



Freedom of the Press 2014 - Serbia

Freedoms of speech and the press are protected under Serbia's constitution and legal system. However, the media continued to operate in a highly politicized environment in 2013, and journalists faced physical and verbal attacks. The government had yet to implement reforms outlined in a media strategy that it adopted in 2011.

Defamation is a civil offense. Amendments to the criminal code passed in 2012 eliminated defamation as a criminal offense; it had been punishable only by fines since 2006. However, articles criminalizing similar reputation-related offenses such as insult apparently remain in force. Investigative reporters and media outlets can face lawsuits or threats of legal action for insulting powerful people, many of which include exorbitant demands for compensation.

Other laws relating to the media are often unclear or contradictory, and some pose a threat to media freedom. Journalists are subject to prosecution under the Data Secrecy Act, which protects information related to national security, public safety, and foreign affairs, among other categories. While the internet is not restricted, the 2010 Law on Electronic Communications requires telecommunications providers to keep records on the source, destination, and timing of all electronic communications for one year for potential government use. In June 2013, the Constitutional Court struck down sections of the Law on Electronic Communications that had allowed government access to the retained data without a court order, and that permitted the government to alter regulations on the data without new legislation.

Although the legal framework for the protection of media freedom in Serbia—which gained European Union (EU) candidate status in 2012—is broadly in line with EU standards, the media environment is constrained in practice by political pressures, pervasive corruption, a climate of impunity for crimes against journalists, regulatory setbacks, and economic difficulties. In 2011, under EU pressure, the government adopted a new media strategy that aimed to reduce the state's economic and political influence over the media and protect outlets from improper influences. However, little progress was made on the strategy in 2013, and in some cases authorities appeared to actively obstruct its implementation.

The judiciary is politicized, and judges are often not well informed about the country's media laws or international best practices. There is little faith among journalists that the courts will protect them. However, in 2013, in the first victory of its kind, a court ruled in favor of a journalist who had sued Dragoljub Zindović, president of the municipal council in Prokuplje, for harassment and insult. But by the end of the year, a higher court had cleared Zindović of wrongdoing, despite strong evidence against him. In another case, an appellate court in Kragujevac ordered the editor of *Svetlost*, a weekly no longer in publication, to pay a fine of 790,000 dinar (\$9,300) for text that was published 19 years earlier.

Despite the existence of the 2004 Law on Free Access to Information of Public Importance, authorities often obstruct the media's efforts to obtain public information. A new law on public information was under discussion during 2013, but no such bill was passed. In addition to withholding information, officials have been known to grant interviews or give statements only to select journalists.

The official regulatory body, the Republic Broadcasting Agency, is tasked with issuing broadcast media licenses. It is considered heavily politicized and ineffective, and is often criticized for tolerating nontransparent ownership.

Media outlets and journalists face partisan and government pressure over editorial policies. Soft censorship is pervasive, with the state exercising influence over media content through allocation of government subsidies and advertising placements. Journalists reported other forms of apparent censorship by the authorities or their allies in 2013, including instances in which news websites were hacked to remove certain stories.

Journalists remained subject to threats and physical attacks in 2013. In November and December, a journalist from the weekly *NS Reporter* received more than 30 text messages threatening that he would be "beaten and liquidated," presumably for stories he had written. In December, journalists from television stations B92 and Prva were attacked while covering a local election in Odžaci. The police moved to defend the journalists, but suggested that they leave the area, saying their security could not be guaranteed.

A number of investigative journalists in Serbia live under 24-hour police protection due to threats and intimidation from mafia-like organizations. Traveling abroad has been a concern for these journalists because their police guards cannot travel armed. Local press organizations argue that when police and the courts identify the perpetrators of crimes against the media, they often fail to investigate the motives. Convictions in such cases remain rare. In February 2013, the government established a commission to investigate the murders of three prominent journalists—Radislava Dada Vujasinović (1994), Slavko Ćuruvija (1999), and Milan Pantić (2001)—whose cases had gone unsolved. The 2012 criminal code amendments established more stringent protections for journalists who are threatened in the course of their work, though the maximum prison sentence was lowered from eight years to five.

The public station RTS1 competes with a handful of national commercial broadcasters, but print media are numerous and highly diverse. There are nearly 650 print outlets, 225 radio stations, and 90 television stations. Online media are increasingly important, with nearly 52 percent of Serbians accessing the internet in 2013. In total, the country has more than 1,300 media organizations for just 7.2 million people, and most outlets are not financially self-sufficient.

Ownership of the print media, including some of the more influential outlets, is often unclear. The ruling Serbian Progressive Party, which came to power in 2012, effectively controls many outlets through hidden ownership structures and soft censorship. The state itself still owns 79 media outlets. In November 2013, however, the government announced that it would sell its stake in the Politika company, publisher of the oldest newspaper in the country.

Many news outlets operating in Serbia's oversaturated media market depend heavily on the government's subsidies and advertising purchases, which are allocated through opaque and deeply

politicized processes. Between 23 and 40 percent of advertising revenue in the country comes from the state, yet there is no regulatory body supervising such public spending.

Only a fraction of residents regularly pay the subscription fees necessary to keep public broadcasters running, and as a result many staff members go unpaid. In 2013, government officials announced that two public broadcasters would no longer be financed by subscription fees, but from government funds, prompting many journalists to warn that other outlets could demand public funding. Many private media outlets operate on the brink of insolvency. Some have survived as loss-making enterprises for years, suggesting that those who own and fund them do so to serve other interests.

Journalists and the media also face economic pressures including payment defaults, termination of cooperation and contracts, changes to business contracts, unreasonably high fees for copyrights and related rights, and financial inspections. Broader economic problems have contributed to self-censorship and a significant decline in investigative journalism in recent years.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

37

Legal Environment

(0 = best, 30 = worst)

9

Political Environment

(0 = best, 40 = worst)

16

Economic Environment

(0 = best, 30 = worst)

