



Report on the presentation of the Publication “Serbian Media Scene VS European Standards“

The Publication “Serbian Media Scene VS European Standards“ was presented in Belgrade Media Center on May 18, 2012. This Publication is the first complete report about the media situation in Serbia based on 27 indicators of the Council of Europe for measuring freedom of expression, freedom of information and media freedom in one country. This report is the result of joint work of the organizations Civil Rights Defenders, ANEM, NUNS, NDNV and Local Press, and includes legal and communicological analysis of data on legal, political, economic and professional environment for media operations in Serbia. The Report presents a civil society’s initiative to put the problem of the media sector reform into the public focus and an appeal to the authorities to finally stop postponement of these reforms and to undertake fundamental and effective changes in the media system.

The presentation of the Publication „Serbian Media Scene VS European Standards“ was attended by a large number of stakeholders, over 80 – out of which 12 representatives of state institutions (Ministry of Culture, Media and Information Society, Serbian Parliament’s Culture and Information Committee, Commissioner for Information of Public Importance and Personal Data Protection, Ombudsman, Provincial Secretariat for Culture and Public Information, Public Company “Broadcasting Equipment and Communications”, Intellectual Property Office, Government’s Office for Cooperation with Civil Society, The National Council for Decentralization), 5 representatives of regulatory bodies (RBA, RATEL and Press Council), 10 experts and representatives of the academic community, 3 representatives of the Belgrade-based embassies (Embassy of Sweden, Hungary and the Netherlands), 6 representatives of NGOs (BIRN, Civic Initiatives, Belgrade Centre for Human Rights, Helsinki Committee for Human Rights, EPUS), 14 representatives of the donor community and international organizations (Council of Europe, EU Delegation to Serbia, Foundation for an Open Society, OSCE, USAID, IREX, UNICEF and UNDP) and 13 other guests, representatives of local media, trade unions, etc. The event was also attended by 19 representatives of media and news agencies (Kurir, Danas, RTS, RTV Vojvodina, RTV Kragujevac, Tanjug, Beta, FoNet, HINA, Radio Beograd, International Radio Serbia, Uzicka nedelja, Svet Plus, Euractiv, Freenet, Poligrafika and Njuz.net).

In the first part of the event, the Publication was presented by: Jovanka Matic, Phd, Research Coordinator and author of the report, who gave a general picture of media situation in Serbia starting from Council of Europe’s 27 indicators for the media in a democracy, Slobodan Kremenjak, ANEM lawyer, who spoke about compliance of the legal framework and practice with European regulations and standards of freedom of expression and media freedoms, while selected indicators were presented by the presidents of the four associations participating in the research: Sasa Mirkovic (ANEM), Vukasin Obradovic (NUNS), Dejan Miladinovic (Local Press) and Dinko Gruhonjic (NDNV). Their presentations elicited the discussion about the media situation in Serbia in the second part of the event.

By presenting the research results, **Jovanka Matic, PhD**, Research Coordinator and the author of the report, pointed out that the final conclusions of the report were worrying and that they indicated a great crisis of the entire media system, which threatened the survival of the media, as well as the quality and credibility of the profession. She pointed out some of the key problems in the media sector: that illegal broadcasters still existed, that state owned

media were still funded from state budget donations, that state aid to media was not transparent and neutral, that media owners were unknown, that there was no effective fight against the concentration of ownership, that measures for the development of pluralism were missing. Besides, there is no functional media market, commercial and political interests prevail, while the public's right to be informed on topics of public interest is relegated to the background. In Serbia, only four out of 27 European standards for media freedoms are fully realized, majority of standards are in "the gray zone", while in some areas there are drastic discrepancies. These discrepancies are primarily related to market operations of the media, protection of the media from political influences, as well as labor and social rights and safety of journalists. She also pointed out that the state, by influencing and financing certain media, acted as a competitor to private media, and that the media would be able to resist the financial and political influence only when the impact of the state on the media market is regulated. She believes that the "blind spot" of the media system of Serbia, which is little known and spoken of, is a correlation of the ruling political forces and large industrial and commercial businesses, which are allowed to infiltrate in a non-transparent manner into the media and realize a common interest of parties and businesses through them. She added that Serbia was no exception in this, but unlike other countries, it had done nothing to change that. Matic said that only in recent years the media sphere had begun to get actual shape of a market-profit activity, but that the key finding was that the functionally and regulated media market did not exist. She stated that this Report was actually an appeal to the authorities to finally begin the reform of the media system and to stop delaying this necessary process.

ANEM lawyer **Slobodan Kremenjak** said that the issue of media freedom could not, as before, be leveled solely to freedom of expression, but that this area was affected by the issue of state influence, the issue of media ownership, free competition and adequate legislation. He reminded that some laws in the media sphere, such as those regulating the work of foreign correspondents, were brought even 40 years ago, while most of them were 10 years old and in that respect, the norms and standards did not meet the requirements of neither modern times, nor European standards entirely.

NUNS President **Vukasin Obradovic** presented indicators 1 (protection of the right to freedom of expression and information) and 20 (Independence of Public Service Broadcasters). According to him, more frequent lawsuits against media for breaching the honor and reputation and which are most often related to political setting are aimed at financially weakening the media and encouraging self-censorship among journalists. The assessment of the research is that the institutional protection of freedom of expression and media freedom is inconsistent and insufficient. It is also the opinion of journalists, who see the judiciary as an adversary rather than an ally, in exercising their rights. Speaking about the independence of public service broadcasters, Obradovic drew attention to research results, according to which nearly three quarters (72%) of 240 editors of informative media surveyed in late 2011, believed that the existing public service broadcasters were not independent from political influence in their daily work, whereas two-thirds (66%) believed that the principle that people of clear party affiliation could not get managerial positions in them was violated in practice.

ANEM President, **Sasa Mirkovic**, spoke about the openness of the media to political parties (indicator 5) and the impartiality and efficiency of regulatory bodies (indicator 15). Speaking about the openness of the media to political parties, Mirkovic said that the research had shown that most surveyed party officials (70%) thought that the media in Serbia did not respect the principle of equality, namely that they did not treat in the same way the events when their actors were parties in power and when it came to the opposition, unlike surveyed media editors, who claimed (in a high percentage (92%)) that their media respected or mostly respected the right of political parties to equal access to media. Speaking about the current elections, Mirkovic said that the RBA's General Binding Instruction had given certain results, as there was no exaggeration in the election program; however, confusion reigned among broadcasters in interpreting the Instruction. Talking about the broadcasting regulators,

ANEM President said that from the very start of its operations, the RBA had endured criticism. The weaknesses in the functioning of regulatory bodies can be interpreted through the gaps in the law, the weakness of new institutions and undoubted influence of political parties, said Mirkovic. The state is always looking for ways to have people in the RBA Council who will have an understanding for the elite, rather than for the broadcasters, Mirkovic said. All these are reasons for failure to meet European standards, Mirkovic added, believing that the ever-deepening economic crisis has certainly contributed to such state.

Freedom to criticize state officials (indicator 2) was presented by **Dejan Miladinovic**, president of Local Press, with the support of the lawyer **Dragan Lazarevic**, legal representative of members of this association in court proceedings. He noted that the disturbing fact was that only during the last twenty days five complaints against journalists had been filed. At the presentation, a TV Forum report was played, illustrating the attitude of local authorities (Prijepolje) towards the media. Referring to the protection of journalists' safety, Dejan Miladinovic added that after this TV report, the newsroom of TV Forum experienced a serious threat by the authorities in Prijepolje, for which a complaint was filed. Miladinovic pointed out that the problem here was that when a journalist asked for protection, he/she usually got it, but, on the other hand, the case usually remained unresolved, the perpetrators could never be identified and so on. Presenting the indicator 19 (Neutrality of the state aid), Miladinovic noted that the total amount that the state and local self-governments annually allocate to media from the budget was about 40 million, but the problem was not in the amount of the funds, but in the way of their allocation. He said that, for example, four out of five million Euros in state aid for projects had gone to financing activities of four public media companies, while the remaining one million was allocated to projects of more than 200 media.

NDNV President **Dinko Gruhonjic** referred to the operations of Vojvodina public service broadcaster (part of the indicator 21) and freedom of choice of language of communication (indicator 7). He said that the Radio Television Serbia (RTS) was ignoring the fact that Serbia was a multiethnic society, whereas Radio Television of Vojvodina (RTV) paid much more attention to this, through programs in minority languages. Nevertheless, the real question here is whether these programs meet production standards, both in quality and quantity. According to him, the experiences in functioning of minorities' National Councils are not so encouraging, as they have not led to the improvement in any problematic area of functioning of minority media, but, on the other hand, they have an unlimited influence over the editorial policy.

In the second part of this event, other important indicators and results of research were presented by the distinguished guests, most of whom were involved in some way in the research, but also other event participants, who were encouraged by the presented findings to take part in the discussion.

President of the Trade Union "Nezavisnost" (Independence) **Branislav Canak** elaborated on difficult social conditions in which journalists worked (indicators 11 and 12). According to him, journalists are the most difficult to organize, even in situations when they have no other options, as they are reluctant to join the union out of fear. This problem causes such situation illustrated in the report.

Adding to discussion of Mr. Canak, **Dragana Cabarkapa** from the Serbian Journalists' Union stressed that there was no free media with unprotected and fearful journalists. The main problems are small and irregularly paid salaries of journalists, non-paid dues, lack of healthcare cards, and the fact that there are no private media unions.

The Commissioner for Information of Public Importance and Personal Data Protection, **Rodoljub Sabic**, said the Report was worthy of respect and that the very idea and work results were significant not just for the people from the media, but also for other branches.

Commenting on research findings on indicators 8 and 10, which relate to the protection of sources of information and proportionality of protection of privacy and state secrets, the Commissioner considers that the analysis needed to be more precise, more explicit and rigid. Based on his experience and practice, he analyzed the findings of the Report, giving the present audience a broader picture of the situation in these areas.

Milan Jankovic, PhD, RATEL director, welcomed the creation of such report, finding it a good idea that the media image of Serbia was monitored by indicators that were recognized in the EU. He referred to certain statements regarding the indicator 15 (impartiality and efficiency of regulatory bodies), noting that, when it came to RATEL, it could be said with confidence that this regulator had endured no political and economic pressures during the process of granting licenses, as they were allocated through public competitions. Regarding the problem of piracy, he said that there was a problem of jurisdiction and that RATEL, in accordance with relevant laws, had no jurisdiction to put illegal broadcasters out of operation on its own. With best efforts, the number of pirate broadcasters was reduced to around 40 currently operating, but they would have been shut down if other authorities had helped more, Jankovic concluded.

Snjezana Milivojevic, PhD, Professor at the Belgrade Faculty of Political Sciences, stressed the great importance of the Report, complimenting all organizations that had initiated its creation. She said the Report, based on 27 Indicators for media freedom, provided objective view of the situation in Serbia and allowed comparison with other countries. She also pointed out that it was extremely important and very encouraging that researches of the sort had started to be carried out, including those done by the Faculty of Political Sciences (based on UNESCO media development indicators), and that they provided for the look at the situation from a comparative perspective. Commenting, among other things, on the indicator 13 (Protection of the independence of editorial policy), she said that the Report showed that the state was an extremely important factor in Serbia and that its role was evident in at least four areas: the state as owner, the state as media financier, the state as initiator of media regulation and the state as the source and creator of the news. According to her, all indicators suggest that the media operate in a non-functional and oversaturated market. They also point to an extremely high level of political parallelism between the media and political parties, a very high degree of clientelism in the media and a low level of media professionalism. In such situation, the influence of media owners on editorial independence becomes extremely large. She suggested that it needed to be worked on the idea of internal pluralism, the code of editorial independence in relation to the ownership and bringing it into connection with the strengthening of a self-regulatory mechanism.

The indicators 25 and 26 (preference for media self-regulation and compliance with the journalistic code) were in the focus of discussion of **Safeta Bisevac**, Member of the Press Council Managing Board, who emphasized that self-regulation in Serbia was far below the European standards. She familiarized the present with the work of the Press Council as the only self-regulatory body in Serbia, whose competence was acknowledged by about 70 media – daily newspapers holding almost 90% of the entire circulation in Serbia. In one year of its existence, the Council received 22 complaints; the Commission considered 14 cases and found there had been violation of the Code of Serbian Journalists in four cases. She stated that the public was not yet sufficiently familiar with the work of the Council, as well as that it was discouraging that many journalists were unaware of the existence of the Journalists' Code.

Kalman Kuntic from the Provincial Secretariat for Information addressed the present next, saying that, when it came to the funds allocated to media from the state budget, for the most part it was really the subsidy, but in a situation where the funds were allocated through competition, commercial media actually applied for the subsidies for their operation, taking no care about the content and quality, which was a logical consequence of all the problems faced by the media and the lack of funds. He commented on the financing of the media from

provincial funds, saying that the budget financing of minority media was in fact assumed international obligation and that 80% of subsidies for minority media went to paying salaries and material costs, as these media had a small advertising revenues, and almost no revenues from the sale, because they had no market. He stressed that local media were doomed to collapse, that local self-governments, in environments with only private and privatized media, behaved as if they had no obligation to support media development, since they did not run them anymore. What is sad in his opinion is the fact that the number of media will decrease, but that the reason for that would not be quality, but their incapability to survive economically.

Speaking about the last indicator (Parliament's care for media freedom development), the author of the Report, **Jovanka Matic, PhD**, criticized the Serbian Parliament for not having analyzed the media freedom ever, despite the fact it was required to do so. She also addressed her critics to the Serbian Parliament's Culture and Information Committee, whose one of the main areas of work was related to the media, and which had not started any initiative to improve media freedoms in its hitherto work.

The Publication „Serbian Media Scene VS European Standards“, as the first comprehensive report and research on the media situation in Serbia that uses European indicators as the parameters for measuring freedom of expression, freedom of information and media freedom, represents the basis for future monitoring of the exercise of these freedoms, but also for taking concrete measures to address identified problems in the media regulation and practice, as well to improve conditions for the functioning and development of the media system. The Report is at the same time a call to the authorities to, based on its findings, take responsibility and actively contribute to improving the media situation in Serbia and creation of conditions for the unhindered realization of the role of media in the democratization of society, in line with European standards. Findings of this Report will also serve to media organizations that have initiated and participated in its creation, as the basis for their future activities aimed at reforming of the media system.



This Publication was prepared in cooperation with the Civil Rights Defenders and financial support from the Swedish International Development Cooperation Agency (Sida)