



Freedom of the Press 2015 - Serbia

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2015 Scores

Press Status: Partly Free

Press Freedom Score (0 = best, 100 = worst): 40

Legal Environment (0 = best, 30 = worst): 11

Political Environment (0 = best, 40 = worst): 17

Economic Environment (0 = best, 30 = worst): 12

Journalists and media outlets faced numerous instances of pressure in 2014 after criticizing the government of Prime Minister Aleksandar Vučić. Media workers in Serbia also risk physical attacks and are constrained by a difficult economic environment. The legal framework for the protection of media freedom in Serbia was brought further into line with European Union (EU) standards with the August 2014 approval of three new media laws, but the laws have yet to be implemented.

Legal Environment

Freedoms of speech and the press are protected under Serbia's constitution and legal system. However, these protections are not consistently upheld in practice. Vučić and his supporters stepped up hostile rhetoric and verbal harassment against critical journalists and outlets in 2014. The Balkan Investigative Reporting Network (BIRN), a regional media organization funded in large part by foreign grants, faced pressure after its August 2014 publication of reports suggesting that the Serbian government had overpaid for its share in the Air Serbia airline. Vučić publicly dismissed BIRN's investigation – which was published in the weekly *Vreme* – as based on inaccurate documents, and as backed by a wealthy businessman facing corruption charges. Shortly after the report's publication, the progovernment newspaper *Informer* referred to reporters from BIRN and from Serbia's Center for Investigative Journalism (CINS), a similar media organization, as "spies"; it also alleged that BIRN and CINS held millions of dollars' worth of secret contracts with the EU, and that those contracts defined which topics the organizations were permitted to cover. The director of BIRN's Serbian operations denied the allegations of editorial control, and said the outlets obtained EU funding through a public-call process.

Defamation was decriminalized in 2012, and is now a civil offense. Articles criminalizing insult remain on the books; such offenses are technically not punishable by prison sentences, but journalists can be imprisoned if they are unable to pay associated fines. Investigative reporters and media outlets risk lawsuits or threats of legal action for insulting powerful people. In July, a

Belgrade appeals court upheld an October 2013 defamation ruling requiring the B92 broadcaster to pay 200,000 Serbian dinars (\$2,280) in connection with an article that implicated a former assistant minister of health in the mismanagement of public funds.

In 2014, there was a notable decrease in court rulings in which heavy fines were levied in response to politicians' claims of being slandered in the media. Journalists attributed the shift to an improved understanding among judges of Serbia's media laws. Nevertheless, some confusion within the judiciary over Serbia's media laws continues; in particular, journalists say judges often ignore a law holding that journalists cannot be penalized for publishing or rewording official government statements.

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 Law passed in 2009, which protects information related to national security, public safety, and foreign affairs, among other categories. While internet access 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. When the law was approved, data could be collected without court approval; however, the Constitutional Court ruled in 2013 that the provision was unconstitutional and that court approval is necessary.

In August 2014, the government approved a package of three media reform laws that fulfill significant parts of an EU-backed Media Strategy that Serbia adopted in 2011. Under the new laws, the state will privatize nearly all publicly owned outlets, and will cease direct funding of most media through its budget by July 2015. Instead, media outlets will compete for state grants to support coverage that serves the public interest. The public broadcasters, Radio Television of Serbia (RTS) and Radio Television of Vojvodina (RTV), are exempt from the prohibition against state funding and will remain in the budget until 2016, after which time they will be funded by a separate tax. A similar public service for Serbs in Kosovo, as well as certain other minority media outlets, will also be exempt from the prohibition against direct state funding. The legislation additionally defines services that a public service broadcaster should provide in order to serve the public interest, but leaves unclear the party that will assess whether those tasks have been fulfilled, or how such an assessment should be conducted. The laws establish a media register in which the ownership of each media company will be listed, although it was not operational as of the end of 2014. The new media laws also aim to harmonize regulatory policies for Serbia's electronic media with EU standards, and prepare for digitalization of the television sector by mid-2015. Some Serbian journalists criticized the government for allowing only seven days for public comment on drafts of the new laws.

The EU praised the laws' adoption in its 2014 progress report on Serbia, but noted that the legislation has yet to be implemented and that the legal environment surrounding Serbian media for the time being remained murky. Media reform advocates warn that the state resisted previous laws that set deadlines for privatization of media outlets, and have expressed concern that the newly codified procedures by which outlets compete for public funding are vulnerable to politicization.

Despite the existence of the 2004 Law on Free Access to Information of Public Importance, authorities frequently obstruct the media's efforts to obtain public information.

The Regulatory Authority for Electronic Media issues licenses to broadcasters, though its processes are nontransparent. According to Serbian journalists, the regulator charges arbitrary and frequently expensive fees for licenses. Print media outlets are considered private firms and do not pay license taxes. Online media also do not require licenses.

Political Environment

Media outlets and journalists continued to face pressure from politicians and owners over content and editorial policies in 2014. Self-censorship is reportedly widespread. Journalists attribute the phenomenon not only to harassment that can follow critical or investigative reporting, but also to economic pressures, such as the risk of losing advertising contracts, in connection with such reports.

Amid severe flooding in May 2014, the government declared a state of emergency that allowed it to detain individuals for "inciting panic." According to reports, police detained 3 journalists for questioning during this period, and 20 more were invited for questioning. In several instances, online content critical of the government's handling of the crisis – including entire websites – was deleted or temporarily blocked. The developments prompted a statement of concern about online censorship from the Organization for Security and Co-operation in Europe (OSCE). Dunja Mijatović, the organization's media freedom representative, stopped short of directly accusing Serbian authorities of blocking online content, but nevertheless demanded that Serbian authorities "stop interfering with the work of online media outlets." Vučić denied claims of censorship and intimidation, called OSCE officials liars, and demanded that the organization apologize, but later said the government would investigate the incidents. However, little became of Vučić's pledge, and days after his announcement, Serbian authorities detained another journalist for criticizing the government response to the floods on Facebook. In another instance of apparent online censorship, the news website Pešcanik.net was temporarily knocked offline in June after publishing a story suggesting that Serbia's minister of internal affairs might have plagiarized a portion of his doctoral thesis.

Separately, four popular political talk programs – three television shows and one radio show – were canceled in 2014. Among them was the long-running B92 television program *Utisak Nedelje*; its host, Olja Beckovic, claimed that the show had been banned on orders from Vučić. B92 also announced in the fall of 2014 that it would shift its focus to entertainment, as opposed to news broadcasting, and would soon begin operating out of the same studio as Serbia's public broadcaster.

Journalists face threats and risk physical attacks in connection with their work. Human Rights Watch reported five attacks against journalists between January and August 2014, and some two dozen more cases of threats or intimidation during the same period. Convictions in such cases are rare. There was some progress in 2014 in the investigation of the 1999 killing of journalist Slavko Ćuruvija. Four former security services officials, including former security service chief Radomir Marković, were indicted for his killing in June 2014; of them, three, including Marković, are in custody. A trial had yet to open at the year's end.

Economic Environment

The public station RTS1 competes with a handful of national commercial broadcasters. The country's approximately 120 television stations give Serbia the most per capita of any country in Europe. Print media are numerous and highly diverse. There are more than 700 print outlets, some

300 radio stations, and roughly 200 online news portals serving a population of about 7.2 million. Online media are increasingly important, and about 54 percent of Serbia's residents accessed the internet in 2014.

Ownership of print and broadcasting outlets is often unclear. The state expects to privatize 79 media outlets it controls under the August 2014 media legislation, according to the Ministry for Culture and Information.

Many news outlets depend heavily on the government's subsidies and advertising purchases, which are allocated through opaque processes. Serbian journalists say state control of these processes lets the government exert great influence over editorial policies. The South East European Media Observatory, a civil society group, reported in 2014 that between 25 and 40 percent of advertising revenue in Serbia comes from the state. There is no regulatory body supervising such public spending.

Most outlets in Serbia's overcrowded media market are not financially self-sufficient and are unable to fund high-quality journalism; the result is a widespread lack of professionalism, with many outlets obtaining news items from social media, and, during the 2014 election campaign, directly from political parties' public relations departments.

Journalists and the media face economic pressures including payment defaults, termination of contracts, changes to business contracts, unreasonably high fees for copyrights and related rights, and financial inspections. Although journalists' associations work to protect members' interests, they lack resources to gain influence. There are three such associations, though none advocate for freelance journalists. Broader economic problems have contributed to an increase in self-censorship and a significant decline in investigative journalism in recent years. Journalists expect that the implementation of the privatization laws approved in August 2014 will force the closure of numerous outlets, leaving many unemployed.

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