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SERBIA

Indicators on the Level of Media Freedom and Journalists' Safety Index 2023

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About the Project

BACKGROUND OF THE INDICATORS

The journalists' associations from the Western Balkan countries, supported by the European Commission¹, have established the platform [Safejournalists.net](https://safejournalists.net) to jointly monitor media legislation and practice in their countries and engage in advancing the legal and institutional environment in which the journalists and other media professionals work. Every year, based on a carefully designed methodology², the [Safejournalists.net](https://safejournalists.net) partners conduct advocacy research which has provided journalists' associations with evidence-based, reliable, and relevant data on the main problems and obstacles in the implementation of the EU standards in the field of media and journalists' freedom and safety in the Western Balkans. The results of the advocacy research give substance to partners' activities, providing them with new evidence and examples that refine and strengthen their advocacy positions.

The first qualitative research tool – *Indicators on the level of media freedom and journalists' safety*, was first developed in 2016 and gradually fine-tuned over the years. It is composed of three groups of indicators: (A) Legal protection, (B) Journalists' position in the newsroom, and (C) Journalists' safety. Based on this monitoring tool, a total of seven assessments were published, the last one for 2022.

The quantitative research tool – *Journalists' Safety Index*, was developed in 2020 and tested in 2021. It is designed to 'measure' the changes in the environment that have direct or indirect impact

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- 1 In December 2022, the European Commission approved a new three-year cycle of the Project [Safejournalists.net](https://safejournalists.net), which is a continuation of the previous two phases: the project Western Balkan's Regional Platform for advocating media freedom and journalists' safety (01.2016 – 12.2018) and [Safejournalist.net](https://safejournalist.net) (02.2020–03.2023). The main objective of the Project is to empower and strengthen the role of the national journalists' associations, members of the Platform [Safejournalists.net](https://safejournalists.net), to become effective and accountable independent actors in advocating and creating relevant media policies in their countries: Independent Journalists Association of Serbia (IJAS), Association of BH Journalists (BHJ), Croatian Journalists Association (CJA), Association of Journalists of Kosovo (AJK), Association of Journalists of Macedonia (AJM) and the Trade Union of Media of Montenegro (TUMM). The project is funded under the EU Civil Society Facility and Media Programme in favour of the Western Balkans and Turkey for 2021-2023 (IPA III).
 - 2 The advocacy research is designed and coordinated by Snežana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia (www.resis.mk).

on how safe journalists and other media actors feel when practicing their profession. It is composed of four groups of indicators: (1) Legal and Organisational Environment, (2) Due Prevention, (3) Due Process, and (4) Actual Safety. Based on this tool, a total of three research cycles were implemented: 2020 (pilot year), 2021 and 2022.

Starting from 2023, the [Safejournalists.net](https://www.safejournalists.net) will combine the two (qualitative and quantitative) research tools into one single advocacy research project – *Indicators on the level of media freedom and Journalists' Safety Index*. The platform monitors the situation in seven countries: Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo³ and Serbia.

METHODOLOGICAL NOTE

The entire research process is divided into two phases: in the *first phase*, data is collected for all qualitative indicators – both for media freedoms and for the safety of journalists, while in the *second phase*, the qualitative indicators for the safety of journalists are converted into quantitative ones and the procedure of scoring and calculation of the Journalists' Safety Index is carried out.

A range of various research methods were applied to collect and analyse data related to each specific qualitative indicator:

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

At national level, the advocacy research is conducted by national researchers who carry out the data collection and draft the narrative reports, which are then reviewed by local media and legal experts and by the lead researcher.

³ This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.

In Serbia, Independent Journalists' Association of Serbia Belgrade nominated Marija Babić and Rade Đurić as national researchers, professor Aleksandra Kostić as media expert and Lidija Komlen Nikolić as legal expert to review the report.

QUALITATIVE INDICATORS FOR THE LEVEL OF MEDIA FREEDOM AND SECURITY INDEX

The following table presents all qualitative indicators for the level of media freedom and safety of journalists, divided into three areas. These qualitative indicators are presented in descriptive or narrative form. Part of the indicators that are used in the conceptual framework for the Journalist Safety Index are **marked red** on the table.

Overview of all qualitative indicators (Indicators on the level of media freedom and journalists' safety)

A. Legal safeguards and their implementation	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Basic guarantees for media and journalists' freedom and their application in practice	B.1 The job positions of journalists are stable and protected at the workplace	C.1 Journalists and media actors have access to immediate and effective protective measures
A.2 Independence and efficiency of the regulatory authority	B.2 Editorial independence in the private media	C.2 Journalists and other media actors have access to special protection or safety mechanisms
A.3 Independence and autonomy of the public service media	B.3 Editorial independence in the public service media	C.3 Female journalists have access to legal measures and support mechanisms
A.4 Financial support to quality journalism and media content of public interest	B.4 Editorial independence in the not-for-profit media sector	C.4 The practice of regular public condemnation of threats and attacks on journalists and media
A.5 State advertising in the private media sector	B.5 Freedom of journalists in the news production process	C.5 Police authorities are sensitive to journalists' protection issue
A.6 Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	B.6 Working position of women journalists	C.6 Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists
A.7 Other laws are enforced objectively and allow journalists and other media actors to work freely and safely		C.7 Investigations of serious physical attacks on journalists and other media actors are carried out efficiently
A.8 The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities		C.8 Journalists and other media actors are efficiently protected from various forms of online harassment
A.9 Journalists are free to pursuit their profession and to establish, join and participate in their associations		C.9 Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently
A.10 Right to access official documents and information		C.10 Quality statistics collection systems established by state authorities to stem impunity
		C.11 Non-physical threats and harassments
		C.12 Threats against the lives and physical safety of journalists
		C.13 Actual attacks
		C.14 Threats and attacks on media outlets and journalists' associations

JOURNALISTS SAFETY INDEX

Taking into consideration the standards and recommendations established by the Council of Europe and other international organisations, the concept of "journalists' safety"⁴ was operationalized by considering the following four dimensions:

- I. **Legal and organisational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists.
- II. **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety.
- III. **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists.
- IV. **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The table below presents the four dimensions and indicators that make up the theoretical model of the "journalists' safety" concept. Data for all these indicators were collected in the first phase of the research, and in the second phase, based on the collected research evidence, nine members of the Advisory Panel from each of the countries⁵ assessed the situation and assigned scores for each of the 19 indicators:

Overview of all quality indicators related to the Journalists' Safety Index

I. Legal and organisational environment	II. Due Prevention	III. Due Process	IV. Actual Safety
1.1 Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	2.1 Journalists and media actors have access to immediate and effective protective measures	3.1 Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists	4.1 Non-physical threats and harassments
1.2 The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities	2.2 Journalists and other media actors have access to special protection or safety mechanisms	3.2 Investigations of serious physical attacks on journalists and other media actors are carried out efficiently	4.2 Threats against the lives and physical safety of journalists
1.3 Other laws are enforced objectively and allow journalists and other media actors to work freely and safely	2.3 Female journalists have access to legal measures and support mechanisms	3.3 Journalists and other media actors are efficiently protected from various forms of online harassment	4.3 Actual attacks
1.4 Journalists are free to pursue their profession and to establish, join and participate in their associations	2.4 The practice of regular public condemnation of threats and attacks on journalists and media	3.4 Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently	4.4 Threats and attacks on media outlets and journalists' associations

⁴ Researchers from the RESIS Institute (www.resis.mk), Snežana Trpevska, Igor Micevski and Ljubinka Popovska Toševa developed the conceptual and methodological framework for the Index and the model for its aggregation, weighting and calculation.

⁵ Members of the Advisory panel in Serbia are Professor Irina Milutinović, Bojana Jovanović, Stevan Ristić, Veljko Milić, Veran Matić, Vladimir Kostić, Uglješa Bokić, Jovana Gligorijević and Ljiljana Stojanović.

I. Legal and organisational environment	II. Due Prevention	III. Due Process	IV. Actual Safety
1.5 The job positions of journalists are stable and protected at the workplace	2.5 Police authorities are sensitive to journalists' protection issue	3.5 Quality statistics collection systems established by state authorities to stem impunity	

Note: When the male form is used in this report, it always refers simultaneously to female, male and diverse individuals. Multiple designations are omitted for the sake of better readability.

— LIST OF ABBREVIATIONS

LPIM - Law on Public Information and Media

LEM - Law on Electronic Media

REM - Regulatory Authority for Electronic Media

LIA - Law on Internal Affairs

LA - Law on Advertising

PMS – Public Media Service

RTS - Radio Television of Serbia

RTV - Radio Television of Vojvodina

Mol - Ministry of Internal Affairs

SIA - Security and Information Agency

LFAl - Law on Free Access to Information

RSF - Reporters Without Borders

AVMS Directive - Audiovisual Directive media services

SPPO - Supreme Public Prosecutor's Office

PP – Public Prosecutor's Office

CC – Criminal Code

CPC – Criminal Procedure Code

OSCE - Organization for European Security and Cooperation

EU - European Union

SLAPP – Strategic Lawsuits Against Public Participation

Introduction

In 2023, Serbia was a country of very different identities and extremely unfavourable living environment for minority groups, political dissidents and journalists and media outlets who criticised the work of the government. Although freedom of expression and media freedoms are guaranteed under the Constitution that is not exercised in practice. Minority groups and vulnerable categories do not have adequate support, while any of the implemented actions are only for the purpose of creating the impression of a progressive society with good living environment and high level of freedom of expression. Amended regulations in essence do not improve the lives of citizens.

Government representatives are obsessed with economic progress that they portray unrealistically, putting to the background every other area of life and categories of citizens' lives. Although in the meantime Serbian GDP per capita has increased, "the effect of catching-up with" even the neighbouring countries is practically insignificant. Serbian economy has been caught between grand dreams and dreary reality.⁶

As regards respect of human rights, Serbia is not on the good path, and authorities' representatives exhibiting violence in the public space was omnipresent.⁷ Violence in society is a logical consequence of the violent narrative overflowing the public sphere that serves for maintaining constant tensions and conflicts. The principle of the separation of powers has almost completely deteriorated. The executive has completely taken over the primacy to other two branches of power, while the president of the state often acted outside of his constitutional competences.

The inefficiency of the judiciary resulted in citizens losing trust in the judicial system, while in 2023 the work of Parliament was marked

6 Ognjen Radonjić, [Political and mafia Hydra under the veil of Balkan tiger: Serbian economy between grand dreams and cruel reality](#), NIN, 24 January 2024.

7 Belgrade Centre for Human Rights, [Report on human rights situation 2023: Law, practice and international standards of human rights](#), BCLJP, 2024.

by numerous abuses of parliamentary rules. It became common to have elections each year and 2023 was no different. The early parliamentary elections held on 17 December were marked by numerous irregularities that the judicial institutions failed to respond. In the Civicus monitor list, Serbia is still found in the category of countries with the obstruction of basic freedoms.⁸ The space for action of the civil society organisations was drastically restricted, and individuals and organisations with critical relationship towards government were faced with threats.

In 2023, the level of corruption in Serbia was the most unfavourable in the last 12 years. Although it preserved the index points (36 points), Serbia dropped three rankings down compared to last year and occupied 104th position out of 180 countries and territories of the world under the Corruption Perception Index.⁹

In the latest European Commission Report from November 2023, it was assessed that regarding freedom of expression, limited progress was made,¹⁰ emphasising media reform as one of the reasons for this assessment, but on the other hand the safety of journalists, that is not positively evaluated.¹¹ Cases of threats, intimidation, SLAPPs, hate speech and violence against journalists remain a concern. Recurrent statements by high-level officials on the daily and investigative work of journalists provide for a challenging environment for the exercise of freedom of expression. Despite numerous problems, the Report considers that the new laws will strengthen the independence of the Regulatory Authority for Electronic Media (REM), codify the role of the Press Council and render the process of public co-funding more transparent and accessible. The Report states that the implementation of integrated safeguards needs to be closely monitored in practice. Political and economic influence on the media remains a source of concern, and the state needs to take urgent action to counter anti-EU narratives propagated by numerous media outlets, and to counter foreign information manipulation and interference.¹² Other reports are more harsh and Freedom House mentioned that media freedom in Serbia is undermined by the threat of lawsuits or criminal charges against journalists for other offenses, lack of transparency in media ownership, editorial pressure from politicians and media owners with political ties, direct pressure and threats against journalists, and high rates of self-censorship.¹³ The media environment features extreme propaganda and the manipulation of facts around certain topics, including the relationship between the ruling parties and the opposition and Kosovo-Serbia relations. After four national broadcast frequencies were awarded to pro-government media in July 2022, the Reporters Without Borders (RSF) characterised the media environment as “polluted by propaganda, influence peddling and fake news”.

8 [Civicus monitor](#) List, Serbia 2023.

9 Transparency Serbia, [Corruption Perception Index](#) for 2023.

10 However, this is better compared to majority of previous years when mostly the assessment was “no progress”.

11 European Commission, [Annual Report Serbia 2023](#), Brussels, 2023.

12 *Ibid.*

13 Freedom House, Freedom in the world 2024, [Serbia](#).



Media freedom and journalists' safety in Serbia – Indicators

A. LEGAL SAFEGUARDS AND THEIR IMPLEMENTATION

– A.1 BASIC GUARANTEES FOR MEDIA AND JOURNALISTS' FREEDOM AND THEIR APPLICATION IN PRACTICE

Freedom of expression and freedom of media is guaranteed by the Constitution of the Republic of Serbia and its media laws.¹⁴ Legal framework guarantees for the exercise of these rights, however, it was necessary to amend these laws so as to enable their more efficient application.¹⁵ In November 2023, two new media laws¹⁶ entered into force including some positive solutions, however, some of the solutions were contrary to the Media Strategy. There has been no specific progress as regards freedom of media and freedom of expression, as decline has been even recorded.¹⁷ The changes in the legal frameworks have been positively assessed,¹⁸ but their specific progress will only be visible in the future. It is particularly worrying that Serbia belongs to captured states according to the so-called State Media Matrix, taking into account media outlets that have their editorial policies strongly influenced by the government, including public media services and private media outlets.¹⁹

Free Internet access is guaranteed and in practice, the internet access is not denied to either citizens or journalists. Despite the drop that Serbia recorded during the previous year as regards the freedom of the Internet due to the participation of the pro-government websites

14 Constitution of the Republic of Serbia (Official Gazette of RS, No. 98/2006 and 115/2021), Law on Public Information and Media (Official Gazette of RS, No. 92/2023), Law on Public Service Broadcasting (Official Gazette of RS, No. 83/2014, 103/2015, 108/2016 and 161/2020), Law on Electronic Media (Official Gazette of RS, No. 92/2023).
15 Amendments to the media laws are foreseen in the Strategy for the Development of Public Information System in the Republic of Serbia for the period 2020-2025 ([Media Strategy](#)).
16 Law on Public Information and Media (Official Gazette of RS, No. 92/2023) and Law on Electronic Media (Official Gazette of RS, No. 92/2023)
17 Reporters without Borders, "[Country Serbia Report for 2023](#)".
18 European Commission, "[Serbia Annual Report for 2023](#)", Brussels, 2023
19 Centre for Media, Data and Society, The State of State Media, [A Global Analysis of the Editorial Independence of State Media and an Introduction of a New State Media Typology](#), 2023.

in the disinformation campaigns, Serbia still belongs to free countries²⁰ – with high level of Internet access and limited webpages blocking.²¹ In 2023, there were no cases of blocking or content filtering by the state authorities. Only some individual cases were recoded, but reasons for removal remain unknown.²² One of the cases referred concerns deleting the *Večernje novosti* article openly criticising the US ambassador, Christopher Hill, and conveying information about his negative relationship towards Serbia.²³

The process of amending Law on Public Information and Media (LPIM) and Law on Electronic Media (LEM) has not been sufficiently transparent and inclusive. The entire process was highlighted by missing deadlines, inactivity of the competent authorities on several occasions, their insufficient openness and hardly acceptable communication with journalists' and media associations and other interested parties and the public, as well as the derogation to some extent from the Media Strategy and other documents, such as the Audiovisual Media Services Directive – AVMSD (hereinafter: Directive).²⁴ The biggest problem is the return of the state as the media owner, meaning enabling electronic communications operators to establish media outlets. This meant legalising the former actions of Telekom that established media outlets through other enterprises it founded,²⁵ as the state is the majority owner of Telekom. This enabled spreading Telekom's influence over the media market and opening the possibility of the state controlling the media content.²⁶ In 2023, the work on amendments to the Law on Advertising commenced, but the process also demonstrated non-transparent and uncoordinated work of the ministries and the Government.

In Serbia, the public authorities had no attempts to licence printed and online media. The media outlets do not have to register in the Media Register kept by the Business Registers Agency, unless they want to participate in the competitions for project co-financing of the media content of public importance or want to be eligible for some kind of state aid. The law prescribes the procedure of entry into the media register, while the list of necessary documents can be found on BRA website.²⁷

— A.2 INDEPENDENCE AND EFFICIENCY OF THE REGULATORY AUTHORITY

The appointment of REM Council members is one of the key problems of this body. Procedures are formally implemented as

20 European University Institute, [Monitoring media pluralism in digital era: Applying medial pluralism monitoring in European Union, Albania, Montenegro, Republic of North Macedonia, Serbia and Turkey in 2022](#).

21 Freedom House, Freedom on the Net 2023, [Serbia](#).

22 Share Foundation, [Monitoring violation of digital rights and online infringements in Serbia](#).

23 [Večernje novosti published and then deleted a pamphlet on Ambassador Christopher Hill](#), N1 Belgrade, 4 April 2023.

24 The entire process of two media laws adoption is available on the following links of the Slavko Curuvija Foundation: [Law on Public Information and Media](#) and [Law on Electronic Media](#).

25 [Telekom is owner of more than 20 media outlets: After the adoption of new law will this number increase?](#) N1 Beograd, 22 October 2023

26 Also, the key issue that remained unsolved in relation to LEM is the absence of provisions enabling judicial and civil control of REM's processing of citizens' and organisations' complaints, as well as more detailed regulation of REM's monitoring of the election campaign, provision referring to the ban on officials' campaigning and prescribing criteria and methodology for REM to monitor the media reporting during the election campaign.

27 In the course of amending the LPIM, the Ministry of Information and Telecommunications proposed introducing the mandatory register in the Media Register (also after the work of the Working group was completed and without consulting WG members), but that idea was dropped.

referred in the law, however for the overall majority of formerly appointed Council members, there are serious indications that their appointment was proposed after the previous approval of the government. After mass murders that happened in May 2023 in Serbia, several requests were made to dismiss members of the Council as they were considered accountable for promoting violence and immoral behaviour on televisions with national coverage,²⁸ while one member resigned.²⁹ This problem was recognised by the Media Strategy³⁰ and provided for a measure to appoint new membership of the Council after the adoption of the new law, which was included in the new law after long period of contention.³¹ New law introduced other positive measures as regards the appointment of the Council members. The criteria for Council members have been tightened, but also reasons for their dismissal, while political bodies were left out of the group of authorised proposers.³² However, the effectiveness of these amendments will be visible only after the appointment of the new Council.

The regulatory body is recognised for its insufficient use of legally prescribed powers, omissions when awarding licences, favouring some actors and other. REM failed to demonstrate its independence, in particular the REM's Council to fully exercise its competences in protecting media pluralism and professional standards.³³ Besides non-transparency, it has been underlined that this body is often biased in its work, acting in favour of pro-government media.³⁴ In 2023, REM did not pronounce a single measure,³⁵ while in 2022, it issued only three notices for media service providers, while in total 85 complaints were received regarding programme content of media service providers.³⁶ REM's insufficient level of activity was demonstrated during the latest election campaign for elections on 17 December 2023, and the work of this body was marked by absence of transparency and extreme passivity.³⁷ Although the new law provides for solutions that enable opportunities for REM's

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- 28 Dismissing members of REM Council was a requirement from the civil protests "Serbia against Violence" that followed in the aftermath of unfortunate events. In 2023, on several occasions, [journalists'](#) and media associations, as well as other organisations, demanded dismissal of REM Council members because the Council does not contribute to preservation, protection and development of the freedom of opinion and expression and does not protect public interest in the area of electronic media and electronic services users, and for its long-standing failure to fulfil obligations under Law on Electronic Media.
- 29 REM Council member [Judita Popović](#) resigned in June, mentioning that "it makes no sense to remain working in the body that has no grip on reality and neglects huge social turmoil and public dissatisfaction".
- 30 [Strategy for the Development of Public Information System in the Republic of Serbia for the period 2020-2025](#), page 6
- 31 Despite everything provided for in the Media Strategy adopted by the Government of the Republic of Serbia, there was a lot of disagreement and objections while amending LEM to introduce appointment of new Council membership in the law, mentioning that it could lead to legal uncertainty and put the rule of law at risk. In the end, it was adopted that the old Council will continue operating by the end of the first year of the new law entry into force, while new members of Council will be appointed by then and that on the occasion of the first REM' session, three members will be elected for two, three members for four and three members for six years. The new law tightened the criteria for appointment, changing the authorised proposers and this was another argument used to insist on the election of new Council members after the adoption of new law, taking into consideration that majority of current members would fail to meet new criteria.
- 32 Journalists' associations are singled out as special proposers, which was not the case in the previous law, as well as the associations specialised for child protection. Moreover, the Commissioner for Information of Public Importance, Commissioner for Gender Equality and Ombudsman will jointly propose one of the members. Their mandate will be 6 years under new Law and they cannot be re-elected. Moreover, in the part referring to the dismissal, another two reasons for Council members' dismissal were added – if they damage the reputation, independence and autonomy of the Regulator through their actions and if they violate the provisions of the Council Members Code of Conduct at least three times in the period of 12 months.
- 33 European Commission, "[Serbia Annual Report for 2023](#)", Brussels, 2023, pages 46-48
- 34 Crta, [Media Analysis: Recognising relevance and importance of media](#), Belgrade, Decembar, 2023, page 12
- 35 REM's website: <https://www.rem.rs/sr/odluke/izrecene-mere>
- 36 [REM's Activity Report](#) pages 16-18
- 37 [CRTA: Second periodic report of long-term observers, 2023](#) page 41

improved functioning, the opportunity was missed to align some provisions with the Media Strategy and the Directive.³⁸

REM did not implement the procedure of awarding licences for providing television services with national coverage in a fair and neutral manner, failing to observe laws and bylaws. On the other hand, the fifth licence has not yet been awarded despite the call for the allocation being published in August 2022. In addition to non-compliance with laws and bylaws,³⁹ another problem is that before awarding licences, REM did not draw up the Development Strategy Proposal for radio media services and audio-visual media services in the Republic of Serbia for a period of seven years, which was its obligation before starting the entire process, because that would include the analysis of the market and population needs followed by a public consultation. The ineffectiveness of this body work was obvious in the latest competition for more than 10 regional televisions and about 20 radio stations, that has not been finalised despite the fact it was announced on 2 June 2023.⁴⁰ Even though some of them were relicensed despite violating the law, certain national televisions continued violating programme papers that they submitted to obtain the licence, as well as their legal obligations, and REM is still not reacting to that.⁴¹

— A.3 INDEPENDENCE AND AUTONOMY OF THE PUBLIC SERVICE MEDIA

Institutional autonomy and editorial independence of public broadcasters is guaranteed under Law on Public Service Broadcasting⁴² and both public broadcasters' statutes.⁴³ However, for years back, it has been underlined that institutional autonomy and functional independence have not been exercised in practice, and the biggest problem affecting that independence is financial independence. The Media Strategy stipulates activities to be undertaken to ensure the financial independence, but also to amend legal provisions that, *inter alia*, refer to the appointment of the management bodies. Amendments to this law should have been completed by the end of 2022, but amending did not even start.

The state shall be obliged to ensure stable funding of the basic activities of the public broadcasters, but in a way not affecting the editorial independence and institutional autonomy. However, the combined manner of funding cannot secure a sufficient financial independence of public broadcasters. While in previous years, RTS managed to secure

38 A chance was missed to separate it from the public administration system, meaning that the law was not aligned with the AVMSD in the part regulating the functional independence of the regulatory authority and its legal distinction from the Government and other public bodies. Also, although Regulator's processing of complaints has been in more detail regulated under new law and the measures that the Council can impose to the broadcasters have been tightened, it failed to grant the complainants the capacity of the party in the proceedings to protect their rights in the proceedings, which this law explicitly denied since the practice showed that the Regulator failed to appropriately respond in protecting public interest, and the law denied also more detailed regulation of REM's conduct in election campaign.

39 CRTA, [Slavko Ćuruvija Foundation and CRTA sued REM](#), Belgrade, August 2022.

40 In addition to the ineffectiveness of this body work, this is a huge problem for the media as because of this they do not have the right to participate in the media competitions for project co-financing, including tenders and public procurements (<https://www.uns.org.rs/sr/desk/UNS-news/155217/rem-kasni-sa-sprovodjenjem-konkursa-televizije-i-radio-stanice-emituju-program-bez-dozvole.html>).

41 Slavko Ćuruvija Foundation conducted the analyses establishing the [TV Pink](#) and [TV Happy](#) non-compliance with the programme papers and legal provisions.

42 Law on Public Service Broadcasting, Article 5

43 RTS and RTV public broadcasters' statutes could be found on following links [RTS](#) and [RTV](#)

independent financing, RTV did not and was directly funded from the budget in 2023. In October 2023, the decision was adopted to partially finance public broadcasters from the budget in 2024 as well and the same amount of funds was earmarked as in the previous year (900 million RSD),⁴⁴ that will be awarded to funding RTV this year as well.⁴⁵

Programme Council as a Supervising authority in public broadcasters has an advisory role, however, this body does not represent the interests of the society as a whole because it cannot be appointed by the civil society actors or other citizens' groups. The appointment and composition of this body depends on the discredited REM's Council that appoints and dismisses members of public broadcasters steering boards, who then do the same for Programme Council members. The law prescribes that Programme Council shall take care of fulfilling interests of the viewers and listeners as regards the programme content, so it shall organise a public debate on programme content at least once a year.⁴⁶ Although public broadcasters formally carry out public consultations, these are completely formal and inadequate, and any piece of information on whether any suggestions or proposals were accepted or not remains unavailable to the public.⁴⁷

— A.4 FINANCIAL SUPPORT TO QUALITY JOURNALISM AND MEDIA CONTENT OF PUBLIC INTEREST

There are no special subsidies mechanisms for printed media. That process is carried out through project co-financing of the media content of public interest through public competitions, but the process is not implemented entirely in a transparent manner, followed by problems similar to other types of media. The funds are largely allocated to the printed media that the Press Council as the self-regulatory body pointed out in its monitoring reports as biggest violators of ethical standards.⁴⁸ For example, daily newspapers *Alo* was awarded 112,384.00 EUR at 9 competitions in 2022,⁴⁹ and in Press Council's reports we can see that this media outlet is among those systematically violating the Journalists' Code of Conduct for years. According to the latest monitoring for the period July 2023 until the end of December 2023, *Alo* was leading by the number of articles (by headlines) violating the Serbian Journalists' Code – 1056 articles.⁵⁰ On the other hand, BIRN report shows that the largest violators are *Blic* (48 violations), *Telegraf* (29), *Nova* (26) and *Kurir* (23).⁵¹

The Law provides for project co-financing of public interest media content through public competitions.⁵² The competitions are announced at all levels – national, provincial and local, but their implementation in practice is

44 Next year RTS and RTV will be funded from both budget and fees, Nova Ekonomija, 9 October 2023.

45 Cenolovka, [RTS hiding the Report](#), your right to pay it all, 2023.

46 Law on Public Service Broadcasting, Article 30

47 Interview with media expert, professor Rade Veljanovski and a [link to RTS webpage](#)

48 Press Council, [the Report on co-financing media that violate Code of ethics](#), 2023:

49 [Centre for Sustainable Communities, Open data for better quality project co-financing of media content.](#)

50 [Monitoring report on observance of the Serbian Journalists' Code in daily newspapers for the period 1 July 2023 until 31 December 2023](#)

51 [BIRN, "Invasion to privacy", analysis of media reporting, 2024](#)

52 Law on Public Information and Media, Article 18

burdened with problems. The entire process was converted into a system of financing “obedient media” and not high-quality news content for the interest of citizens. Although far from the primary intention, many local media are surviving only based on this money due to poor and undeveloped media and advertising market, which affects the survival of these media and the quality of information. The problems related to the composition of the competition commissions and depriving their work of any meaning only proved that political decisions were previously adopted on awarding the funds. The quality of projects in many cases was not taken into consideration as well as lack of evaluation – in many cases the project activities were not even realised.⁵³ It is particularly worrying that the funds are awarded to the media that openly support government in their reporting.⁵⁴ New law introduced many novelties, the entire process of project co-financing was regulated in more detail with criteria for projects assessment and introduction of the measures of the self-regulatory body of Press Council into the law as the criteria in project evaluation.⁵⁵ There is practice of giving subsidies through direct contracts with media for realisation of so-called media services, and through public procurement of media services and agreements on business and technical cooperation with the media, which in absence of clear criteria, can to a large extent create undue influence on the media.

There are no clear mechanisms for financing media outlets in the languages of national minorities, and a key issue is the absence of the mechanisms to provide the media pluralism in the minority languages. Special attention has been paid to these media outlets in amendments to the LPIM, therefore certain guarantees were inserted in the new law – principles of these media work have to be aligned with the principles of public broadcasters’ work, editorial policy of these media is independent of their founders and the internal acts to ensure achievement of professional and ethical standards in their work must be adopted by the media outlets.⁵⁶ The media outlets in the territory of Serbia that were founded by national councils will be provided with some state funds annually, however, besides new legal provisions, there are no guarantees that these councils will renounce their influence on the media.

— A.5 STATE ADVERTISING IN THE PRIVATE MEDIA SECTOR

Law on Advertising and media regulations do not adequately regulate state advertising in the media. The Media Strategy recognised that the regulations amendment is necessary because the amount of funds that the state awards to the

53 Interview with Nedim Sejdinović, the media expert

54 [BIRN, Media financing, owners and political influence, 2023](#)

55 [IJAS, Freedom of Expression and Media Pluralism 2023 - Alternative Report on implementing a revised Action plan for Chapter 23 Serbia, February 2024](#), pages 28 and 29.

56 Moreover, to ensure higher independence when electing editor-in-chief, it is mandatory to obtain the opinion of the editorial staff on the candidate, while the members of the management body of the media publisher are elected among renowned experts and cannot include president of the national minority council, president and members of the executive committee of the national minority council, public office holders and political parties’ officials, as well as persons whose membership would in any way whatsoever cause conflict of interest under the regulation governing the prevention of the conflict of interest when carrying out public office (Article 17 of the Law on Public Information and Media).

media in various ways and its significant share in some media outlets income, as well as the unregulated manner of awarding the funds, were jeopardising the media independence and creating uneven playing field in the media market.⁵⁷

Distribution of funds provided for advertising is non-transparent and discriminatory. Due to inadequate regulations, we have a situation in which some forms of state media advertising are completely exempted from the law application per type ("TV programme procurement"), and many others are excluded by the amount spent (since they are below legal thresholds that require public procurement procedure).⁵⁸ Due to favouritism of some media, the media market distortion might occur, while direct or indirect advertising affects media that "due to the advertising profit, often representing the only way to survive, become more benevolent and prone to self-censorship or risk losing the ads".⁵⁹ It is particularly worrying that the state returns as the media owner, enabling new influence on the media that are directly or indirectly in public ownership and citizens' money gets drained through such media.⁶⁰ Advertising contracts are often signed "directly", without any public procedure and certain media outlets are regularly awarded funds without clear grounds.⁶¹ The distribution of funds through state advertising is misused for the purpose of exercising specific political influence on some media editorial policy, in particular if we take into account broader advertising that includes state-owned enterprises, while as regards procurement by other public sector entities, the amount of money used for advertising is somewhat smaller, so the degree of influence on the editorial policy is lower.⁶²

Similar to the entire process, publishing data on the distribution of funds is not transparent enough, and the institutions do not publish data in entirety. The LPIM contains provisions on the transparency of data on media and prescribes which data must be submitted to the Media Register. The new law specifies and explicitly mentions the obligation of publishing public advertising and public notifying.⁶³ In the previous period, the Media Register did not practice showing "other public resources".⁶⁴

— A.6 LEGAL PROVISIONS RELATED TO DEFAMATION AND THEIR APPLICATION DO NOT CREATE A CHILLING EFFECT ON JOURNALISTS AND THE MEDIA

The defamation was decriminalised in Serbia, while regulations do not stipulate specific provisions that protect the reputation and honour of civil servants. Regulations governing the compensation for damages due to violation of honour and

57 [Transparency Serbia, Regulation of public entities' promotional activities in the media sector, 2021](#), page 6

58 Interview with Nemanja Nenadić, the expert

59 [Ivana Petronijević Terzić, State advertising in the media remains in grey zone](#), Demostat, 2023

60 [The experts emphasise that the essential problem of the media scene in Serbia is the outflow of state money to the media close to government and that Telekom will be like a "in-and-out tank" for citizens money flowing towards those media](#). With this we will have media that are linked to Telekom, through which the money will flow out, so the work of independent media who are outside of the government orbit will be aggravated.

61 In 2020, [for example, local government enterprises in 20 biggest cities in the country awarded in total 191 advertising contracts in total value of RSD 55 million \(EUR 470,000\) and the lion's share \(EUR 342,000\) went to TV stations](#).

62 In the scope of the research, interview with Nemanja Nenadić, the expert

63 Law on Public Information and Media, Article 47

64 [Transparency Serbia, Regulation of public entities' promotional activities in the media sector](#), 2021, pages 24 and 25

reputation are neither "strict" nor "bad" towards journalists, but it is crucial how they are implemented.⁶⁵ However, some judgments cause concern as some institutions' leaders get higher degree of protection for their office although the law clearly stipulates that they have to sustain higher level of criticism.⁶⁶ Regarding the awarded amounts of compensation for damages, the practice is quite unified, and the research shows that average compensation for damages amounts to 66,826 RSD, which is often not an adequate satisfaction for suffered mental anguish and does not contribute to the change in the reporting by the media that violate citizens' rights the most.⁶⁷ Although the LPIM does not stipulate an obligation for the media to be registered, in the court proceedings judges still have an ununified approach when determining status of journalists or media, and court of appeals find that LPIM is applicable only to those subjects registered in the Media Register.

In 2023, in the Higher Court in Belgrade that has jurisdiction for media lawsuits, a total of 742 cases were filed against journalists, editors and media owners, but there is still no precise record of exactly how many lawsuits against journalists were filed by state officials and politicians. In 2023, a total of 604 lawsuits were resolved which were filed against journalists in previous years. Another 1,424 cases are currently in the resolution process.⁶⁸ In 2023, in the lawsuit case filed by Predrag Koluvija, who was suspected to be a boss of the criminal group that produced more than a tonne and a half of marijuana, against investigative portal KRIK, the judge adopted a claim where the plaintiff said that trial news caused mental anguish to him and damaged his reputation, and the articles violated the presumption of innocence, naming him "the accused narco boss".⁶⁹ Also, another first-instance judgment against KRIK newsroom was adopted because of their article on how several SLAPPs were filed against their newsroom, including the one filed by managers of the Police Unit for Witness Protection. In this article, KRIK listed all parties suing the newsroom, mentioning that those were filed mostly by people close to the regime with an aim to silence journalists.⁷⁰

Although in the most cases, defamation lawsuits do not influence journalists who carry on doing their job professionally and do not discourage them from continuing to critically write and investigate, they are aware of multiple consequences

65 Interview in the scope of the research implementation, Krupa Savović, a lawyer

66 [IJAS, Journalists' Safety Index for 2022, 2023](#)

67 [Slavko Čuruvija Foundation, Third Report on Protection of Freedom of Expression in the Judicial System of Serbia, 2023](#). In the scope of the research, the first- and second-instance decisions have been analysed, in the cases against 7 media outlets - in total 139 cases and 278 judgments. The media outlets are as follows: Kurir, Srpski telegraf, Nova, Informer, Alo, Blic and Danas. The research showed that the average awarded compensation is 66,826 RSD and that such court practice does not ensure adequate amount of compensation for the plaintiffs, without adequate satisfaction for the mental anguish suffered and without contribution to the change in the reporting manner by the media violating the rights of citizens the most.

68 The answer received from the Higher Court in Belgrade, as of 19 January 2024, under the submitted request for access to the information of public importance.

69 [The judge obliged KRIK and its editor Dojčinović to pay 89,800 RSD on behalf of the compensation for damages due to the mental anguish suffered and compensation for attorney's fees. Among other, the judge mentioned the following in the judgment](#): "The court took a stand that plaintiff was labelled as "narco boss", meaning he was found guilty, before the criminal proceedings ended, that in reference to him could end with both a conviction and an acquittal."

70 [The article mentioned that KRIK was sued by police commander and his two associates from the Police Unit for Witness Protection, but later, all three of them against sued KRIK for that article. The judge obliged KRIK and the journalists to pay 374,200 RSD \(about 3,200 EUR\) as compensation for mental anguish and costs, and the following is found in the reasoning](#): "Labelling plaintiffs as people close to the regime implies negative connotation, as they are labelled to be followers of certain political option in power, so it suggests to the citizens who do not agree or oppose the "regime" that due to their political affiliation the plaintiffs as police members who should be at service of all citizens should not be trusted". "This created potential opportunity that in case of the government change, the plaintiffs would be characterised as members of former government and might bear consequences for that."

of such lawsuits. The proceedings are exhausting, and lawsuits cause a series of problems, because instead of investigating and writing articles, these lawsuits draw their attention away from their work and put their focus on trials. These proceedings cost a lot causing economic problems, bringing mental and physical exhaustion – trials take long time (several years) and require a lot of time for preparation, working with lawyer, going to court and other.

— A.7 OTHER LAWS ARE ENFORCED OBJECTIVELY AND ALLOW JOURNALISTS AND OTHER MEDIA ACTORS TO WORK FREELY AND SAFELY

The Serbian legislation has no safeguards protecting journalists, media outlets and other actors targeted by SLAPPs lawsuits. Despite absence of action at the state level, some opinions could be heard in the public – the first step should be with the institutions and law amendments to define as precisely how the judge should act under those lawsuits⁷¹. The number of SLAPPs in Serbia has been growing in the last couple of years. For the last three years, IJAS had extensively collected data and recorded 48 lawsuits that could contain elements of SLAPPs, and 11 of them in 2023. Some of those refer to two lawsuits against BIRN by the then-mayor of Belgrade,⁷² by Vladimir Đukanović, a public official and an MP of Serbian Progressive Party, a lawsuit against journalist Vuk Cvijić,⁷³ and lawsuit against KRIK by Nikola Petrović, businessman and best man of Serbian President.⁷⁴ The lawsuits are most often filed by public officials and politicians, businessmen, companies, and less by other public figures.

The majority of cases are filed before the civil courts for the purpose of compensation for non-pecuniary damage due to violation of honour and reputation and for violation of presumption of innocence, however certain cases are judged before other courts with reference to other laws. The journalists have been sued under the Criminal Code for the criminal offence of the Insult,⁷⁵ but also for unauthorised use of personal data. Some lawsuits demanded prison sentence for KRIK women journalists. In January 2024, the Basic Court acquitted the women journalists, but the judgment was not made final.⁷⁶ Also, some proceedings before Commercial Court were initiated due to unfair competition and harm to reputation.⁷⁷

In the last couple of years, SLAPP lawsuits targeted journalists of the investigative portal KRIK. Since 2020, various persons filed 13 lawsuits against KRIK, among them businessmen that the portal had written about, people close

71 [Judge Sladjana Pantović mentioned that “we can already start with relevant laws amendments so as to react on time and enable courts to solve this problem adequately”](#), with the note: “Of course, when amending laws, we should consider that provisions against SLAPPs should not restrict access to court, but also to prevent defendants’ abuse of this legal concept”.

72 [BIRN Srbija, Aleksandar Šapić filed two lawsuits against BIRN, demands 12 million RSD, 2023](#)

73 [Cenzolovka, Vuk Cvijić: We did not have such a form of professionally organised propaganda and constant pressure on journalists even in the 90s, 2023](#)

74 [KRIK, Twelfth lawsuit against KRIK by Vučić’s best man, 2023](#)

75 [Cenzolovka, Euronews, Euronews Serbia with pride and determination provides support for our journalist Minja Miletić, 2023,](#)

76 [KRIK, KRIK journalists acquitted under the lawsuit of Nikola Petrović](#)

77 [For the second time in a row in 2023, the tabloid publisher Kurir sued several media publishers because of the Disclosure Analysis \(Serbian: Raskrikavanje\) establishing that in 2022 the Kurir front page featured minimum 122 unfounded, biased or manipulative news \(the first lawsuit was before the same court in 2021\)](#)

to government, former head of the intelligence agency SIA (now Minister of Interior), former State Secretary of MoI, heads of police units, pro-government tabloid publisher and a company. Only one case has been finally ruled (in favour of KRIK), while remaining 12 cases are ongoing.⁷⁸ The majority of cases takes long time, journalists have to be constantly engaged with these proceedings that exhaust them both financially and mentally. The cause of additional concern are the disputed situations and decisions of some judges in these cases, such as judgment against KRIK.⁷⁹

— A.8 THE CONFIDENTIALITY OF JOURNALISTS' SOURCES IS GUARANTEED IN THE LEGISLATION AND RESPECTED BY THE AUTHORITIES

Journalistic sources are protected under the laws⁸⁰ that stipulate a journalist is not obliged to reveal the source of information, but some restrictions are provided for the cases referring to criminal offence, i.e. perpetrator of criminal offence that has been prescribed with a prison sentence in duration of at least five years, if information about that criminal offence cannot be obtained in any other way. There is room for improvement of the legal provisions in the Law on Public Information and laws regulating work of the Security Information Agency, police and similar.⁸¹ The position of journalistic sources could be jeopardised by the provisions from future law on internal affairs prescribing unauthorised and unfounded collection and processing of biometric data by using cameras and selective liability of officers.⁸² The new electronic surveillance is particularly worrying by using new tools and software and their abuse, that influences the work of journalists and creates a necessity to change communication with sources.

In 2023, there were no examples of direct attempts to disclose sources or pressurise journalists to present information about their sources, nor orders to journalists to reveal their sources. Competent authorities, through court or investigative proceedings, have rarely requested from journalists to reveal their sources and always acknowledged journalists' choice not to do so.⁸³ In some cases, during the court proceedings, the plaintiffs in cases against some media tried to find out how did journalists obtain some information, i.e. how did they get it and who gave it to them.⁸⁴

Journalists emphasise that maintaining contacts with their sources and their protection is precisely one of the greatest challenges their face. To ensure protection of sources, the media had to take additional measures to increase protection by using internal safety rules and procedures, which affects their job as journalists since the procedures

78 The civil disputes department of Higher Court in Belgrade has nine cases, one under the criminal complaint by Nikola Petrović before the First Basic Court, one in Switzerland (under lawsuit by Stanko Subotić) and two proceedings before Commercial Court (lawsuit was filed by Kurir publisher for the articles in which Raskrinkavanje counted the number of false news they published on the front pages).

79 KRIK, [Details of KRIK's verdict, privileged officials](#), 2023

80 Law on Public Information and Media, Article 58 and Criminal Code, Article 41.

81 Interview in the scope of the research implementation, Krupa Savović, a lawyer

82 [IJAS, Serbia – Indicators on the Level of Media Freedom and Safety of Journalists' 2022](#), Belgrade, 2023, page 18

83 *Ibid.*

84 Interview in the scope of the research implementation, Bojana Jovanović

are complicated and take longer.⁸⁵ New technologies burden the communication and maintaining contacts with sources is getting more difficult because journalists have a feeling of being under surveillance by public authorities.⁸⁶

— A.9 JOURNALISTS ARE FREE TO PURSUIT THEIR PROFESSION AND TO ESTABLISH, JOIN AND PARTICIPATE IN THEIR ASSOCIATIONS

Journalists in Serbia do not have to be licenced to do journalistic work. Last year, the state did not attempt to licence journalists. There were some proposals during the LPIM amendment by the Trade Union of Journalists' of Serbia through the Working group, but also later in public consultations to introduce definition of a journalist and media worker,⁸⁷ but those proposals were not adopted.

The debate about a definition of a journalist is still ongoing, in particular with the protection of journalist under criminal law in cases when they are injured parties, as journalists often have a problem to prove that the attack occurred due to their profession. For some criminal offences, persons carrying out tasks of public interest in the area of information enjoy higher degree of protection, so prosecutors and police believe that defining concept of a journalist would facilitate their protection. Also, in the course of the proceedings for compensation for non-pecuniary damage due to violation of reputation and honour, problems occur due to non-uniform interpretation if the media should be registered. In those cases, LPIM provisions are not applied and cases are treated as "normal civil cases", while media and journalists are placed into unfavourable position because the Law on Contracts and Torts applies, the proceedings take longer since their nature is not urgent and the burden of proof is upon the defendant, in this case a journalist.

In 2023, 22 cases were recorded in IJAS database – journalists being hindered from doing their job, banned to enter and report from particular events, and not being invited to press conferences or events of public interest. This is a huge problem in local environments, directly putting pressure on the media work since their survival depends on local news.⁸⁸ During the election campaign, there were several cases of ignoring and banning journalists from certain media to attend some conferences.⁸⁹ The most drastic work interference happened when a group of thirtysomething persons with loud speakers and banners barged into the backyard of the N1 television building in which the newsroom is situated and started giving speeches for hours disturbing the work of the employees. Although the police were dialled several times, besides the

85 Interview in the scope of the research implementation, Bojana Jovanović

86 BIRN; [Uncontrolled surveillance as a new form of pressure](#), 2023, pages 12, 13 and 15

87 Sinos, [SINOS chairperson Dragana Ćabarkapa during public consultations on the Draft Law on Public Information and Media in Niš specified how to restore dignity in journalists profession](#)

88 [At the local level, some municipalities do not at all reply to journalists requests and do not send them information on events they organise.](#) One such case in Preševo Municipality.

89 [N1 television journalists were not invited by the authorities in Vojvodina to very important events such as commencement of works on sections and highways in Vojvodina. Belgrade Mayor Aleksandar Šapić ignored the same TV journalists by not inviting them to his events during the election campaign, ignored their questions and refused to answer them. Senad Župljanin, a correspondent of several media from Novi Pazar was not allowed presence to press conference of the opposition political parties headed by SDA on the day after parliamentary and local elections.](#)

presence of the plain-clothes police officers who failed to react and did not try to remove the gathered persons despite their presence on private property, while quoting the reasons that this public gathering did not disturb public peace and order.⁹⁰

In 2023, there were no cases recorded of journalists experiencing obstacles or pressure from joining the associations. Relevant journalists' and media associations are very active both in protection of professional but also labour rights of journalists. In the last years, it is noticeable that organisations and associations are invited by institutions to join various working groups that undertake countless activities in a very short period of time. Despite their participation in solving important questions, this exhausts capacity of all associations because they are limited as regards their human resources, and this form of communication and fast-paced activities impedes the quality of their contribution. There are some pro-government organisations in Serbia that hinder the work of relevant organisations and associations through their work, which was in particular obvious in the activities of institutions, as in the case of the original Working group for LPIM amendments or local commissions for awarding funds at competitions.⁹¹

— A.10 RIGHT TO ACCESS OFFICIAL DOCUMENTS AND INFORMATION

Journalists in Serbia often use access to information of public importance, however, the problem is that in many situations it is the only option. It's mostly used by the investigative media, less used in daily reporting, since it entails long deadlines and slow procedures. Long deadlines for processing create a problem, as well as the trend of delaying the response to the legal period of 40 days. The Commissioner's data on the high percentage of founded complaints indicate that authorities do not respond to requests to sufficient extent. Institutions' processing of the requests depends mostly on the nature of the information requested.

Quote by deputy editor-in-chief and KRIK journalist: *"If we request some information concerning some old court proceedings or a case without political background, we will receive the information. However, for everything else, we will not receive an answer. In other words, almost all current pieces of information, important ones that concern government representatives, public office holders, huge projects and jobs implemented in the state, we will not get such information. The scope of information possible to obtain via requests is getting narrower and transparency is decreasing."*⁹²

90 N1, [N1 demanded from police to remove people who disturb work of journalists](#), 2023

91 [The original working group included a huge number of such organisations](#). Immediately after establishment of the Working group, Journalists Association of Serbia, Coalition for Media Freedom (Media Association, Online Media Association, Media Association, IJAS, NDNV, PU Local Press and Slavko Ćuruvija Foundation) and ANEM warned that Working group includes representatives of organisations that are most common in the commissions for distribution of budget money, in particular at the local government level, but have no recognition in protection of journalists and media rights and freedoms. [Besides that, the Working group commenced with its work, but during the entire process these organisations recommended solutions contrary to the Media Strategy and legal acts of Serbia \(This was a reason for the Coalition for Media Freedom to submit its own proposal for the Draft of Law on Public Information and Media to the Government of the Republic of Serbia and Ministry of Culture and Information as a proposal for improving the system of public information and position of journalists and media in Serbia\)](#).

92 Interview in the scope of the research implementation, Bojana Jovanović

Number of complaints to the Commissioner for violation of rights is constantly high and indicates tendency of growth each year. It is particularly worrying that complaints are mostly founded (42.9% of total number of resolved complaints). The greatest number of complaints to the Commissioner is definitely made due to ignoring requests from the submitters asking information ("administrative silence"), journalists complaining about it in particular. Although journalists use the law as the basic means to do their job, it is getting more difficult to obtain information on the work of government authority, *inter alia*, confirmed by the high percentage of unenforced decisions and confirmations establishing that the information was available to them. Almost 49.04% of journalists' complaints lodged with the Commissioner during 2023 was due to "silence" of public authorities.⁹³

In general, the prevailing opinion is that government and ministries are not open enough, but that openness heavily depends on relationship of some ministries that have different approach regarding obligation of delivering information. The index of openness implemented by the organisation Partners Serbia shows that for several years back the index of openness of the executive authorities in the Republic of Serbia is below the half of the indicators' fulfilment. Institutions mostly maintain the seeming transparency, with only basic information available,⁹⁴ while citizens are deprived of key information on the work of institutions.⁹⁵ Commissioner's report underlines that the majority of complaints was lodged against national public and other authorities and organisations (54.4%). In 2024, the Commissioner published a list of public authorities that failed to act after Commissioner's decision or failed to notify about it, led by Ministry of Interior (214 decisions), Ministry of Defence (56 decisions), Ministry of Environmental Protection (34 decisions) and Ministry of Finance (32 decisions).⁹⁶ It is worrying that the Government of Serbia is among the lowest ranking countries in the region as regards transparency and openness since the government should be the one to ensure enforcement of Commissioner's decisions, however, the government itself is not observing the law.⁹⁷ In 2022, the Commissioner submitted 53 and in 2024 only 4 requests to the Government for ensuring enforcement of his decisions and received no feedback on that.⁹⁸

The courts' transparency is not at the satisfying level, however, it mostly depends on the openness of individual courts and their presidents. The communication between courts and prosecutors' offices is not unified, and majority of basic courts and prosecutors' offices do not or rarely publish news and announcements on their websites.⁹⁹ The results of courts and prosecutors' offices processing of requests for

93 Ibid, page 25

94 Information such as institution's competence, name of highest public officials and contact information

95 [Partners Serbia, Openness of the executive authorities in Serbia and the region](#), 2023, page 22

96 [Overview of public authorities that failed to act upon the Commissioner's Decision, 2023](#)

97 Interview in the scope of the research implementation, Ana Toskić

98 [Out of a total of 475 requests for enforcement, submitted by the Commissioner since 2010, the Government did not enforce any of the cases](#) (Commissioner's Report, page 16).

99 [Partners Serbia analysis](#) showed that the prevailing problems are irregular update of information on the work of institutions, rarely publishing of the news and information referring to investigations and pending court proceedings and complete absence of press conferences in cases with justified interest of public. Also, many courts and prosecutor's offices from the sample did not update their fact sheets in 2023, pages 14 and 29.

information of public importance are also not promising, but only exhibit seeming transparency, while requested information still remains inaccessible due to excessive anonymisation of files.¹⁰⁰ Media presence at trials in Serbia is enabled and each court has its own rulebook on that. Journalists can generally attend trials, however, in 2023, for some cases that was not possible.¹⁰¹ It is particularly worrying that in 2023 the investigative portal KRIK was sentenced because it published news from trial, covering what happened in courtroom.¹⁰²

In Serbia, journalists have access to assembly sessions, a with a positive example of National Assembly enabling access for journalists to sittings and contact with MPs. However, as with other institutions, assemblies publish on their websites only what its mandatory under regulations they apply.¹⁰³ The situation is still significantly different when it comes to sessions of local assemblies and other local self-government authorities, where there are numerous examples of denying attendance to certain journalists, especially those who critically report on local government work. In 2023, there were several examples, denying presence to Žig info portal journalists in city municipality Grocka in Belgrade continued, who were denied several times to make live coverage of the municipality Grocka council, and also to attend some panels held there.¹⁰⁴

100 Ibid. page 29

101 [Journalist Veran Matić and Insajder TV journalist were not allowed to main hearing in the Second Basic Court in Belgrade](#) although a day before they had sent accreditations to the court's PR to monitor the trial. The courtroom was filled with defendants friends, and the guard at the courtroom door prevented journalists from entering justifying that by the courtroom being full. [Also, a month later journalist Veran Matić was removed from the trial to the same defendant in another case by the request of the defendant although reasons are still not known](#). In both cases the public was not included.

102 KRIK journalists reported from the trial and quoted the wiretapped conversation of criminal group members mentioning that SIA director Bratislav Gašić was on Jotić's "payroll", while they explained what that means (case explained in Part A6).

103 [National Assembly of Serbia is far more open than Autonomous Province of Vojvodina Assembly, however, many aspects in their work could be improved](#), page 13

104 [Info Žig portal are prevented from entering the local assembly hall](#)

B. JOURNALISTS' POSITION IN THE NEWSROOMS

— B.1 THE JOB POSITIONS OF JOURNALISTS ARE STABLE AND PROTECTED AT THE WORKPLACE

Social and economic position of journalists and other media workers in Serbia remains very unfavourable, as well as their working conditions. The precariousness of journalists' job without guaranteed labour rights is a huge problem, as well as their contracts' uncertainty. Many journalists still work without a permanent contract. The journalists who are hired based on contracts outside of employment relationship, under temporary employment contracts and service contracts are in the most difficult position and have no protection. Very often journalists work as permanently employed persons but under these contracts they do not have all guaranteed labour rights.¹⁰⁵ RTV has about 10% of the employees working based on such contracts, while doing work that is not of such temporary service nature.¹⁰⁶ It is particularly worrying that young journalists labour rights are at risk and they experience constant pressure due to uncertain work paid by fees.¹⁰⁷ Some minority media that were not founded by national councils, cannot maintain sustainability, so they have employment contracts, but fixed term.¹⁰⁸ Every other respondent (45%) does not have a permanent contract, and every fifth works for a fee. The surveys at local level show similar results, in Niš 63% respondents have permanent contracts, but 17% of men and women journalists work without a contract.¹⁰⁹

Journalists and media workers work in very difficult and unfavourable circumstances. The most common reasons for dissatisfaction are low income, disrespect of working hours, no compensation for overtime and uncertainty of media survival. The overall situation influences the poor conditions concerning freedom of media and various pressures, influencing journalists' job but also themselves and their mental health. Poor financial and economic situation forced journalists to work for several media in order to provide essential means of living or carry out tasks completely unrelated to journalistic profession. Young journalists face same problems.¹¹⁰ The situation is similar at the local level, salaries lower than minimum salary, working without contract, no raise and no compensation for overtime and weekends, so they abandon this profession.¹¹¹ Some private and local media journalists have underlined that their salaries are low and mostly depend on the projects.¹¹² Average net basic salary of RTS journalist in 2023 was 95,995.88 RSD (for all employees 80,959.43 RSD). The long-standing discrimination problem in RTV is underlined

105 JAS, [A half of journalists believe their position deteriorated in the last couple of years](#), 2023

106 Darko Šper: "We cannot say that jobs done by journalists, cameramen, editors, lighting technicians and sound engineers are temporary jobs, its basic work and televisions could not exist without them".

107 Demostat, [Young journalists in Serbia burnout syndrome](#), 2023

108 Outlined by men and women journalists within focus groups realised for the purpose of research in February 2024

109 [Media Reform, Tamara Stankov – There is money for the media, but not for journalists](#), 2023

110 [Demostat survey: Low income, hired temporarily, paid by fee, even without it, doing several jobs to ensure means of living, with impact on their mental health](#)

111 [Media Reform, Tamara Stankov – There is money for the media, but not for journalists](#), 2023. According to survey, 43% of media workers in Niš work for salary lower than 50,000 RSD, which is about 300 EUR less than national average, and almost half of this number works for salary lower than minimal. Those working in correspondence in national and Belgrade media reported somewhat higher salaries. The majority of respondents, almost a third, says that their salary ranges between 50,000 and 70,000 RSD.

112 Outlined by men and women journalists within focus groups realised for the purpose of research in February 2024

where different employees have different salaries for same jobs,¹¹³ while some information appeared for RTS on paying to some journalists outside of their regular income through professional fees or contracts with private productions and enterprises for making author shows broadcasted on this public broadcaster.¹¹⁴ During the LPIM amendments some provisions were included related to journalists' labour rights and labour related,¹¹⁵ however, the law entered into force in November 2023, so effects of these provisions will be only visible later.

Some private media have trade unions, however, only few of them. The weak nature of trade union organisation of journalists and media workers remain, while situation is somewhat better regarding trade unions in two public broadcasters. Journalists and media workers only address unions when they experience unfavourable situation, or when large changes in the media occur such as owner's change.¹¹⁶

Quote by Darko Šper: *"Recently I talked with now former Ringier employees who after the NIN situation got a clear message that it should not cross anyone's mind to try forming trade unions in other sections of Ringier Serbia. That was uncomfortable conversation and you realise that the employer has no basic understanding how the union works and it's hard to work in such hostile atmosphere, it's difficult to work in media in Serbia when you know that the employer does not allow you to get organised in any way whatsoever to put something to foreground."*

There is no branch collective agreement in Serbia that would ensure better conditions for journalists and media workers, however, the need to adopt branch collective agreement is emphasised. Private media do not have their collective agreements. Two public broadcasters RTS and RTV do, as well as Radio Television Kragujevac and newspapers Mađar so.¹¹⁷

— B.2 EDITORIAL INDEPENDENCE IN THE PRIVATE MEDIA

Only a small number of private media outlets have internal rules that regulate their internal organisation and separate newsrooms from owners. Although the law guarantees editorial independence of the media,¹¹⁸ it remains a huge problem that newsrooms, i.e. editorial policy is greatly influenced by

113 Interview in the scope of the research implementation, Darko Šper

114 [As media reported, president of SC of RTS Branko Klanšček filed criminal complaints against RTS director Dragan Bujošević and entertainment programme editor Olivera Kovačević for various financial fraud](#), and [Service for Combating Organised Crime \(SBPOK\) launched investigation](#) in RTS.

115 Work time schedule and employer's obligation to deliver the written notice on the work schedule to the employees no later than 48 hours, changing work schedule in emergency cases no later than in the course of the working day for the following day in the event of unforeseen circumstances, that could not be removed or avoided, under conditions that employee is ensured with a daily rest according to the law governing labour. Also, provisions referring to the work standby that cannot take longer than four hours a day, meaning twelve hours a week, as well as the fee for that work. Also, the law includes provisions guaranteeing employees the right to not respond to employer's communications during their weekly and annual rest, unless during their absence emergency situation occurred in the country (Law on Public Information and Media, Articles 59–62)

116 Interview in the scope of the research implementation, Darko Šper: "This was what happened in Danas when Dangraf was taken over by the United Media, where journalists organised and founded trade union organisation; also when Ringier took over the corporation, NIN employees who formed a trade union organisation as a special legal person, however the problem was that "the employer did not show understanding for them forming a union but it does not have to mean that those people will fight with all means against the employer and have unreal demands, on the contrary."

117 Radio Television Kragujevac (not privatised and in ownership of the City of Kragujevac) and Mađar so (founded by National Hungarian Minority Council).

118 Law on Public Information and Media, Articles 4 and 16.

owners, but also external factors, which is a consequence of various political and financial interests. Independence has been damaged by pressure on editorial policy by the media owners who have political ties and through pressure too, contributing to self-censorship.¹¹⁹ Law amendments additionally guarantee editorial independence because now publisher is obliged to draw up and publish a document that provides for measures and procedures of protecting editorial policy aimed at protecting freedom of public information.

Private media mostly do not have codes of ethics and accept ethical rules regulated by the Serbian Journalists' Code.¹²⁰ Press Council adopted Guidelines for application of Serbian Journalists' Code in online environment, while Online Media Association members adhere to Online Media Association Code. There is no exact data yet but some media adopted internal codes due to various needs and circumstances in some newsrooms, specific focus of reporting but also internal relations such as relationship between management and newsroom.¹²¹ Some media in national minority languages have adopted internal code of ethics, primarily to reduce influence of national councils to editorial policy of those media.

Journalists experience pressure from various sides. Those pressures come externally to great extent, but journalists in private media experience various forms of internal pressures that are influenced by owners' interests and editorial policy of specific media. Most usual reasons for these forms of pressure are political and financial, for the purpose of getting profit.¹²² Consequences of such pressure create self-censorship, but journalists in some media know what are the topics they can write about. Some of the reasons that journalist emphasised as reasons for self-censorship are undue influence of owners, as well as economic pressure also owner-related, where such internal pressure is in fact visible.¹²³ There is no classic pressure in some media, but there are some expectations that certain topics are covered to make public interest recognised, but journalists do not see that interest, which is also another form of pressure. Due to their survival on the market, the media owners often adjust their editorial policies to bigger players, primarily external factors, the advertisers. In January 2024, members of the staff and NIN newsroom resigned to new weekly's owner because she announced the concept change in NIN weekly, but, as they mentioned, she did not assure the members of newsroom that they could continue doing their work – uncompromisingly

119 [Monitoring Media Pluralism in the Digital Era for 2022](#), 2023

120 The Serbian Journalists' Code of Ethics adopted by two major journalists' associations IJAS and JAS in 2008.

121 [Lozničke novosti newsroom has set up in their internal code the guidelines on reporting in crisis situation](#), with specific emphasis on reporting from rallies and demonstrations (in particular when threatened by potential "escalation on the field"). The Code provided for preparation and actions in the field, relationship with the police, digital safety and care of journalists' health, page 15.

122 [Monitoring Media Pluralism in the Digital Era for 2022](#), 2023, page 22

123 As factors that mostly influence self-censorship journalists mentioned undue influence by owners (44.1% of them more or less agree that this factor contributes to self-censorship), but to great extent economic pressures (62.7% of respondents believe that economic pressure is greatly or extensively impacting self-censorship). When asked to select only one of factors interfering with the work the most and influencing self-censorship, they mentioned economic pressure (29.3%). In any case, mentioned factors are related to media owners and precisely this research demonstrates that in addition to great pressure experienced from outside, journalists experience internal pressure, in particular having in mind that same research demonstrated that self-censorship influenced their journalistic work and quality of information they shared with the public. (Attacks, threats and pressure on journalists in Serbia, pages 13-16)

and governed by solely professional journalism imperatives, while editor-in-chief had quit that office.¹²⁴

— B.3 EDITORIAL INDEPENDENCE IN THE PUBLIC SERVICE MEDIA

The Law on PSBs prescribes editorial independence, while the statutes of two public broadcasters, in addition to editorial independence, prescribe the prohibition of any form of censorship or unlawful influence on the newsrooms and journalists. By the end of 2022, Radio Television of Serbia adopted its Code of Ethics,¹²⁵ governing standards of employees' behaviour based on the respect of human dignity and appreciation of human rights and stipulating provisions on the conflict of interest, prohibition of using classified information and business opportunities for the personal interest, as well professional standards and ethical principles. The RTS journalists criticised the Code in the part related to personal attitude expression and believe it should be aligned with the LPIM, and supplemented by the part related to protection of journalists, editors and other employees in cases of the attempts of internal pressure on journalists or editors or other employees.¹²⁶ It is worrying that public broadcasters in Serbia are found in a group of captured media that are under certain control of the state.¹²⁷

There are no special internal organisational rules within public broadcasters that would ensure greater independence of newsrooms in relation to the management bodies. The ethical Code of RTS does not regulate organisational rules separating newsrooms from the management. Good practice is present in the RTV branch agreement, providing specific guarantees to journalists, in fact copyright.¹²⁸

Public broadcasters experience various forms of pressure through public criticism by high public officials, which we presume leads to self-censorship. What is noticeable is the absence of some important topics in public broadcasters' programmes or critical perspective of some topics important for citizens. Experts mention that as regards pressure, we have huge impact of politics, as they are "worried by the fact that direct pressure is not necessary with the editors, as they have ingrained such belief that they must keep the authorities' side".¹²⁹ Public broadcasters' journalists who want to critically report on certain sensitive topics to great extent, in addition to external, also suffer internal pressure by editors.¹³⁰

In previous year, forms of pressure against RTS by government representatives were recorded, but also criticism from some

124 Danas, [Members of staff and newsroom in NIN resigned](#)

125 RTS, [Rules of Procedure of RTS Steering Committee](#)

126 IJAS, Tamara Tankosić, [In that part, the Code should be aligned with the Law on Public Information](#)

127 CEU, [Situation in state media](#), pages 12, 16, 20 and 21

128 Darko Šper: "There were such examples in RTV, that some journalists did not want to sign their stories when broadcasted because those were drastically changed, and employees referred to those provisions of the contracts and did not suffer from huge direct consequences. However, that would end by those stories being broadcasted: I will let you be, but will squeeze you later, while people who cared about journalists' integrity left RTV and found another job".

129 N1, Veljanovski: [RTS management thinks they should be loyal to authorities that equal to the state in their eyes](#), 2023

130 Outlined by men and women journalists from public broadcasters in 2 focus groups organised for the purpose of research.

opposition politicians that at some moment would turn into pressure. The President Aleksandar Vučić talked about RTS coverage of “Serbia against violence” protests on national televisions and number of times they covered protests live, as well as some *News Bulletin* presenters and who of them liked protests on social media.¹³¹ Also, an MP from Green-Left Front, Radomir Lazović, painted the public broadcaster board into pink during protests and made really harsh statement.

— B.4 EDITORIAL INDEPENDENCE IN THE NOT-FOR-PROFIT MEDIA SECTOR

Civil sector media provide services for the public interest, to meet specific interests of some social groups and citizens’ organisations, while the publisher cannot be a legal person founded for the purpose of profit.¹³² The media service provider shall be an association, endowment, foundation, high educational institution, church and religious community and that provisions of law regulating obligations of public service broadcaster in realisation of public interest apply to them.¹³³ Serbia has few traditional and many online non-profit media. These are mostly founded by civil society organisations and employ few journalists. They are founded to provide space for free and critical opinions, analytical reporting, independent journalism and good quality information.¹³⁴ On the other hand, media are also being established by GONGO organizations and it is suspected that abuses are being committed in media contests.¹³⁵

Besides a smaller number of non-profit media outlets that have their code of ethics, majority does not, but adhere to Serbian Journalists’ Code. Some of them, primarily those working in investigative journalism, have developed their internal acts, such as Centre for Investigative Journalism of Serbia (CINS), Insajder, Balkan Investigative Network (BIRN) and Crime and Corruption Reporting Network KRIK, while BIRN has its own code of ethics. Also, portal Storyteller and *Magločistač* have their own internal codes, created from a need to have a specific focus in reporting, but also internal relations between management and newsroom.¹³⁶ Those media adhere to internal rules.

In the last years, non-profit media and their journalists are often targeted by various attacks and pressure, insults, targeting, threats and pressure by holders of highest government offices, such as putting them in negative context and targeting them. They are targets of smear campaigns by tabloid media inclined to authorities, in particular in prime time shows on media with national coverage, as well as various organised forms of pressure and insults on social media. The most recent weapon against journalists are SLAPPs, and in the last years, investigative media are in

131 [Read more about both cases in the database](#)

132 Law on Public Information and Media, Article 36

133 Law on Electronic Media, Article 84

134 [NDNV, Sustainability challenges of civil society media](#), 2023, pages 4–9

135 [VOICE; About 500 civil society media outlets registered in Serbia](#)

136 [Internal code of the portal Storyteller is focused on reporting about human, minority, women rights and rights of marginalised groups, and also underlining journalists creativity and proactiveness](#), page 15.

particular harmed by those. Denying information of public importance represents huge problem for these media, as well as excessive anonymisation of data that deprives access to information of public importance of any meaning and represents pressure as it leads to lengthy procedures to obtain information or even give up on certain topics.¹³⁷

— B.5 FREEDOM OF JOURNALISTS IN THE NEWS PRODUCTION PROCESS

Various factors influence journalists and their work. Some of those are the general situation in media scene, journalists working conditions, as well as economic pressures leading to self-censorship, but also editorial policy and the fact that advertisers and sponsors often influence adjusting editorial content to their interests and needs.¹³⁸ The external factors outside of the newsroom have the greatest impact on journalists work, as well as the institutions' failure to respond, government representatives and high officials. Huge problem is that advertisers are under great pressure, primarily political, meaning that they do not advertise in some media, in particular those that are professional in their work, critically oriented.

Journalists in Serbia report less about pressure and censorship, however in the last couple of years self-censorship represents a great problem, influencing journalists' work to great extent. Difficult socio-economic position and constant pressure not only by editors and owners, but also external pressure bring about greater presence of self-censorship. Many journalists have given up reporting on some topic or event once or several times.¹³⁹ What is worrying that self-censorship had an impact on their work and quality of information as some have not published a story they planned, limiting the scope and importance of the story, and in some cases the key information for the public was excluded. The biggest factors having an impact on self-censorship with journalists are economic and political pressures.¹⁴⁰

Quote: Darko Šper: *"For years, journalists experience same type of pressure and they either leave the media or give up or stop fighting to the extent necessary"*.¹⁴¹

— B.6 WORKING POSITION OF WOMEN JOURNALISTS

The position of women journalists and their working conditions are for many years worse than with male journalists. Working conditions are hard, apart from unequal representation in management positions and in media content, another problem is the impossibility of balancing private life and career, feeling

137 Outlined by men and women journalists within focus groups realised for the purpose of research in February 2024

138 [Attacks, threats and pressure on journalists in Serbia](#), pages 10–15

139 As the main reasons they mentioned fear for personal safety (23.7%), ethical doubts whether they should report on it or not (21.6%) and the pressure by the employers or superiors (17.5%), 14.4% worry about professional consequences, and 11.3% each mentioned lack of editors' interest and fear of being exposed to court proceedings.

140 Assessing each factor separately that influence the self-censorship with the journalists are: 62.7% of respondents believe that economic pressure greatly or very greatly impacts the self-censorship; cumulatively 65.5% of respondents believe that political pressure highly or very highly influences the self-censorship; undue influence by the owners: 44.1% agrees more or less. When asked to choose one factor from the list that they believed to cause the biggest interference and greatest impact on self-censorship, the respondents mostly mentioned economic pressure (29.3%).

141 Interview in the scope of the research implementation, Darko Šper

of non-accomplishment in both areas, discrimination, women journalists' testimonies on sexual abuse, and dissatisfaction with work or profession that makes them think about changing a job.¹⁴² Also, position of women investigative journalists is unstable, often regulated by various temporary service contracts. Investigative women journalists are not satisfied by their salaries. In broader context, the research showed that in 41.4% of the cases journalists' salaries were lower than average in the Republic of Serbia. That is corroborated by even 34.9% of women journalists who believe that because they are women their salaries are lower than their male colleagues.¹⁴³

Although media outlets hire more women, higher, editorial positions are more occupied by men, with the same situation in investigative media although women journalists dominate, still in the majority of cases the leadership positions implying better material and social status are occupied by male colleagues.¹⁴⁴ More than 60 per cent of persons employed in media are women, and only 18 per cent of them occupies the position of women editor-in-chief, mostly in online portals. There is almost no women editor-in-chief in print media, all key positions in RTS are occupied by men, while in RTV situation is somewhat better.¹⁴⁵ In some local environments the majority of local media editors are men despite more women journalists in general in the media.¹⁴⁶

Women journalists are still subject to gender-based pressure that ensue from specific social context and relationship towards women, both in newsrooms and outside and often in addition to primary threats, women are exposed to sexist and misogynist statements.¹⁴⁷ They are exposed to double harassment: in addition to verbal harassment related to journalism, men journalists and especially women journalists are exposed to insults based on their different characteristics.¹⁴⁸ The pressures include various forms of discrimination related to appearance but also age, both towards young and old women. It is worrying that 29.1% of women journalists experienced sexual harassment while doing their job, both working on the site and in the newsroom by their male colleagues, even at journalism studies.¹⁴⁹ There are some opinions that sexism and misogyny inside newsroom disappeared as the generation of the journalists normalising such behaviour has left this profession. However, a great problem poorly discussed is women journalists' harassment, even sexually when they work e.g. on the site, in particular when

142 [Peaceful change initiative, Survey on Women in Media, 2023, link: CINS, Self-perception of investigative women journalists position in Montenegro, North Macedonia and Serbia, 2023](#)

143 [Women journalists monthly salary: less than 300€ - 13.6%, 300 to 600€ - 41.4%, 600 to 800€ - 28.4% and more than 1000€ - 16.6% \(source Peaceful change initiative\)](#)

144 [Although investigative women journalists noticed the growth of women representation in key positions of decision-making in media, they are still "sceptical whether that means higher representation of women in decision-making positions, because media owners who are still mostly men usually make key decisions". Among the reasons for greater number of women in the media is the drop in material and social status of journalism as men "go where the money and benefits are big", as well as women change in awareness and their penetration into various occupations \(page 19\).](#)

145 [Cenzolovka, Sanja Pavlovic, AŽC: Sixty per cent of employees in media are women, but only 18% occupy position of editor-in-chief, 2023](#)

146 Outlined by men and women journalists within focus groups realised for the purpose of research in February 2024

147 [Research, Aleksandra Krstić and Nikola Jović, "How journalists in Serbia fight online attacks – normalising digital violence as a consequence of absence of institutional support"](#)

148 [Becoming a Target: Journalists' Perspectives on Anti-Press Discourse and Experiences with Hate Speech](#)

149 [Peaceful change initiative, Survey on Women in Media, 2023, link: CINS, Self-perception of investigative women journalists position in Montenegro, North Macedonia and Serbia, 2023](#)

they are to enter someone's office or home.¹⁵⁰ Relationship towards women journalists at the local level is the same, from commenting appearance to statements that someone can or cannot work on certain topics, but it is worrying that women journalists are becoming accustomed to it.¹⁵¹

150 Outlined by men and women journalists within focus groups realised for the purpose of research in February 2024
151 Ibid.

C. JOURNALISTS' SAFETY

— C.1 JOURNALISTS AND MEDIA ACTORS HAVE ACCESS TO IMMEDIATE AND EFFECTIVE PROTECTIVE MEASURES

Public prosecutor's office and the police, with the assistance of the journalists' associations, have established the mechanism of fast-reporting and urgent processing and all journalists can easily access to this mechanism and report serious threats.¹⁵² The mechanism includes the system of instructions that oblige public prosecutors and the police for urgent action after reporting and ensures contact points' fast reporting, monitoring and checking of cases. Public prosecutors' offices apply the General Mandatory Instruction of the Supreme Public Prosecutor's Office (SPPO) from 2020.¹⁵³ Journalists who believe they have been violated because of their job can address the Standing Working Group for Journalists' Safety as contact points work under its competence.¹⁵⁴ The procedure of reporting has been facilitated, the mechanism should have been functional, however, not all journalists have that experience. Competent authority is obliged to record the reported case as an incident against a journalist and ensure the implementation of the PPO and the Mol instructions regarding the urgent response.

The implementation of the reporting mechanism showed that in reality it features significant shortcomings. According to the information published by the Supreme Public Prosecutor's Office in 2023 there had been 75 reported and recorded cases against journalists, however, that number is even higher since associations record cases outside from the fast-reporting mechanism. In some environments, journalists often do not have equal access and mechanism is often rendered pointless. Some of the reasons for that are the lack of experience with attacks against journalists, absence of sensitivity towards journalistic job but also huge pressure on competent authorities. In some cases, the police officers or prosecutors are not even aware they have been assigned as contact points, and they even make serious shortcomings when reporting cases. Specific negative practice has been created over time and with implementation of the fast-reporting mechanism and subsequent reaction, so due to the absence of adequate institutional support in the cases of digital abuse, men and women journalists have developed specific mechanisms of self-protection, such as self-protection mechanism from online insults and threats established by men and women journalists on their own.¹⁵⁵

The system of reporting and urgent processing cannot solve the majority of problems in collecting and ensuring evidence. Considering institutions response, there is no impression of the deterring effect on potential perpetrators. There is a huge

152 [The SPPO special page on safety of journalists](#)

153 [General Mandatory Instruction of the General Public Prosecutor's Office](#)

154 Invitation to journalists to report or check their cases, webpages Safe Journalists and IJAS

155 [Research, Aleksandra Krstić and Nikola Jović "How journalists in Serbia fight online attacks – normalising digital violence as a consequence of absence of institutional support"](#)

difference in functioning of the system parts, so journalists and part of the public believe that the rest of the system does not function so well.¹⁵⁶ It remains problematic what the prosecutor's offices and police consider a threat and endangerment of the safety of journalists. We note a large number of cases that journalists and journalists' associations report as threats made because of the journalistic job, however those cases are not recorded in the database maintained by the SPPO. If a journalist experiences certain message as a threat, but the prosecutor's office as a critical opinion and freedom of thought of a person addressing it to a man or woman journalist, the prosecutor's office response, irrelevant of the reporting manner, will not be satisfactory for the injured party. According to the available data and comparison between the reported threats by the SPPO, IJAS reported at least 12 of those cases in 2023.¹⁵⁷

— C.2 JOURNALISTS AND OTHER MEDIA ACTORS (WHOSE LIVES OR PHYSICAL INTEGRITY ARE AT REAL AND IMMEDIATE RISK) HAVE ACCESS TO SPECIAL PROTECTION OR SAFETY MECHANISMS

Journalists and media workers have access to mechanism of providing physical protection to citizens of Serbia who experience seriously endangered safety. The protection mechanism is ensured through Law on Protection Programme for Participants in Criminal Proceedings and Criminal Procedure Code. The police act along with the Security Information Agency. During assessment, the Mol applies Law on Police and its internal acts. The majority of documents regulating these procedures are not published while journalists and the public are not very familiar with them.¹⁵⁸

There are no clear and systematic risk assessments. Specific requests for risk assessment are submitted exclusively on the request and with approval of the injured party. In each individual case it is necessary to launch risk assessment procedure so as to establish if there is danger to this person or their family or environment. Journalists often fear because collection of data and processing are done by the same officers that are suspected of being ordered to monitor the work of journalists and media.

In extraordinary cases, the police could launch risk assessment. In 2023, after learning that Marko Vidojković was relocated outside of the country because of the endangerment of this safety, the Mol decided to order safety assessment for Vidojković and his colleague Nenad Kulačin. The assessment started without Vidojković awareness, and the police came to his address and disturbed his mother, without informing her of the reasons of their presence, which is an example of the secondary victimisation of journalists as injured parties and their families. In the epilogue of the case, the police assessed that journalists' safety was not in danger,

156 Interviews with women and men journalists and 2 focus groups, one only with women journalists and one mixed group.

157 [IJAS database of attacks](#) and [Safejournalists.net database](#)

158 Response of the Mol representative as regards the acts regulating the protection of persons with endangered safety.

despite Vidojković's relocation and, at that moment, at least 6 reported cases of direct threats to these two journalists.

In the last eight years since the beginning of the safety mechanism implementation certain restrictions of the system have been noted, in 2023 there were requests for relocating journalists to safer places, but also some journalists personally decided to locate outside of Serbia without using protection mechanism or relocation system, mostly due to the lack of trust into competent institutions that should provide them with protection.¹⁵⁹ The special portal "Safe journalists" ensures many information relevant for the work of journalists, starting from help guidelines and relevant practice followed by the hotline for reporting cases and information on contact points within competent authorities.¹⁶⁰ IJAS provides several types of support to journalists and media and files the most criminal complaints related to threats and attacks on men and women journalists.¹⁶¹

— C.3 FEMALE JOURNALISTS HAVE ACCESS TO LEGAL MEASURES AND SUPPORT MECHANISMS WHEN FACED WITH GENDER-BASED THREATS, HARASSMENT, AND VIOLENCE

The Istanbul Convention is partially enshrined in Serbian legislation through adoption and implementation of several regulations, however this was not enforced to the extent necessary to enable female journalists with the appropriate protection. Civil society organisations are still not satisfied with how the Convention has been integrated, so when comparing between what was included and its practical implementation, it is concluded that in addition to parts of certain regulations, strategic documents and individual crimes, not much has been done on actual integration of documents and real application.¹⁶²

As preventive measures, the Criminal Code include criminal offences of stalking, sexual harassment, forced marriage and mutilation of female genitals. As in 2023 the process of amending Criminal Code and Criminal Procedure Code commenced, in the future period proposals of special offences will be submitted to those working groups that concern the position of women journalists as endangered category precisely because they are women.

Law on free legal aid recognises women victims of domestic violence as beneficiaries of free legal aid, who are entitled to this type of assistance irrelevant of the legally prescribed income threshold. The circle of eligible free legal aid beneficiaries is quite small, and the applicable methodology may exclude many women journalists based on their official income. Law provides for that women with income below the minimum are eligible for free legal aid, so women journalists could hardly be included among the beneficiaries of such aid. The institutions relevant for matters of violence against

159 Interviews with women and men journalists and 2 focus groups, one only with women journalists and one mixed group.

160 [Safe journalists](#)

161 [IJAS First line](#)

162 [Belgrade Centre for Human Rights, Annual Human Rights Monitoring 2023](#)

women failed to establish regular services for provision of information on safety measures and legal support for women journalists, and they still do not have designated persons to communicate with the endangered women journalists.¹⁶³

Women journalists usually report verbal threats and attacks to competent institutions, however, they are often unsatisfied with their actions. According to the SPPO report, out of 75 filed cases, 23 complaints refer to women journalists.¹⁶⁴ Women journalists continue to report internal problems to journalists' associations, and in addition to the self-organised group *Women journalists against violence*, IJAS and *Safe Journalists* provide the most support. Only 17% of women journalists report attacks to the police and prosecutor's office, and 16% would rather notify the public, while 16% would report it to the journalists' association. Out of the women journalists who decided to use institutional support mechanisms, almost 70% was not satisfied with how the state authorities reacted.¹⁶⁵ Back in 2021, the special working group was established with a mission to implement EU directives referring to the improvement of all participants position in criminal proceedings including the rights of injured parties. Although since 2021 there is a support project for the victims supported by the Ministry of Justice, OSCE and EU, many victims are not familiar with their rights to this day.¹⁶⁶

— C.4 THE PRACTICE OF REGULAR PUBLIC CONDEMNATION OF THREATS AND ATTACKS ON JOURNALISTS AND MEDIA HAS BEEN ESTABLISHED

The institutions failed to establish the practice of publicly condemning threats against journalists. On the contrary, government representatives not only do not condemn attacks on independent and critically oriented journalists, but also in fact incite those types of attacks with their negative narrative. If attacks are condemned, it is done very selectively in specific strategically important cases, when officials are almost "forced" to react, mostly after reaction of the international organisations and institutions.¹⁶⁷

Representatives of authorities and political leaders selectively condemn threats and attacks on journalists. They react rather quickly only when it comes to tabloid media journalists close to government, while for attacks on independent and critically oriented journalists they only react in the event of heavy physical attacks, but not always.

Representatives of the authorities and public officials create 'flammable' atmosphere with their statements and fertile ground for attacks on critically oriented and independent journalists. Time-tested rhetoric usually starts with negative

163 The reports (annual) of the Commissioner and Ombudsman

164 The SPPO Bulletin on attacks and threats against journalists, January 2024, [statistical data](#)

165 [Only 18% of women respondents said that state authorities made them feel good and acknowledged them in the course of reporting the attacks](#). Moreover, even 42% of the women respondents emphasised that when they reported it to the state authorities, they were additionally traumatised. Research, Aleksandra Krstić and Nikola Jović, "How journalists in Serbia fight online attacks – normalising digital violence as a consequence of absence of institutional support".

166 [Support for victims](#)

167 Council of Europe Report on Media Freedom, 30/09/2023, [statement by the High Commissioner for Human Rights, Dunja Mijatović](#)

statements against independent media and journalists, which end with threats or attacks, followed by identical narrative that we witness in statements of the authorities' representatives. Negative statements get started from public officials and then get multiplied via tabloids and false profiles on social media. Such defamation campaigns encourage and legitimise the intimidation of journalists. Politicians and tabloids use the same language and narrative when attacking journalists. On the other hand, public prosecutors have different views of these campaigns.¹⁶⁸ The pressure caused by suspicion of invitation to forcibly overthrow the constitutional system under article of the Criminal Code emerged as a potential and realistic threat against freedom of expression and freedom of media and such pressure became trending in 2023 after a series of dissatisfied citizens' protests due to government decisions. So far there were 4 recorded cases and in 2 cases the journalists were sentenced, however, not for the suspicion of committing an offence while carrying out journalistic job.¹⁶⁹ What is worrying is that certain types of behaviour qualified as committing this offence increased several times in 2023 compared to criminal law practice in Yugoslavia and Serbia during almost 50 years.

— C.5 POLICE AUTHORITIES ARE SENSITIVE TO JOURNALISTS' PROTECTION ISSUE

Police officers are still not adequately trained to provide basic internationally guaranteed rights and recognise the role of journalist in democratic society. The officers still have many shortcomings in their work, inappropriate reactions and lack of sensitivity towards journalists and the importance of their work. Although several training courses were implemented, the expected sensitivity towards journalists and understanding of their work was not created.¹⁷⁰ The additional problems are caused by frequent changes of contact points in police regional administrations, so the continuity in the work of these persons is lacking. Since 2019, the police applied the special rulebook in its work stipulating urgent reaction as regards attacks on journalists and media workers.¹⁷¹

In general, the police will pay due diligence on threats and attacks that journalists face. In the majority of cases the reactions are good, with the basic support to journalists as injured parties. The communication with contact points and representatives is very good, however, certain events show that the police in fact lack sensitivity and that this cooperation is to some extent imposed and then applied. Actual reactions are selective, depending on the event and the person who started the attack or a threat.¹⁷²

The police in general demonstrated positive attitude when cooperating with journalists' associations. The level of communication is very good, by using the system of check-ups

168 Journalists' Association of Serbia, "[JAS investigated: How to qualify videos against journalists, as "nothing really", endangerment of safety, stalking, insulting or inciting?](#)".

169 [Ombudsman Report for 2023](#), page 14

170 [Training police officers and public prosecutors](#), December 2023, OSCE Mission to Serbia

171 Old version of the 2019 Rulebook, submitted to SWG for consent

172 Interviews with women and men journalists and 2 focus groups, one only with women journalists and one mixed group.

via the MoI representatives in the Standing Working Group and police contact points in regional administrations. These check-ups are carried out urgently with fast feedbacks.¹⁷³ The constant failures of the MoI to recognise their errors in work is not good, such as attacks of gendarmerie members on journalists – they fail to recognise it even after the representatives of the journalists' associations pointed it out. For those reasons, irrelevant of temporary attempts to improve the cooperation, the actual sensitivity and expected reaction are missing.¹⁷⁴

— C.6 SPECIALISED UNITS/OFFICERS ARE EQUIPPED WITH EXPERTISE FOR INVESTIGATING ATTACKS AND VIOLENCE AGAINST JOURNALISTS

Public prosecutor's offices and the police, on the basis of the signed Memorandum on mutual cooperation and in accordance with the adopted internal rules, in 2018 appointed individual persons, public prosecutors and MoI officers of various ranks as special contact points in the cases of events against journalists. Every public prosecutor's office in Serbia has a contact point to monitor the cases of attacks on journalists (130 public prosecutors and their deputies),¹⁷⁵ while in police administrations there are more than 100 police officers as contact points in cases of events against journalists.¹⁷⁶ Contact points are occasionally changed for various reasons (officers' age, staff reshuffling, personal interests, suitability of specific special services that work on crime), however, due to that, it is necessary for the contact points and their information to always be up-to-date and transparent. The police have better technical resources than the prosecutor's office, they work on orders by public prosecutors and represent basic mechanism for collecting information on events and providing evidence.

Prosecutors and police officers have good understanding of violations and criminal offences against journalists. The issue is the failure to build sufficient level of sensitivity and understanding in relation to the weight of journalistic job and actual threats that journalists experience in order to consider each individual case in detail. The issue is also how specific cases are treated as some are easily rejected due to absence of direct threats.¹⁷⁷ Prosecutors believe that it is necessary to launch broader public consultation in amending Criminal Code, in particular as regards the acts of committing criminal offence of endangerment of safety.¹⁷⁸

Mandatory instructions in force provide for review and examination of special group of criminal offences that could be connected with offences against journalists. However, although instructions refer to additional review in relation to attacks against journalists, they do not

173 [SWG Work Report 2023](#)

174 [The report on the meeting between the MoI representatives and three journalists' associations in December 2023](#), and [IJAS press release on the meeting](#)

175 [The list of contact points in the Public Prosecutor's Office](#)

176 [The list of contact points in the Ministry of Interior](#)

177 Interviews with women and men journalists and 2 focus groups, one only with women journalists and one mixed group.

178 IJAS, "[Public prosecutors challenges as regards implementing procedures in cases of online attacks, endangerment of safety and other criminal offences](#)"

improve the practice of understanding the substance of offences, technique of data collection nor influence increasing of the sensitivity towards journalists.

The cooperation between institutions such as police and public prosecutor's offices exists on all levels and is based on cooperation agreement,¹⁷⁹ however numerous communication problems cause shortcomings in data collection, slow processing and poor final results. Public prosecutors fail to respond to the police delays in data collection and fail to undertake special measures to increase responsibility for data collection. The police cannot solve the abuse of powers by their officers, as the internal control procedure dating back to 2020 for the brutal beating of journalist Žikica Stevanović by the members of Gendarmerie still has not been solved. Moreover, other cases of attacks by the police officers are still not prosecuted before the public prosecutor's offices due to the stay of the MoI internal control procedure.¹⁸⁰

— C.7 INVESTIGATIONS OF SERIOUS PHYSICAL ATTACKS ON JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT EFFICIENTLY (INDEPENDENTLY, THOROUGHLY AND PROMPTLY)

The investigations are mostly independent of those they refer to, however the selectiveness in approach and inefficiency in some cases often leave the impression of pressure and influence of other levels of government. Irrelevant of the effectiveness and efficiency in some cases, safety checks and preventive actions, unclear decisions, dropping some cases and failures in strategically very important cases indicate problems in further implementation of investigations. The representatives of the executive interfere with the work of competent authorities by sharing information on the attacks in public or directly interfere with the work of the prosecutor's office and the police through their statements practically disabling the proper implementation of some investigations. In some cases, investigations are not comprehensive, disregarding the background of the act of attack against journalist and real reasons or causes of individual attacks. Very often causes of attacks are initially found in the actions of the institutions' representatives or other influential persons, but competent authorities fail to investigate such allegations.

Receiving and recording complaints is carried out rather quickly. A high level of priority is assigned to the majority of serious attacks under urgent processing, except in the cases that competent authorities consider not to require urgent reaction.¹⁸¹ Unfortunately, journalists and competent authorities do not see eye to eye which cases have priority, by taking account of the subjective feeling of fear and real consequences of threats. Only clear and more than obvious cases get solved, while complicated cases with the background, incitement

179 [Agreement on cooperation between RPPO and MoI](#)

180 The MoI response related to the internal control procedure, meeting with the MoI representatives in December 2023.

181 [SWG Work Report 2023](#)

or other deeper reasons that influenced the perpetration of criminal offences are not investigated nor resolved.¹⁸²

Deadlines for initiating proceedings and investigations vary and are adhered to differently. In cases with the clear direct intent to carry out threat with known perpetrators, it is obvious that the case will be solved sooner. In almost all investigations the actual deadlines are missed, however in the working circumstances of the public prosecutor's office and the police in Serbia, that is often pertinent to the facts not necessarily related to competent authorities. Attacks on journalists are usually qualified properly, and for the majority of offences there is reasonable suspicion of the endangerment of safety of men and women journalists or Article 138, paragraph 3 of the Criminal Code.

Despite the visible increase of the number of cases resolved by the court conviction, the majority of cases is resolved by the prosecutor's decision – dismissal of criminal complaint or official note of no grounds for initiating the criminal proceedings. Some cases still contain elements of punishment for perpetrators of criminal offences, so we can say there is preventive action in cases of attacks against journalists.¹⁸³

— C.8 JOURNALISTS AND OTHER MEDIA ACTORS ARE EFFICIENTLY PROTECTED FROM VARIOUS FORMS OF ONLINE HARASSMENT

Criminal Code (CC) provides for criminal offences in relation to threats or attacks on social media, meaning the Internet in general. The most important and relevant for journalists is the endangerment of safety under Article 138 and special paragraph 3 recognising attacks on persons carrying out work in the interest of the public in the area of public information, and journalistic job is usually in practice qualified as such, and additional criminal offence – stalking under Article 138a is also relevant often occurring on social media.¹⁸⁴

In relation to social media, the offences relating to persons carrying out tasks of public importance in the area of information pertaining to tasks carried out are also highly relevant, and could be very important for cases of harassment of journalists on social media, such as computer sabotage, unauthorised access to protected computers, computer network and electronic data processing; racial and other types of discrimination; unauthorised personal data collection and stalking.¹⁸⁵

Special criminal offences that directly deal with protection of milder forms of harassment do not exist in criminal legislation, however, the relevant offences are stalking from Article 138a of the CC and instigating national, racial and religious hatred and intolerance from Article 317 of the CC, bearing

182 Interviews with women and men journalists and 2 focus groups, one only with women journalists and one mixed group.

183 [Research by the Slavko Ćuruvija Foundation, "Report on Protection of Freedom of Expression"](#)

184 Criminal Code, Article 138, paragraph 3

185 Criminal Code, Article 299 of CC, Article 302 of CC and Article 387 of CC, paragraphs 4 and 6 pertaining to paragraph 1, Article 138a of the Criminal Code.

in mind the frequency of the hate speech towards women and men journalists on social media, and incitement under Article 34 of the CC is being mentioned even more lately. Unfortunately, these offences are not sufficiently applied in relation to the actual events characterised as such.

Besides immediate actions in cases of harassment and online threats, which should be contributing to building the practice in processing and decisions, there are no specific analyses and suggested solutions. Journalists believe that due to the limiting effects of specific criminal offences, a lot is expected when it comes to future amendments to the CC, however, the case law in implementing these offences in reality is not encouraging. Amendments to the Criminal Code and Criminal Procedure Code are underway, and journalists' associations will submit their proposals for the review of the criminal offences.¹⁸⁶ During organised visits to the cities in Serbia, Standing Working Group for Safety had discussions with journalists and media representatives on the problems of threats and online violence.¹⁸⁷ On the other hand, journalists' associations train their members on online protection, providing and recording evidence, understanding and recognising criminal offences, in particular on mentioned "borderline" cases.

— C.9 INVESTIGATIONS OF ALL TYPES OF ATTACKS AND VIOLENCE AGAINST JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT TRANSPARENTLY

Journalists have constant insight into the course of the proceedings when they are the injured parties.¹⁸⁸ Public prosecutors insist on application of rights under the Criminal Procedure Code that provides for the right of insight into the carried-out enquiries and collected documentation in the proceedings, while journalists are more open to use mechanism of contact points from journalists' associations, that also have insight into the course of proceedings. Journalists get the most information from the very proceedings, and for the cases when it is necessary, data that could jeopardise the investigation remain classified. On the other hand, journalists as injured parties often do not have information that the proceedings ended and that, for example, the plea agreement was signed or even opportunity principles were applied.

The courts in Serbia are generally open, in particular concerning the information on the ongoing proceedings. However, although trials are public and its possible to hear the content of charges and motions to indict, copies of these documents are mostly not available neither with the prosecutor's offices nor with the courts handling proceedings. Moreover, every individual prosecutor's office and court has its own manner of removing the information labelled as classified and personal data.¹⁸⁹

186 Meetings of the Covenant for Chapter 23 and working groups for amending Criminal Code and Criminal Procedure Code

187 [Portal Bezbedni novinar \(English: Safe Journalist\) managed by ANEM, periodical reports on visits to cities where journalists' meetings were held, contact points from public prosecutor's offices and police and representatives of the Standing Working Group for Journalists' safety, SWG Report for 2023.](#)

188 Criminal Procedure Code and Rulebook on Administration in Public Prosecutor's Offices, Article 62

189 [The research by the Centre for European Policy, "Report on monitoring situation in judiciary for 2022", published in the second half of 2023](#)

The course of the proceedings and decisions often remain unavailable for the public. The information can be obtained by the insight into the quarterly reports of the SPPO from the bulletin on the situation and cases of threats and attacks on journalists, or by the journalists as injured parties taking individual interests in their cases.¹⁹⁰

The PR officers from the biggest courts and prosecutors' offices have good communication with the journalists that are interested in information from the proceedings but such information from the proceedings does not suffice for the journalists.¹⁹¹

— C.10 QUALITY STATISTICS COLLECTION SYSTEMS ESTABLISHED BY STATE AUTHORITIES TO STEM IMPUNITY

Since 2016, the Supreme Public Prosecutor's Office (SPPO) and Ministry of Interior have been keeping the records of attacks against journalists. Since December 2023 the SPPO updates monthly records submitted to the representatives of the Standing Working Group for Safety.¹⁹²

According to the information published by the Supreme Public Prosecutor's Office, in 2023 there were 75 reported and recorded cases against journalists. The majority of these events continue to get reported through journalists' associations, and less to competent authorities directly. The following actions were undertaken in these cases:

- The conviction was ruled in 9 cases;
- In 6 cases the decision to dismiss criminal charges was adopted;
- In 8 cases the official note of no grounds to initiate criminal proceedings was adopted;
- In 7 cases there are ongoing proceedings before the court on the public prosecutor's charges;
- In 1 case, the evidence gathering procedure is being implemented.
- In 37 cases the request for gathering necessary information is submitted;
- In 7 cases even after undertaking measures in the pre-investigation proceedings, the potential perpetrator was not identified. The first-instance or final decision was adopted in 23 cases, which is 30.67% of the total number of cases and represents the drop in solved cases compared to 2022.

Due to specific standards and rules applied by the public prosecutor's offices, often some cases get removed

¹⁹⁰ Interviews with women and men journalists and 2 focus groups, one only with women journalists and one mixed group.

¹⁹¹ [List of public prosecutor's offices PR officers in Serbia](#)

¹⁹² [Supreme Public Prosecutor's Office, special page dedicated to the journalist's safety](#)

from the database or are not even recorded. It happens due to various reasons: closed cases, offences that are initially not related to attacks against journalists, lack of evidence indicating that it was an attack or threat against journalists due to the job they carry out and other.

The Ministry of Interior also keeps a database on incidents and reports submitted if the injured party is a journalist. The information disposed by the police was for the first time available to the public, therefore, under the records of the Mol, in 2022 there were another 10 physical and 12 verbal attacks on journalists recorded. Regarding the criminal offences and misdemeanours there were 16 reported persons. There were 13 threats registered by the phone and social media (9 in Belgrade and one in Niš, Leskovac, Čačak and Vranje), and four persons were reported related to it. In 2023, 13 physical attacks were recorded (six in Belgrade and one each in Jagodina, Niš, Subotica, Čačak, Kruševac, Sremska Mitrovica and Pančevo) and 16 verbal attacks against the persons carrying out tasks of public importance in the area of information (12 in Belgrade and one each in Niš, Subotica, Sremska Mitrovica and Zrenjanin), and on those occasions bodily injuries occurred – one heavy injury (in Pančevo) and two light bodily injuries (Čačak and Belgrade). Regarding the criminal offences and misdemeanours there are 23 reported persons. There were 23 registered threats via mobile phones and social media (13 in Belgrade, three in Pančevo, one each in Subotica, Novi Sad and Vranje and one in Niš). Five persons were reported.¹⁹³

The SPPO keeps and records the most voluminous data under criminal offences that are suspected to be committed, basic information of the injured party and phases of the proceedings. Public prosecutor's offices record only submitted complaints and notices, meaning that they do not form the case on the basis of the official findings, but only based on the received complaint. The following are recorded: personal data, location of attack, date of filing the case and current stage of proceedings, in fact, actions undertaken by the public prosecutor and the police. These are not classified based on ethnicity and other socio-demographic criteria. Since the beginning of 2024, the data kept by the SPPO are processed and classified by the gender of journalists as injured parties.¹⁹⁴

— C.11 NON-PHYSICAL THREATS AND HARASSMENTS

In 2023, there were 4 cases of non-physical threats and harassments. Regarding this form of expressed threats that have somewhat milder form and are not immediately directed towards life and physical safety of a journalist, the situation is somewhat better compared to previous years when 8 cases were registered. A large number of these events are methodologically left outside of the base of threats and attacks because they are borderline with pressure. What is worrying is that number of such threats is increasing in practice with

193 The Ministry of Interior Office, Department for Media and Communication, sent an answer to the request for access to information to the Mol Bureau.

194 The SPPO bulletin for members of the Standing Working Group for Safety on cases of attacks reported.

greater consequences, but that journalists increasingly avoid reporting them. The reason for that is the practical impunity of such actions that are not recognised in our criminal law practice.

Categories	Number	Brief description of cases
<p>Non-physical threats and harassments</p> <p>This could include:</p> <ul style="list-style-type: none"> – surveillance or trailing; – harassing phone calls; – arbitrary judicial or administrative harassment; – aggressive declarations by public officials; – other forms of pressure that can jeopardise the safety of journalists in pursuing their work. <p>These types of threats do not include mobbing and bullying in the working environment.</p>	4	<ul style="list-style-type: none"> – Journalist and correspondent of TV N1 Milan Nikić was interrupted while he reported in front of Kragujevac Water Supply Company, where he filmed workers hired by agency Fak, who got their employment contracts terminated. – Predrag Koluvića, the owner of property "Jovanjica" and first-charged for the organisation of criminal group that grew marijuana on their estate, addressed journalist Marko Marjanović on social media Twitter. – Journalist Dušan Čavić was targeted by video published on the page "Did you know" on Facebook titled as "Who is Dušan Čavić (MARKA ŽVAKA), who attacks Aleksandar Šapić?". The video was published immediately after the incident and the insults of Aleksandar Šapić against the activist Dušan Čavić. – Journalist Žaklina Tatalović was stalked by the unknown person on motorcycle after she reported from protests in front of the Republic Electoral Commission in Belgrade.

Journalist Dušan Čavić was at first heavily verbally attacked by former Mayor Aleksandar Šapić when the officials visited *Savski nasip* in New Belgrade, followed by verbal discussion and serious insults made by Šapić. As a consequence of these events, a video with a title "Who is Dušan Čavić?" appeared on the social media describing a journalist as an associate of fascist organisations and foreign embassies, with an aim to discredit him in public and incite further attacks. That video is still in online space. Srđan Nonić was chased and he was almost physically threatened in Niš after he filmed a local official entering a gambling house in the middle of working day. The public official chased Nonić and ran after him in the attempt to prevent him filming.

— C.12 THREATS AGAINST THE LIVES AND PHYSICAL SAFETY OF JOURNALISTS

There were 33 cases of serious threats against women journalists, their male colleagues and media newsrooms. Due to the seriousness of these threats these cases were recorded and these were mostly directly expressed threats on social media and in person, dangerous to lives and physical safety of women and men journalists and members of their families, but unfortunately most cases remained unresolved.

The situation is more serious than previous year, not due to the number of threats made, but gravity and manner of threats made. In very heavy cases the entire newsrooms received death threats, and threats made against women journalists were particularly worrying because they were mostly misogynistic.

Particularly heavy threats were made against Nenad Kulačin and Marko Vidojković on social media Instagram and platform X. There were 9 such cases reported and recorded. The content of threats against them varied, by brutal attacks of dogs, to be hanged, invitations to meet and take them, that they will cry after a single slap and many brutal insults.

A few women journalists have repeatedly received brutal threats of rape and hurt, regularly followed by misogynistic statements. Threats were mostly made on social media with additional insults. One of the heaviest threats was addressed to journalist Vojin Radovanović, as a direct threat with shoving, when unknown person addressed him saying that he knew where the journalist worked and that his media outlet Danas was a mercenary media.

Categories	Number	Brief description of cases
<p>Threats against the lives and physical safety of journalists</p> <p>These may include:</p> <ul style="list-style-type: none"> – references to killing journalists, their friends, family, or sources; – references to making physical harm against journalists, their friends, family, or sources. <p>These threats may be:</p> <ul style="list-style-type: none"> – Direct and send via third persons; – Made electronically or in direct communication; – Could be both implicit and explicit. 	33	<ul style="list-style-type: none"> – Nenad Kulačin and Marko Vidojković are being threatened on social media due to comments on murder in the vicinity of Belgrade: F*** and Kosmaj dogs to ugly a**. – Gorica Nikolin from Radio 021 received threats on Instagram, when she was told that this person recognised her from school and that "will p****" on her. – During trial to Dragoljub Simonović, journalist Željko Matorčević was approached by Simonović's friend Milan Marčeta who said: "go out and you will be hurt". – After guest appearance on Nova S podcast, KRIK's editor Stevan Dojčinović and journalist Jelena Vasić received dangerous threatening message in video comments. – After Marko Vidojković passed the information that PEN International gave him support and that he was dislocated out of country due to negative environment and threats he received, Marko received several threats. – Žaklina Tatalović received death threats and insults on social media Twitter, where she was threatened to be hanged and burned on guillotine. – Nina Čolić, an author, and her newsroom received several threats after publishing the video on seizing Aleksandar Vučić's best man car. Some of the comments were: "You better keep the head on your shoulders, instead of poking and looking at social media". – Ivan Ivanović, author and host of TV Nova S show and his family members were threatened by Simo Spasić, an activist, that he will break their spine. – Singer Vlado Georgiev called a journalist and started swearing and threatening him: "... do not mess into my private life, so no problem, okay?" – TV N1 newsroom received a message on TikTok saying: "I will destroy N1 in broad day light". – After Nikola Krstić article in Danas regarding the SOC patriarch's Porfirije statement on women, Krstić received a message that "he should be hanged on a lamp post" and that "such people should be exterminated". – Nenad Kulačin and his family received vulgar and insulting threats, and he was also told "you better not report me". – Nenad Kulačin received public threats on Twitter: "You will end up on a mast..." – Marko Vidojković and members of his family received threatening messages on Facebook. – Nenad Kulačin received a private message on Facebook with threatening content, warning him to be careful: "Watch for the smell". – Commenting the announcement of the show "Good, bad, evil", it was written to Nenad Kulačin: "Such fools are rarely found in some other country. God forbid if I ran into him somewhere in the city. Such pussies end up whining and crying after a first slap." – Partizan fans again insulted and threatened Brankica Stanković, this time on basketball game. – Unknown man threatened the Blic newsroom by phone. – After publishing invitation for presentation of the film "We are all different and beautiful" about Albanians and Serbs, the Jug press newsroom received threats on Facebook. – Ivan Ivanović and his family received SMS threats by Simo Spasić, an activist. – Unknown person attacked Vojin Radovanović, directly threatening him in front of a club in Belgrade, naming him a traitor.

Categories	Number	Brief description of cases
		<ul style="list-style-type: none"> - Vojin Radovanović received a death threat on Instagram when the following was written to him: "You should be killed as an example!" - Nikola Krstić, after he published his article in Danas, received a comment: "You will hang from the lamp post before or after with your tongue sticking, eyeballs rolling and dirt and wet pants. Million per cent. You, stinking shit. Until the moment the Belgrade streets are not decorated by hanging Serbs, Serbia will not be a normal state." - As for the published article on the role of the church in tragic events on Kosovo, portal Danas received threatening comments on Facebook: "There will be no mention of them after the burn". - After negative atmosphere on TV Happy in the TV show Insajder from 2012 in relation to money embezzlement from Kosovo, Brankica Stanković received a message on Twitter during that night: "Brankica, pack your bags or we will pack them for you". - On Facebook page "Daily dose of President" the video was published from one of the shows "Good, Bad, Evil", and threats were addressed to Kulačin and his brother in the comments to that post, with the unknown perpetrator mentioning that he knows the address and school that Kulačin had attended. - After Danas published the article: "Albanian in Belgrade: Who is Fahri Musliu – Vučić claimed not his father?", high-ranking officials accused Danas in their statements that they attacked the President of Serbia's family. - TV N1 editors received a threatening email: "Fucking Nazi, you stink, GOD will be your judge, if not you, then your closest family, you will die in pain, because you are evil, and you are disintegrating due to your evil, lies and wickedness". - Nikola Krstić again received threats on Danas portal: "If I meet you somewhere in the street, God bless, I will rip your ears with that earring you are wearing. - In November and later on in December, several bomb threats were addressed to Radio Television Serbia and Radio Belgrade. - Journalist Isidora Kovačević received threats on social media Instagram. In the post the unknown person wrote from his account: "This trash journalist @the.miss.isidora wanted to say something about the chief of police, so if we a European state you advocate, she would be peeling the potatoes in Bogosavac (note: location of a jail) for spreading lies! So, after the 17th hand-in-hand with the Green and bye-bye till you get to Šabac. - For his article "A guide for journalists during protests", Uglješa Bokić received a threat: "You should be taken to the basement and beaten the hell out of you", and later: "You should all be killed".

— C.13 ACTUAL ATTACKS

This year, 12 physical attacks were recorded, and each of those events was reported to either police or public prosecutor's offices. In the majority of cases, it concerns the attacks on men and women journalists and their TV crews when covering some events. At the end of the year, the situation was assessed as somewhat better compared to previous year, however the end of year was marked with protests due to election irregularities, which incited tensions and caused 3 police physical attacks and 1 attack by protest participants against reporters from location.

Attacks on journalists by Gendarmerie members echoed loudly because there had been an impression of increased sensitivity and progress in communicating with the police. However, the police officers' rapport during protests has stripped-down again the problems the MoI had been facing in its members treatment of journalists. The reporter from the TV Al Jazeera crew was brutally shoved and kicked by the police members, Andrija Lazarević was hit on his arm although he was wearing a conspicuous journalistic ID, while

police officers tried snatching the camera from Beta photo reporter to prevent further recording of the event. Luckily, all incidents ended without heavy consequences. TV N1 reporter Mladen Savatović was physically attacked by a protest participant when he reported in front of the City Assembly in Belgrade, and the present police officers did not react at all. Luckily, the case ended without consequences, and the attacker was arrested in the days following the report.

Categories	Number	Brief description of cases
Actual attacks Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.	12	<ul style="list-style-type: none"> - While he was filming the raft that was sinking and the shore, photo reporter Marko Dragoslavić was physically attacked by two men. - Editor-in-chief of the Niš Initiative, Srđan Nonić, was attacked by the city administration employee in downtown Niš, after Nonić filmed him entering casino during his job hours. - After the rally "Students for Kosovo", FoNet reporter, Marko Dragoslavić, was physically attacked from back and hit by fist several times. - After making a feature, TV Prva crew was approached at Ada Ciganlija by a young man who started stabbing the cameraman with a barbecue fork. - Magazine "Pančevac" photo reporter Milan Šupica was pulled out of the car and physically attacked after verbal threats. - Jug Press website has suffered two serious system hacker attacks. - N1 journalist Maja Đurić was at first verbally attacked by the security in Mitros factory in Sremska Mitrovica, and then physically shoved while she was trying to make the feature with her team. - Nenad Živadinović had his car windshield broken while parked behind the building where he lives. - Beta Agency photo reporter, while he was reporting about events in front of the City Assembly in Belgrade, was approached by the uniformed police officers trying to steal his camera and thus prevent him from filming. - During protests in front of the Belgrade City Assembly, the Gendarmerie member caught TV Al Jazeera cameraman Nenad Nešić by his neck and pulled him, trying to remove him, saying "what are you doing" and "you cannot film here". - Andrija Lazarević from Nova S was hit by a police officer baton on his left arm, although he was labelled conspicuously and showed his journalist ID. - Mladen Savatović was physically harassed and attacked during live coverage from the protests in front of the City Assembly by the unknown perpetrator.

— C.14 THREATS AND ATTACKS ON MEDIA OUTLETS AND JOURNALISTS' ASSOCIATIONS

There were 4 more serious cases of attacks and threats against media, and 3 cases of material damage to the property and vehicles and a threat by the organised paramilitary group through communication network Telegram.

Situation did not change compared to previous years, mainly because independent, critically oriented and in particular investigative media received thousands of insults, pressures and other forms of deliberate and intentional targeting that are not considered tortious acts under criminal law practice. Unfortunately, media get seriously attacked mostly through their journalists and representatives.

Jug Press from Leskovac was targeted by attacks twice. At first, the media outlet car was damaged, and somewhat earlier same year they suffered from several hacker attacks on their webpage.

Categories	Number	Brief description of cases
<p>Threats and attacks on media outlets and journalists' associations</p> <p>Threats could include harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials and other forms of pressure (such as banners, threatening messages, etc.) Actual attacks may include invasion of home/office, seized equipment, breaking equipment and vehicles, etc.</p>	4	<ul style="list-style-type: none"> - Jug Press vehicle was found damaged during the night and it was done by physical means of one or several persons, not by another vehicle. - New hacker attack was carried out against Leskovac Jug Press web page and system. - Demostat investigation and publishing centre suffered a severe hacker attack. - As a part of the serious intimidation of Serbian media outlets in Kosovo and Metohija, portal Kossev suffered the intimidation campaign, while other media outlets reporting in Serbian from the north of Kosovo were also attacked.



Conclusions and recommendations

CONCLUSIONS

LEGAL SAFEGUARDS AND THEIR IMPLEMENTATION

Freedom of expression and freedom of media is guaranteed by the Constitution and media laws, however, inadequate application has affected the need to amend these laws. Serbia still belongs to captured states, where editorial policy is strongly influenced by the government. Despite some positive solutions, the media laws included provisions that were not in line with the Media Strategy and the 2018 Audiovisual Media Services Directive – AVMSD. The biggest problem is the return of the state as the media owner, and taking into consideration the beginning of implementation, further implementation of the law causes concern, in particular as regards the co-financing and appointment of REM' Council members. Competition co-financing, although improved, is now avoided by different means. The misuse of the distribution of funds through state advertising to exercise specific political influence on some media editorial policy is still very present. SLAPPs became regular, and powerful figures and politicians are finding new ways to sue investigative media, such as unfair competition or abuse of personal data. Despite very controversial judgments that cause concern, due to the lack of SLAPP legislation, the acting judges are the only line of defence for the sued journalists. Although protected under laws, journalistic sources are under silent attack of the government representatives, who try to learn the identity of sources from journalists in various ways. Journalists still experience interference with their job, and some newsrooms are forbidden to access events. Access to information is getting even worse, and in the cases of political background, the journalists' requesters almost do not get any information.

JOURNALISTS' POSITION IN THE NEWSROOMS

Social and economic position of journalists and other media workers in Serbia remains very unfavourable. The contracts' uncertainty of journalists is among the biggest problem, without guaranteed labour rights, as well as economic pressures such as low income and exhaustion by additional jobs to feed their families. The overall situation influences the poor conditions concerning freedom of media, influencing journalists' job but also themselves and their mental health. Employees' burnout represents a huge problem in some media. The weak nature of trade union organisation of journalists and media workers remains. Private media mostly respect the Serbian Journalists' Code, however ethical standards are often violated, first of all by tabloid media, as showed by Press Council reports. Various reports related to electronic media also show failure to comply with ethical standards and the programmes used as bases for their licences. Public broadcasters experience various forms of pressure by high public officials leading to some forms of self-censorship, because some important topics are excluded from public broadcasters' programmes or critical perspective of some topics important for citizens. The non-profit media outlets are most often targets of various attacks and pressure, insults, targeting, and under pressure of the highest government officials – in tabloid media and in prime time shows on media with national coverage. The position of women journalists and their working conditions are for many years worse than with male journalists. Women journalists are still subject to gender-based pressure that ensue from specific social context and relationship towards women, both in newsrooms and outside and women journalists are no so rarely exposed to sexist and misogynistic statements.

JOURNALISTS' SAFETY

Serbia has established the mechanism of fast reporting and urgent processing, however, with a lot of shortcomings, so in police administrations and in public prosecutor's offices in smaller places, journalists often do not have equal access. The fast reporting is often rendered pointless by problems in collecting and ensuring evidence. Considering institutions actions and response, there is no impression of the deterring effect on potential perpetrators. Women journalists are mostly unsatisfied with the actions of competent authorities and there is no protection against additional victimisation in the proceedings from the attacker. Representatives of authorities and political leaders selectively condemn threats and attacks against journalists and react only in reference to tabloid media close to the authorities. They create very flammable atmosphere with their statements and enable attacks on journalists. Time-tested rhetoric usually starts with negative statements against independent journalists and media ending by treats or attacks, followed by the identical narrative that we see and hear from representatives of authorities. Police officers are still not adequately trained to ensure human rights and recognise the role of journalist in society. The officers still have many shortcomings in their work, inappropriate reactions and lack of sensitivity towards

journalists and the importance of their work. Prosecutors and police officers have good understanding of offences against journalists, however sensitivity and understanding in relation to the weight of journalistic job is lacking and actual threats that journalists experience in order to consider each individual case in detail. The issue is also how specific cases are treated as some are easily rejected due to absence of direct threats. The investigations are mostly independent of those they refer to, however the selectiveness in approach and inefficiency in some cases often leave the impression of pressure and influence of other levels of government. Attacks on social media became a serious problem and challenge for criminal legislation. Attacked journalists are enabled with access to the majority of information from the ongoing proceedings, but the most of the prosecutor's investigation is closed for the public.

GENERAL CONCLUSION

Freedom of expression and freedom of media, although guaranteed by regulations, have not been exercised in entirety. Serbia still belongs to captured states, in which media editorial policies are strongly influenced by the government. Despite positive solutions, the media laws included provisions that were not in line with the Media Strategy and the EU Audiovisual Media Services Directive. Critically oriented media are under the impact of the powerful figures and politicians through SLAPPs. The overall situation impacts the poor conditions concerning freedom of media, but also uncertainty of journalists' contracts, without guaranteed labour rights, economic pressures and low salaries. Journalists are under huge pressure, in particular by the representatives of the authorities. They are targets of smear campaigns by tabloid media televisions, mostly by government representatives. Women journalists are still targets of misogynistic attacks, and state does not do much to condemn and prevent such attacks. Despite fast reporting mechanism, poor investigations do not contribute to good results and deterring effect. Attacks against journalists are not condemned by the representatives of the authorities, even worse, they are incited by the violent rhetoric. The competent authorities lack sensitivity in understanding the position of journalists, and criminal legal system is not enforced properly so it cannot protect critically oriented journalists and media.

RECOMMENDATIONS

DIMENSION A: LEGAL SAFEGUARDS AND THEIR IMPLEMENTATION

- New Law on Electronic Media should be additionally aligned with the Audiovisual Media Services Directive – AVMSD;
- It is necessary to make additional amendments to the adopted media laws, that must remain in line with the acquired rights from 2014, and Media Strategy as well. Amendments to the Law on Public Information and Media and Law on Electronic Media must strictly adhere to requests and recommendations from

the Strategy and align with the missing provisions of the Audiovisual Media Services Directive.

- Representatives of authorities must behave responsibly, demand the lessening of tensions and urgently condemn all events that endanger safety of citizens that dare to think and speak critically.
- Representatives of authorities must reduce the influence and pressure on media's editorial policy and enable exercise of higher freedom of media and freedom of expression;
- The actions by institutions enforcing media laws must be in line with the provided procedures. Applied procedures must ensure protection of the legally planned competition co-financing, responsibility for violation of procedures and spending for unintended purposes, as well as the control of all procedures awarding funds to media. All mechanisms for awarding funds or assistance to media must be under special scrutiny, in particular if they change the legally set out procedures;
- Work of REM must be improved in practice by implementing higher control and raising level of liability for decision makers;
- Establish adequate responsibility of REM Council members and responsible persons in professional services in relation to established shortcomings in applying regulations;
- Monitoring media during election campaigns must be precise and clearly methodologically regulated, with objective overview of the as-is state and timely notifying of the public.
- Appointment of new REM Council members should commence as soon as possible, since there is justified fear that it will not be completed in the legally prescribed deadline of one year. Work of the Regulatory Authority for Electronic Media should be improved by appointment of independent and objective experts, while ensuring stability and independence in the work of this body.
- Appointment of Programme Councils of public media services members should be initiated as soon as possible within the legally prescribed deadline.
- It is necessary to regulate supervision over use of personal data by the political parties for the purpose of election campaign;
- Access to information should be additionally strengthened for the purpose of ensuring support for journalists in relation to the public authorities that ignore, fail to act upon requests, give incorrect answers and abuse deadlines so as to delay the response, in particular with the local self-government public authorities;

- Ensure protection for journalistic sources and diminish the effects of collection and processing of biometric data, as well as the liability of persons doing that. Especially strengthen the responsibility and sanctioning of the persons who abuse and cause harm to sources and journalists.

DIMENSION B: JOURNALISTS' POSITION IN THE NEWSROOM

- Amending new laws and bylaws to additionally strengthen the independence of public media services;
- Strategically provide for and work on development of special anti-SLAPP regulations systems that would protect journalists and media from abusive lawsuits and establish the responsibility of especially representatives of authorities who abuse such lawsuits;
- Harmonise case law in the proceedings against journalists for compensation for damages as regards publishing information with the European Court of Human Rights case law;
- Ensure better labour status of journalists and other media professionals:
- Sign branch collective agreement to ensure better conditions of work, provide support for trade union organisation and make more efficient inspection to reduce the illegal employment;
- Ensure measures and procedures for improving women journalists status, women editors, those working in media, while creating better conditions for their higher representation in managerial positions;
- Ensure higher independence of journalists and newsroom in relation to the media owners and the management by signing special acts that would enable such independence or predict signing of annexes to the employment contracts defining professional rights and obligations of journalists and editors.

DIMENSION C: JOURNALISTS' SAFETY

- Ensure better safety of journalists and other media workers;
- It is necessary to carry out urgent investigations and resolve all cases of threats and attacks on journalists, with particular view of those initiated by the government representatives;
- It should be ensured to have clear, unequivocal and non-selective condemnation of any form of violence against journalists exercised by the public officials so as to convey the message what is considered to be unacceptable behaviour;

- Communication strategies of public prosecutor's offices and the MOI should be raised to a higher level. As regards the public nature of their actions and extent thereof, it is necessary for the public prosecutor's offices and the MOI to be broadly open, to the level not jeopardising the prosecutors' investigations and actions by supporting public prosecutors and their deputies to share with the public and communicate about the cases they have been assigned;
- It is necessary to raise the level of sensitivity of all participants in the procedures of journalist protection;
- It is necessary to continue with the work and training of the police officers and public prosecutors, in particular as regards topics of sensitivity and secondary victimisation.
- The police officers must complete training to understand the position of persons injured by criminal offences, because the highest dropout rate in reporting was connected with negative treatment in the police and public prosecutor's offices;
- It is necessary to ensure clear and non-selective internal accountability within the bodies competent for prosecution of perpetrators of criminal offences against journalists;
- The practice of understanding the criminal offences should be amended for the purpose of improved understanding of the manner of threats written or expressed as regards specific criminal offences for the protection of journalists, in particular as regards endangerment of safety in online space. Within that meaning it is necessary to amend understanding of key criminal offences important for protection of journalists. It should be particularly taken into consideration to increase protection by extending existing and introducing new criminal offences but with caution due to potential abuse and negative impact to the freedom of expression and opinion;
- It is necessary to increase the level of sensitivity of judges concerning the journalistic work and awareness on consequences of threats and attacks. Judges should be actively involved in finding solutions that would help in changing the practice of understanding of the nature of criminal offences, in particular endangerment of safety, and to improve it for the benefit of journalists as injured parties;
- To ensure achieved levels and additionally improve protection of journalistic sources in relation to potential detrimental effects of other regulations that could deteriorate their status.

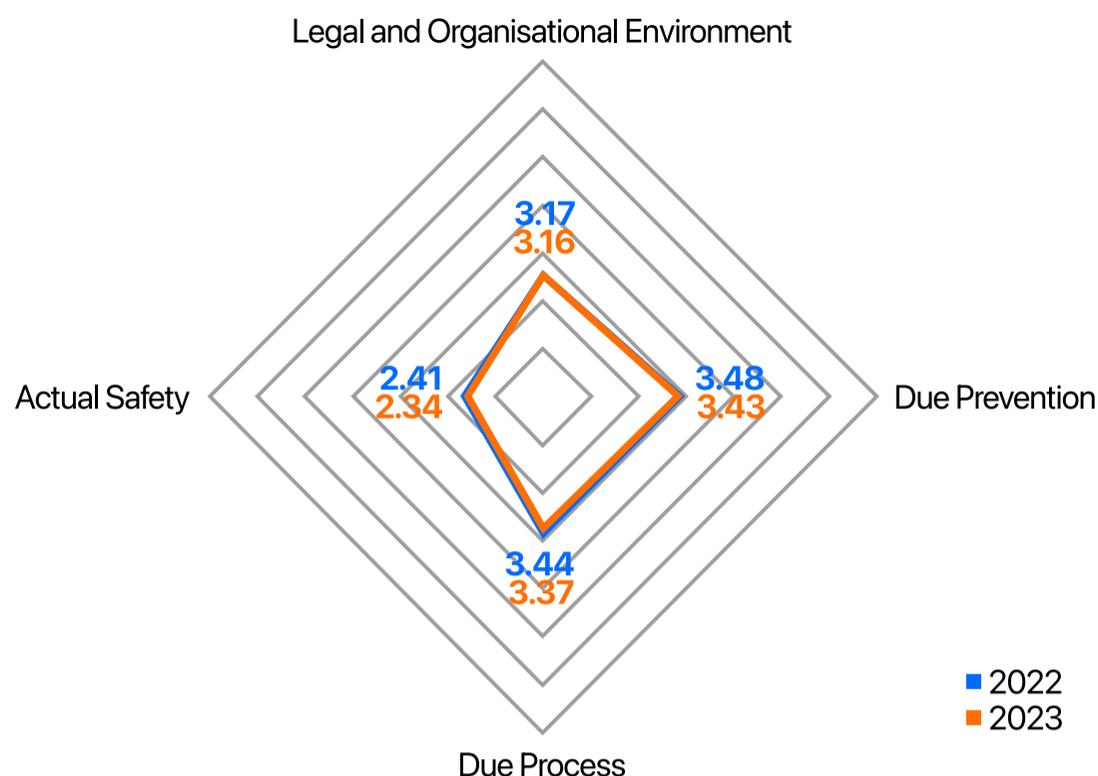
IV

Journalists' Safety Index in Serbia – 2023

This section of the report graphically presents the Journalists' Safety Index in 2023, compared to the previous year 2022. For each of the four dimensions and for all 19 indicators, a brief explanation of the key changes that occurred in 2023 is presented.

A broader explanation of the data and the changes that occurred for each individual indicator of the Index can be read in the narrative section of the report:

Indicators of Journalists Safety Index	Narrative report
I. Legal and Organisational Environment	
Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	A.6
The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities	A.8
Other laws are enforced objectively and allow journalists and other media actors to work freely and safely	A.7
Journalists are free to pursue their profession and to establish, join and participate in their associations	A.9
The job positions of journalists are stable and protected at the workplace	B.1
II. Due Prevention	
Journalists and media actors have access to immediate and effective protective measures	C.1
Journalists and other media actors (whose lives or physical integrity are at real and immediate risk) have access to special protection or safety mechanisms	C.2
Women journalists have access to legal measures and support mechanisms if faced with gender-based threats, harassment or violence	C.3
The practice of regular public condemnation of threats and attacks on journalists and media has been established	C.4
Police authorities are sensitive to journalists' protection issue	C.5
III. Due Process	
Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists	C.6
Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)	C.7
Journalists and other media actors are efficiently protected from various forms of online harassment	C.8
Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently	C.9
Quality statistics collection systems have been established by state authorities to stem impunity	C.10
IV. Actual Safety	
Non-physical threats and harassments	C.11
Threats against the lives and physical safety of journalists	C.12
Actual attacks	C.13
Threats and attacks on media outlets and journalists' associations	C.14



	2022	2023		Main new developments in each dimension
Legal and Organisational Environment	3.17	3.16	↓	Although their right to freely exercise their profession is guaranteed by law, journalists experience various types of pressure preventing stability and their protection at work. Officials and powerful people are finding new methods for suing journalists and exhibiting additional pressure on them, which impacts the gravity and increasing number of SLAPPs. Journalists are threatened by other regulations that are occasionally used against them. Although formally protected, journalistic sources are especially attacked, while institutions are sending clear message to the sources that disclosing information is not welcome and that system will not allow it. Access to safeguards is simple and good, however, the majority of proceedings is either rejected or stalled in further phases.
Due Prevention	3.48	3.43	↓	Occasional police sensitivity to matters of journalists' safety indicates that there is no systematic action and no depth and that police officers essentially do not understand the role of journalists and the importance of preserving their safety. Although they have formal access to protection mechanisms, apart from occasional reactions of public prosecutor's offices, women journalists suffer more negative consequences, such as absence of sensitivity of almost all institutions and additional victimisation. Direct victims' protection functions occasionally. However, due to the lack of trust in the institutions that carry out checks (SIA and Mol) and the mechanism itself, journalists rarely dare to ask for protection. Although journalists have good access to protection mechanisms, the practice of not condemning threats and attacks, with government representatives inciting citizens to threats, increase lack of trust and deter women and men journalists from reporting.
Due Process	3.44	3.37	↓	Competent authorities, despite certain shortcomings, have indeed established good mechanisms for collecting data. Although well established, the system does not have an impact on reducing impunity. Different results of implemented investigations still give the impression of selective approach. Online harassment became the greatest problem in protecting journalists, and although competent authorities' knowledge is increasing, more and more problems occur such as lack of sensitivity, actual capacities and technical decisions that reduce the real efficiency of those providing protection. Prosecutor's office and the police in particular are under pressure and influence of other government authorities, which contributes to the prosecution mechanisms inefficiency.
Actual Safety	2.41	2.34	↓	Number of physical assaults decreased, however journalists were again under the attack of the police. Greatest concern is caused by attacks on social media, that competent authorities have difficulties to solve. Despite some good results in carrying out investigations, difficulties and obstacles in prosecution and impunity of such attacks shape the entire impression on actual safety that had decreased in all segments. Number of actual threats is not dropping, while quick reporting and prosecution has no deterring effect on the perpetrators. There are numerous examples of giving up from reporting attacks due to the lack of trust in the protection system.
Journalists' Safety Index	2.89	2.83	↓	

Legal and Organisational Environment

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

3.20

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

3.60

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

3.10

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

3.00

Journalists' job position is stable and protected at the workplace

2.91

1.00 Neither law nor practice provides any protection in the workplace for journalists, their sources, and their organizations, which creates an extremely chilling effect.

2.00

3.00

4.00

5.00

6.00

7.00



Both the law and practice provide the highest degree of protection in the workplace for journalists, their sources, and organizations.

INDICATOR 1.1

— LEGAL PROVISIONS RELATED TO DEFAMATION AND THEIR APPLICATION DO NOT CREATE A CHILLING EFFECT ON JOURNALISTS AND THE MEDIA

Score for 2022: 3.24 / Score for 2023: 3.20

The *defamation* was decriminalised in Serbia but the regulations do not stipulate specific provisions that protect the reputation and honour of civil servants. However, certain first-instance judgments are worrying as the government representatives and powerful people have their honour and reputation defended. Journalists and media are now sued due to alleged violation of business reputation and publishing of personal data. Although they are not discouraged to write and investigate, journalists are under the strongest attacks of SLAPPs, fully aware that consequences of such lawsuits are numerous. The proceedings are exhausting, lawsuits cause a series of other especially economic issues and constant re-examining. Unfortunately, number of SLAPPs is increasing.

INDICATOR 1.2

— THE CONFIDENTIALITY OF JOURNALISTS' SOURCES IS GUARANTEED IN THE LEGISLATION AND RESPECTED BY THE AUTHORITIES

Score for 2022: 3.58 / Score for 2023: 3.60

Journalistic sources are protected under regulations providing that journalist is not obliged to disclose the source of information, but restrictions are also stipulated as regards data pertaining to criminal offences. Electronic surveillance and the possibility of its abuse is particularly worrying that can impact the work of journalists and create a necessity to change communication with sources. In 2023, the Personal Data Protection Strategy was adopted for the purpose of limiting or preventing other attempts of personal data abuse by amending legislation. Although there is no direct pressure on journalists to reveal their sources, government representatives and powerful people use various lawfully provided possibilities to learn sources of information.

INDICATOR 1.3

— OTHER LAWS ARE ENFORCED OBJECTIVELY AND ALLOW JOURNALISTS AND OTHER MEDIA ACTORS TO WORK FREELY AND SAFELY

Score for 2022: 3.10 / Score for 2023: 3.10

Often *other regulations* are used in Serbia to the detriment of journalists, thus making their lives and work more difficult and their objective reporting as well. The most obvious abuse is visible in SLAPPs in which journalists are sued due to alleged violations of different laws, such as commercial regulations and personal data protection. Some proceedings were initiated before Commercial Court due to unfair competition and harm to reputation. The majority of cases takes long time, journalists have to be constantly engaged

with these proceedings that exhaust them both financially and mentally. The cause of additional concern are the disputed situations and decisions of some judges in these cases.

INDICATOR 1.4

— JOURNALISTS ARE FREE TO PURSUE THEIR PROFESSION AND TO ESTABLISH, JOIN AND PARTICIPATE IN THEIR ASSOCIATIONS

Score for 2022: 2.98 / Score for 2023: 3.00

Journalists in Serbia do not have *to be licenced to do journalistic work*. The debate about a definition of a journalist is still ongoing, in particular regarding the protection of journalist under criminal law in cases when they are injured parties. For some criminal offences, journalists clearly have higher degree of protection, so prosecutors and police believe that defining the concept of journalist would facilitate their protection. It is still a hot topic who can be considered a journalist in relation to protection of sources, meaning who are the persons who can enjoy the rights of protection of sources. Journalists are still banned to enter some events, but in some local environments those bans are not removed despite the complaints and reactions from journalists' associations. These bans have a great impact on the work of local journalists who suffer huge consequences thereof since those events are the most important pieces of news they can offer. Parallel journalists' associations ran extremely negative campaign by deteriorating any advancement in drafting new media laws.

INDICATOR 1.5

— THE JOB POSITIONS OF JOURNALISTS ARE STABLE AND PROTECTED AT THE WORKPLACE

Score for 2022: 2.96 / Score for 2023: 2.91

Socio-economic position of journalists and other media workers in Serbia is still very unfavourable, including their working conditions, work uncertainty without guaranteed labour laws and unsustainability of their employment contracts. Many journalists still work without a permanent contract. It is particularly worrying that young journalists labour rights are at risk and they experience constant pressure due to insecure work paid through fees. The greatest reasons for journalists dissatisfaction are small salaries, economic and other pressure, uncertainty of their engagement and employment and the need to find additional sources of income.



Due Prevention



INDICATOR 2.1

— JOURNALISTS AND MEDIA ACTORS HAVE ACCESS TO IMMEDIATE AND EFFECTIVE PROTECTIVE MEASURES

Score for 2022: 3.97 / Score for 2023: 4.01

The *mechanisms of fast reporting and urgent reaction* of the competent authorities have been established in Serbia and although functional, they are not equally established in all parts of Serbia. In smaller environments, the police officers and prosecutors do not act so quickly and often do not know they are the contact points for attacks on journalists. Despite that, mechanism means progress and brings a certain level of trust when it comes to cases of attacks and threats. On the other hand, the previous period was marked with cases that were not properly recorded and labelled and were not processed in accordance with the provided instructions adopted by the public prosecutors' offices and the police.

INDICATOR 2.2

— JOURNALISTS AND OTHER MEDIA ACTORS (WHOSE LIVES OR PHYSICAL INTEGRITY ARE AT REAL AND IMMEDIATE RISK) HAVE ACCESS TO SPECIAL PROTECTION OR SAFETY MECHANISMS

Score for 2022: 4.30 / Score for 2023: 4.30

Journalists do have *access to safety protection mechanisms*, although there is no special mechanism envisaged only for them. The mechanism predicts detailed examination of the situation and potential endangerment of safety and, in addition to the police, includes participation of the Security Information Agency, which is a deterring factor for journalists. Due to that they often give up on the safety assessment. In 2023, there were several cases of relocation requests submitted to international organisations, which was not met with the approval by the public prosecutor's offices and the police in Serbia. Other mechanisms of protection by the independent institutions are almost in its entirety inefficient and non-applicable.

INDICATORS 2.3

— WOMEN JOURNALISTS HAVE ACCESS TO LEGAL MEASURES AND SUPPORT MECHANISMS IF FACED WITH GENDER-BASED THREATS, HARASSMENT OR VIOLENCE

Score for 2022: 3.42 / Score for 2023: 3.36

Women journalists still do not have good *access to protection mechanisms* provided by gender-based mechanisms of protection from attacks. Although they mostly report attacks, women journalists are very unsatisfied with prosecution and relationship towards them in criminal proceedings. Misogynistic insults, secondary victimisation and absence of appropriate reaction to such attacks are the biggest problems women journalists face. Independent institutions do not help much because they do not have any announcements and no regular support mechanisms.

INDICATORS 2.4

— THE PRACTICE OF REGULAR PUBLIC CONDEMNATION OF THREATS AND ATTACKS ON JOURNALISTS AND MEDIA HAS BEEN ESTABLISHED

Score for 2022: 2.73 / Score for 2023: 2.56

The institutions failed to establish the practice of *publicly condemning threats against journalists*. The government representatives not only do not condemn attacks on independent and critically oriented journalists, but incite those types of attacks with their negative narrative. If there is condemnation of attacks, it is done very selectively in specific strategically important cases, when officials are forced to react, mostly after the reaction by the international organisations and institutions. Officials create very flammable atmosphere with their attitude by using extremely violent narrative that tabloid media and some citizens then take over.

INDICATORS 2.5

— AUTHORITIES ARE SENSITIVE TO JOURNALISTS' PROTECTION ISSUE

Score for 2022: 2.99 / Score for 2023: 2.94

The police representatives are not sufficiently *sensitive to cases of threats and attacks* on journalists. Despite generally positive attitude in the cases of threats and attacks and fast response in majority of cases, there is an impression of how it is artificial, without real sensitivity towards journalists' job and threats against them. Police officers are still not trained to appropriately ensure fundamental internationally recognised rights and recognise the role of journalists in democratic society, so shortcomings in their work and inappropriate reaction are detected.



Due Process

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

4.53

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

2.95

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

3.10

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

2.70

Quality statistics collection systems established by state authorities to stem impunity

3.57

1.00 Institutions neither investigate nor sanction attacks on journalists, including online harassment, threats to the life and physical safety of journalists, and physical attacks on journalists and the media.

2.00

3.00

4.00

5.00

6.00

7.00



Institutions are fully efficient and transparent in investigating and sanctioning attacks on journalists, including via the internet, threats to the life and physical safety of journalists, and physical attacks on journalists and the media.

INDICATORS 3.1

— SPECIALISED UNITS/OFFICERS ARE EQUIPPED WITH EXPERTISE FOR INVESTIGATING ATTACKS AND VIOLENCE AGAINST JOURNALISTS

Score for 2022: 4.55 / Score for 2023: 4.53

The system of contact points has been established in Serbia that in addition to Standing Working Group for Safety, represents the backbone of journalists' protection mechanism. The public prosecutors and the police have good instructions that regulate their work and responsibility and all cases could be inspected through the Standing Working Group for Safety. However, the lack of capacities has been noticed, in particular human resources and technical capacities. Although the police, more than the public prosecutor's offices, have been better equipped and trained to investigate in particular offences related to cybercrime, their capacities are insufficient. Many cases are stalled, from initial actions to important data collection and providing evidence.

INDICATORS 3.2

— INVESTIGATIONS OF SERIOUS PHYSICAL ATTACKS ON JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT EFFICIENTLY (INDEPENDENTLY, THOROUGHLY AND PROMPTLY)

Score for 2022: 2.98 / Score for 2023: 2.95

The investigations are mostly independent of those they refer to, however the selectiveness in undertaken actions and inefficiency in some cases leave the impression of pressure and influence of other levels of government on the public prosecutors. Receiving reports is done rather quickly and high level of priority is assigned to the majority of serious attacks under urgent processing, except in the cases that competent authorities consider not to require urgent reaction. The problems occur with the information gathering and providing evidence, in particular with the cases of attacks on social media. Numerous cases remain unsolved although the practice in other similar cases (when President of the Republic was threatened) demonstrated quick and efficient judgments. Journalists do not have the same treatment despite the fact that the criminal offences should provide equal guarantees.

INDICATORS 3.3

— JOURNALISTS AND OTHER MEDIA ACTORS ARE EFFICIENTLY PROTECTED FROM VARIOUS FORMS OF ONLINE HARASSMENT

Score for 2022: 3.13 / Score for 2023: 3.10

Although criminal justice system provides protection of journalists and the key criminal offences include online harassment, this protection is not entirely efficient. The biggest problem is providing evidence to ensure understanding of the endangerment of safety and stalking of journalists, but also to identify the perpetrator in the cases when public prosecutors

accept the existence of threat. Other criminal offences are less represented and even less efficiently implemented.

INDICATORS 3.4

— INVESTIGATIONS OF ALL TYPES OF ATTACKS AND VIOLENCE AGAINST JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT TRANSPARENTLY

Score for 2022: 2.85 / Score for 2023: 2.70

The acts of threats and attacks are in the majority of cases managed transparently with the possibility of learning some information from the very proceedings. Journalists have open access to their criminal proceedings, however if they do not act by themselves, the public prosecutors will not notify them proactively, sometimes not even in the cases of plea agreements or other decisions in criminal proceedings. Journalists also use the Standing Working Group for Safety to check on their cases and point out potential irregularities.

INDICATORS 3.5

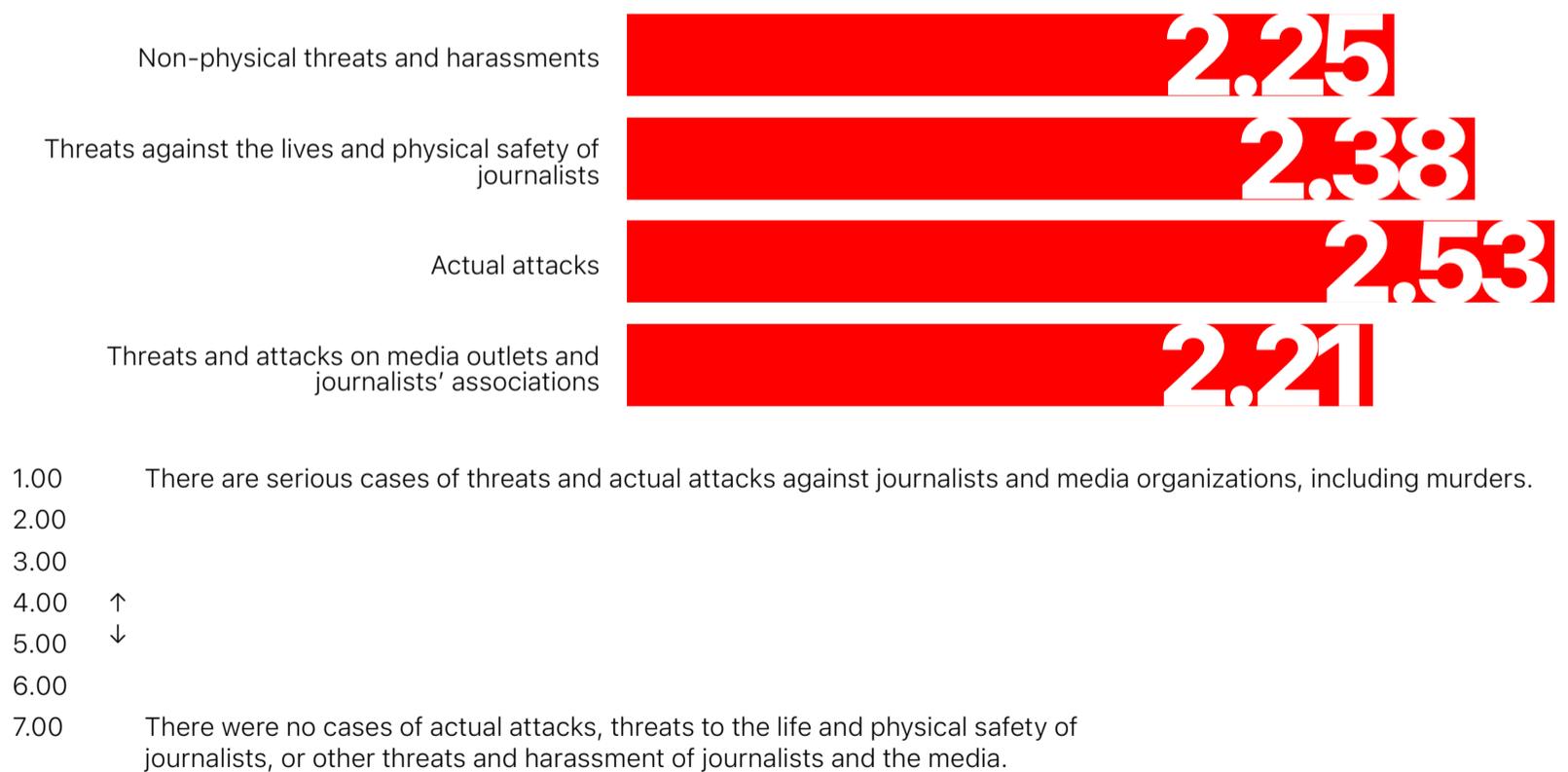
— QUALITY STATISTICS COLLECTION SYSTEMS HAVE BEEN ESTABLISHED BY STATE AUTHORITIES TO STEM IMPUNITY

Score for 2022: 3.68 / Score for 2023: 3.57

Public prosecutor's office has established a sound mechanism for cases statistics that is submitted on a monthly basis to representatives of the journalists' associations in the Standing Working Group for Safety. The public prosecutor's office keeps and submits the most voluminous data, recorded under the type of criminal offence, basic information of the injured party and phases in the proceedings. Public prosecutor's offices record only submitted complaints and notices, meaning that they do not form the case on the basis of the official findings, but only based on the received complaint. On the other hand, in 2023 the MoI submitted for the first time the information on the received complaints pertaining to cases of attacks against journalists.

IV

Actual Safety



INDICATORS 4.1

— NON-PHYSICAL THREATS AND HARASSMENTS

Score for 2022: 2.29 / Score for 2023: 2.25

In 2023, there were 5 registered serious cases of *non-physical threats and harassments*. Regarding such expressed threats that have somewhat milder form and are not immediately directed against life and physical safety of a journalist, the situation is somewhat better compared to previous years. What is worrying is that number of such threats is increasing in practice, while journalists are even more avoiding to report them. The reason for that is the practical impunity of such offences that are not recognised in Serbia's criminal law practice as punishable. Great number of these events stay in the domain of so-called pressures and in accordance with the criminal law understanding of such tortious acts, it is very difficult to qualify them.

INDICATORS 4.2

— THREATS AGAINST THE LIVES AND PHYSICAL SAFETY OF JOURNALISTS

Score for 2022: 2.55 / Score for 2023: 2.38

There were 33 cases of serious threats, that were *against life and physical safety* of men and women journalists and their families. Cases were recorded because of very serious threats that in the majority of cases represent directly expressed threats on social media and in person, and unfortunately the most of the cases remained unsolved. The situation is harder than previous year, not due to the number of threats made, but the gravity and the manner of threats made. Particular cases are very heavy since entire newsrooms received death threats, and threats made against women journalists are particularly worrying because they were mostly misogynistic.

INDICATOR 4.3

— ACTUAL ATTACKS

Score for 2022: 2.53 / Score for 2023: 2.53

This year, 12 *physical attacks* were recorded, and each of those events was reported to either police or public prosecutor's offices. In the majority of cases, it concerns the physical attacks on men and women journalists and or their TV crews when covering some events. At the end of the year, the situation was assessed as somewhat better compared to previous year, however the end of year was marked with protests against the Republic Electoral Commission decisions regarding suspicion of the election irregularities, which brought about violent events and 3 police physical attacks and one attack by protest participants against reporters from location. Attacks on journalists by the members of the Gendarmerie made loud noise especially due to specific progress in communication with the police and impression of increased sensitivity. However, the police officer's rapport during the

protests has stripped-down again the problems MoI had been facing in the relationship of its members towards journalists.

INDICATORS 4.4

— THREATS AND ATTACKS ON MEDIA OUTLETS AND JOURNALISTS' ASSOCIATIONS

Score for 2022: 2.27 / Score for 2023: 2.21

There were 4 more serious cases of *attacks and threats against media*, and 3 cases of material damage to the property and vehicles and a threat by the organised paramilitary group, through communication network Telegram. Situation did not change compared to previous years, mainly because independent, critically oriented and in particular investigative media receive thousands of insults, pressures and other forms of deliberate and intentional targeting that are not considered as tortious acts under criminal law practice. Unfortunately, the most serious attacks on media outlets are when their journalists and media workers are being attacked.

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