



# **FREEDOM OF EXPRESSION AND MEDIA PLURALISM 2023**

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

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**Author:**

Marija Babić

**Editor:**

Tamara Filipović Stevanović

**Proofreading:**

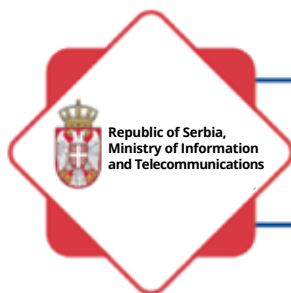
Nataša Polić

**Translator:**

Anica Milenković

**Layout:**

Miloš Sindjelić



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# 1. INTRODUCTION AND METHODOLOGY

This 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 in the framework of the Chapter 3.3. Freedom of Expression and Media Pluralism. The report is based on monitoring the implementation of a total of 13 activities that need to be implemented by the competent authorities in order to achieve the final results:

- More efficient protection of journalists from threats of violence is being ensured by improving system of preventive measures undertaken for the purpose of protection of journalists and introduction of priority actions in investigations of threats and violence against journalists in order to effectively sanction committed attacks;
- Higher level of cooperation between journalists' associations, the police and public prosecutors is being achieved in relation to the protections of journalists' safety;
- Legal and institutional framework for the protection of media freedom is improved;
- Achieved full withdrawal of state ownership of the media;
- There is no unauthorised disclosure of information on ongoing or planned criminal investigations.

In this report, we have analysed the specific 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 so we could evaluate the achievements in the most significant areas. Methods used to gather information for the report include:

- Analysing relevant national and international reports on media freedoms and journalists' safety;
- Analysing media articles and collecting statements by national and international officials on media freedoms and journalists' safety;
- Analysing legal acts and other official documents related to journalists' safety and media policies;
- Conducting interviews with relevant persons on the topics pertinent to the subject of this analysis;
- Sending requests for information of public importance to the relevant institutions responsible for improving the protection of journalists' safety and media policies.

For several years now, the Independent Journalists' Association of Serbia (NUNS) is making an analysis of the Report on the implementation of the Revised Action Plan for Chapter 23 (hereinafter: Implementation Report) that, in addition to the analysis of the particular activities, would take note of other shortcomings of these reports as well as potential improvements. In the analysis of the final Report (3/2023)<sup>1</sup>, it was noted that the structure of the Report has been improved, as unlike in previous years, this report does not include quarterly but more comprehensive and more concise reports.

It is still noticeable that some activities are not always directly related to result indicators, and that observance of all indicators is lacking. Results and success of the implementation of individual activities do not reflect the real state of play when it comes to the areas subject to the analysis and fail to demonstrate the success and achievement of interim benchmarks provided for in this Action Plan. Similar to previous years, we emphasise in particular the fact that for

<sup>1</sup> Report on the Implementation of the revised Action plan for Chapter 23: <https://www.mpravde.gov.rs/tekst/33945/izvestaji-o-sprovodjenju-revidiranog-akcionog-plana-za-poglavlje-23.php>

the purpose of achieving the results of a specific benchmark, it will not suffice to only take into consideration if an individual activity has been achieved but to evaluate its total impact on the freedom of expression and media freedom, as well as the overall situation of the journalists' working environment and their safety.

On its last session held on 4 August, following the analysis of the relevant reports and discussion among its members, the Coordination Body for the Implementation of the Action Plan for Chapter 23 gave recommendations to the holders of the activity in the Action Plan, and similar to the previous year, the recommendations refer to making efforts to complete overdue activities and that the institutions should act in accordance with the agreement reached at the previous meeting (held on 2 June 2023), which was held for the purpose of overcoming problems identified in relation to the implementation of certain activities. However, this body repeated its demands regarding the fulfilment of the request of the Ministry of Justice to deliver information on the rule of law, regular updates and delivery of information from the report on the early warning system, undertaking of steps to overcome delays and achieving required dynamics in order to complete the activities, including mentioning the reasons for delays in the implementation of activities and plans to remove them, as well as other recommendations.

## 2. 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 prioritises 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 part concerning greater protection of journalists from threats and violence.**

In the latest report of the European Commission<sup>2</sup>, it is mentioned that Serbia has achieved some level of preparation concerning freedom of expression but that limited progress was made concerning recommendations from last year. Also, similar to previous years, the report mentions that cases of threats, intimidation and violence against journalists remain a source of concern, especially at a local level. It also emphasised that verbal attacks, smear campaigns and verbal violence against women journalists continued. It is worrying that year after year, the report mentions that statements by high-level officials on the work of journalists prevent the creation of an environment where freedom of expression can be exercised without hindrance and that administrative committees of the National Assembly in charge of the application of the Code of Conduct of the MPs have failed to establish the violation of the Code despite such rhetoric being present in this institution. The problem of hate speech and discriminatory language used in media is emphasised, as well as the Regulatory Authority for Electronic Media and the prosecutor's office's failure to react to such speech.

Despite mentioning that the police and the prosecution service reacted swiftly to several cases of attacks and threats, cooperating with the Standing Working Group for Safety of Journalists, apart from the statistical data of the Supreme Public Prosecutor's Office and good examples (new conviction in the case of Milan Jovanović and the OK radio case judgment), the report mentions that the judgments in several other cases have still not been adopted, including death threats. It also notes that the adoption of the final verdict of the Court of Appeal in the case of the murder of Slavko Ćuruvija is still pending, while there were no developments in the other two murder cases (Dada Vujasinović and Milan Pantić).

The report emphasises the increase in number of strategic lawsuits against public participation (hereinafter: SLAPP) launched by members of national and local authorities to limit freedom of expression. Moreover, it mentions that investigative journalists continue to face either frequent refusals by public bodies to disclose information or no response at all ('administrative silence').

<sup>2</sup> European Commission, "Republic of Serbia, Report for 2023", Brussels, pp. 45 - 47.

[https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/izvestaj\\_ek\\_23.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_23.pdf)

As in previous years, the report mentions that one of the priorities in the following period should be strengthening the safety and protection of journalists, notably by ensuring that high-level officials refrain from labelling or verbally attacking journalists and that any threats and cases of physical and verbal violence are swiftly followed up and publicly condemned, investigated or prosecuted.

*Although in the last several reports it is mentioned that the state of Serbia has achieved some level of preparation and that, as mentioned in the latest report, limited progress was made on the recommendations from last year, we do not think that real progress was made to note the achievement of this impact indicator. This is corroborated by the latest EU report emphasising all the problems that journalists have been facing for years, repeatedly, so despite some activities undertaken in this area, we must conclude this **impact indicator has not been achieved**. Namely, the progress mentioned by the EU was not achieved in the domain of journalists' safety but primarily referred to the adoption of the new legislative media framework. Still, its implementation will, in fact, demonstrate if any progress has been made in practice.*

## **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.**

In its annual report, the Protector of Citizens<sup>3</sup> emphasises that the freedom of expression in the Republic of Serbia is generally broadly represented through media pluralism and many online social media. However, as regards the safety of journalists, the report mentions that, similar to the previous report, threats, insults, verbal and, in some cases, physical assaults on journalists and media workers were recorded. The report especially emphasises the presence of verbal attacks on journalists and media companies in public space, especially on social media. As mentioned in the report, the Protector of Citizens continues to signal the necessity of dealing with unacceptable online behaviour, in particular protection from social media threats.

In its 2022 Report, the Protector of Citizens pointed out the economic pressure that the journalists were facing, as well as the economic uncertainty of their work caused by low monthly income, uncertain working status and increase in the costs of living, which is opening a possibility of journalists' susceptibility to censorship and self-censorship in their reporting.

In this area, the Protector of Citizens activities were underlined. One of the activities initiated back in 2021 concerned the amendments to the Law on Public Order and Peace to define misdemeanours against persons working as journalists and sanction undesirable behaviour towards other citizens on social media. The Protector of Citizens submitted the proposal to the Standing Working Group for the safety and protection of journalists of the Government of the Republic of Serbia.

The next activity mentioned in the 2022 Report refers to the making of a unique database of attacks and pressures on journalists established in May 2020 in the scope of the Agreement on establishing a Platform for recording cases of security threats and pressure on journalists and other media actors, launched by the Protector of Citizens and seven other media associations and organisations and three trade unions of journalists. It mentioned that the technical design of this platform was completed in 2021 and that the data delivered by the Journalists' Association of Serbia on threats and attacks on journalists had been entered, but, on the other hand, the report mentioned that Independent Journalists' Association of Serbia did not deliver its data on pressures and attacks on journalists and media workers. The report emphasised that the goal was to create a unique platform that would enable quicker and more efficient responses of the Protection of Citizens to the actions of competent authorities in the cases of violation of media freedom and freedom of expression. At the same time, the data analyses could improve the normative framework initiated by the Protector of Citizens, whose report mentions that the database is still not functional nor available to the public.

<sup>3</sup> Protector of Citizens, "Regular Annual Report of the Protector of Citizens for 2022", pp. 17 and 18 <https://www.ombudsman.rs/attachments/article/7685/Redovan%20GI%20za%202022.%20god.pdf>

As the several latest reports of the Protector of Citizens point out that journalists are exposed to attacks, threats and various types of pressure, we can conclude that this **impact indicator has not been achieved**, in particular taking into consideration that the situation has not significantly changed despite various activities of the Protector of Citizens mentioned in the report. Data on pressures and attacks on journalists by the Independent Journalists' Association of Serbia are publicly available and could be entered into the database, which the Protector of Citizens failed to do. Moreover, this cannot be a reason preventing the Protector of Citizen to continue monitoring the situation and cases regarding the safety of journalists and to undertake measures under its competence more quickly and efficiently since that was one of the goals of establishing this database.

### **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 previous year, the Supreme Public Prosecutor Office (SPPO) actively participated in the work of the Standing Working Group for the Safety of Journalists by participating in meetings, engaging in electronic correspondence and exchange of information, delivering records on attacks on journalists and media workers and statistical data, regularly updated and delivered it to the journalists' and media associations.

In December 2020, the SPPO adopted a mandatory instruction regulating in detail urgent actions of the prosecutor's offices and contact points in the cases of attacks on journalists and also increased the number of contact points in the prosecutors' offices to 115. The prosecutor's offices, i.e. the contact points, to a great extent, respect the instruction in the first initial phase when the case is reported and summon the injured parties, but in some cases, they do not act in such a manner. Moreover, later stages of the proceedings remain a problem due to their length and the fact that not enough cases are resolved with conviction.

Although there are some good example cases of the work of competent institutions and SWG<sup>4</sup>, there are some cases for which we think the competent authorities failed to undertake all necessary measures, such as the case of the members of the citizens' group "People's Headquarters" (in Serbian: *Narodni štab*) breaking into the TV N1 private property<sup>5</sup>. The police were notified of this case, and the plainclothes police officers were present at the location of the incident but failed to react. It is worrying that the institutions in the framework of the SWG were passive regarding this case. The SPPO representatives did not take part in the SWG meeting since they believed it was premature as, in their estimation, the existence of the criminal offence was still not established for the situation concerned. The Ministry of Interior (MoI) representatives were present at the meeting, but it was underlined that the police did not react since they assessed that public peace and order were not at risk. The institutions' failure to react in this case was indicated by the European Commission in the Progress Report<sup>6</sup>.

According to the latest data received from the SPPO, by the end of 2023, 75 cases were established in the prosecutor's offices for the offences against persons carrying out tasks of public importance in the area of public information, and out of this number, 9 cases ended with a conviction, while 14 cases ended with either decision on the dismissal of a criminal complaint or with an official note that there were no grounds for initiating criminal proceedings. In five cases, the proceedings are pending before the court under the charging document of the public prosecutor, while 47 cases are pending before the prosecutor's office, and out of that, in 6 cases, the potential perpetrator was not identified. Unlike 2023, in 2022, 84 cases were established, out of which in 31 cases, the decision was adopted to either dismiss the criminal complaint or make an official note that there were no grounds to initiate criminal proceedings, and 7 cases ended with conviction while 2 cases ended with acquittal. In one case, the court

<sup>4</sup> Activity Report of the Standing Working Group for Safety of Journalists for 2022, pp. 8 - 10. <https://www.osce.org/files/f/documents/f/b/545776.pdf>

<sup>5</sup> See the link: <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1345>

<sup>6</sup> European Commission, "Republic of Serbia, Report for 2023", Brussels, p. 46.



decided to dismiss the prosecutor's office charging document, and 5 cases are pending before the court under the prosecutor's office charging document. Another 38 cases are pending before the prosecutor's office, and of that, in one case, the international legal aid provision is ongoing, while 9 cases belong to the records of the unknown perpetrators. As far as 2021, in total, 87 cases were recorded, and 33 ended with either dismissal of a criminal complaint or an official note of no grounds for initiating the proceedings, 10 with conviction, and in one case, the opportunity principle was applied, and 3 ended with an acquittal. Two cases are pending before the court, while out of the remaining 38 cases pending before the prosecutor's office, 17 cases belong to the records of the unknown perpetrators.

If we look at the entire statistics of the SPPO since 2016, in 60.73% of the cases, the existence of probable cause was established for some criminal offence against the journalist's safety committed, out of it, for 26.81% of the cases, some type of criminal sanction was pronounced or criminal prosecution was transferred to another country, while in 5.68% of the cases, the court rejected or dismissed the charging document or acquitted the accused. For 38.17% of the cases, some of the following actions are pending – evidence gathering procedure, investigation, procedure of international legal aid or main hearing before the competent court, while almost 29.34% of the cases are found in the records of the unknown perpetrators.

Some research<sup>7</sup> demonstrates an increased number of cases resolved by a court decision (judgment) and a reduced number of cases resolved under the prosecutor's office decision (dismissal of the criminal complaint). However, the same research indicates a certain duration of the court proceedings because the majority of those cases happened in earlier years. Moreover, cases resolved by the dismissal of the criminal complaint due to the principle of opportunity could take years, so the research indicates that we cannot say they are efficient.

Moreover, despite the increased number of cases resolved under the court decision, we still notice a large number of reported cases, which indicates that cases do not have a deterrent effect on the future perpetrators, and apart from the punishment for perpetrators, do not fulfil their preventive role. It is worrying that journalists continue to be targets at large gatherings and protests, while it is especially worrying that those attacks are coming from the police, who should protect them and enable their undisturbed work<sup>8</sup>. We would like to recall that after previous attacks of the police officers on journalists during the demonstrations in July 2020, no person was held accountable, and the Internal Control Sector in the police did not solve a single case. The latest events of December 2023, during the protests of the part of the opposition and students after the parliamentary and local elections, resulted in the double-digit number of registered physical assaults again that NUNS recorded in 2023 (In 2022, NUNS recorded 9 and 12 physical assaults in 2023).

*Apart from the actions undertaken by the prosecutor's office and the active participation of the prosecutor's office representatives in the working group, the prosecution of the perpetrators is still not at a satisfying level, the proceedings take too long, and there are many cases with unknown perpetrators, and few cases are resolved at court with pronounced sentences. Due to all the above-mentioned, we can conclude that the **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.**

<sup>7</sup> Slavko Ćuruvija Foundation, "Is there justice for freedom of expression?", Belgrade, 2023, p. 65. <https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2023/11/lma-li-pravde-za-slobodu-izrazavanja-Treci-izvestaj-o-zastiti-slobode-izrazavanja-u-pravosudnom-sistemu-Srbije.pdf>

<sup>8</sup> NUNS, Coalition of Media Freedom and Safejournalists network: Police should not attack journalists, but ensure their safe work, Belgrade, 2023. <https://nuns.rs/koalicija-za-slobodu-medija-i-safejournalists-mre-za-policija-da-ne-napada-novinare-vec-da-im-omoguci-bezbedan-rad/>

There are no developments in the cases of murders of journalists, however, there has been a significant turn in some cases. Despite the first-instance judgment being adopted for the second time in the case of the murder of Slavko Ćuruvija when former officials and operatives of the State Security Service Radomir Marković, Milan Radonjić, Miroslav Kurak and Ratko Romić were again sentenced to in total 100 years of prison, the Court of Appeal nevertheless overturned the first-instance decision by acquitting the defendants of the charges. The court only announced the decision on 2 February 2024, but the decision was adopted back in April last year, so this case of the journalist's murder remained unpunished before the court.

In the cases of murder of Radislava Dada Vujasinović and Milan Pantić there were no developments in the previous year, and the cases are still in the pre-investigation phase.

*Due to the fact that in these two cases, the investigation was not officially launched and that they are still in the pre-investigation phase, while the only case that was brought to court was ruled with an acquittal, 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.**

International organisations working on freedom of expression and media freedom did not have good ratings regarding the status of these freedoms in Serbia. According to the Reporters without Borders Media Freedom Index, Serbia recorded a drop in its score for 2023. After certain progress Serbia made in 2022, in 2023, Serbia's ranking again dropped from 79<sup>th</sup> to 91<sup>st</sup> position.<sup>9</sup> The report mentions, similar to the previous year, that besides the efforts to improve the security of journalists and fight impunity (two working groups and the introduction of an SOS line for media), Serbian journalists do not feel protected. Many serious attacks on journalists remain unresolved, such as the murder of Slavko Ćuruvija. Moreover, it mentioned that journalists were exposed to political attacks instigated by members of the ruling elite and that despite some advanced laws and constitutional guarantees, the journalists often worked in a restrictive environment.

According to the most recent report of the Freedom House, Serbia is still in the group of "partly free" countries, with Index 2 in part referring to the free and independent media.<sup>10</sup> The report mentions that independent investigative groups have been increasingly subjected to harassment, intimidation, and violence by authorities and pro-government groups and that, in general, journalists have faced physical attacks, smear campaigns, and punitive tax inspections.

According to the Monitoring of Media Pluralism in the Digital Era report<sup>11</sup>, Serbia was assessed with a middle risk score as regards the area of fundamental protection. The report mentions that journalists working conditions are hard and they are often targeted by physical and more frequent online attacks and pressures. It is underlined that the atmosphere of uncertainty is encouraged by the public officials' targeting of the critical media and journalists. Another problem is that journalists are more often targeted by SLAPP lawsuits, primarily the investigative media reporting critically on the work of public officials, businessmen, crime and other matters of public interest, while pro-government tabloids continue with smear campaigns of all critically oriented media.

The Western Balkans' Journalists' Safety Index<sup>12</sup> developed by the regional network "SafeJournalists" indicated that the situation is similar to last year. Of the seven countries included in the research, Serbia is among the lowest-rated countries, where only Bosnia and

<sup>9</sup> Reporters without Borders website: <https://rsf.org/en/country/serbia>

<sup>10</sup> Freedom House website: <https://freedomhouse.org/country/serbia/freedom-world/2022>

<sup>11</sup> Centre for Media Pluralism and Media Freedom, Monitoring Media Pluralism in Digital Era, 2023, p. 8. [https://cadmus.eui.eu/bitstream/handle/1814/75736/serbia\\_results\\_mpm\\_2023\\_serbian\\_cmpf.pdf?sequence=3&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/75736/serbia_results_mpm_2023_serbian_cmpf.pdf?sequence=3&isAllowed=y)

<sup>12</sup> SafeJournalists network, "Western Balkans' Journalists' Safety Index, Report for Serbia for 2022", Belgrade, 2023. [https://nuns.rs/media/2023/11/1700937969634\\_SRB-SRB.pdf](https://nuns.rs/media/2023/11/1700937969634_SRB-SRB.pdf)

Herzegovina and Albania's situation is worse. The total safety index for 2022 in Serbia was 2.89, which has dropped slightly compared to the previous year when it was 2.91. The Index contains four indicators: legal and organisational environment, due prevention, due process and actual safety. The situation is the worst when it comes to actual safety, though it is mentioned that the number of threats and attacks on journalists is slightly decreasing, however, the severity of individual incidents is more serious compared to previous periods because journalists receive carefully conceived threats, and the competent authorities are facing unsolvable problems when it comes to online threats.

In the Report Indicators on the Level of Media Freedom and Journalists' Safety in 2022<sup>13</sup>, it is mentioned that Serbia has several protocols and documents to be applied when it comes to attacks on journalists, that investigations of the events against journalists are initiated urgently and quickly, however, the investigations in public prosecutor's offices, depending on the case, get significantly stalled in following phases. It emphasises that although the number of solved cases has increased, most cases do not get to the court. It is mentioned that the representatives of the government only react in some cases. However, it is they who often initiate harsh attacks.

*Taking into consideration the mentioned reports, as well as drops recorded in some indices regarding the safety of journalists and media freedom, we believe that this **impact indicator has not been achieved**. Apart from somewhat improved statistics of the prosecutors' offices, journalists are still exposed to a large number of threats and attacks, intimidation, they are subjected to targeting, primarily by public officials. In addition to mechanisms that are at journalists' disposal, they do not feel safer, and their working environment continues to be adverse, while continual smear campaigns and targeting additionally impact their feelings of insecurity.*

#### **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:* Supreme 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.**

Similar to the previous year, the Implementation Report mentions the activities of the Working subgroup for the analysis of the Criminal Code of the Republic of Serbia that was established in accordance with the Agreement on Cooperation and Measures for Raising the Level of Safety of Journalists<sup>14</sup>. Under this Agreement, in addition to the Standing Working Group for Safety of Journalists, two subgroups were formed – the mentioned Working Group for the analysis of the Criminal Code (CC) and the subgroup for the level of openness of the institutions. The Working

<sup>13</sup> Independent Journalists' Association of Serbia, "Indicators on the Level of Media Freedom and Journalists' Safety 2022 – Serbia", Belgrade, 2023, p. 37. <https://nuns.rs/media/2023/07/SRB-SRB-2022-3.pdf>

<sup>14</sup> Agreement on Cooperation and Measures for Raising the Level of Safety of Journalists: <http://www.rjt.gov.rs/sr/bezbednost-novinara>

Group for the CC analysis included the representatives of all parties to the agreement, and the report mentions that this group analysed articles of the Criminal Code and established 35 criminal offences that could be committed against journalists in connection with the work they perform. On that basis, the Working Group made a conclusion that the members of the Standing Working Group adopted. Based on that conclusion, in December 2020, the Supreme Public Prosecutor's Office adopted a mandatory instruction that, in addition to others, mentioned those 35 criminal offences that could be committed against journalists, to which the prosecutors should pay close attention in cases of offences against journalists for the purpose of achieving legality, effectiveness and uniformity in their actions. The report mentions that signatory parties will subsequently deliver potentially justified proposals for amending the Criminal Code but that by the time of writing of the latest Implementation Report, no proposal was made.

In the previous year, there were few activities in connection with the CC amendments concerning the safety of journalists. In the framework of a working group for the protection and safety of journalists that was founded after the adoption of the Media Strategy, some associations demanded urgent amendments to the Criminal Code in part related to the protection of journalists. For these purposes, the OSCE hired the criminal law professor Zoran Stojanović, who gave an opinion on the amendments to the CC. The amendment proposals were drawn up, and the Ministry of Justice launched a public consultation at the end of 2021. During the public consultation, the amendment proposals were largely criticised by journalists, legal experts and civil society representatives. After that, it was decided to give up on urgent amendments for the moment and make the amendments pertaining to journalists' protection in the scope of the regular procedure of the CC amendment that is still ongoing<sup>15</sup>. In 2023, the OSCE hired criminal law professor Ivan Vuković to draw up an opinion on the possibilities of amending the Criminal Code for the SWG that would enable more comprehensive legal protection of journalists and other media workers and its content will be known next year<sup>16</sup>. The opinions vary; some say that the CC amendments should continue, while some believe that no changes will improve the situation, whilst the practice should change, and that competent authorities' actions should be more efficient. The consultative meeting was organised down this way with the representatives of the Supreme Court in October 2023 when the representatives of the SWG drew attention to particular challenges in court practice pertaining to the interpretation of a threat in the criminal offence of the endangerment of safety.

***NUNS assessment: Activity has been fully implemented.***

As in the previous year, we have to take note that in regard to the established result indicators, we can conclude that this activity has been fully implemented, taking into consideration the activities of the subgroup for the Criminal Code analysis and the opinions and proposals for amendments to the Criminal Code. However, we underline that this problem needs to be more broadly observed and include members of the broader interested public, journalists, civil society representatives, legal professionals and others in this debate. It should be reviewed whether it is necessary to continue with the CC amendments or to continue conversations on the changes and improvement of the court practice and broader consideration of the application and interpretation of the existing criminal offences. The potential amendments, without proper application, will not contribute to improving the situation. It is definitely necessary to work on prevention and more efficient procedural actions of the competent authorities in specific cases. We emphasise that it is necessary to create a more favourable environment for journalists' work and change the public officials' negative rhetoric towards journalists. With regard to all the above mentioned, we propose to amend this indicator since it was already said that new activities are underway as regards the amendments to the Criminal Code and that only one group has the competence to work on that.

<sup>15</sup> Independent Journalists' Association of Serbia, Freedom of Expression and Media Pluralism 2021/2022, Belgrade, 2022, <https://nuns.rs/media/2022/11/SLOBODA-IZRAZAVANJA.pdf>

<sup>16</sup> Report of the Standing Working Group for Safety of Journalists for 2023

**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 in connection with the murders of journalists was established in 2013 by the Government of the Republic of Serbia, and its competence was extended in 2018 to the cases of murder and disappearance of the journalists in Kosovo and Metohija in the period from 1998 until 2001 and the murders of journalists in the SFRY conflicts in the period from 1991 until 1995.

The Implementation Report mentions that at the session held in May 2023, the Government of the Republic of Serbia adopted the Decision amending the Decision on the establishment of the Commission for reviewing the facts that came to light in the investigations conducted in connection with the murders of journalists. It also mentions that in the case of the trial for the murder of Slavko Ćuruvija, the final judgment of the Court of Appeal in Belgrade has been expected after two first-instance judgements with sentences of 100 years of prison. As regards the case of the murder of the journalist Milan Pantić, it is mentioned that the Public Prosecutor's Office for Organised Crime is still reviewing the request of the Commission for the investigation of the murder of journalists to overtake the investigation in this case and that Commission cannot work on this case without involvement of the Public Prosecutor's Office for Organised Crime. As regards the case of Radislava Dada Vujasinović's death, it is mentioned that the case is open, and there have been no developments after the superior forensic evaluation carried out by the Dutch Forensic Institute<sup>17</sup>.

Since the report only says that the Government adopted a decision on the changes in the composition of the Commission, we received the information on the election of new members of the Commission from Veran Matić, the Commission president. According to the information supplied by Matić, three new members of the Ministry of Interior were elected, and he only received the information after he had sent the question. The Commission continues to submit reports to the Ministry of Justice every six months, which are not available to the public. In 2023, the Commission held one meeting.

There is no particular progress when it comes to the cases of the journalists' murders. In 2017, the Commission demanded the Prosecutor's Office for Organised Crime (POOC) take over the case of the murder of Milan Pantić, however, on 9 November, the POOC returned the case files to the Higher Public Prosecutor's Office in Jagodina for further prosecution with the explanation that there were no legal grounds for establishing the jurisdiction of this prosecutor's office.<sup>18</sup>

<sup>17</sup> The Dutch Forensic Institute established that there was not enough remaining evidence for the forensic evaluation, and on the basis of the existing material, it was established that only three options were possible: murder, suicide and accidental shot.

<sup>18</sup> UNS, UNS learns: Prosecutor's Office for Organised Crime will not conduct the investigation for the murder of Milan Pantić, 1 February 2024. <https://www.uns.org.rs/desk/UNS-news/155309/uns-saznaje-tuzilastvo-za-organizovani-kriminal-nece-voditi-istragu-ubistva-milana-pantica.html>

As mentioned in the Implementation Report, there are activities in the case of the murder of Slavko Ćuruvija when the Court of Appeal reopened the hearing in March 2023 and closed the public part of the hearing. On 2 February 2024, the Court of Appeal announced the second-instance judgement it adopted in April last year, acquitting the defendants in the case of the murder of journalist Slavko Ćuruvija. Due to the lack of direct and circumstantial evidence that would reliably prove that the defendants Marković, Radonjić, Kurak and Romić were the perpetrators of this criminal offence, the court found that the charges had not been proven beyond doubt, and by adopting the appeal by the defence and partially adopting the appeal of the prosecution, it overturned the first-instance verdict by acquitting the defendants of the charges.<sup>19</sup> The only murder of a journalist in Serbia that was brought to court remained unpunished by this judgment.

There is no progress in the other two cases, which are still in the pre-investigation phase.

***NUNS assessment: Activity has not been implemented.***

This assessment is primarily given with regard to the fact that the competent authorities should regularly monitor the recommendations of the Commission through investigations and criminal prosecution, which they failed to do. The activity is implemented only as regards the reporting. However, the monitoring of the recommendations is not implemented, which is a more important aspect of this activity. Moreover, the work of this Commission is not sufficiently transparent, and this is definitely a topic of public interest. Even the information on who this Commission's new members are is unavailable.

**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: Supreme 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.***

In the Implementation Report, it is mentioned that the appellate public prosecutor's offices shall deliver monthly reports from the public prosecutor's offices for the designated territory on the course of action in the cases of offences against journalists' safety to the Supreme Public Prosecutor's Office, updated on a monthly level and that the SPPO will draw up the report on the procedural actions of the public prosecutor's offices. It is mentioned that based on the report, in cooperation with the OSCE Mission to Serbia, the quarterly newsletter is being drawn up on the procedural actions of the public prosecutor's offices in the cases of offences against journalists' safety.

Special records of the criminal offences against persons carrying out tasks of public importance in the area of public information have been kept since 2016, primarily foreseen by the

<sup>19</sup> The Court of Appeal in Belgrade website: <http://www.bg.ap.sud.rs/cr/articles/sluzba-za-odnose-sa-javnoscu/aktuelni-predmeti/organizovani-kriminal-ok-donete-odluke/>

mandatory instruction from 2015 and regulated in more detail by the instruction from 2020. In accordance with the instruction, in each public prosecutor's office, the deputy prosecutor designated as a contact person manages the records, while the public prosecutor is responsible for the accuracy of the records data. These records should include data on the individual as an injured party, the media they work for, criminal offence, time and place of the committed offence, actions undertaken and public prosecutor's office and court decisions. The appellate public prosecutor's offices submit aggregated monthly reports on the procedural actions taken in these cases no later than the 7<sup>th</sup> day of a month for the previous month to the Supreme Public Prosecutor's Office.

In the previous year, the Supreme Public Prosecutor's Office delivered records on a monthly level, i.e. tables with cases and statistical data to the media and journalists' associations members of the Standing Working Group for Safety of Journalists. Records and statistical data are regularly updated.

The 2015 Instruction contained one obligation that was left out of the 2020 Instruction, and that is the obligation to keep records of the attacks on media websites. The Special Prosecutor's Office for High-tech Crime does not keep separate records of the attacks on media websites, which has not changed in the previous reporting period, although the Action plan for Chapter 23 provided for that as one of the result indicators.

The same instructions stipulate urgent actions in the cases of offences against journalists. In the 2020 Instruction, the urgent action is specified in more detail, and it provides that within 24 hours from the reception of the report or notice, the prosecutor's office must establish a case and assign it to the case manager. Then, the actions in accordance with the law will commence within 48 hours, which includes summoning the injured party to the prosecutor's office to provide additional information on the case. Also, MoI adopted the instruction that provides for urgent actions of the police officers when a journalist approaches the police who should immediately notify the prosecutor in charge concerning consultations, qualifications of criminal offence or misdemeanour, and it also prescribes implementation of further measures and actions from the scope of the ministry's work. MoI keeps records of the attacks on journalists, but that is not a public database, and MoI did not reply to NUNS' request for information of public importance to deliver the data from the database.

***NUNS assessment: Activity has been partially implemented.***

As in previous years, regarding the established result indicators, we conclude that in addition to the separate records of the attacks on journalists being kept and regularly updated, as well as the fact that urgent actions are provided for in those cases, we believe that this activity has been partially implemented due to the fact that the prosecutor's office does not keep separate records as regards the attacks on media websites, which is provided as an impact indicator for this activity and was provided for in the 2016 Instruction.

**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: Supreme 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 Implementation Report mentions that the activity has been continually implemented and that the mechanism for communication and coordination of the work of the public prosecutor's officer and the police is being activated for the urgent undertaking of the appropriate and timely actions and measures for criminal prosecution of the perpetrators of the criminal offence against the safety of journalists.

In addition to the agreement that the Supreme Public Prosecutor's Office and Ministry of Interior signed with the journalists and media associations, these two authorities signed the Cooperation Agreement, too. In the scope of that agreement, it has been provided that these institutions, through their internal acts, should ensure urgent actions in the cases of criminal offences against persons carrying out tasks of public importance in the area of public information in connection with the work they perform. Urgent action is provided under the SPPO mandatory instruction, as mentioned in the previous activity. These two institutions communicate in their daily work in accordance with the law. There is no analysis to demonstrate the efficiency of their cooperation as regards the cases of attacks against journalists, however, as we monitor some cases based on the records and additional information, we can witness frequent interventions that the prosecutor's offices sent to the police, which definitely does not contribute to the efficiency and urgent resolution of the cases.

Meetings of the Standing Working Group for the Safety of Journalists are held regularly four times a year, and where appropriate, extraordinary meetings for specific cases are also held. In 2023, four regular meetings and two extraordinary meetings of the Standing Working Group were held.

The first extraordinary meeting was held after the news came out that a journalist Marko Vidojković was relocated from Serbia with help of the international organisations because of the threats and pressure he was exposed to, not on the basis of his safety assessment by competent institutions but due to a large number of threats he was exposed to and due to his subjective feeling of being threatened. His colleague Nenad Kulačin was also exposed to many threats but remained in the country for private reasons. Despite numerous disagreements on this case between representatives of journalists' and media associations, on the one hand, and representatives of the institutions, on the other hand, the Ministry of Interior ordered a safety assessment for Vidojković and Kulačin, and after that, it established that in the period prior to relocation, there had been no changes as regards the risk and endangerment of their safety. The second meeting was held in May after the members of the movement "People's Headquarters" (in Serbian: *Narodni štab*) had broken into the private property of TV N1. On this occasion, the competent institutions demonstrated inappropriate reactions by the opinion of journalists' and media associations. After this media outlet and associations had sent numerous reports and complaints, the police failed to react, although plainclothes police officers were present at the event. The extraordinary meeting of the SWG was held after this event, upon the initiative of journalists' and media associations. However, the representative of the Supreme Public Prosecutor's Office did not attend this meeting as he believed it was premature because



the assessment of the criminal offence being perpetrated was still not given. On the other hand, the police issued a statement and mentioned that on that occasion, the public peace and order were not disturbed, therefore, the police abstained from reaction although it concerned the private property and journalists were prevented from normally performing their job<sup>20</sup>.

After this meeting, the Standing Working Group appealed to the organisers and participants of public gatherings to enable journalists and media workers with undisturbed and safe work. It has been emphasised that the police officers in uniforms and plain clothes were in charge of ensuring safe work for journalists and media workers, provide them with the necessary information and cooperate so the journalists' and their crews' movement would be undisturbed and that journalists are obliged to comply with police instructions if unexpected events occur<sup>21</sup>. All police officers were notified of that.

In 2023, representatives of journalists' and media associations held several meetings with the prosecutor's office and the police contact points at the local level and journalists from those cities were also present.<sup>22</sup> Meetings were held in Niš, Novi Sad, Pančevo, Novi Pazar and Čačak. The discussion at the meetings referred to the established mechanism of contact points and the work of the Standing Working Group, positive results of this group's work but also shortcomings. Also, the discussion concerned the situation at the local level, journalists' experience, and also the experience of the members of the police and prosecutor's offices as regards the attacks and threats, including individual cases, for the purpose of exchanging experience and improving the work of the entire mechanism.

The contact points were established in the police administrations and prosecutors' offices, and their number grew over time (now the prosecutors' offices have 115 and the police 100 contact points). The system of reporting to contact points works well in the majority of cases, and the prosecutor's offices, in the majority of cases, undertake first urgent actions after the complaint is submitted; they issue orders to the police that undertake further measures in line with the adopted instructions. However, in some occasional cases journalists still notify the journalists' associations when the contact points do not know their exact responsibilities and when the injured parties do not get summoned within the deadlines provided for under the mandatory instruction.

Although the prosecutor's office obviously undertakes more actions, and despite mild increase of cases resolved by the court decision and reduction of cases resolved under the prosecutor's decision, we still have a consistently high number of reported cases, huge backlog, as well as a large number of cases with unidentified perpetrators and many rejections of criminal complaints (statistical data on the cases from the most recent SPPO records are given in the interim benchmarks 3.3.1 in Indicator 4). Although, in some cases, the prosecutor's office and the police autonomously initiate proceedings, this is still a small number. Most cases are instigated because either injured parties, newsrooms or associations report them.

As regards the competent institution's actions, it is particularly worrying that during the most recent events, journalists were targeted by the police. Namely, during the protests held on 24 December in Belgrade, organised by the coalition "Serbia Against Violence", several journalists and media workers, when performing their job and reporting from the protest, were targeted by police officers despite them wearing conspicuous press signs and carrying equipment. This is not the first case of attack on journalists by the police officers on such events, however, the competent authorities failed to demonstrate efficiency in solving such cases, and by this day, none of the cases of attacks by police officers from July 2020 have been resolved.<sup>23</sup>

<sup>20</sup> Activity Report of the Standing Working Group for Journalists Safety for 2023, p. 20.

<sup>21</sup> Standing Working Group for Journalists Safety request: Enable undisturbed work on covering public gatherings <https://nuns.rs/apel-grupe-za-bezbednost-novinara-omoguciti-nesmetan-rad-na-javnim-okupljanjima/>

<sup>22</sup> The project is implemented by the Independent Association of Electronic Media (ANEM).

<sup>23</sup> NUNS, Coalition for Media Freedom and Safe Journalists network: Police should not attack journalists but ensure their safe work, Belgrade, 2023. <https://nuns.rs/koalicija-za-slobodu-medija-i-safejournalists-mreza-policija-da-ne-napada-novinare-vec-da-im-omoguci-bezbedan-rad/>

***NUNS assessment: Activity has been partially implemented.***

Having regard to the established impact indicators, and regardless of the increased number of actions undertaken by the competent institutions, as well as the activities within the Standing Working Group that contribute to the implementation of this activity, we cannot yet agree that this activity has been successfully implemented taking into consideration the insufficient level of efficiency, mentioned shortcomings, the remaining high number of attacks and threats that journalists and other media workers are exposed to, with enduring huge backlog and many cases of unknown perpetrators.

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

***In charge of the activity: Supreme 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.***

The Implementation Report mentions the meetings held by the Standing Working Group in the reporting period and the supply of records to the journalists and media associations by the Supreme Public Prosecutor's Office.

In December 2016, the Agreement on Cooperation and Measures for Raising the Level of Safety of Journalists was signed between the Supreme Public Prosecutor's Office, the Ministry of Interior and seven journalists and media associations.<sup>24</sup> The primary aim of the agreement is to ensure higher protection of journalists under criminal law. In the scope of the agreement, the Standing Working Group for Safety was organised consisting of the representatives of all signatory parties.

As already emphasised in the previous activity, the Standing Working Group holds regular and extraordinary meetings (in 2023, four regular and two extraordinary meetings were held). After the meeting, the minutes are drafted and adopted. Moreover, in 2023, six meetings were held at the local level in the presence of representatives of journalists' and media associations that are part of the Standing Working Group and local contact points from the police and prosecutor's office and journalists.

Since the beginning of its work, the Standing Working Group has made three activity reports, the first covering the period 2017–2021, while the second was written for 2022 and the third for 2023. All reports are publicly available. The reports include all activities that the Standing Working Group has undertaken in the reporting period, the overview of the prosecutor's office and journalists' associations' records and reference to the situation regarding journalists' safety and specific case studies.

The Standing Working Group has made three Action Plans so far that have been implemented with the OSCE's assistance in its capacity of an observer of the group's work, and the most

<sup>24</sup> Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Journalists' Association of Vojvodina, Media Association, Association of Online Media and Association of Independent Electronic Media. In the meantime, Journalists' Association of Vojvodina ceased to exist, so representatives of 6 journalists' and media associations remained in the Standing Working Group.

recent one was written for the period 2023–2025. Moreover, since 2023, the Standing Working Group has published a bulletin with an overview of the group's activities for a specific period, and so far, three issues have been published.

In the previous period, certain shortcomings were observed in the work of the Standing Working Group as regards the actions of the competent authorities,<sup>25</sup> but also, the joint work of this group and providing support for the local institutions contributed to the resolution of some cases.<sup>26</sup> However, certain lack of understanding has been seen in the scope of the SWG and inappropriate actions by the competent authorities, including the attacks on journalists by the police officers when they were covering protests mentioned in the previous activity.<sup>27</sup>

***NUNS assessment: Activity has been successfully implemented.***

Taking into consideration the established result indicators, we can conclude that this activity has been successfully implemented. However, we must underline that such result indicators definitely do not contribute to the accurate picture as regards the interim benchmark and that the success of the Standing Working Group definitely cannot be evaluated only in regard to these indicators, but one must take into consideration the broader picture and entire situation, as well as certain failures in actions. Therefore, in addition to the work of the Standing Working Group and certain positive things that have been done, representatives of journalists and media associations are still not satisfied with the competent institutions' conduct and efficiency and general situation as regards the safety of journalists.

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

- **use of the established mechanism of cooperation between the public prosecutor's office, police, journalist associations and media associations;**
- **training of journalists and media owners on the possibilities of criminal protection and the basics of information security;**
- **training for members of the prosecution and police in order to better understand the issues and to act more effectively in cases where the security of journalists is compromised.**

***In charge of the activity: Supreme 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;**
- **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;**

<sup>25</sup> In the case of threats via landline phone against Dragojlo Blagojević after the publication of the article "Distribution of raw material from government forests under the veil of mystery" in the professional magazine "Drvotehnika", the data received from the MoI, which has a special department for accessing databases of mobile operators, and data received from the operator did not match, which was indicated in the Standing Working Group. The Sector for Internal Control of MoI delivered the report to the prosecutor's office as regards the suspicion that the key evidence was hidden inside the police in this case so the criminal complaint would get rejected. The Sector for Internal Control notified the prosecutor's office that the crucial phone call was not registered by the MoI competent service due to technical reasons and that they will work on removing them.

<sup>26</sup> The case of threats against OK radio, SWG Activity Report for 2022, pp. 8 and 9.  
<https://www.osce.org/files/f/documents/f/b/545776.pdf>

<sup>27</sup> The cases of failure to act concern the cases of protestants breaking into the TV N1 private property and attacks on journalists and media workers by police officers during the protests held in December after parliamentary and local elections.

- **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.***

The Implementation Report mentions that the cooperation has continued between contact points in the prosecutor's office, the police and journalists' and media associations to report criminal offences, undertaking urgent procedural actions and exchanging information while mentioning the activities at the local level to establish high quality and productive cooperation at the local level between contact points from the police, prosecutor's office and the media, to efficiently build up the system of quick and efficient reactions as regards the endangerment of safety of journalists, but also to create conditions for the efficient prevention.

In addition to the established mechanism in the scope of the Cooperation Agreement between the Supreme Public Prosecutor's Office, Ministry of Interior and relevant journalists' association, in the previous years, another two working groups were established by the Government of the Republic of Serbia and the Protector of Citizens, however, they are not functioning and they failed to contribute to the improved implementation of the legal protection of journalists under the criminal law<sup>28</sup>. Two associations (NUNS and ANEM) established the SOS lines that are available 24 hours a day, 7 days a week, for urgent cases, where journalists can get legal advice or report cases if they get attacked, if they receive threats, and for any reason feel endangered. The work of the Standing Working Group for the Safety of Journalists and the application of the Agreement on cooperation and measures for improving the safety of journalists are analysed through activity reports. A third report in a row has been drawn up this year.

The Action Plan for improving the work of the Standing Working Group provides for regular annual training for contact points from the police and the prosecutor's office on the application of the SPPO mandatory instruction and other topics from the sphere of public information importance. In December 2023, in cooperation with the SWG, the OSCE Mission to Serbia organised a training on the safety of journalists and the role of the law enforcement authorities in cases of criminal offence against media actors, when 27 police officers and 25 prosecutors, contact points from all parts of Serbia, participated in the training.

In the previous period, journalists and media organisations organised some training and meetings between the journalists and contact points in the institutions. NUNS organised five meetings when journalists and local contact points from prosecutor's offices were present (Niš, Kragujevac, Novi Pazar and two meetings in Belgrade). Before that, it organised separate meetings with journalists' and prosecutor's offices' representatives about the problems both experience in the system of protection of journalists. As mentioned, ANEM organised meetings of the Standing Working Group in 6 cities simultaneously when training on journalists' safety was organised. In addition, NDNV organised training regarding safety with the contact points from the prosecutor's office being present (Pančevo, Sombor, Indjija, Dimitrovgrad, Kragujevac and Novi Pazar). Besides these activities, journalists' and media associations constantly communicate with journalists and, at various events and trainings, inform journalists on the established mechanism and its functioning.

<sup>28</sup> Independent Journalists' Association of Serbia, "Analysis: Media Freedom and Journalists Safety in Serbia from the point of view of the existing laws – How to improve them?", Belgrade, 2021, pp. 18 and 19. [https://nuns.rs/media/2021/06/publikacija-SRB\\_final\\_web.pdf](https://nuns.rs/media/2021/06/publikacija-SRB_final_web.pdf)

The previous year, the Ministry of Interior carried out the safety risk assessment for journalists Marko Vidojković and Nenad Kulačin.

One of the indicators of this activity is a regular consideration of the journalists' risk assessment through the work of the Standing Working Group that monitors the implementation of the Agreement. In addition to the official risk assessment by MoI, we believe that in the scope of the Standing Working Group work, there is room to deliberate on the endangerment of some journalists or media. That is provided for under the Rulebook on the work of the Standing Working Group that mentions that the signatory parties can exchange information on cases, discuss current developments, trends, laws, practices, present proposals and undertake other measures to protect journalists, in accordance with the law. Despite such cases in the past, in the previous year, we have established a certain lack of understanding of the competent institutions to take into consideration certain cases that we have mentioned in the previous activities.

***NUNS assessment: Activity has been partially implemented.***

Despite the established mechanism that contributed to the facilitated reporting and exchange of information on the cases, provided urgent prosecution in these cases, as well as a higher number of the activities undertaken by the prosecutor's office, we still cannot say that the situation as regards safety has been improved in general and cannot agree on the assessment that this activity has been successfully implemented. When assessing, in addition to the above-mentioned, we have especially taken into consideration the mentioned shortcomings, in particular by the police, so we believe that this activity has been partially implemented. We still have a large number of cases recorded in the prosecutor's office records at the annual level, and in addition to the mild increase of the convictions, we can see that there is still no deterrent effect on the perpetrators. In 2023, in the NUNS database of attacks and pressures on journalists, the total number of attacks and pressures increased to 184, out of which 46 were verbal threats, 12 physical assaults, three attacks on property and 123 various forms of pressure, while some of them can seriously endanger journalists' safety although the direct threat is not present. Other international organisations that analysed mechanisms for protection of journalists in Serbia, primarily the work of the Standing Working Group, confirm the mentioned challenges in their reports.<sup>29</sup>

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<sup>29</sup> Article 19, Protection of Journalists in Serbia, 2023.  
[https://www.article19.org/wp-content/uploads/2023/11/A19\\_MFRR-Briefing\\_Serbia\\_FINAL.pdf](https://www.article19.org/wp-content/uploads/2023/11/A19_MFRR-Briefing_Serbia_FINAL.pdf)

# 3. INSTITUTIONAL FRAMEWORK FOR THE FUNCTIONING OF THE MEDIA

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

## *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.**

The Annual Progress Report mentions that Serbia continued implementing the Action plan for the application of the Media Strategy, however, the Working Group for monitoring the Action Plan did not meet under the planned dynamics, the Action Plan for the implementation of the Media Strategy expired by the end of 2022, and new action plan is still not adopted. The good sides of the adopted laws are underlined, Law on Electronic Media and Law on Public Information and Media, such as the possibility of strengthening the independence of the Regulatory Authority for Electronic Media (REM), strengthening of the role of the Press Council and enabling the process of allocating public funds for co-financing projects of public importance with better transparency and accessibility, as well as the extension of the ban on the official's campaigning to 30 days during the election campaign. However, the report mentions that the legislative process was not finalised fully in line with the EU acquis and European standards and that the ownership of media by state-owned enterprises was prominent in deliberations.

The report underlines that REM failed to demonstrate its independence in a consistent manner and to exercise its mandate to the full in safeguarding media pluralism and professional standards. It is mentioned that REM allocated four licences with national frequencies to the televisions that it warned due to the violation of the legal obligations in the previous period. REM failed to allocate the fifth licence without credible justification, and the call for fifth licence was announced in August 2022. As regards the mass murders that happened in May that year, REM presented the report on media monitoring for the period from October 2022 to March 2023, reflecting also on the topic of violence in media. The report mentioned that REM concluded that all media outlets, except one, met the provisions set out in the Law on Electronic Media, despite the fact that several TV channels broadcasted content that encourages overt or covert hatred or violence.

It mentioned that the practice continued for the print media, which most strongly violated the Code of Journalists, to receive funds at the competitions for co-financing media

content of public importance, particularly at the local level. Moreover, it mentioned that amendments to the Law on Public Broadcasters should be implemented as provided under the Media Strategy and that public broadcasters need to be reinforced as regards the minority language programmes, in particular Radio Television Serbia. The report mentions that the improved balance of representation of political parties on the public broadcaster during the electoral campaign in the spring of 2022 did not continue to the same extent beyond the election period.

It particularly emphasised that Serbia should implement Media Strategy without further delay, in a transparent, efficient and inclusive manner, respecting the letter and spirit of the objectives of that strategy, and it especially underlined the measures relating to REM's functioning, mandate and independence, as well as strengthening of media pluralism. Moreover, transparent and equitable co-funding for media content should also be ensured and full transparency in media ownership and advertising as well.

*Taking into consideration everything mentioned in the Report, as well as the limited progress as regards the recommendations from the previous reports, delays related to activities and manner of implementing solutions from the Media Strategy and delays in making new Action plans, as well as the general lack of progress in these areas in practice, we can conclude that **this impact indicator has not been achieved**. Besides adopting two media laws and the fact that these laws contain good solutions, they still need to be completely aligned with the Media Strategy and Audio-visual Services Directive. Moreover, we especially took into consideration that one of the results of this benchmark fulfilment should be the full withdrawal of the state ownership of the media, which new laws have completely ignored, and the state ownership of the media has been restored.*

**Impact indicator 2 is described in the previous chapter of this report. Impact indicators 3 and 4 are not relevant to the areas covered in this report.**

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

As mentioned before, the reports of the international organisations do not show progress as regards the freedom of media in Serbia. The Reporters Without Borders index records a drop in 2023. The report mentions that in addition to the advanced laws and constitutional guarantees, the journalists in Serbia work in a restrictive environment, resulting in self-censorship. It mentions that journalists are exposed to political attacks instigated by members of the ruling elite, followed by smear campaigns on national television, and that neither politicians nor institutions, including the Regulatory Authority for Electronic Media, have been willing to remedy the situation. It emphasises that the majority of media derive their revenue from advertising and opaque public subsidies, while the ruling elite largely controls access to both.

The report of the organisation Freedom House mentions that independent media continue to work in the atmosphere of animosity with common smear campaigns against organisations or individuals by the officials of the ruling parties and pro-government media. The use of SLAPP lawsuits against media and journalists is still worrying, as well as the problem of delay in the implementation of the Media Strategy. The controversial process of allocating licences to televisions with national frequency is emphasised; as the report mentioned, REM allocated four licences to strongly pro-government television stations that often violate regulations and had complaints filed against them for broadcasting hate speech and violence.

According to the report of Media Pluralism Monitoring in the Digital Era it is mentioned that freedom of media is at risk due to various instruments, while the position of journalists in Serbia continues to be unfavourable. It is emphasised that a problem was the lack of adequate and efficient legal protection of media from either direct or indirect control of the political actors, as well as the absence of legal or self-regulatory measures with an aim to ensure the

independence of the editors from the political influence. The independence of the Regulator needs to be strengthened, it says, emphasising the problems in the work of this body and the allocation of four licences for national frequency to televisions that failed to comply with the minimum requirements for the provision of media services since they violated laws and bylaws and the Code of Journalists of Serbia, including the programme papers that had been their basis for previously obtained licences.

The Report Indicators on the Level of Media Freedom and Journalists' Safety in 2022 mentions that freedom of expression is guaranteed under the constitution and laws but that accountability is lacking, while irregularities and abuse remain unpunished. It emphasises that REM does not fulfil its functions independently and favours certain entities, putting them in a more favourable position. Moreover, the distribution of the funds to the media is selective and partially transparent, while a large share of funds is still allocated to the media that violate the Code. It is mentioned that complete independence of the public broadcasters is not achieved. Journalists work in adverse conditions, are exposed to pressure from various sides and are still targeted by SLAPP lawsuits.

*Taking into consideration that reports show no progress, all the problems mentioned, emphasised for several years in a row, starting from the application of the law, REM's work, distribution of funds through project-based co-financing of the media content of public interest, the lack of transparency in the media ownership, various methods of influencing the media editorial policy, as well as other problems media and journalists are facing in their work, we believe that **this impact indicator has not been achieved.***

#### **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, it is mentioned that the Ministry of Information and Telecommunications regularly submits quarterly reports on its work to the National Assembly on the oversight activities of the application of the law by providing opinions on the application of particular provisions of the law. It initiates misdemeanour proceedings in the cases of non-compliance with the legislative norms. The ministry's activities concerning competitions for co-financing of media content of public interest are also mentioned as the ministry announced the call for proposals and carried it out in 2023.

The Ministry of Information and Telecommunications is making reports that are submitted to the National Assembly however these are not available to the public. In addition, the ministry draws up reports on implemented competitions and implemented projects in the scope of the project-based co-financing of media content, however, the most recent report to be found on the ministry website concerns the projects implemented in 2021.<sup>30</sup> At the ministry website, similar to the previous period, we were not able to find publicly available activity reports submitted by the ministry, neither other reports nor information on the application of the media laws and their oversight.

***NUNS assessment: Activity has not been implemented.***

<sup>30</sup> Reports are available at the ministry's website when you click on each separate competition that the ministry announced for 2021: <https://mit.gov.rs/sekcija/767/2>



Although 2023 was prominent with law amendments, this does not change the long-standing fact that the laws themselves, although they can be improved, were not defective, but their implementation was a problem. In this regard, this ministry activity is quite significant, while the activities the ministry mentioned in the Implementation Report are inadequate and insufficient to assume successful implementation of this activity. The reports related to the implementation of the co-financing of the media content projects demonstrate only one segment of the law application, but it is not comprehensive because it only involves the ministry's competitions, and the most recent publicly available report concerned competitions from 2021. Other ministry's activities regarding the application of the law, including analyses and reports, are still not available to the public, so we believe that this activity has still 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 Information and Telecommunications and Government of the Republic of Serbia**

***Timeframe/deadline:* IV quarter of 2020. *Implementation:* Continuing, starting from II 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.**

As mentioned in the Implementation Report, in December 2020, the Government of the Republic of Serbia adopted the Action Plan for application of the Media Strategy for 2020–2022, which expired. Upon the expiration of this Action Plan, in December 2022, the Ministry of Information and Telecommunications formed a new Working Group for developing and monitoring the Action Plan for application of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020–2025 in the period 2023–2025.

The Working Group met seven times during 2023, but the Action Plan for the period 2023–2025 has still not been adopted. Also, deadlines mentioned in the Implementation Report in the scope of this activity (further strengthening of transparency, media ownership, further monitoring of the effects of media privatisation, prevention of media control due to extreme dependence on state advertising, empowering media pluralism, strengthening media literacy and improving self-regulation) have expired, i.e. the reference is made to the deadlines from the expired Action plan for the period 2020–2022 for the implementation of the Media Strategy.

***NUNS assessment:* Activity has been partially implemented.**

With regard to the fact that the previous Action Plan has expired and that the ministry failed to commence working on the Action plan for the period 2023–2025 on time, which resulted in the fact that at the beginning of 2024, there was no Action plan for the mentioned period, we cannot agree that this activity has been successfully implemented but we believe it has only been partially implemented.

The Implementation Report mentions activities concerning amendments to the Law on Public Information and Media and the Law on Electronic Media. It mentions meetings that the OSCE organised in the presence of the Prime Minister, competent minister, Delegation of the EU to Serbia and journalists' and media associations, as well as meetings organised by the Ministry of Information and Telecommunications with the representatives of the journalists' and media association and international partners. The report mentions that the positions on specific provisions of both law drafts were concerted at the meetings. It mentions that particular provisions of the law were discussed at the meetings and that the Working Group adopted certain comments of the journalists' and media associations as regards the Law on Electronic Media. Moreover, it is emphasised that public consultations for both mentioned laws were announced and implemented in that period. In the part referring to the new Action Plan, it is mentioned that in the reporting period, the Working Group for development and monitoring of the Action Plan for application of the Strategy has held two meetings with an aim to finally formulate certain activities.

When comparing what has been mentioned about the result indicators, we cannot conclude that the ministry has implemented this activity because the above-mentioned does not refer to these result indicators. As mentioned before, in December 2022, the Ministry of Information and Telecommunications set up a new Working Group for the development and monitoring of the Action Plan for application of the Strategy. However, new Action Plan has not yet been adopted. Moreover, the Ministry of Information and Telecommunications should submit a report on the implemented activities to the Working group at least once every three months, which was not the case in the previous year.

In 2023, a new Working Group for the development and monitoring of the Action Plan for the application of the Strategy held seven meetings to discuss the new action plan. During 2023, the report was neither presented to the members of the working group nor delivered to them. The ministry claimed that the working group was introduced to the contributions submitted by the holders of the activity as regards their obligations, but that the report was not completed since it needed to mention the activities implemented in 2023 in reference to all activities from the Action Plan. They mention that the Action Plan report for 2024–2025 will be sent to the Government by the end of the first quarter and subsequently made publicly available.

The fact that the activities from the previous Action Plan for implementation of the Media Strategy are late represents a huge problem; however, the even bigger problem is the fact that not all measures and activities from the Media Strategy are being implemented. The work on amendments to both media laws was highlighted by many problems: stalling, amending a draft after the Working groups finished their work and insertions in the draft proposals that were contrary to the Media Strategy. On several occasions – in the course of the work of the Working Group, but also later at the meetings with the representatives of the ministry and government, and during public consultations, the journalists' and media associations participating in the Working Group for amendments to the Law on Public Information and Media underlined that some solutions that ended up in the law were contrary to the Media Strategy. Moreover, after finalisation of the activities of the Working Group that worked on amendments to the Law on Electronic Media, the media and journalists' associations, broader community and other non-governmental organisations pointed out the shortcomings and discrepancies between some solutions and the Media Strategy, the AVMSD and the recommendations of the observation missions as regards the pre-election campaign, doing that through letters, on meetings and during public consultations. After a long and exhausting process, while representatives of the ministry and the Government were against the insertion of some solutions in the laws, which were provided for under Media Strategy, some proposals of the associations were adopted. However, some solutions that are contrary to the Media Strategy still ended up in the laws.

One of the contested provisions of both media laws is the return of the state ownership of the media. From the first proposal of the ministry that anyone, including the state and local self-government, could establish a company that could be a media founder, the provision which ended up in the law says that a media founder could be a legal person, i.e. limited liability company carrying out the activity of electronic communications. The government thus demonstrated its intentions, which it had from the start, to legalise the former violation of the law by Telekom Srbija, a company predominantly owned by the state. Telekom Srbija owns several media outlets through other legal persons it founded, which was not allowed under the 2014 media laws. The long-standing law violation has been thus legalised under new media laws. Such an amendment is directly contrary to the Media Strategy and the goal to contribute to the establishment of a functioning, sustainable and fair media market protected from political influence. The result indicators provided for under the Media Strategy for the implementation of this measure are the reduced state influence in the media market that is made more transparent in order to create equal market conditions for all media, while the number of companies with the state share in the founding rights of the media publishers is reduced to zero (measure 2.3). The government decided to pull back from the media in the 2011 Media Strategy due to the unequal market conditions, lack of transparency in financing, and open political influence. However, now the government acted contrary to its decision and opened the possibility of total state control of the content in such media outlets.

The latest research is particularly worrying because it shows high risk from political actors and control of editorial independence of newsrooms, as well as interference of the politically oriented actors with the work of media. Moreover, regulatory safeguards for preventing the concentration of media ownership have been established, but their implementation remains problematic, while regulations safeguarding the media ownership concentration are assessed to have medium risk<sup>31</sup>. The above-mentioned new legislative solutions could additionally worsen this poor situation and increase the risks.

As one of the activities of the Media Strategy, it has been stipulated to end the process of privatisation of the publishers that are publicly owned in order to establish equal media positions and prevent undue influence on the editorial policy. However, media privatisation was never fully implemented, Radio Television Kragujevac is still not privatised and is owned by the City of Kragujevac, as well as *Narodne novine*, a local outlet from Bačka Palanka. Moreover, the process of state withdrawal from the ownership of the company Politika AD has not yet been completed.

Radio Television Kragujevac privatisation was announced at the end of September, while public consultations on two media laws were ongoing, and the City Assembly of Kragujevac adopted the Decision on the method and model of privatisation of Radio Television Kragujevac. In December, the Interim Authority of the City of Kragujevac underlined that the case regarding privatisation was in the Ministry of Economy, but there was no public call for privatisation on the ministry's website, so we still do not know if they would pursue with the call. In the meantime, in December 2023 the Interim Authority of the City of Kragujevac adopted the decision to invest in the Radio Television Kragujevac equipment that will "contribute to better programme of this media company and its improved quality".<sup>32</sup>

In addition, the new Law on Electronic Media did not include some solutions provided for under the strategy, and it needs to be completely aligned with the Audio-visual Media Services Directive. Moreover, the amendments to the Law on Public Broadcasters are delayed, and the amendment process has yet to start.

On the other hand, journalists' and media associations continue to monitor the implementation of the Media Strategy through working groups by continually underlining the shortcomings

<sup>31</sup> BIRN, Monitoring ownership in media, Serbia, 2023. <https://serbia.mom-gmr.org/en/findings/findings/>

<sup>32</sup> NUNS, Radio Television Kragujevac is buying new equipment, yet is preparing for the privatisation, 29.12.2023. <https://nuns.rs/radio-televizija-kragujevac-kupuje-novu-opremu-a-sprema-se-za-privatizaciju/>

of aligning specific solutions with the strategy, corroborating their opinions through various reports and analyses.<sup>33</sup>

***NUNS assessment: Activity has been partially implemented.***

Taking into consideration all the above-mentioned, first of all, the delay in implementation of the Action Plan for Media Strategy, adoption of certain solutions that are directly contrary to Media Strategy, absence of an efficient mechanism for monitoring indicators provided for in the Action Plan, as well as inadequate reporting by the Ministry of Information and Telecommunications that is not available to the public, we can 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 Information and Telecommunications 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: The activity has been successfully implemented.***

- **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, as regards the scope of the activities referring to the conditions for full functionality, transparency and update of the media registers, the Ministry of Information and Telecommunications mentioned that the Action Plan for implementation of the Media Strategy provided for technical upgrade and search engine of the Media Register and its link with other public registers. The report also mentions that public consultations on the Draft Law on Public Information and Media and the Draft Law on Electronic Media have been completed. After their adoption, software solutions are expected to be developed to connect the mentioned registers. The Business Registers Agency and the Media Register mention certain data that are registered but also mention the obligation of media publishers and public authorities to notify the Media Register of the change of data in the publisher ownership structure and the data on the amount of allocated funds or funds received by the public authority within 15 days from the date of the change.

<sup>33</sup> Coalition for Media Freedom, Media System Development Strategy in Serbia (2020-2025) and its implementation: Findings, opinions and proposals of media workers, Belgrade, 2023. <https://nuns.rs/media/2023/11/Strategija-razvoja-medijskog-sistema-Srbije-i-njena-implementacija-1.pdf>

However, we cannot see from the report whether the results provided for under the Action Plan have been achieved, especially taking into consideration that Media Strategy provides for amendments to the law because the previous legal framework and volume of data recorded in the Media Register did not ensure collection of all information necessary to achieve goals that were the basis for establishing the register. It underlines the necessity of providing mechanisms for monitoring the data update, connection with other registers and facilitating searchability and availability of data.

The new Law on Public Information and Media was amended in the part concerning the Media Register. Some positive novelties have been introduced regarding the content of the Media Register and the special records of the media content producers. A media content producer shall be a legal person or an entrepreneur that, in the scope of their activity, produces content meant to be published in the media, but they are not publishers. They must also be registered with the Republic of Serbia authority in charge of business registers, and the law prescribes the content of the register.

The most important novelties of the Media Register content refer to the specification of data that should be delivered regarding the funds obtained directly or indirectly from the public authorities. The obligation is introduced also to deliver data on the funds obtained from the companies in which public authorities have a significant initial capital share (within the meaning of the law governing the legal status of companies).<sup>34</sup> Moreover, an obligation is introduced to register documents that provide for internal measures and procedures for the achievement of gender equality, protection of editorial policy, for employment of persons with disability and ensuring a safe working environment for journalists and media workers.

The new Law on Public Information and Media introduced the Unique information system for implementing and monitoring co-financed projects in the area of public information for the purpose of unifying all relevant information and improving transparency in the implementation of the entire procedure. The idea behind this is to take over basic information on the media and publisher, as well as the producer of media content from the Media Register, i.e. Records of the media content producers. Moreover, it is provided that the data on the funds mandatory to be recorded in the Media Register and Records that refer to the project-based co-financing shall be taken over from the Unique information system starting from the day it was established. However, the entry into force of the law provisions concerning the Unique Information System has been postponed until 1 January 2025.

***NUNS assessment: Activity has been partially implemented.***

Besides the fact that law amendments were adopted and that proposals of journalists' and media associations were accepted as regards the data to be entered into the register, as well as the introduction of new Records of the media content producers, we believe that it is early to recognise this activity as implemented and that introduced provisions will contribute to efficiency, inclusiveness and transparency of the register. Activities of the Business Registers Agency that are mentioned in the Implementation Report are the activities that have been implemented so far. The improvement of the Register functioning has not been achieved, so we believe this activity has been partially implemented.

In the part referring to the efficient monitoring of the functioning of the Media Register, the Ministry of Information and Telecommunications mentions in the Implementation Report that it regularly monitors the work of Register through the electronic inspection of the registered

<sup>34</sup> Article 47, paragraph 1, item 9: donations, gifts, sponsorship, market research services and economic survey, services of public opinion polls, campaigning services, marketing and advertising, promotion services, media services based on the application of regulations in the public procurement domain, as well as other services provided for by the media, the counter value in RSD of the media buying service that the public authority provides for media publisher, calculated in line with the tax regulations, public advertising and public announcements, as well as any other funding for the media publishers given by these persons.

data and by giving instructions to media services providers who are not sure about undertaking certain actions in the procedure of the registration of data prescribed by law. On the other hand, the Business Registers Agency mentions that the Media Register, under the request of ministry, can create reports, using data prescribed by law for the registration, and that Media Register does contain data on the number of media outlets rejected when applying for the competition, where rejection was a consequence of not being entered in the Register.

As mentioned in the Implementation Report, the situation has not changed compared to the previous period, so we can see that the monitoring of the functioning has not changed. As previous year, the ministry continued with the same activities regarding the monitoring of the Register's functioning. Annual activity reports of the Media Register are not published, and the implemented activities are not sufficient to improve efficient monitoring of the Register's functioning. The ministry may demand from the Business Registers Agency the above-mentioned reports, but it has not done so; however, as they claimed in the ministry, they received separate data from the Media Register when they demanded them. In 2023, 6 projects failed to meet the requirements for participation in the competition because their data were not entered in the Media Register in accordance with the Law on Public Information and Media, and on that occasion, the ministry adopted a decision on rejection of projects.<sup>35</sup>

***NUNS assessment: Activity has been partially implemented.***

Since the mentioned activities do not ensure efficient monitoring of the Media register functioning, and since the ministry and the Agency do not publish annual reports pertaining to this measure, we cannot agree that this activity has been successfully implemented, but we must conclude that it 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 Information and Telecommunications, Provincial Secretariat for Culture and Information and local self-government units.**

***Timeframe/deadline: Continuously***

***Result indicators:***

- **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.***

In the Implementation Report, the Ministry of Information and Telecommunications mentions that expert commissions have completed their work for the competitions announced in 2023 and made contracts with the beneficiaries who had their funds granted. Provincial Secretariat for Culture, Public Information and Relations with Religious Communities mentions that this authority adopts a decision on the allocation of funds, that beneficiaries deliver narrative reports and financial statements on implemented project activities, and that the Secretariat examines those reports and evidence on the project implementation.

<sup>35</sup> Information obtained from the Ministry of Information and Telecommunications.

Project-based co-financing of media content of public interest has been emphasised as one of the biggest problems of the media scene in Serbia for several years. The entire process is accompanied by a series of failures starting from the announcement of the competition. Some municipalities are still not announcing the competitions, although the law has prescribed such an obligation. In 2023, 12 municipalities did not announce competitions.<sup>36</sup> The problems occur with the selection and composition of the expert commissions and the distribution of funds as the media systematically violating the code are still receiving large funds, and in the end, there is an issue with project implementation and evaluation. These problems were also recognised in the Media Strategy, so due attention was paid to this topic in the procedure of amending the Law on Public Information and Media.

Many novelties were introduced by the new Law on Public Information and Media, the entire process of project-based co-financing was regulated in more detail, and the majority of proposals from journalists' and media associations have been adopted. The amendments were introduced in the entire procedure, starting from the competition announcement, requirements for participation in the competition, detailed provisions for the selection of commission members, manner of their appointment and their work, as well as the decision-making procedure, the control and project evaluation.

One of the huge problems was the fact that there was no analysis of the missing media content of public interest prior to competitions being called in order to determine the needs of a particular local community. The analysis of necessary media content was introduced in the new law<sup>37</sup> after journalists' and media associations insisted and it should be implemented at least once every three years. The report on the analysis should be drawn and is considered an integral part of public competitions.

The biggest controversy concerned the criteria for project evaluation i.e. introducing measures of the self-regulatory body – Press Council in the law as one of the criteria for project evaluation. Although it was provided for under the Media Strategy that was adopted by the Government of the Republic of Serbia, although the Working Group for Amendments to the Law on Public Information and Media adopted that proposal, prior to the commencement of the public consultations, the Ministry of Information and Telecommunications amended that proposal without consulting members of the Working Group and presented it to media and journalists' associations. After several meetings and proposals from the ministry that were not in accordance with the Media Strategy, nevertheless, after public consultations, the proposal of journalists' and media associations was adopted where one of the criteria for project evaluation will be upholding professional and ethical standards of the media that will be corroborated, inter alia, by obtaining data from the self-regulatory body Press Council for printed and online media<sup>38</sup>.

Moreover, a new law introduced mandatory reports on the implemented competitions in the area of public information depending on thematic and genre diversity and target groups the content was meant for. The authority is obliged to publish the report no later than the end of the calendar year on the website of the authority and web portal of the Unique Information System for Implementing and Monitoring of project-based co-financing in the area of public information (once it is established). Also, internal evaluation was introduced to be carried out by the authority that announced the competition, i.e. the evaluation of the implementation of projects supported at competitions during a previous calendar year and external evaluation when the authority is obliged to hire persons to carry out the evaluation of the project implementation at least once every three years for the projects supported in competitions during previous

<sup>36</sup> NUNS, Twelve municipalities did not announce media competitions in 2023, 12/12024.

<https://nuns.rs/dvanaest-opstina-nije-raspisalo-medijske-konkurse-u-2023-godini/>

<sup>37</sup> Law on Public Information and Media, Article 28

<sup>38</sup> Ibid. Article 24

calendar year.<sup>39</sup> The same article introduces the obligation, that in addition to narrative reports and financial statements on implemented activities, the person receiving funds in the amount higher than RSD 1,200,000 must deliver the report of the authorised auditor.

As mentioned in the previous activities, the ministry shall draw up reports on the implementation of the competition, which was a good practice rarely used to oversee the funds spent. However, apart from the good practice of the ministry, drawing up such reports and their publication should be more vigorous since the most recent report on the ministry website is related to the projects implemented in 2020. In accordance with the new law, all the authorities announcing the competition will have to meet this obligation in line with the deadlines provided by the law.

For several years, various research implemented in this area indicated problems of project-based co-financing in practice. In addition to a series of problems, the research shows that this method favours more eligible media outlets that are more or less influenced by politicians in power, as well as media owned by persons connected to ruling parties. Moreover, good quality media content is not provided and public interest is not achieved, which is a serious problem, while the media regularly violating the Code of Journalists of Serbia get the funds. Also, funds are allocated for the content that represents the usual activity of the media and the content of the so-called monitoring of the work of public authorities. That is directly opposite from what the co-financing through competition should support, and that is critical distancing from the government.<sup>40</sup>

Former mechanisms for monitoring the entire process, reporting of the authorities that announce competitions, the analyses on the quality of the supported projects, as well as activities mentioned in the Implementation Report do not stand for the successful implementation of this activity, especially taking into consideration how many failures occurred in practice, in particular, regarding the control and evaluation of projects but the entire procedure as well. Moreover, the new Law on Public Information and Media that introduced positive novelties only entered into force in November 2023, so the application and observance of these provisions by the authorities announcing competitions could only be visible in the following period.

***NUNS assessment: Activity has been partially implemented.***

With regard to the fact that in the previous period, the efficient monitoring of the functioning of this system was not established in practice, with all problems of the entire process present in the previous year, with recently adopted Rulebook on co-financing of the projects of public interest in the area of public information and the new Law that introduced good legislative solutions whose effects will be only visible in the following period, we conclude that this activity has been partially 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;**

<sup>39</sup> Ibid. Article 27

<sup>40</sup> Centre for Sustainable Communities, Towards better quality in project-based co-financing of media content through open data, 2023. <https://projektnosufinansiranjehtmlpublikacija.netlify.app/>



- **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, the Ministry of Information and Telecommunications mentioned that in the reporting period, the Working Group for drafting the Law on Electronic Media held another two meetings to consider the comments on the new Law on Electronic Media draft that media and journalists' associations made. They mentioned that the meetings with the media and journalists' associations had been organised for the purpose of agreeing their views regarding certain provisions of the Draft Law. It was emphasised that another public consultation was announced and carried out. The Regulatory Authority mentioned that in the reporting period, no measure was imposed on the media service providers (MSP), that it filed requests for initiating misdemeanour proceedings against commercial MSPs on a monthly level, and that all measures imposed were available on the website, all acts that should be public in accordance with the law including the email address and phone number for every citizen to submit either a complaint or suggestion.

In the meantime, a new Law on Electronic Media was adopted, but the process was not sufficiently transparent. After journalists' and media associations had sent the above-mentioned comments on the Draft Law in May, they did not receive any response from the Working Group for three months. The journalists' and media associations gave comments and proposals for improving some solutions from the Draft Law, to align the Draft with the solutions provided for in the Media Strategy, as well as the content of the Audio-visual Media Services Directive. After several months of Working Group silence as regards the associations' comments, some of the members of the Working Group, after the meeting with representatives of government and ministry held in August, upon the associations' insisting, delivered answers to comments. The Working Group adopted almost nothing of the associations' proposals despite those proposals being completely aligned with the Media Strategy and the Directive. The journalists' and media associations drew attention to their comments by pointing them out during the entire process, at the meetings with the ministry representatives and the government and during public consultations.<sup>41</sup>

The new law provided for some positive solutions that concern the Regulator itself, such as changing, i.e. removing political bodies as authorised proposers of the REM Council members, making criteria for their appointment stricter, including harsher measures that the Council can impose on the media service providers and other. However, some things remained inconclusive and were not fully aligned with the Media Strategy and the Directive.

The biggest controversy was caused by the appointment of new members of the REM's Council after adopting a new law (so-called REM Council "reset") provided for under the Media Strategy adopted by the Government of the Republic of Serbia. Although it was provided for under the Strategy, the Working Group underlined that revoking the mandate that was legitimately assigned by the National Assembly, outside of the established and prescribed procedure, in the situation when the Regulatory Authority did not change its competence and job description, would not contribute to the rule of law and legal certainty. After the journalists' and media

<sup>41</sup> NUNS, Coalition for Media Freedom: Media laws drafts are not a matter of compromise, we invite the Government to ensure essential media reform, 11/10/2023. <https://nuns.rs/koalicija-za-slobodu-medija-nacrti-medijskih-zakona-ne-predstavljaju-kompromis-pozivamo-vladu-da-obezbedi-sustinsku-medijsku-reformu/>

associations and broader community strongly insisted on the observance of the document that was adopted by the Government itself, as well as the fact that new laws prescribed new proposers and new criteria for the REM Council members' appointment, and that the majority of current members do not meet new criteria, in the end it has been accepted that current members of REM Council will continue carrying out that function until the end of the first year of the new law entering into force, and by that time new REM Council members will be appointed.

Moreover, although some solutions were adopted that referred to the monitoring of the election campaign by the Regulator, the journalists' and media associations and other organisations dealing with the election process demanded that the entire Regulator's monitoring should be regulated in more detail and aligned with the recommendations of the observation missions and that the official's campaigning would be banned during the entire period of the election campaign. Despite those proposals being ignored, at the end of the entire process, only the extension of the deadline for the ban on official's campaigning was adopted, for one month before holding of the elections. Moreover, other matters as regards the alignment with the Strategy and Directive were not accepted. Some of the crucial matters are as follows: establishing higher accountability of the Regulator, primarily towards the public, and for the applicant submitting a complaint against media service providers for violating laws and bylaws to be granted the capacity of a party in the proceedings, which has been explicitly denied under this Law. Moreover, it has been omitted to align the provisions with the Directive, such as the distinction of REM from the state administration system, by deleting the provisions on the conferred tasks and fully aligning freedom of reception and retransmission with the Directive that provides significantly higher safeguards for the media service provider against whom potential measures will be applied related to more exhaustive rules that are to be specified and elaborated in more detail.

Besides the mentioned lack of alignment of the new law with the Media Strategy and the Directive, the work of the Regulator has not changed in the last year, and REM is still facing the same criticism. REM's insufficient independence is being emphasised, as its susceptibility toward political influence and its lack of reaction in the cases of violation of laws and bylaws, both under regular complaints and complaints during the election campaign. The non-compliance with the law was underlined in the case of granting four licences for national frequency to televisions,<sup>42</sup> as well as the fact that REM did not allocate the fifth licence despite the competition being announced in August 2022.

In 2022, REM pronounced only 3 warnings to the media service providers, and according to its 2022 activity report, in total, 85 complaints were filed as regards the media service providers' programme content. The majority of complaints referred to the violation of general interest (38), elections (20), but also protection of minors (9), violation of personal interest (9), hate speech (4), etc.<sup>43</sup> On REM's website we can see that it did not impose any measure in 2023.

Despite the analyses showing that televisions with national frequencies do not respect their own programme papers, REM still failed to take any measures. The analysis published by Slavko Ćuruvija Foundation demonstrated that TV Happy carried on with violation of professional and ethical standards, as well as laws and bylaws, but REM did not launch a procedure against this television and did not impose appropriate measures.<sup>44</sup> The Pink television also continued violating professional and ethical standards, as well as laws and bylaws, and REM did not react.<sup>45</sup>

<sup>42</sup> NUNS, Coalition for Media Freedom: REM's decision means media darkness in Serbia continues, 29 July 2022. <https://nuns.rs/koalicija-za-slobodu-medija-odluka-rem-a-je-nastavak-medijskog-mraka-u-srbiji/>

<sup>43</sup> Regulatory Authority for Electronic Media, The 2022 Activity Report, pp. 16 - 18. <https://www.rem.rs/uploads/files/izvestaj%20o%20radu/Izvestaj%20o%20radu%20REM%20za%202022.%20godinu.pdf>

<sup>44</sup> Slavko Ćuruvija Foundation, Analysis of TV Happy programme paper fulfilment, 2023. <https://www.slavkocuruvijafondacija.rs/uz-ambiciju-da-bude-javni-servis-srbije-tv-hepi-nesmetano-nastavlja-da-krsi-zakonske-obaveze/>

<sup>45</sup> Slavko Ćuruvija Foundation, Analysis of TV Pink programme paper fulfilment, 2023. <https://www.slavkocuruvijafondacija.rs/tv-pink-za-prvih-godinu-dana-nije-ispunila-vise-od-polovine-navoda-iz-elaborata/>

Moreover, REM's inactivity was also visible during the most recent pre-election campaign for the elections held on 17 December 2023. Namely, REM has adopted a methodology for monitoring the election campaign that has been criticised as the methodology for monitoring previous elections.<sup>46</sup> One of the activities from the methodology was to report on the campaign every fifteen days, which REM did not do. At the session held on 26 December 2023, the Council adopted the Report on the programme oversight during the election campaign for public broadcasters and cable media service providers, as those were the subjects of the oversight in line with the adopted methodology. However, the report did not contain the analysis of the televisions with national frequency. The public criticised the report due to its selectiveness and the fact the methodology was imprecise and not in line with the ODIHR methodology.<sup>47</sup> CINS managed to obtain the information that REM did not publish, on the monitoring of national televisions, showing domination of the list "Aleksandar Vučić – Serbia Must Not Stop" in the pre-election programme, since these televisions mostly negatively reported on the opposition and positively on the government. Moreover, CINS indicated that it was visible from the REM's report that analysts have been predominantly promoting the government moves on national televisions during the election campaign, criticising the opposition, and that many hours were dedicated to reporting on the activities of the President of the Republic, as well as the Prime Minister, ministers and other members of the government.<sup>48</sup>

In the report that CRTA did, from the day the elections were called, REM Council held seven sessions and decided on 296 agenda items, and out of that, only three items referred to the election campaign. It is mentioned that the Council established methodology and a sample for campaign monitoring at the session of 2 November. Its next activity as regards the campaign was discussed at the session of 1 December, which was convened only after television with national frequency, in the scope of its morning programme, broadcasted the private video of an MP and a candidate of the opposition's electoral list.<sup>49</sup> Pursuant to the new law, REM is obliged to adopt the conclusion on initiating the investigation procedure within 48 hours<sup>50</sup> on potential violations of laws and bylaws in the election campaign, while within 72 hours from the moment of the procedure initiation<sup>51</sup> it is obliged to adopt and deliver the decision on ending the investigation procedure. However, the non-governmental organisation CRTA submitted 22 complaints, and REM did not process any of them.<sup>52</sup>

In 2022, REM again adopted only the Rulebook on the manner of public broadcasters carrying out their obligations during the election campaign, despite the Law on Electronic Media prescribing that the obligations of the media service providers during the election campaign must refer to all media service providers, not only public broadcasters. For the commercial broadcasters, it only adopted recommendations.<sup>53</sup>

**NUNS assessment: The activity has not been implemented.**

<sup>46</sup> CRTA, Elections 2023 – First periodical report of long-term observers, 2023. <https://cрта.rs/izbori-2023-prvi-periodicni-izvestaj-dugorocnih-posmatraca/>

<sup>47</sup> BIRODI, REM published a selective, methodologically imprecise report that is not in line with the ODIHR methodology on the reporting of the monitored televisions during the election campaign, 2023. <https://www.birodi.rs/rem-je-objavio-selektivan-metodoloski-neprecizan-i-sa-odihr-metodologijom-neuskladjen-izvestaj-o-izvestavanju-monitorisanih-televizija-tokom-izborne-kampanje/>

<sup>48</sup> CINS, We reveal information REM was hiding: How Pink, Happy, Prva and B92 reported during the campaign, 25/1/2024. <https://www.cins.rs/otkrivamo-podatke-koje-rem-krije-kako-su-u-kampanji-izvestavali-pink-hepi-prva-i-b92/>

<sup>49</sup> CRTA, Elections 2023 – Second periodical report of long-term observers, 2023, p. 41. <https://cрта.rs/izbori-2023-drugi-periodicni-izvestaj-dugorocnih-posmatraca/>

<sup>50</sup> Law on Electronic Media, Article 36

<sup>51</sup> *Ibid*, Article 37

<sup>52</sup> CRTA, Elections 2023 – Second periodical report of long-term observers, 2023, pp. 50 and 51.

<sup>53</sup> REM's proposal was not in line with the law, and in addition to journalists' associations, the Ministry of Culture and Information also believed that and sent its comments and expressed its opinion before the Rulebook adoption, however, it was adopted. It is worrying that two years later, the same Ministry, under the request of another organisation, delivered a completely different opinion on the same Rulebook, mentioning that it had no objection to it as regards its legality and constitutionality.

REM's conduct in the previous period, its insufficient independence, manner of distributing the licences for national frequencies, its silence to violations of laws and bylaws both outside the election campaign and lack of activities during the election campaign have led to a conclusion that this activity has not been implemented. When doing the assessment, we took into consideration that some good solutions were introduced by a new law that could contribute to higher independence of the Regulator. However, the lack of alignment with the Strategy and the Directive remains. Whereas the effects of the new law will be visible only in the following period, and considering the Regulator's behaviour in the previous year, we cannot agree that this activity has been successfully implemented, by no means, it has not been implemented.

## 4. 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                 | 11                       | 0                             | 0                     | 0               |
| NUNS  | 1                 | 1                        | 0                             | 8                     | 3               |

# 5. CONCLUSIONS AND RECOMMENDATIONS

After observing the overall situation, all activities of the competent authorities mentioned in the Implementation Report, the situation in all areas, problems and failures, as well as various reports, starting from the European Commission Report and other reports of the international and domestic organisations, we cannot see any improvement as regards the situation in media freedom. The Implementation Report assessments of the successful implementation of all activities do not reflect the real situation regarding media freedom and journalists' safety, and the competent authorities' activities are insufficient to contribute to improved situation in this area.

Journalists and media workers continue to be targets of many threats and attacks, as well as various types of pressure that have an impact on them and make their work hard, causing them to continue feeling unsafe. It is particularly worrying that they are constantly subjected to various pressure, targeting and smear campaigns, in particular by high officials, who, instead of condemning attacks, only aggravate the situation and incite attacks against them. Police officer's conduct and failures to act during protests, as well as the multiannual absence of accountability for such failures, additionally influence the journalists' feelings of insecurity and distrust of the institutions.

Despite two laws amendments in 2023 containing positive solutions potentially creating better conditions for realisation of media freedom, the implementation of those laws will be emphasised in the following period, especially with regard to the fact that law implementation was highlighted as one of the greatest problems in the previous period, i.e. since the law was adopted in 2014. However, despite the positive solutions, some provisions that were included in the laws are not in line with the Media Strategy, international standards and Audio-visual Media Services Directive, and those provisions could have a key impact on the improvement of media freedoms in Serbia. The restored state ownership of the media and the legalisation of the past law violations by the state-owned company Telekom Srbija and its impact on the media market are of particular concern.

## **Recommendations:**

- The holders of the activities from the Revised Action Plan for Chapter 23 should adopt recommendations from the Coordination Body for Implementation of Action Plan to improve the Report on the implementation of the Revised Action Plan for Chapter 23 and to include precise data in it;
- When assessing the implementation of activities, the adoption of laws or other documents cannot be the sole indicator for the realisation of general goals as regards the safety of journalists and institutional framework for the functioning of the media;
- All activities and amendments to the legal acts should be carried out in line with the solutions from the Media Strategy as well as other international documents that Serbian legislation should get harmonised with;
- Invest efforts to implement activities under the Action Plan for implementation of Media Strategy that are running behind in accordance with the solutions provided for in the Media Strategy;
- Adopt a new Action Plan for the implementation of Media Strategy for the period 2023–2025 as soon as possible;
- Full and efficient application of all signed agreements and mandatory instructions of the Supreme Public Prosecutor's Office and Ministry of Interior as regards the safety of journalists

in order to establish urgent and efficient protection that would result in better investigations and prosecutions of the defendants in these cases that would have preventive and deterrent effects on future perpetrators;

- Ensure additional training of police officers on how to act towards journalists and media workers at public gatherings, and carry out procedures for establishing accountability of police officers who violated their powers and resolve such cases from previous years;
- Increase activities of competent authorities as regards submitting complaints at their own initiative after learning about a criminal offence in accordance with the law, not waiting for the official complaints or notifications;
- Competent authorities should regularly monitor the recommendations of the Commission for reviewing the facts that came into light in the investigations conducted in connection with the murders of journalists, which would contribute to higher efficiency in resolving the cases of murders, especially in the case of the murder of journalist Milan Pantić;
- Enhance capacities and activities of the Ministry of Information and Telecommunications in the procedure of implementing solutions from the Media Strategy and adequate informing of the media and journalists' associations and the public on the implemented, i.e. non-implemented activities;
- Enhance capacities and activities of the Ministry of Information and Telecommunications for more efficient monitoring of the application of media laws so the reports would measure the efficiency of the implementation of the law through clear impact indicators;
- Commence with amendments to other laws provided for under the Action Plan for implementation of the Media Strategy to be implemented by the end of 2022;
- Create conditions for full functionality, transparency and update of the Media Register as well as the mechanisms for efficient monitoring of the Media Register functioning and implementation of new legal provisions;
- Create conditions for efficient co-financing of media projects of public interest in the area of public information in line with new legislative solutions, conducting the analysis of the necessary media content, the analysis of the supported projects' quality and external evaluation of the project implementation;
- Monitor implementation of new Law on Electronic Media, selection of new members of REM's Council in line with the law no later than one year after the new law enters into force, increased independence of the Regulator in its work and use of available powers and measures in fulfilling its role;
- Since adopted solutions are contrary to the Media Strategy, the Ministry of Information and Telecommunications must establish additional legal safeguards to ensure that the inflow of state ownership through Telekom would not put at risk the diversity of media content, expression of different ideas and opinions, independence of media editorial policy and prevent creation of unequal conditions in the media market and media advertising market.