

# **MEDIA FREEDOM IN SERBIA – REPORT AND REALITY AT CROSS PURPOSES**

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



**CIVILNO DRUŠTVO ZA  
UNAPREĐENJE PRISTUPANJA  
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# INTRODUCTION

In front of you is the alternative report on the implementation of the Revised Action Plan for Chapter 23 in the part concerning the protection of journalists and media legislation, within Chapter 3.3 Freedom of expression and freedom and pluralism of media.

In this report, we will analyse certain activities envisaged by the Revised Action Plan for Chapter 23 and the Report on the Implementation of the Revised Action Plan for Chapter 23, in order to assess what has been achieved in the most important areas.<sup>1</sup>

## PROTECTION OF JOURNALISTS

### *Interim benchmark*

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

### *Result of benchmark implementation*

**More efficient protection of journalists from threats of violence is ensured through the improvement of the system of preventive measures taken in order to protect journalists and the introduction of priority actions in investigations of threats and violence against journalists in order to effectively sanction conducted attacks. A higher level of cooperation has been achieved between journalists' associations, the police and public prosecutors regarding the protection of journalists' safety.**

### *Impact indicators*

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

The latest Report of the European Commission<sup>2</sup> states that Serbia has some level of preparation concerning freedom of expression and that, overall, limited progress has been made. However, it is stated that the attacks of high-level officials on journalists continued. The mandatory instruction of the Republic Public Prosecutor's Office, which envisages urgent action in cases of threats and attacks against journalists, was positively assessed. Also, Serbia received a positive assessment regarding the special records of the prosecution. The Report states that the working group for safety and protection of journalists has been formed, and that it includes media representatives. However, the withdrawal of most media associations from the group on safety of journalists is also mentioned, due to hate speech and smear campaigns against

<sup>1</sup> The methods used to gather information for the report are: analysis of relevant national and international reports on media freedom and safety of journalists; analysis of media articles and collection of statements by national and international officials on media freedoms and safety of journalists; analysis of legal acts and other official documents and conducting interviews with relevant persons for the topics covered.

<sup>2</sup> European Commission, Republic of Serbia, Report for 2021, Brussels, 2021, p.37 [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/izvestaj\\_ek\\_oktobar\\_21.PDF](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_oktobar_21.PDF)

journalists and civil society representatives. The speeches of the head of the ruling party caucus in Parliament were especially emphasized, even after the adoption of a code of conduct in the Parliament in December 2020. The report states that cases of threats and violence against journalists remain worrying, and that the overall environment for the exercise of freedom of expression without hindrance still needs to be further strengthened.

*According to the reports of the European Commission, Serbia has not made progress in this area for several years, and in the last two years it has been pointed out that it has achieved some level of preparation, but limited progress has been made, so we can conclude that this success indicator has not been achieved.*

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

The annual report of the Protector of Citizens states that no progress has been made in the area of freedom of speech and expression in the Republic of Serbia in 2020. The Protector of Citizens adds that physical and verbal attacks, belittling, humiliation and discrediting of journalists continued in 2020., and that the position and status of journalists and media workers is additionally endangered by their poor material status<sup>3</sup>.

*The last two reports of the Protector of Citizens point out that no progress has been made, so we can conclude that this success indicator has not been achieved either.*

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

The Prosecutor's Office has taken certain actions in the past period, which have to some extent contributed to the protection of journalists. In December 2020, it issued a new binding instruction which regulates in more detail the urgent actions of the Prosecutor's Office and the actions of contact persons in cases of attacks on journalists, keeping records of attacks on journalists, as well as the possibility of disciplinary liability in cases of non-compliance with mandatory instructions. There are cases that have been resolved effectively, but there are very few of them. The instruction contributed to a faster response in the initial phase of the procedure after the filing reports, however, the procedures still take a very long time and there are but a few cases that have been resolved by a conviction.

According to the data of the Prosecutor's Office, from the records submitted to the media and journalists' associations, in the period from January 1, 2021 until October 31, 2021, 66 cases were formed in public prosecutor's offices on the basis of submitted criminal charges, i.e., reports on criminal offenses, which were committed to the detriment of the safety of persons performing tasks of public importance in the field of information. In three cases were a conviction passed, while 22 cases ended with a decision to dismiss criminal charges or with a formal note that there are no grounds to initiate criminal proceedings. In 2020, 57 cases were formed in public prosecutor's offices - a conviction was passed in three, and a principle of opportunity was applied in two (institute of deferred criminal prosecution), while 25 of them ended with a decision to dismiss criminal charges or with a formal note that there were no grounds to initiate criminal proceedings. In one case was a acquittal passed.

*The Prosecutor's Office has taken certain actions to improve the protection of journalists, but these data show that the prosecution of perpetrators of crimes against journalists is not at a satisfactory level, that there is still a very small number of resolved cases by passing convictions and sentences imposed on perpetrators, so this success indicator has not been achieved.*

<sup>3</sup> Protector of Citizens, Regular Annual Report of the Protector of Citizens for 2020, Belgrade, 2021, p. 22 and 23 <https://www.ombudsman.rs/attachments/article/7007/Redovan%20godu%20A1nji%20izve%20A1taj%20Za%20A1titnika%20gra%20C4%91ana%20za%202020.%20godinu.pdf>

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

Three murders of journalists have not yet been resolved. While in the case of the murder of journalist Slavko Ćuruvija, the repeated first-instance court procedure is ongoing, in the cases of the murder of Radislava Dada Vujasinović and Milan Pantić, there is still no progress, but the cases are still in the pre-investigation procedure.

*Given this, we can conclude that this success indicator has not been achieved.*

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

That the situation is not good is also shown by other reports of international organizations, such as the report of Reporters Without Borders, according to which Serbia is, as in 2020, in 93<sup>rd</sup> place, in the group of "worrying countries"<sup>4</sup>. According to the latest report of the Freedom House organization, the index of freedom in the part related to freedom of expression and freedom and independence of the media for Serbia is 2, and Serbia is in the group of "partly free" countries<sup>5</sup>.

At the beginning of 2021, the organization Article 19 organized a mission "Media Freedom - Rapid Response" in Serbia due to the bad situation regarding the freedom of the media and the safety of journalists. The organization noted that the safety of journalists was a matter of growing concern, especially after the brutal attacks on protesters and journalists during the July 2020 protests. Cases in which politicians and state officials openly threatened journalists, marking them as "enemies of the state" or "traitors", are also worrying. All this was accompanied by online harassment and a smear campaign<sup>6</sup>.

The safe journalists index in the countries of Western Balkans, developed by the regional "SafeJournalists" network for 2020 for Serbia, is 2.95<sup>7</sup>. Of the seven countries in which the research was conducted, Serbia ranks last. The index has four indicators: legal and organizational environment, due prevention, due process and actual safety. Serbia received the worst grades in the area of actual safety (index 2.49), while the situation is the best in due prevention, with an index of 3.55. The established mechanisms for reporting cases of attacks on journalists through contact persons in the prosecutor's offices and the police and urgent action in these cases have contributed to better prevention. However, actual safety shows a realistic image of the large number of cases of threats and attacks on journalists, especially the large number of journalists attacked during the protests in July, police attacks, as well as the small number of solved cases<sup>8</sup>.

*Various reports and indices show that the situation regarding the safety of journalists has been at a very poor level for several years. This was especially due to the situation during the July 2020 protests, the atmosphere in the society that does not provide journalists with an adequate environment in which to work, as well as the behaviour of public officials and high state officials who have long targeted critically oriented journalists and media, and who in that way have become the target of serious threats and attacks.*

<sup>4</sup> Reporters Without Borders website: <https://rsf.org/en/serbia>

<sup>5</sup> Freedom house website: <https://freedomhouse.org/country/serbia/freedom-world/2021>

<sup>6</sup> Organization Article 19 and others, Media Freedom and Safety of Journalists in Serbia, London, 2021, p. 6 and 7 <https://www.article19.org/wp-content/uploads/2021/04/Medijske-slobode-i-bezbednostnovinara-u-Srbiji-izvestaj-misije.pdf>

<sup>7</sup> On a scale of 1 to 7. The index was conducted in seven countries: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Northern Macedonia, Serbia and Montenegro.

<sup>8</sup> SafeJournalists network, Safe Journalists Index of the Western Balkans, Report for Serbia for 2020. Belgrade, 2021 <https://safejournalists.net/safejournalists-index/>

## **What has been done to achieve the result?**

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

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

### ***Result indicator:***

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

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

The Report on the Implementation of the Revised Action Plan for Chapter 23 in this part states primarily the activities carried out through the work of the Standing working group on the safety of journalists. Within the Agreement on cooperation and measures for increasing the safety of journalists from December 26, 2016, in addition to the Standing working group, a Working subgroup for the analysis of the Criminal Code of the Republic of Serbia was established. The subgroup performed a detailed analysis of each individual article of the Criminal Code and determined 35 criminal offences that can be committed to the detriment of journalists in connection with the work they perform, and reached a conclusion regarding the matter in April 2019. Based on that conclusion, the Republic Public Prosecutor has adopted a new mandatory instruction on the conduct of public prosecutor’s offices in criminal proceedings to the detriment of journalists in which, in addition to the criminal offense of endangering safety in which a journalist is legally specially protected, other acts are listed as related to endangering the safety of journalists<sup>9</sup>.

In the last few years, several analyses of criminal legislation on the protection of journalists have been done. The OSCE, in co-operation with the Standing working group, raised the issue of amending the Criminal Code and hired the Criminal Law Professor Zoran Stojanović to consider the safety issues faced by journalists, as well as the biggest problems in practice and application of the law and to make proposals for amendments to the Criminal Code in consultation with journalists’ associations and media. Stojanović gave his opinion on the amendments to the Criminal Code for the purpose of broader legal protection in the field of public information.

In the second half of 2021, the Ministry of Justice set up a Working group for amendments to the Criminal Code, headed by Zoran Stojanović. Stojanović’s proposals were accepted and the Ministry opened a public debate on the draft Law on Amendments to the Criminal Code in October. The Draft proposes amendments to certain existing criminal offences, in order to improve the protection of journalists<sup>10</sup>. During the public debate, journalists and civil society

<sup>9</sup> Some of the criminal offences are: serious bodily harm, light bodily injury, stalking, causing general danger, kidnapping, violent behaviour, unauthorized wiretapping and recording, unauthorized photographing, etc. You can see the full list in the document: <http://www.rjt.gov.rs/assets/Obavezno%20uputstvo%20-%20%D0%9E%20%D0%B1%D1%80.10-20.pdf>

<sup>10</sup> Miroslav Janković, “Safety of Journalists: What to Expect from the Announced Amendments to the Criminal Code”, Cenzolovka, October 12, 2021 <https://www.cenzolovka.rs/drzava-i-mediji/bezbednost-novinara-sta-ocekivati-od-najavljenih-izmena-krivicnog-zakonika/>

representatives presented a lot of criticisms<sup>11</sup>. Several organizations and journalists, including NUNS, which initially supported the proposal, demanded an extension of the public debate in order to have more time to discuss the proposal and to try to find a solution that would be acceptable and best protect the safety of journalists. The Ministry of Justice decided to extend the public debate until December 2.

Given the set result indicators, we can agree that this activity has been **fully implemented**. Having in mind the work of the Subgroup for the analysis of the Criminal Code, other analyses were made and proposals for amendments to the Criminal Code were given. If the amendments to the Criminal Code are accepted and the best solution is reached, it will not be enough if the practice of the competent institutions and their efficiency are not changed. In the forthcoming period, changes in other regulations should also be considered, before all the Criminal Procedure Code.

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

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

***Result indicator:***

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

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

In January 2013, based on the decision of the Government of the Republic of Serbia, a Commission was established to review the facts that came to light in the investigations conducted in connection with the murders of journalists. According to the information we received from the president of the Commission, Veran Matić, that institution regularly sends annual reports, which are forwarded to the Ministry of Justice. The reports are not available to the public. Also, according to him, the competent authorities regularly follow up on the recommendations of the Commission regarding investigations and criminal prosecution and communicate with the Commission on specific activities.

There has been no significant progress in three cases of murders of journalists. The Commission achieved the most in the case of the murder of Slavko Ćuruvija. After the court proceedings began in 2014, a first-instance conviction was passed in 2019, which was later revoked by the Court of Appeal and the case was returned to the first-instance court for retrial. The repeated first instance procedure is still ongoing, but the dynamism of the trial is not satisfactory. Hearings are not scheduled often enough, and there are many cancellations.

In the case of the murder of journalist Milan Pantić, the Commission submitted a report to the competent prosecutor's office in 2017, and the actions taken showed that the motives of the perpetrators were clarified and that Milan Pantić was killed because of his journalistic work and investigative texts on corruption and crime. However, the case is still in the pre-investigation phase. The Commission requested that the Special Prosecutor's Office on Organized Crime take over this case and open an official investigation, but that did not happen and the procedure is still being conducted before the Higher Public Prosecutor's Office in Jagodina, which has not yet taken the next steps.

<sup>11</sup> Ivana Predić, "Amendments to the Criminal Code: How to Protect Journalists and Ensure that Regulations Are Really Enforced", Cenzolovka, November 9, 2021 <https://www.cenzolovka.rs/drzava-i-mediji/izmene-krivicnog-zakonika-kako-zas-titati-novinare-i-obezbediti-da-se-propisi-zaista-i-primenjuju/>



There is no progress in the case of the murder of journalist Radislava Dada Vujasinović. The case is in the pre-investigation phase. The last thing that was done in this case was the engagement of the Dutch National Forensic Institute to perform additional expertise, and the expertise did not exclude the possibility of either murder or suicide.

The Implementation Report states that this activity is being successfully implemented. Having in mind the set indicators of results, it could be concluded that the **activity is realized**, however, the problem of passive behaviour of the prosecution in some cases remains. No murder cases have been resolved yet, in two of the three murder cases there is no progress, while the Commission's reports are not available to the public.

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

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

***Result indicator:***

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

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

On December 22, 2015, the Republic Public Prosecutor issued the Instruction on keeping special records in appellate, higher and basic public prosecutor's offices when it comes to criminal offences committed to the detriment of persons performing tasks of public importance in the field of information, in connection with the work they perform, as well as attacks on media websites.

Subsequently, on December 24, 2020, a new binding instruction was issued which also provided for the keeping of those records. The Instruction states that the records should contain data on the injured individual, the medium in which he is engaged, the criminal offence, the time and place of execution, the actions taken and the public prosecutor's and judicial decisions. According to the Instruction, the appellate public prosecutor's offices should submit to the Republic Public Prosecutor's Office summary monthly reports of the regional public prosecutor's offices on the conduct in the above cases. Monthly reports should be submitted within seven days of the following month. The records in each public prosecutor's office are managed by the deputy public prosecutor appointed as the contact person, whereas the deputy public prosecutor and the public prosecutor are accountable for the accuracy of the data in the records.

The records submitted to the representatives of media and journalists' associations do not contain data on attacks on media websites. In the old instruction of the Republic Public Prosecutor's Office from 2015, there was an obligation to keep records of such attacks, however, in the new instruction, such an obligation no longer exists. The Prosecutor's Office for High-Tech Crime does not keep special records related to attacks on media websites.

The Republic Public Prosecutor's Office keeps records containing data on criminal offences committed to the detriment of journalists in connection with the work they perform, and these records are updated and submitted every three months to the representatives of journalists' and media associations in the Standing working group. However, they do not provide data related to attacks on media websites, and it can be concluded, given the set indicators of results, that this activity is **partially implemented**.

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

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

***Result indicator:***

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

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

The Republic Public Prosecutor and the Minister of Interior signed a Cooperation Agreement. That agreement should have ensured by its internal acts that cases of criminal offences committed to the detriment of persons performing tasks of public importance in the field of public information, in connection with the work they perform, should be acted upon urgently. As we have already stated, the Republic Public Prosecutor's Office issued an Instruction in December 2015, which provided for urgent action, and this was further specified by the Instruction from December 2020. The new binding instruction stipulates that prosecutor's offices within 24 hours of receiving an application or notification are to form the case and assign it to the processor, and to start actions in accordance with the law within 48 hours, which includes talking to the injured party. The Ministry of Interior adopted a similar instruction which stipulates the obligation of a police officer, when being addressed by a journalist, to promptly and without delay inform the competent public prosecutor regarding consultations, qualification of a criminal offense or misdemeanour, as well as implementation of further measures and actions within the scope of work of the Ministry.

The so-called contact points in the prosecutor's offices and the police have been appointed, and their number has increased over time compared to the ones originally set. The number of contact points has been increased to 193 to date (there were originally five in the prosecutor's offices, and now there are a total of 115). The instruction of the Republic Prosecutor's Office stipulates that deputy public prosecutors, who have been appointed as primary contact points, be constantly ready to act if a case arises in which a journalist is an injured party, as well as

to be able to permanently coordinate with contact points in the Ministry of Interior and other competent authorities.

The Standing working group holds regular annual meetings every three months, and in case of need, extraordinary ones.

The adopted instructions, primarily the instruction of the Republic Public Prosecutor's Office, have contributed to the improvement of the conduct of the competent authorities, i.e., their actions in case they receive a report or notification of an incident. However, the number of unsolved cases, which are in investigative and pre-investigation procedures, as well as the number of cases in which the perpetrators are unknown, are still a big problem. Also, a large number of criminal charges are dismissed. Only in the first eight months of 2021, out of 55 registered cases of attacks on journalists, in 16 of them a decision on dismissing criminal charges was made or a formal note was made that there were no elements of a criminal offence, while such a decision or a formal note was made in 24 cases out of 57 filed in 2020. This is happening because judicial and prosecutorial practice narrowly interpret certain crimes. The result is a small number of court epilogues and insufficient punishment of perpetrators of crimes committed to the detriment of journalists.

The prosecutor's office and the police rarely file charges ex officio when they find out about a case, but rather wait for official criminal charges or notifications.

Actions taken regarding this issue and within the Standing working group have certainly contributed to the implementation of activities, but we cannot agree that it is successfully implemented, especially given the specific cases, insufficient number of resolved cases and insufficient efficiency in resolving them, and we would assess this activity as **partially implemented**. During the assessment, we especially had in mind that the Action Plan itself stipulates that these measures should contribute to a more efficient investigation and prosecution of defendants.

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

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

***Result indicator:***

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

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

Republic Public Prosecutor's Office, Ministry of Interior and seven journalists' and media associations (Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Journalists' Association of Vojvodina<sup>12</sup>, Association of Media, Association of Online Media and Association of Independent Electronic Media) signed an Agreement on cooperation and measures to raise the level of safety of journalists on December 26, 2016.

<sup>12</sup> Initially, the Agreement was signed by 7 journalists' and media associations, and after the Association of Journalists of Vojvodina ceased to exist, the representatives of 6 journalists' and media associations remained in the Standing working group.

A Standing working group on the safety of journalists has been established under the Agreement. Meetings are held regularly every three months, and there are minutes thereafter. In addition to regular, when there is a need, extraordinary meetings of the Standing working group are organized. Some of those meetings were also attended by journalists who were the target of serious threats and attacks. Also, the Action plan for improving the work of the Standing working group for 2021-2022 was adopted.

As we have already mentioned, the prosecutor's offices keep records on the basis of which the Republic Public Prosecutor's Office makes a bulletin which is submitted to the representatives of the Standing working group every three months, and not every month, as stated in the Report on the Implementation of the Revised Action Plan.

The Standing working group did not use to prepare annual reports, but it is composed a Activity Report of Standing Working Group, which will cover the period from the beginning of the work of the Standing working group, i.e., from 2017 to 2021. However, this is one of the reasons why this activity cannot be considered fully successfully implemented.

Considering that the Standing working group did not use to submit annual reports, we estimate that this activity is **partially implemented**. However, when it comes to this activity, we should also consider the overall situation and the impact of the work of the Standing working group on the safety of journalists which is bad, as well as the fact that representatives of journalists' and media associations are not satisfied with the efficiency of acting bodies and completed criminal proceedings. This is confirmed by various reports, starting from the report of the European Commission to the reports of international organizations that we have already mentioned in the introduction to this report.

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

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

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

#### ***Result indicator:***

- **improved system of measures taken to protect the safety of journalists in cooperation with representatives of journalists' associations;**
- **regular risk assessment of endangering the safety of journalists through the work of the Standing working group that monitors the implementation of the Agreement on cooperation and measures to improve the safety of journalists;**
- **review of the work of the established cooperation mechanism by the Standing working group;**

- **organized training of journalists and media owners on the possibilities of legal protection and the basics of information security;**
- **organized trainings for representatives of the prosecution and the police in order to better understand the problems and act more efficiently in cases when the safety of journalists is endangered.**

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

The Implementation Report mainly lists the activities of the Republic Public Prosecutor's Office in connection with the Agreement on cooperation and measures for improving the safety of journalists, which have already been mentioned in the previous chapters. These activities include the increased number of contact points, the new binding instruction of the Republic Public Prosecutor's Office, which envisages urgent action in a more detailed way, the Action Plan of the Standing working group. To a certain extent, it can be said that, above all, the Republic Public Prosecutor's Office has improved the system of measures taken to protect the safety of journalists in cooperation with representatives of journalists' associations. On the other hand, it cannot be said that the Ministry of Interior recorded such activities.

At the meetings of the Standing working group, there were discussions about the possible endangerment of certain journalists. Since the beginning of the work of the Standing working group, there were cases when it was initiated to make a risk assessment of the safety of journalists, with their consent.

A review of the work of the cooperation mechanism established through the Standing working group will be analysed in the Report on the work of the Standing working group.

The Action plan for improving the work of the Standing working group envisages trainings, however, due to the situation with the coronavirus, these activities were paused, and those trainings have not been organized yet. Within the project "Freedom of expression and freedom of the media in Serbia JUFREX 2", a training was held for trainers on the topic "Protection and safety of journalists" for 12 members of the Ministry of Interior who are the contact points. Certain trainings concerning journalists and media are conducted through associations. During 2021, NUNS and Thomson Media conducted trainings related to digital security.

The Government also tried to improve the safety by establishing a working group for the protection and safety of journalists. The working group, which includes representatives of the Government, ministries, journalists' and media associations, trade union, the Republic Public Prosecutor's Office, the Protector of Citizens and others, was supposed to contribute to a better atmosphere in which journalists work, as well as greater safety of journalists. However, in our opinion, it did not achieve its goal in this period, having in mind the safety of journalists.<sup>13</sup> Moreover, pressures on journalists continued after the establishment of the Working Group, with representatives of the highest state institutions leading the way.<sup>14</sup>

All measures taken and mechanisms envisaged have not sufficiently contributed to improving the safety of journalists. This is especially indicated by the number of incidents that NUNS recorded in the database of attacks and pressures directed at journalists and media workers. In 2020, NUNS recorded 32 assaults, 50 verbal incidents, 14 attacks on property and one threat to property, while by the beginning of November 2021, 37 verbal incidents, one assault, one attack

<sup>13</sup> NUNS, Labeling of journalists in the Assembly continued, media and journalistic organizations formed a coalition for joint action, March 26, 2021. <https://nuns.rs/nastavljeno-etiketiranje-novinara-u-skupstini-medijske-i-novinarske-organizacije-formirale-koaliciju-za-zajednicko-delovanje/>

<sup>14</sup> Read more about the Working group for the protection and safety of journalists in the activity 3.3.2.3 – 3.3.2.4.

on property and one threat to property were recorded. When it comes to incidents during the protests in July 2020, the behaviour of members of the police who attacked journalists even when they showed their IDs is of particular concern. The great incomprehension of police officers for the work of journalists and media workers is also worrying. On that occasion, NUNS recorded 27 incidents to the detriment of journalists, seven of which were caused by members of the police. Another problem related to attacks on journalists at the protest is that the prosecution and the police still do not file criminal charges on their own initiative when they find out about an attack or threat, but wait for someone to officially file a report or notification.

Therefore, we believe that the measures and mechanisms have not contributed to a better situation when it comes to the safety of journalists, and we cannot agree that this activity is successfully implemented, but we put it in the category of activities that are **partially implemented**.

# INSTITUTIONAL FRAMEWORK FOR FUNCTIONING OF THE MEDIA

In the part concerning the institutional framework for functioning of the media, we focused on the Media Strategy, as well as on those areas in which we noticed the biggest problems in previous years. First of all, there is the application of media laws, the implementation of the strategy, the media register, co-financing of projects of public interest in the field of public information and the Regulatory Authority of Electronic Media.

## *Interim benchmark*

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

## *Result of benchmark implementation*

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

## *Impact indicators*

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

As we stated in the part related to the protection of journalists, in the report of the European Commission,<sup>15</sup> it is stated that Serbia has some level of preparation regarding freedom of expression and that, overall, limited progress has been made by adopting and starting to implement a limited number of measures under the action plan related to the Media Strategy. However, it is stated that the implementation of the action plan was limited and that the recommendations from the previous year are yet to be implemented. It is especially emphasized that in addressing persistent shortcomings, Serbia should without delay implement the Media Strategy and action plan in a transparent and inclusive manner, respecting the letter and spirit of the objectives from that strategy and, above all, focus on improving the general environment for freedom of expression.

It is also expected to strengthen media pluralism (measures related to REM and public service broadcasters), to achieve transparent and fair co-financing of media content that serves the public interest, as envisaged by the Media Strategy, and more transparent media ownership and advertising rules.

*As in the previous section on the protection of journalists, in this section we can say that this indicator of success has not been achieved, bearing in mind that these problems have been highlighted in progress reports for many years and no serious progress has been made.*

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

<sup>15</sup> European Commission, Republic of Serbia, Report for 2021, Brussels, 2021, p. 37

### **What has been done to achieve the result?**

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

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

***Result indicator:***

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

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

The Implementation Report points out in this part that the activity is successfully implemented because the Ministry of Culture and Information submits quarterly reports on the work to the National Assembly, monitors the application of the laws by delivering opinions on the application of certain provisions of the law and initiating misdemeanour proceedings in cases of non-compliance. norms. It is also stated that the Ministry has called for competition for co-financing media content of public interest and that money has been provided for sufficient and stable financing of Radio-Television of Vojvodina.

However, we were not able to find publicly available reports on the work that the Ministry submits to the National Assembly on the websites of the Ministry and the Assembly. Also, we did not find any other reports or any information on the application of media laws and their supervision, except for the available report regarding the evaluation of projects supported under the project co-financing of the Ministry for 2019.

Associations and the media scene have been pointing out problems in the application of media laws for some time now, which has been determined in the Media Strategy itself, which was adopted by the Government of the Republic of Serbia. We believe that the above activities of the Ministry, as well as the fact that we do not have publicly available information about their activities, are not enough to say that this activity is successfully implemented. The reports that the Ministry submits to the Assembly are performance reports, but they are not publicly available, and considering that the result indicators state that these reports should be publicly available, we believe that this activity is **not being implemented**. Various reports by the non-governmental sector that show that the laws are not being implemented effectively speak in favour of that.<sup>16</sup>

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

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

***Result indicator:***

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

<sup>16</sup> Some of the reports available at the following links:

<https://www.osce.org/files/f/documents/8/7/495187.pdf>

[https://www.canva.com/design/DAFeiwX1TI4/2tzX4FPngx9p6uL1em8DfQ/view?utm\\_content=DAFeiwX1TI4&utm\\_campaign=designshare&utm\\_medium=link&utm\\_source=viewer#2](https://www.canva.com/design/DAFeiwX1TI4/2tzX4FPngx9p6uL1em8DfQ/view?utm_content=DAFeiwX1TI4&utm_campaign=designshare&utm_medium=link&utm_source=viewer#2)

<https://nuns.rs/media/2021/10/Direktna-ugovaranja.pdf>



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

- **effective implementation of the Action plan was confirmed by monitoring the precise indicators given in the Action plan;**
- **reports on the implementation of the Action plan are publicly available;**
- **alternative reports by journalists' associations indicate the level of implementation.**

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

The Media Strategy was adopted in January 2020, while in December 2020, the Government adopted a Decision on setting up the Working group for monitoring the implementation of the Action plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for 2020-2025. In the period from 2020 to 2022, the Working group consists of representatives of ministries and other state bodies, as well as journalists' and media associations. The task of the Working group is to monitor the implementation of the Action Plan, to propose to the Ministry of Culture and Information ways to overcome possible problems that arose during the implementation of the Action plan, while the Ministry of Culture and Information is obliged to submit a report on implemented activities to the Working group at least once every three months.

The Ministry has submitted two reports to the Working group since its establishment. Representatives of journalists' associations made remarks on the way of reporting, because the practice was to report only on activities that were planned for a certain quarter, but not on those activities that were not done in the previous quarter. After that, the Ministry submitted the amended reports. As the role of the Working group is to monitor and suggest when something is going in the wrong direction, media and journalists' associations have made such suggestions regarding the Law on Access to Information of Public Importance, since the Ministry of Culture did not participate in its amendments even though there is a part in the Strategy that deals with this issue. The Working group then made proposals for amendments to the Law, which were not adopted.

Implementation reports are not publicly available on the Ministry's website, but can be obtained through requests for access to information of public importance.

Narrowly speaking, the first measure related to the adoption of the Action plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025 is in line with the performance indicators and has been **fully implemented**, as stated in the Report on the Implementation of the Revised Action Plan for Chapter 23. For each of the following areas (further strengthening of transparency, media ownership, further monitoring of media privatization effects, preventing control of the media on the basis of excessive dependence on state advertising, strengthening media pluralism, strengthening media literacy, strengthening self-regulation), the Implementation Report provides for the period in which each activity should be completed.

When it comes to other indicators and implementation of the Media Strategy, it could be said that it is being successfully implemented, as stated in the Implementation Report, because the Working group for monitoring the implementation of the Action Plan meets and reports are submitted. However, in order to assess this activity, it is necessary to look at how the Media Strategy is applied, what has been realized and in what way.

Amendments to the Law on Public Information and Media are on the way. The Working group has finished its work, but by the end of writing this report, we have not received a final draft Law on Amendments to the Law on Public Information and Media from the Ministry. A large number of remarks referred to the dynamism of holding meetings of the Working group, the fear that

insisting on finishing it fast will affect the quality of the law, and that it will be affected by certain proposals that are contrary to the Media Strategy.<sup>17</sup>

Among the highlighted achieved goals is the privatization of the Tanjug News Agency. The Implementation Report states that the legal representative submitted the application for deletion of registration and that the registrar issued a decision in March 2021 approving the application for deletion of Tanjug. However, on the same day, it was announced in the register that the company "Tačno" registered six new services (Tanjug news service, Tanjug news service in English, Tanjug photo service, Tanjug video service, Tanjug livestream and BIZ service (Tanjug)). The company "Tačno" acquired the right to use the property of the Tanjug News Agency in the next ten years. The new company is owned by RTV Pančevo and the company "Minacord media".<sup>18</sup>

The Implementation Report states that the Ministry of Culture and Information, in the period mentioned above, undertook a series of activities related to creating conditions for the safe work of journalists and media workers. It is also stated that the Government passed the Decision on the formation of the Working group for safety and protection of journalists, with the task of raising the efficiency of reacting in cases of attacks on journalists, as well as monitoring the actions taken to protect their safety. Then, that on the initiative of the Working group, the project of launching the Safe Line was realized - an SOS telephone for reporting threats and attacks on journalists. Also, the Working group for safety and protection of journalists forwarded to the Ministry of Justice the opinion of Professor Zoran Stojanović, which was done with the support of the OSCE Mission and in cooperation with the Standing working group for safety of journalists in connection with the amendments to the Criminal Code for the purpose of more comprehensive protection of journalists.

However, the Report does not state that five relevant journalists' and media associations left the Working Group for the safety and protection of journalists in March 2021, because the representatives of the institutions did not demonstrate that they wanted to seriously deal with this topic. Namely, when the representatives of journalists' and media associations raised the issue of urgent reaction of the Working group in order to prevent dangerous endangerment of the safety of "Krik" journalists who were brought into connection with the criminal gang by national television and tabloids, none of the Government's members of the Working group reacted to those calls. The associations left the Working group also because after its establishment, the representatives of the highest state functions continued to target journalists and media that are critically oriented. Journalists' and media associations considered, as already stated in the Report, that the Working group did not achieve the goal for which it was established, among other things, and that is to create a favourable atmosphere for the work of journalists.

Having in mind all of the above, we believe that the second group of activities, which primarily refers to the effective implementation of the Action Plan, belongs to the category of **partially implemented**.

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

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

#### ***Result indicator:***

**- efficient, comprehensive and transparent register of the structure of media ownership, established in accordance with the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025;**

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

<sup>18</sup> J. Pešić, "The company "Tačno" registered six Tanjug services", UNS, March 9, 2021 <https://www.uns.org.rs/sr/desk/UNS-news/113869/firma-tacno-registrovala-sest-tanjugovih-servisa-.html>

- the data on the ownership structure of the media in the register are regularly updated;
- the register provides access to data on the provision of public funds, the basis for the provision of public funds and ownership.

**Assessment from the Implementation Report: The activity has not been implemented.**

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

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

As regards the activity related to creating conditions for full functionality, transparency and updating of media registers, the Implementation Report itself states that it was not implemented because amendments to the Law on Public Information and Media for the fourth quarter of 2021 and the Law on Electronic Media for the second quarter 2022 are foreseen, and after the change of regulations, it is necessary to make a review due to the connection of the media register with other public registers in order to technically improve the search of the media register. Therefore, we agree that this activity **has not been implemented**.

However, the Media Strategy also envisages other activities, such as accurately determining the scope of data that are entered in the appropriate registers, which concern the media themselves. For example, the ownership structures of publishers of media or cash and other benefits from public revenues. It is also necessary to provide mechanisms for regular submission of data to the register, clear criteria for deleting media from the register and appropriate penalties for non-compliance. Special emphasis is placed on defining the procedure and manner of control regarding the registration and updating of data in the media register<sup>19</sup>.

During the work of the Working group for amendments to the Law on Public Information and Media, proposals were made for the improvement of the media register. It is proposed to introduce the Records of media content producers in order to ensure that data on funds allocated to legal entities, i.e., entrepreneurs engaged in the production of media content, are transparent in the newly formed register, i.e., records. As we have already stated, by the end of writing this report, the Ministry of Culture and Information has not submitted the final draft amendments to the Law on Public Information and Media.

Regarding the second group of activities related to efficient monitoring of the media register in accordance with the Media Strategy, the Implementation Report states that the Ministry of Culture and Information regularly monitors the work of the media register through electronic access to registered data and providing instructions to citizens who have dilemmas regarding the undertaking of certain actions in the procedure of registration of legally prescribed data.

Although we are aware of the large number of media registered in the register, as well as the insufficient capacity of the Ministry, we still believe that this way of monitoring the media register is not enough, that the register does not contain sufficiently updated data, so we agree that this activity cannot be considered successful, but is placed in the category of **partially implemented** activities.

<sup>19</sup> Strategy for the Development of the Public Information System in the Republic of Serbia for the Period from 2020 to 2025, p. 52 and 53 [https://www.media.srbija.gov.rs/medsrp/dokumenti/medijska\\_strategija210\\_cyr.pdf](https://www.media.srbija.gov.rs/medsrp/dokumenti/medijska_strategija210_cyr.pdf)

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

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

***Result indicator:***

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

- **introduction of the obligation of public authorities to regularly prepare reports on co-financing of media projects and publish them;**
- **analysis of public authorities on the quality of supported projects, conducted on the basis of user reports on the use of funds.**

**Data from the external evaluation of project implementation are available to the public through the publication of reports.**

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

Project co-financing of media content of public interest in the field of public information was introduced due to the realization of public interest, after the state decided to withdraw from media ownership. The idea is not bad, however, over time, it turned out that this is one of the areas in which we encounter perhaps the most problems. The whole process deviates from the original idea and has turned into funding the media, not projects. There are a number of problems from the call for competition to the realization of projects and evaluation.

After several years of application of this model, monitoring of its functioning is still not at a satisfactory level, as shown by the Implementation Report, which provides data only on the competition called for by the Ministry of Culture and Information, as well as the Report on project implementation in competitions from the fields of public information called for in 2019. Until recently, it was thought that the competition of the Ministry is one of the few that is adequately implemented, but in the last few years there have been problems in the implementation of their competition<sup>20</sup>. The situation is far more difficult at the local level, which is not mentioned at all in the Implementation Report.

Journalists' and media associations have been drawing attention to the problems in this area for years, trying to direct this model on the right path and proposing solutions that would contribute to the whole procedure being better and more transparent, that citizens' money is used for the very co-financing which is in the public interest. From the very beginning of the application of the model, media and journalists' associations monitored how the competitions were conducted, pointing out shortcomings and irregularities during all phases of the competition. They informed the body that called for the competition about that.

Various analyses and strategic documents have shown that the submission of narrative and financial reports on the implemented activities is not enough to adequately determine that the public interest has been achieved through the financing of certain media content. This is one of the key issues identified in the Action Plan for Chapter 23. During the work of the Working group for amendments

<sup>20</sup> Coalition for Freedom of the Media, Monitoring the work of competition commissions for co-financing the public interest in the media in 2021, Belgrade, 2021 [https://www.canva.com/design/DAEeiwX1Tl4/2tzX4FPngx9p6uL1em8DfQ/view?utm\\_content=DAEeiwX1Tl4&utm\\_campaign=designshare&utm\\_medium=link&utm\\_source=viewer#2](https://www.canva.com/design/DAEeiwX1Tl4/2tzX4FPngx9p6uL1em8DfQ/view?utm_content=DAEeiwX1Tl4&utm_campaign=designshare&utm_medium=link&utm_source=viewer#2)

to the Law on Public Information and Media, NUNS and other representatives proposed changes to the part related to the Report on implemented activities, by introducing internal and external evaluation. Some members of the Working group did not support these proposals. However, by the end of writing this report, the Ministry of Culture and Information has not published draft amendments to this law, and we still do not know what the final position of the Ministry will be.

Another thing that would contribute to a better realization of the public interest, and thus a better overall process, is the analysis of the needs for missing media content of public interest before calling for the competition, in order to determine the needs of a certain local community. Within the Working group for amendments to the Law on Public Information and Media, proposals were made for the introduction of this analysis, but even that proposal was not supported.

Also, in addition to the above problems, the competition commissions, their work and composition, as well as the fact that funds are allocated to those media that largely violate the code of ethics and laws, are of particular concern<sup>21</sup>.

The Media Strategy notes down these problems and points out that they lead to project co-financing becoming a model of financial sustainability of the media and serving to finance regular media activities, that projects involving the missing content in the public interest are not produced sufficiently, which leads to the fact that there is not enough quality content that meets the public interest. Also, the lack of an adequate mechanism for evaluation of approved projects is especially emphasized<sup>22</sup>.

The Implementation Report states that this activity is being successfully implemented, but given all the above problems and facts, we cannot agree with the assessment of the Coordination body for the implementation of the Action plan. Considering that we know that only the Ministry of Culture and Information makes a Report on conducted competitions, that quality analyses of supported projects are not conducted, as well as external evaluation, we can conclude that this activity is **not implemented at all**.

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

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

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

***Result indicator:***

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

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

<sup>21</sup> NUNS, Media Freedom and Safety of Journalists in Serbia from the Angle of Existing Legal Solutions - HOW TO IMPROVE THEM?, Belgrade, 2021, p. 21 – 28 [https://nuns.rs/media/2021/06/publikacija-SRB\\_final\\_web.pdf](https://nuns.rs/media/2021/06/publikacija-SRB_final_web.pdf)

<sup>22</sup> Strategy for the Development of the Public Information System in the Republic of Serbia for the Period from 2020 to 2025, p. 34 and 35

The Action plan for the implementation of the Media Strategy envisages amendments to the Law on Electronic Media by the end of the second quarter of 2022, and states that in this way the organizational, functional and financial independence of the Regulatory Authority of Electronic Media will be achieved.

However, although the media community agrees that the amendments can improve the media regulations, it is pointed out that the existing regulations and measures available to the REM Council are sufficient for it to fulfil its role and improve the situation in the electronic media.

Namely, the problem is that REM does not perform its work independently and transparently, which could be achieved with the existing regulations if there was will. The existing legislation clearly prescribes the powers of the Regulator, and there are enough measures available that it could impose on media service providers, which it does not use to a sufficient extent. According to the latest information available on the REM website for 2019, 437 reports were submitted, most often related to reality shows (190) and untrue content – hate speech (153), while on the other hand, it is in the same year, that the REM Council issued only seven measures: three reprimands and four warning measures<sup>23</sup>. REM usually issues a reprimand and a warning, which have proven to be ineffective, a temporary ban on publishing programme content is very rare, and revoking the license is not used at all.

There are no clear channels of communication with the public, which is emphasized in the Media Strategy itself, which states that despite some available information on the REM website, there is a lack of essential transparency, openness to dialogue and commitment to building channels of interaction with the public, professional associations, academic community and civil society organizations. Also, it is stated that lately there is an inappropriate way of interaction of the representatives of the Regulatory Authority with organizations and individuals who criticize its work<sup>24</sup>.

The Action plan provides for amendments to the Law on Electronic Media for the second quarter of 2022. Having in mind the above and how REM is currently functioning, we conclude that none of the above activities have been fulfilled and that this activity is **not being implemented**.

Assessment of the activity	Fully implemented	Successfully implemented	Almost completely implemented	Partially implemented	Not implemented
Council for monitoring the Implementation of the Action Plan for Chapter 23	2	10	0	0	1
NUNS	2	1	0	6	4

<sup>23</sup> Regulatory Authority of Electronic Media, Work Report for 2019, Belgrade, 2019, p. 15 and 21 <http://www.rem.rs/uploads/files/izvestaj%20o%20radu/Izvestaj%20o%20radu%20REM%202019.pdf>

<sup>24</sup> Strategy for the Development of the Public Information System in the Republic of Serbia for the Period from 2020 to 2025, p. 27.

# RECOMMENDATIONS

- Adoption of laws or other documents cannot be the only indicator of the results of activities, but their efficiency and contribution to the achievement of general goals related to the safety of journalists and the institutional framework for the functioning of the media should be measured as well;
- Full and efficient implementation of all signed agreements between the Republic Public Prosecutor's Office and the Ministry of Interior on the issue of safety of journalists, in order to establish more effective protection that would result in better investigation and prosecution of defendants;
- Analyse the need for amendments to other relevant laws, in particular the Criminal Procedure Code, in order to assess the potential need for amendments that would lead to a higher level of protection for journalists;
- Consider changes in the performance indicators of the activities of the Commission for reviewing facts that came to light in the investigations conducted in connection with the murder of journalists and regular reporting (3.3.1.2), in a way to measure the impact of the Commission's recommendations adopted and implemented by the authorities, which would contribute to greater efficiency in dealing with the murder of journalists;
- Competent authorities should file reports on their own initiative after learning of a crime in accordance with the law, without waiting for official reports or notifications;
- Harmonize laws and bylaws in accordance with the proposed amendments to the Media Strategy; abandon the proposed amendments that are contrary to the Media Strategy;
- Increase the capacities and activities of the Ministry of Culture and Information in order to more efficiently monitor the implementation of media laws, and measure the effectiveness of law enforcement in reports through clear performance indicators;
- Use the revised Action plan and Implementation Report to monitor the creation of conditions for full functionality, transparency and updating as well as efficient monitoring of the functioning of the media register in accordance with all measures and activities envisaged by the Media Strategy, not only linking the media register with other public registers;
- Create conditions for efficient co-financing of media projects of public interest in the field of public information in accordance with the measures and activities envisaged in the Media Strategy; ensure that amendments to the law are in line with the solutions from the Media Strategy, with special emphasis on the analysis of public authorities regarding the quality of supported projects and external evaluation of the implementation of projects available to the public through the publication of reports;
- Implement the envisaged amendments to the Law on Electronic Media so that the proposed solutions are in line with the proposals from the Media Strategy; greater independence of the Regulator in its work and the use of available powers and measures to fulfil its role.