lower ranks and relationships towards the journalists as injured parties.**

Police officers have better knowledge of basic human rights standards and journalists' role in society. In 2019, the Mol determined about 100 contact points whose role was to monitor cases of attacks against journalists and reactions in cases when their colleagues had omissions in their work. In the organisation of the Council of Europe, three official trainings for Mol representatives were held. The police adopted internal instructions laying down the behaviour of the police officers in the cases of filed charges of attacks on journalists, in line with the Law on Police and rules of conduct. Authorised representatives of the police and contact points that participated in the training on the safety of journalists demonstrated a high level of being informed. The Mol has significantly improved communication, and exchange of information and enhanced cooperation with journalists' associations. However, most activities and cooperation happens at a very high level, as it seems, and by the Mol highest representatives, which does not greatly influence the safety of specific journalist. Cooperation with associations comes down to the exchange of information and requests. The police representatives have improved their relationship towards journalists, however, in certain segments, there are still serious work omissions, in particular in the cases of organised pressure and investigations against journalists due to alleged participation in banned gatherings in the scope of so-called eco protests. Journalists believe that police were under huge pressure and the political influence of government representatives.



# Due Process

3.44

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



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



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



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



Quality statistics collection systems established by state authorities to stem impunity



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Institutions do not investigate and do not sanction attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.

Institutions are fully effective and transparent in investigating and sanctioning attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.



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

**Score for 2020: 4.47 / Score for 2021: 4.49**

**Although mechanisms provide for a higher level of accountability and stimulus for competent bodies, the progress in solving cases of the attacks is very mild. Under the adopted internal mandatory instructions in public prosecutor's offices and police, specific persons were designated on different levels to represent contact points in cases of incidents against journalists. The contact points' assignment is to monitor or run cases of attacks on journalists. The Mol and public prosecutor's offices possess good human resources to work with journalists (in total, about 230 officers and public prosecutors).**

In the framework of police and prosecutor's office work, in line with adopted internal regulations, special persons were designated – deputy public prosecutors and Mol officers at different levels to represent contact points in cases of incidents against journalists. The contact points mission is to monitor or run cases of attacks against journalists. In line with the mandatory instructions, every public prosecutor's office in Serbia has a contact point to monitor cases of attacks against journalists, while in the regional police administrations, 98 police officers also monitor cases of attacks against journalists. The police possess better technical resources than the prosecutor's offices, in particular concerning cybercrime, given the capacities of the Cybercrime Office in the police. On the other hand, public prosecutor's offices have designated more persons through their new instructions from the number of prosecutors and deputy prosecutors to monitor cases of attacks against journalists. Prosecutors and police officers demonstrate a different level of understanding of the misdemeanours and criminal offences against journalists. Although they are well-trained for the application of Criminal Procedure Law, Criminal Code and other regulations, the prosecutors often do not possess sufficient sensibility and understanding regarding the weight of the journalists' job and the real threat that journalists experience. The mandatory instruction that is

— INDICATOR 3.1

applied provides for obligatory examination and potential application of the special group of criminal offences that could be related to the crimes against journalists. The group of these criminal offences resulted from the considerations within the Standing Working Group for Journalists Safety. On the other hand, this instruction does not enhance the understanding of the nature of the offences, data collection technique or sensibility towards journalists. Cooperation between institutions such as police and public prosecutor's offices is in place at many levels, irrelevant to the participation in the working groups for journalists' safety, however, numerous communication problems result in omissions regarding data collection, slow-moving actions and poor final results.

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

**Score for 2020: 3.03 / Score for 2021: 2.98**

**Selective application and inefficiency in separate cases reveal numerous problems with understanding criminal offences against journalists, and regardless of the mechanisms and accountability, they yielded no results. One practically gets an impression of applied pressure and political influence from the other branches of government. It often happens that representatives of the executive interfere with the work of competent bodies, placing them in subordinate position. In certain cases, the investigations were not comprehensive and neglected the political background of the attacks on journalists. Key evidence is often lost or missed, failed to collect properly and present and investigative actions take very long. Due to that, the deadlines for conducting investigations depend on the course of the cases and the speed of collecting information and evidence material, so deadlines are usually missed.**

The investigations of the attacks against journalists demonstrated few good things but numerous problems as well. The reporting procedure and reaction speed from the prosecutor's office and police in the same cases were admirable. Selective application and inefficiency in separate cases often leave the impression of pressure and influence from other branches of government. Regardless of effectiveness and efficiency in some cases, the unclear decisions in strategically highly relevant cases indicate the problems in the middle and later stages of investigations. It often happens that representatives of the executive interfere with the work of competent bodies, placing them in subordinate position. In some cases, investigations are not comprehensive and neglect the political background of the attacks on journalists. During 2021, there were 86 cases

— INDICATOR 3.2

established in the public prosecutor's offices related to the events against the safety of persons carrying out tasks of public importance in area of the information pertaining to the tasks they perform. In January, 12 cases were established, 11 in February, 7 in March, 9 in April, 5 in May, 4 in June, 6 in July, 3 in August, 7 in October, 5 in November and 10 in December 2021. Out of this number, a first-instance or final decision was adopted in 33 cases, which represents 38.37% of the total number of cases. There were convictions in 6 cases, and 27 cases ended by the public prosecutor's decision – adopting the decision on the dismissal of a criminal complaint or an official note that there were no grounds to institute criminal proceedings. Instituting investigations is done quickly and within a short time frame. However, investigative activities take a very long time. The phase of data collection, cooperation between police and the prosecutor's office, pressing charges, prosecutor's opinions on some issues, and further prosecution bring dissatisfaction with journalists who are injured parties and expert public. Deadlines for carrying out investigations depend on the course of the cases and the speed of collecting information and evidence material. Deadlines are missed almost in all investigations, however regarding the conditions in which police and public prosecutor's office work in Serbia, this often depends on factors not strictly related to the competent bodies. The incidents observed as attacks on journalists are often properly qualified, whereby the majority of offences raise doubt about the endangerment of the safety of journalists.

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

**Score for 2020: 3.17 / Score for 2021: 3.13**

**Although the criminal justice system and legal measures in Serbia stipulate offences that are recognised as online forms of attacks, direct application and results are mildly decreasing or stagnating. In 2021, the public prosecutor's offices recorded 22 cases of various incidents so far that happened online. Institutions rarely react ex officio, and journalists are often displeased at them for not being sufficiently and obviously familiar with the threats they are exposed to. The majority of threats refer to the endangerment of the safety of journalists pursuant to Article 138, paragraph 3, and many cases contain elements of stalking.**

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

— INDICATOR 3.3

journalists experienced verbal threats on social media, threats of rape and murder, grievous bodily harm, different insults and strong pressure. The majority of incidents refer to verbal threats of causing physical harm. In 2021 in their records so far, public prosecutor's offices recorded 22 cases of various forms of incidents. The institutions very rarely react ex officio, and journalists' associations believe this constitutes one of the problems in responding to the attacks. The majority of threats refer to the endangerment of the safety of journalists, and many cases contain elements of stalking. Regardless of speedy reactions under filed complaints, there are numerous shortcomings in data collection and investigation of specific social media profiles where the threats originate from, so a large number of cases get delayed in the initial phases by writing to Facebook, Instagram or Twitter, mostly due to inability to ascertain the potential perpetrators. Most cases of threats on social media and online in general remain in the category of unknown perpetrators or are dismissed. Regarding additional measures undertaken by the competent authorities, the police and prosecutor's office followed some accounts and potential perpetrators, but that did not yield any success in the cases of threats against journalists.

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

**Score for 2020: 2.81 / Score for 2021: 2.81**

**Journalists have an effective possibility of access to investigative phases and information on the proceedings that competent authorities are willing to share with them, so certain progress has been noticeable about the access of contact points in journalists' associations regarding the safety of journalists pertaining to prosecutors' investigations. There is visible progress in notifying the public, and there is an impression that journalists can get all information possible to be given in certain procedural stages, however, there are still courts and prosecutor's offices that are not willing to share the information they possess.**

The journalists who are injured parties have the possibility of access to investigative phases and certain pieces of information that the competent authorities are willing to share with them. The information could be obtained by the official insight into the open cases. Usually, this is done after the statement is given before the deputy public prosecutor in charge. Still, this information could also be checked through contact points in journalists' associations within the Standing Working Group for Safety. Moreover, prosecutors recommend journalists use the regular method of insight into the case, which journalists are not very familiar with and do not use properly. The majority of courts and prosecutor's offices have designated PRs who provide answers to journalists' questions. There has been progress in notifying the public in the previous year, so there is an impression that journalists can obtain all information possible to be given in a certain procedural stage. The Higher Court in Belgrade and public prosecutor's offices in Belgrade and Novi Sad are most prominent, while, on the other hand, in smaller environments, the different approach regarding the public is still visible. Certain stages of the prosecutor's investigation are still problematic as there is a danger of compromising investigative actions and losing the case. On the other hand, most courts and judges do not agree on commenting on the course and activities during the court proceedings, which is one of the reasons for not delivering all the required information.

# Quality statistics collection systems established by state authorities to stem impunity

**Score for 2020: 3.90 / Score for 2021: 3.77**

**Although recording data on attacks against journalists has been developed, there is no further progress. Since 2016, the records of attacks against journalists have been kept by Republic Public Prosecutors' Office (RPPO) and the Ministry of Interior. Up-to-date records kept by the RPPO are delivered to the Standing Working Group for Safety representatives every three months. These data are very reliable, however, there are still certain problems in keeping and storing statistical data, such as removing data from the records as the cases closed or for any other reason. The data are divided by key criteria, but records are not detailed regarding the statistical data. On the other hand, the data possessed by the MoI still remain out of reach of the journalists' association and the public.**

In addition to statistics kept by some journalists' associations, the records of attacks against journalists have been kept by the Republic Public Prosecutors' Office (RPPO) and Ministry of Interior since 2016. The up-to-date records kept by the RPPO are delivered to the representatives of the Standing Working Group for Safety every three months. The data maintained by the RPPO are the most voluminous and recorded per type of criminal offence, basic information on the injured party and phases in the proceedings. Public prosecutor's offices will record only filed complaints and notifications and will not establish a case on the basis of official knowledge but only on the basis of the filed complaint. They take down the personal data, location of the attack, date of filing the case and current phase of the proceedings, i.e. undertaken actions. The cases are not qualified per gender, ethnicity and other socio-demographic criteria. Due to specific standards and rules in application in the public prosecutor's offices, some cases are often removed from the databases. This is done for various reasons (cases are closed, offences are initially not related to attacks against journalists, there is a lack of evidence indicating that it was an attack or threat against journalists because of their job, etc.). The Ministry of Interior



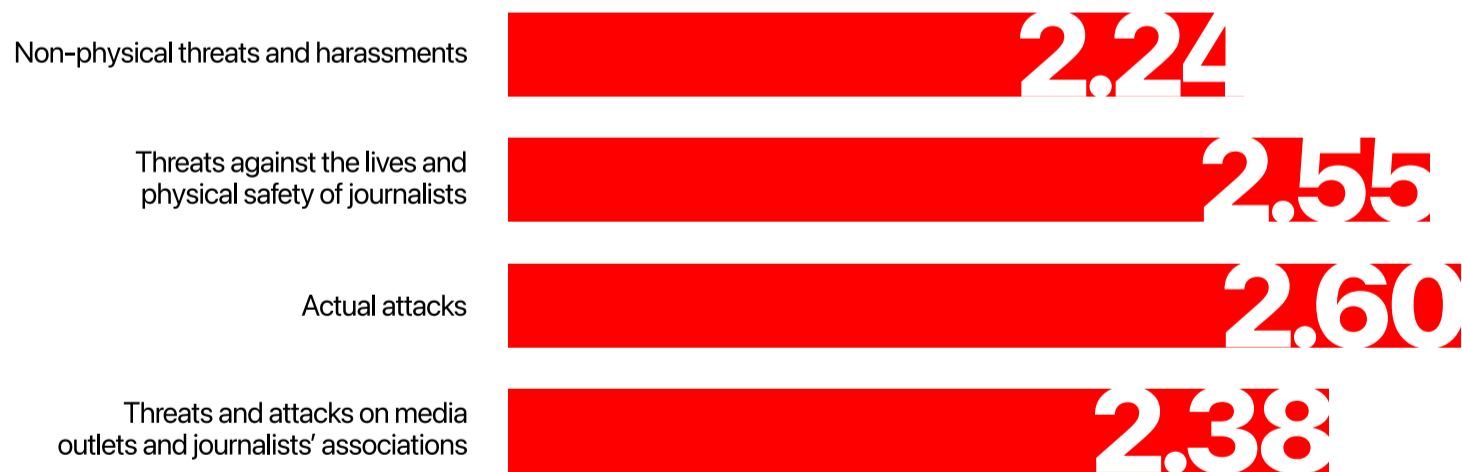
— INDICATOR 3.4

is also keeping a database of incidents and complaints filed when the injured party is a journalist. The data that the police have at their disposal are almost secret since it has not been confirmed that any person received such data.

# IV

## Actual Safety

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

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

# Threats and harassment that are not related to physical safety

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

**Score for 2020: 2.37 / Score for 2021: 2.24**

**The previous year was marked by an almost identical number of non-physical verbal threats and harassment cases. Some of the cases were particularly difficult for journalists who were injured parties, however, the competent authorities failed to recognise them adequately, in particular public prosecutor's offices. On the other hand, the police again had a somewhat negative role since there was an impression that the representatives of the authorities misused them, especially during eco-protests.**

There has been a continuation of the trend of threats and harassment of journalists by stalking and aggressive statements of the representatives of authorities in 2021. There were 20 recorded cases of various forms of verbal threats and harassment, most often expressed online, i.e. on social media. Definitely, the most difficult case was placing wanted posters of Isidora Kovacevic, Podrinske journalist, which were distributed and posted in several locations in Sabac, a city in Western Serbia. The cases of pressure and intimidation of journalists, who were accused of the misdemeanour offences and were summoned to get questioned during the investigative procedures while pre-investigative actions were conducted, also represent hard pressure and partly an abuse of competent authorities such as public prosecutor's office and police by the executive, as journalists were suspected of organising banned civil and eco-organisations protests in November and December 2021.

# Threats against the lives and physical safety of journalists

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

**Score for 2020: 2.66 / Score for 2021: 2.55**

**The previous year was marked by a slight increase in serious verbal threats against journalists compared to 2020, but with especially visible trends of threats on social media and online in general, which are easily detected but difficult to prove and sanction. The largest number of threats remains in the category of unknown perpetrators, and the capacities for detecting the offences and using the information and evidence have been exceedingly unclear.**

The number of serious verbal threats compared to the previous year has slightly increased, so 26 such cases were recorded. One of the most difficult cases already mentioned was open intimidation and targeting of the KRIK newsroom, followed by other threats against journalists, resulting from the continuing and organised public chase connecting KRIK with one of the most notorious criminal groups in the Balkans. The public prosecutor's office and the police failed to launch an investigation in this case, as, in line with the accepted practice, they considered that there were no elements of endangerment of the safety of the journalists and the Ombudsman of Serbia, who is a member of the Working group for creating Platform of recording pressures and attacks on journalists, believed that there were no elements of pressure against investigative journalists. Because of their critical disposition towards the actions of the authorities' representatives, journalists Marko Vidojkovic and Nenad Kulacin were subjected to more than 10 different severe verbal threats against life and body that they had received on social media or in person.

# Actual attacks

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

**Score for 2020: 2.40 / Score for 2021: 2.60**

**The number of physical attacks has dropped compared to previous years; however, there are still obvious problems in securing appropriate working conditions and protecting journalists at outdoor rallies and civil protests. The police failed to demonstrate that they could protect journalists every time.**

The number of physical attacks dropped significantly compared to 2021, and 8 such cases were recorded. Physical attacks are related to journalists covering different protests and other events where participants exhibited violent behaviour, in particular towards the specific group of critically oriented media. Compared to previous years, the number of attacks is significantly smaller and is mostly related to certain events, such as citizens' gatherings or high-tension rallies. The practice usually showed that citizens are not ready to allow journalists do their job in such gatherings.

# Threats and attacks on media outlets and journalists associations

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

**Score for 2020: 2.54 / Score for 2021: 2.38**

**A number of serious threats of attack on media companies is growing compared to previous periods, and a majority of those attacks are connected with certain events and decisions of the representatives of the authorities and even the organised forms that possess specific political background. Due to constant criticism, negative connotations and targeting of critically oriented media outlets, in several cases, citizens were very aggressive towards TV crews and their equipment, in particular when they reported from the field.**

A number of attacks and threats against media companies is not standing out compared to other forms of threats and attacks, however, in 2021, there were 12 such cases recorded, the most against TV N1 crews who were verbally harassed, physically obstructed, attacked and insulted, and their equipment and property were also attacked. On the other hand, the practice demonstrated that certain pressures, targeting, intimidation and threats against journalists were actually indirect attacks on media companies as well. The local media outlets also experience vicious attacks, possibly with even greater consequences. Most often, they experienced DDOS attacks by hackers within a specific time, after they would report on special topics or when it was necessary to report on a certain topic. Compared to the previous year, the number of attacks increased, but not greatly.

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