



THE RULE OF LAW AND MEDIA FREEDOM IN SERBIA

Shadow Report 2024

Independent Journalists' Association of Serbia (IJAS)

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Introduction

For countries that aspire to join the European Union (EU) such as Serbia and other candidates from the Western Balkans region, strengthening independent media is crucial for consolidating democratic institutions and reconciliation processes, and for progress in the EU accession negotiations and related reforms.

Different indices and monitoring tools¹ point to a worrisome situation of media freedom in the country: in the first half of 2024, the Mapping Media Freedom platform has recorded 34 cases of press and media freedom violations affecting 46 Serbian journalists and/or media professionals, including 22 cases of verbal attacks, 5 legal incidents, 2 cases of censorship and 4 attacks on property.² These data show that journalists and media professionals face a quite hostile environment in doing their jobs, in a context of intense political pressure, media capture, direct attacks, and lack of protection that, albeit in different forms, also characterises other countries in the region, as well as the EU.

As a candidate for EU accession, Serbia is subjected to the annual review of the reform process: in its annual Progress Report, the European Commission assesses the level of preparation and alignment with European standards, including those on media freedom, which are mostly covered by Chapter 23 of the *acquis communautaire* on Judiciary and Fundamental Rights.

In addition to the Progress Reports, starting this year, Serbia and all the other candidate countries will be involved in the publication of the annual Rule of Law Reports, a mechanism first introduced in 2020 to monitor rule of law developments and potential risks across EU member states. The Commission's Rule of Law Reports cover four major areas: 1. Justice system; 2. Anti-corruption framework; 3. Media Freedom and Pluralism; 4. Institutional issues related to checks and balances. Since 2023, alongside the Reports, the European Commission has provided a set of recommendations

¹ [Reporters Without Borders, Serbia](#); [Media Ownership Monitor, Serbia](#)

² [Mapping Media Freedom, Serbia](#)

addressed to EU member states, calling on competent authorities to promptly address and solve potential problems identified in the Reports.

The Rule of Law Reports for candidate countries – which are published in July 2024 – will thus complement and inform the traditional Progress Reports that the European Commission usually publishes towards the end of each year.

As part of the European Commission’s consultations for the Rule of Law Report for Serbia, this Shadow Report focuses on the third section dedicated to Media Freedom and Pluralism and provides an updated and comprehensive analysis of the Serbian media landscape, pointing out not only positive steps forward but above all remaining and emerging challenges that need to be addressed. The analysis is complemented by a set of detailed recommendations addressed both to national authorities and relevant civic associations, urging them to take action and strengthen their commitment to the protection of media freedom in line with European and international standards.

Media Freedom in Serbia: contribution to the EU Rule of Law Report

2.1 Independence, enforcement powers, and adequacy of resources of media regulatory authorities and bodies

The main regulator overseeing television in Serbia is the Regulatory Authority for Electronic Media (REM). This body was established in 2003 as the Republic Regulatory Agency and rebranded to REM in 2014 as part of the Law on Electronic Media. However, REM's agency and independence have been questioned.

In July 2022 it awarded eight-year national free-to-air broadcasting rights to four overwhelmingly pro-government broadcasters. Happy, Pink, B92, and Prva, all previous rights holders, won out despite multiple violations of various laws and the Journalists' Code of Ethics. For example, in 2020 the four broadcasters collectively violated the Advertising Act over 12,000 times.³

These broadcasters are owned by individuals with links to the ruling Serbian Progressive Party (SNS) and their messaging is predominantly pro-government. Whilst REM saw fit to reward these broadcasters with renewed licences, it continues to deny a fifth spot, although the legal deadline for that has long passed.

In November 2023, the European Commission found that REM “fails to demonstrate its independence in a consistent manner and to exercise its mandate to the full in safeguarding media pluralism”.⁴ That came five days after amendments were made to the Law on Electronic Media that sought to align the country with EU standards, supposedly strengthening the organisational, functional, and financial independence of REM.⁵

In the seven months since this legislation was enacted, and despite hopes of a more independent, powerful regulator, not much appears to have changed.

³ [Coalition for media freedom: REM's decision is a continuation of media darkness in Serbia, IJAS, 29/07/2022](#)

⁴ [Serbia 2023 Report, p.113, European Commission, 2023](#)

⁵ [Serbia political briefing: Media Laws Amended, China-CEE Institute, November 2023](#)

On the contrary, it continues a pattern of targeting critically oriented media output. For example, in February 2024, REM filed a complaint to Luxembourg’s broadcasting regulator against N1 (its parent company, United Group, is registered in Luxembourg) over a documentary that was supposedly intolerant and hateful against President Vučić. The case was rejected, finding “the programme falls within the scope of freedom of the press in the presentation and processing of information, a freedom that is essential under normal rule of law and to any democracy”.⁶

REM opened public consultation regarding the adoption of fifteen draft regulations, required by law, for just 20 days, from 5 to 25 April 2024. This is the absolute legal minimum period required for implementation, and demonstrates a “box ticking” approach by the regulator to consultation that merited more meaningful discussion. The REM adopted these 15 regulations⁷ on May 7 2024 and once again missed an opportunity to better regulate election campaigns. It failed to clearly foresee the criteria that should have been used when determining the plan for monitoring the behaviour of electronic media in relation to election campaigns, as well as the manner and dynamics of reporting on its findings.

There has been a diminution of quality control in the Rulebook’s new conditions and criteria for issuing a licence for the provision of media services. Previously, the Rulebook prescribed a minimum 20 percent of programming dedicated to documentary, scientific-educational, cultural-artistic or children's programming. This provision was dropped in the new Rulebook.

REM also has financial restraints. The 2016 annual budget was €3.5 million,⁸ not enough to counter “low upfront compliance with programme and advertisement rules”⁹. Seven years later, its annual budget remained at €3.5 million, a real-terms budget cut, and its failure to sanction TV stations that broadcast more advertisements than permitted by law¹⁰ demonstrates inadequacy in resources and/or unwillingness to target offending channels.

⁶ [Luxembourg regulator throws out REM complaint against N1, N1, 02/04/2024](#)

⁷ [Rulebooks, REM](#)

⁸ [The independence and functioning of the Regulatory Authority for Electronic media in Serbia, p.85, Council of Europe, October 2017](#)

⁹ [The independence and functioning of the Regulatory Authority for Electronic media in Serbia, p.65, Council of Europe, October 2017](#)

¹⁰ [TV Stations Earn Millions with REM’s Blessing – Outside the Boundaries of the Law, Center for Investigative Journalism of Serbia, 24/10/2023](#)

2.2 Conditions and procedures for the appointment and dismissal of the head and/or members of the responsible body of media regulatory authorities and bodies

Individuals must still be approved by parliament, but the competent parliamentary committees at both national and provincial levels were excluded from the authorised nominators. Furthermore, journalists' associations and the association of electronic media publishers were separated as two separate nominators, as were the association dealing with child rights and protection and the association dealing with freedom of expression. As a separate nominator, the Ombudsman, the Commissioner for protection of equality, and the Commissioner for protection of personal data and information of public importance were put together.

The code of conduct of the REM Council members is now also mentioned in the Law on Electronic Media (in the part that refers to the documents that the Council must adopt) and the responsibility of the members has been strengthened. For example, there is no recourse to dismiss REM council members if they violate the Code three times within one year. The European Commission claims these new nomination and dismissal processes will depoliticise the entire process through the oversight of independent bodies.¹¹

Dismissing members remains a parliamentary competency. In May 2023 due to REM's continued violation of Article 5 of the Electronic Media Law, failing to "contribute to the preservation, protection and development of freedom of opinion and expression" and failure to "protect the public interest in the field of electronic media"¹² Judita Popović, one of four opposition nominated members, was the only one to resign.¹³

The appointment of the President of the REM Council remains unchanged – requiring the approval of a two-thirds majority of other Council members. It is currently presided over by Olivera Zekić, having been elected as a member in 2015 and then as president in 2020. At the time, she was accused of turning REM "into a local board of SNS".¹⁴ Since then it has been acquiescent against pro-government media and its infringements of existing laws.

¹¹ [Serbia 2023 Report, p.43, European Commission, 2023](#)

¹² [Journalists' and Media Associations: We Request Initiation of Procedure for Dismissal of REM Council Members, IJAS, 26/05/2023](#)

¹³ [Opposition-nominated REM member resigns, IJAS, 08/06/2023](#)

¹⁴ [The regime put Olja Zekić and Aleksandra Janković in REM, nova.rs, 18/12/2020](#)

Because the appointment of Council members ultimately requires parliamentary approval, along with nominations of independent candidates by authorized nominators that are similarly approved by parliament, the process remains open to political manipulation. Council members have acted and continue to operate in a manner that provides preferential treatment to pro-government outlets, with the government's majority in parliament providing a shield from greater opposition scrutiny and accountability.

The November 2023 legislative update dictated that members continue their work for another year before new members are elected. To date, this process has yet to begin. In addition, the Council of REM on June 6 made a decision on the initiation of the initiative for the evaluation of the constitutionality of Article 126 in Law on Electronic Media, which stipulates that the new REM Council should be elected no later than one year after the adoption of the new law which is by the beginning of November this year.

The main issues regarding REM's actions stem not from faults in legislation but from failing to apply the law and its remit. Without proper enforcement by an independent regulatory body capable of exerting proportional influence free not only from government interference but also of licence holders, owners, and proprietors keen to safeguard their interests, such concepts will not have a tangible impact.

2.3 Existence and functions of media councils or other self-regulatory bodies

The Press Council is an independent, self-regulatory body composed of publishers, proprietors, media professionals, and news agencies. It is tasked with monitoring the Code of Journalists of Serbia, acting as a mediator, and solving complaints issued around media content.¹⁵ It arbitrates when complaints are made against journalists and media outlets to determine whether such media content is in line with the Journalistic Code of Ethics.

For the first time, this body has been recognised in legislation through the Law on Public Information and Media. The original intention was that all print and online media would have to recognize the competence of this body in order to be eligible to receive public funds. However, following consultation and amendments during the law's drafting, it was decided that decisions of the Press Council should be taken into account and be one of the criteria for the allocation of public money for online and print media, while

¹⁵ [About us, Press Council \(savetzastampu.rs\)](https://www.savetzastampu.rs/)

for electronic media the measures issued by REM should be taken into account.

Nationally, there exists the Association of Journalists of Serbia (UNS) and the Independent Journalists' Association of Serbia (IJAS), both of which are part of the wider European Federation of Journalists and both of which have a Court of Honour which can take decisions about breaching professional standards of their members. These Courts of Honour cannot react or take a decision about those who are not members of the associations.

2.4 Transparency of media ownership and government interference

The Law on Public Information and Media obliges all media outlets to disclose information about their publishers. Media outlets are also required to register their ownership structure and main editors with the Media Register of the Serbian Business Registers Agency. The same Register also requires media outlets to report any changes in ownership/editorial structure within 15 days. Failure to comply with this legal provision is considered a misdemeanour under the law.

Radio Television Serbia (RTS) and Radio Television Vojvodina (RTV) are national and provincial public service media, fully owned by the State of Serbia. The management board of RTS and RTV is appointed by REM. The independence of public media services is questionable, taking into account the already observed problems in the independence of the regulatory body itself.

The four private broadcasters that were re-awarded licences by REM in 2022 are all owned by proprietors with links to SNS. This is reflected in their coverage, but information about ultimate ownership is not always readily available.

- **Happy TV** is ultimately owned by the trading company Invej, founded by Srđan Sredojević.¹⁶ However, the ownership structure is murky, and there are rumours that ultimate control lies in the hands of Predrag Ranković. This was even insinuated by President Vučić in February 2024 during an interview on a Happy TV channel.¹⁷ Officially, Ranković has sought to deny this, with a 2018 request to Google by Happy

¹⁶ [Who are the owners of national TV frequencies in Serbia - BBC News in Serbian \(www-bbc-com.translate.goog\)](https://www-bbc-com.translate.goog)

¹⁷ [Happy TV | Media Ownership Monitor](#)

demanding that news items about him be deleted. He has previously provided financial support to Tomislav Nikolić¹⁸, who went on to found SNS in 2008 (and become Vučić's predecessor as president).

- **Pink** is owned by Željko Mitrović. Television Pink started broadcasting in 1994 as a local station exclusive to Belgrade. It first received a national frequency from the Broadcasting Agency (now Regulatory Body for Electronic Media) in 2006, again renewed in 2022. In 2021, after Twitter (X) started flagging media outlets linked to governments, Pink TV's account was described as "a media working with the government of Serbia". State-linked media is defined as "media in which the state exercises control over editorial content through financial means, direct or indirect political pressure, and/or control over production and distribution [of content]". Twitter (X) explained its decision by saying that "it's important to know who controls and pressures the media". Mitrović additionally has commercial interests with the state through his company PR-DC, selling drones and other military equipment to the government.¹⁹ In addition to its one TV station with national coverage, Pink has more than 60 cable channels. Pink Television is the most watched commercial television (after public service broadcaster, RTS) with a 16.54 percent share of viewers in the period from March 2022 to March 2023, according to Nielsen research.²⁰
- The Kopernikus Corporation, owned by Srđan Milovanović, bought **B92 and Prva** in 2018 from Greece's Antena Group. Before the acquisition, another of Milovanović's companies, Kopernikus Technology, was bought by Telekom Srbija for €195 million. This was seen as an overvaluation and €15 million more than the total Milovanović paid for the two channels one month later.²¹ At the time, his brother Zvezdan was the SNS party commissioner for Niš and a donor to the party, and he remains a minority owner of Kopernikus Technology.

¹⁸ [Predrag Ranković Peconi, Media Ownership Monitor](#)

¹⁹ [Watching Us: Serbian Police's Expanding Drone Arsenal Draws Concern, Balkan Insight, 29/12/2023](#) and [Serbia, UAE cozy up over tiny drone bombers, DefenseNews, 22/02/2023 \(defensenews.com\)](#)

²⁰ [Pink TV, Media Ownership Monitor](#)

²¹ [Ko su vlasnici nacionalnih TV frekvencija u Srbiji, BBC News na srpskom, 06/12/20218](#)

Whilst there is individual diversity in media ownership, personal relationships, and political influence have resulted in similar editorial lines and marginalised opposing voices.

2.5 Rules governing transparency of media ownership and public availability of media ownership information

Milovanović's acquisitions are indicative of a wider pattern of media ownership in Serbia by which state-owned companies, mostly Telekom Srbija, are able to, directly and indirectly, finance takeovers of media and editorially steer them in a more pro-government direction. Until 4 November 2023, such state ownership in the media was illegal. United Media Group, the owner of independent media outlets including TV channel N1 and newspaper Danas, even brought legal action against REM in October 2023 for failing to stem state and state-owned companies from founding and operating media companies.

However, the new November 2023 legislation allows for state-owned companies that perform the activity of electronic communications to do just that. United Media claimed that state-subsidised Telekom Srbija threatens the media market, pluralism, and free speech,²² and the risk is that legalising such transactions will only intensify these phenomena.

Officially, all ownership can be accessed through the Serbian Business Registry (APR). REM also has its own electronic media registry. That however often fails to reveal ultimate ownership, with many owners listed as subsidiary companies. For example, Happy TV's ownership is listed as Ideogram doo, founded by (and with the same mailing address as) Invej.²³

REM's registry does not extend to print media, although many such newspapers run online sites that do list immediate owners. This has allowed Telekom Srbija to exert influence in the print market. For example, in 2004, Igor Žeželj took ownership of Wireless Media, which shortly after entered a partnership with Telekom Srbija to establish Mondo, the country's first mobile-friendly portal. One year later it established mondo.rs. In 2018, Telekom Srbija officially transferred ownership of Mondo to a subsidiary of Žeželj's Wireless Media Ltd. This grew the value of Žeželj's portfolio from €2 million to €40 million, enabling him to purchase Kurir, Serbia's most

²² [United Media files lawsuits against Telekom Serbia, N1, 28/10/2023](#)

²³ [IDEOGRAM DOO BEOGRAD \(companywall.rs\)](#); [INVEJ AD BEOGRAD-ZEMUN \(companywall.rs\)](#)

prominent tabloid and one with a moderately anti-government bent, and change its political orientation to more favourable coverage.²⁴

The new Law on Public Information and Media, despite seemingly liberalising language in other aspects, is regressive in the field of ownership. It expressly permits the state, via Telekom Srbija which is the only company partially owned by the state, which performs the activity of electronic communications, to legally and officially own media outlets. Whilst this practice often occurred more discretely or indirectly, it is now explicitly permitted – the prospect of which brings the potential for more such ownership models.

Despite the new law, there has been no observable increase in transparency of media ownership. The same ruses, subsidiary companies, and opaque ownership structures continue to be used to obfuscate the true ownership of many media outlets, and the permittance of expanded Telekom Srbija expansion may see such practices worsen in the coming years.

2.6 The transparent allocation of state advertising (including any rules regarding the matter); other safeguards against state/political interference

There are few enforced safeguards regarding the allocation of state funding and the criteria by which this is decided. Unlike the European Media Freedom Act, which protects against state interference and has established new requirements for fair distribution of advertising funding, no such framework exists in Serbia. There are no publicly available criteria by which state-owned companies and bodies spend advertising money. These factors allow for state funds to be distributed to pro-government outlets, with all the associated effects on editorial stances and freedom to report and investigate.

Much of the media is inherently pro-government given the circumstances of their respective ownerships. This is only exacerbated by the nature of state advertising, with minimal requirements to disclose either outgoings on the part of the state, or advertising income on the part of media companies.

Most media outlets rely on advertising in order to remain solvent. Given the outsized nature of the Serbian government and government-owned companies in the general economy, this provides the government with

²⁴ [Serbia: State Influence on Media Ownership: Igor Žeželj and Telecom Srbija, IPI, 05/05/2024](#)

ample leverage over the editorial direction of much of the media. It was alleged by opposition politician Savo Manojlović that state-owned companies, the City of Belgrade, and other government bodies have financed pro-government tabloids Alo, Informer, and Politika to the tune of 170 million dinars over the past two years.²⁵

Serbia has 2,153 media and media companies registered with the Serbian Business Registers Agency (APR). With a population of just 6.6 million, the media market is “oversaturated”. Many outlets rely on the project co-financing program, which approximately costs the citizens of Serbia around 150 million euros per year. These are usually and predominantly given to pro-government media outlets, without public oversight or clear, defined criteria.²⁶ Again, this co-financing scheme remains opaque, and publicly available information guarded.

RTS has a mixed funding model, receiving 71% of its funding from licence fees, 28% of its income from advertising and other commercial activities.²⁷ The same pressures facing other media outlets allow for undue influence vis-à-vis state and advertising funding.

There is no practical means of ensuring fair and balanced coverage. In the build-up to the June 2024 local elections, the Centre for Research, Transparency, and Accountability noted that President Vučić received twice as much prime news coverage as all other political actors combined.²⁸

Until regulatory authorities are granted greater powers and legislation is tightened to specify and outlaw influence on editorial policies through financial incentives and other tactics, then the pro-government bent of the public broadcaster will continue.

2.7 Framework for journalists’ protection, and rules and practices guaranteeing journalists’ independence and safety

According to Serbian criminal law, journalists are afforded the same privileged legal protection status as public officials.²⁹ Serbia’s criminal codes also legislate for protections for journalists; as “persons performing work of

²⁵ [Opposition leader: These people threaten safety of the politically unlike-minded, N1, 30/05/2024](#)

²⁶ [Media Landscape | Media Ownership Monitor](#)

²⁷ [RTS business report for 2023](#)

²⁸ [Despite 55 public appearances in as many days, Vucic angry with state TV, N1, 30/05/2024](#)

²⁹ [Protecting journalists in Serbia, p.16, Article19 Europe, 2023](#)

importance to public information” should be free from threats to their safety, with jail sentences ranging from six months to five years.³⁰

The Press Council has stated in its code of ethics that journalists who abide by the code should not only receive protection from their professional associations, but are entitled to “legal and material assistance in protection from violence, threats, insults and other negative consequences for performing the journalistic profession.”³¹

That code of conduct also states that editors are obliged to protect journalists from censorship, including from owners, interest groups and the state. It also states that there is a duty to inform the public about pressures threatening journalistic independence.

NUNS has called for the strengthening of legal protections for journalists, improving legal mechanisms and the system of support for journalists, by improving existing laws on protecting journalists from threats and violence, with stricter penalties for those who threaten or commit violence.³²

The rules themselves, on the whole, are not necessarily the issue. It has been noted that Serbia “has some of the most advanced legislations regarding the media, with a constitution that guarantees freedom of expression”³³ and laws that are “in line with European and international standards.”³⁴ They are, however, only as meaningful as their enforcement mechanisms.

Authorities have consistently failed to prosecute and punish those who have perpetrated attacks against journalists. Whilst the European Commission saw fit to note Serbia’s progress regarding protection for journalists from threats and violence, this relates more to the adoption of new legislation rather than any proof of greater implementation.

Amidst a “society of violence” those with grudges to bear against journalists feel increasingly emboldened to attack those with whom they disagree; in late May 2024, Vuk Cvijić, a journalist for the independent Radar magazine, was punched by none other than Milan Lađević, director of the pro-regime

³⁰ [Krivični zakonik, p. 138, paragrah 3](#)

³¹ [Serbian Journalists’ Code of Ethics, Press Council](#)

³² [Safety of Journalists. Behind the headlines: Threats, attacks and pressure on journalists in Serbia, p.31, IJAS](#)

³³ [Reporters Without Borders: Serbia drops 12 places on Press Freedom Index, N1, 03/05/2023](#)

³⁴ [Media Freedom in Serbia, Balkanmedia, Konrad-Adenauer-Stiftung](#)

Srpski Telegraf tabloid.³⁵ Initial police reports contain only written statements, despite the presence of 20 cameras near to the location of the attack,³⁶ and it took two weeks for the public prosecutor to even become aware of the fact that Cvijić had reported the attack.

2.8 Law enforcement capacity to ensure safety and investigate attacks

Issues around journalists' safety are not primarily down to the law, but its implementation and enforcement. Both the police force and judiciary are complicit in permitting perpetrators to act with a "policy of impunity" thanks to their inability or unwillingness to intervene in instances of threats of and actual violence against journalists. The acquittal of Slavko Ćurivija's four murder suspects "fails to send a clear message that attacks and violations of journalists' safety and rights will not be tolerated".³⁷

The lack of police investigation and protection following the attacks on leaders of the Independent Journalists' Association of Vojvodina (NDNV) Ana Hegediš and Dinko Gruhonjić, have led to this "culture of impunity". Research conducted by Council of Europe NUNS and UNS in 2023 found that:³⁸

- 29.9% of journalists have often been the target of smear campaigns.
- 30.5% have often or regularly faced verbal threats.
- 39.1% of respondents have experienced physical assault.
- Every third journalist has been threatened for their reporting in the past year.
 - Only half of these went on to report such threats.
 - 65% rated authorities' attitude negative or quite negative.
 - That might be informed by 50% of respondents finding that state authorities do not react appropriately at all, with a further 40% saying they generally do not.

³⁵ [Director of pro-regime tabloid physically assaults Radar journalist, N1, 29/05/2024](#)

³⁶ [Nova.rs: Police impeding investigation into assault on journalist Vuk Cvijic, N1, 05/06/2024](#)

³⁷ [SafeJournalists and MFRR Partners: Court of Appeals acquits suspects of journalist Slavko Ćurivija's murder, IJAS, 07/02/2024](#)

³⁸ [Safety of Journalists. Behind the headlines: Threats, attacks and pressure on journalists in Serbia, p.18, IJAS](#)

- 67% of respondents rated the safety and protection of journalists in Serbia as poor or quite poor.

In the first part of 2024 alone, the NUNS database recorded 75 incidents. The Safejournalists database recorded 43 serious incidents, including 31 serious threats, 8 physical attacks, and 4 other threats.

There have been some training programmes to better equip police with the tools needed to adequately protect journalists, such as the joint European Union/Council of Europe action “Freedom of expression and freedom of the media in Serbia”.³⁹ However, these programmes are piecemeal, and police, on the whole, are not trained to deal with attacks on and threats to journalists. The state either does not have the capacity or the motivation to adequately protect against and investigate attacks, giving the green light to would-be perpetrators.

That is not to say that no prosecutions take place; a one-year suspended sentence was handed down to an individual who sent threatening messages to N1 in April 2024.⁴⁰ Overall, however, the safety of journalists has deteriorated in recent years. With impunity given by and often active collusion of authorities, encouraged by the rhetoric of leading public figures, those who wish to silence journalists and intimidate dissenting voices know the state will more likely than not intervene.

2.9 Access to information and public documents

In theory, Serbia has strong laws on access to public information, with its Law on Free Access to Information of Public Importance “considered to be among the best European laws in the field of access to information”.⁴¹ However, as is a common theme, the application of existing laws remains patchy, with authorities often simply refusing to hand over information and adopting a practice of non-responsiveness to queries.⁴²

The problem is still the long deadlines for action, as well as the trend of delaying the response to the legal 40 days. The Commissioner for protection

³⁹ [Police officers in Serbia trained on protection and safety of journalists – Council of Europe Office in Belgrade, 9-10/03/2022](#)

⁴⁰ [Man who made threats against N1 detained, prosecution proposes suspended sentence, N1, 31/05/2024](#)

⁴¹ [Serbia Must Respect Democratic Principles in Amending Law on Free Access to Information of Public Importance, Civil Rights Defenders, 12/02/2021](#)

⁴² [Media Freedom in Serbia, Balkanmedia, Konrad-Adenauer-Stiftung](#)

of equality's data on the high percentage of founded complaints indicate that the authorities do not respond to requests sufficiently. The institution's response to the request depends primarily on what information is requested.

Article 51 of the Serbian constitution guarantees access to information kept by state bodies & organisations with delegated public powers.⁴³ There is also a Commissioner for Information of Public Importance to whom appeals can be made if authorities do not hand over relevant information in a timely manner. The current commissioner, Milan Marinović, was appointed in 2019 by a parliamentary committee; however, the selection of candidates and the criteria behind this was not made public, and 6 of the 17 committee members (all members of the opposition) did not attend the vote, nor were candidates invited to testify before the public and legislators.⁴⁴

In contrast to his predecessor, Rodoljub Šabić, who was criticised by SNS politicians, Marinović took action against journalists that report about Aleksandar Vučić. In 2022 he brought action against individuals in relation to the obtaining of information about the neighbourhood where President Vučić lives. This is despite Šabić pointing out that such information was available on the SNS website.⁴⁵ This all brings into question the independence and agency of the commissioner to bring about greater transparency.

Nearly half of all journalists have encountered 'institutional pressures' that deny them access to information. In response to the aforementioned CoE, NUNS and UNS research, 46.2% of respondents said that they had encountered such responses, including, but not limited to, denial of access to media events and institutional non-responsiveness to their questions.⁴⁶ This 'administrative silence' was noted by the European Commission, highlighting public bodies' frequent refusal to disclose information to investigative journalists.⁴⁷

The number of complaints to the Commissioner for violation of rights is consistently high and growing from year to year, and it is particularly

⁴³ [Serbia: Freedom on the Net 2022 Country Report, Freedom House](#)

⁴⁴ [The public denied the debate on candidates for Commissioner, Transparency Serbia](#)

⁴⁵ [Commissioner to file charges over Danas story, IJAS, 12/08/2022](#)

⁴⁶ [Safety of Journalists. Behind the headlines: Threats, attacks and pressure on journalists in Serbia, p.19, IJAS](#)

⁴⁷ [Serbia 2023 Report, p.42, European Commission, 2023](#)

worrying that a large number of complaints are founded (42.9% of the total number of resolved complaints). By far the largest number of complaints are submitted to the Commissioner due to the ignoring of the requests of information seekers ("silence of the administration"), and journalists especially complain about this. Although journalists use the law as a basic tool in performing their work, it is increasingly difficult to obtain information about the work of authorities, which, among other things, is confirmed by the high percentage of unexecuted decisions and confirmations that established that this information was available to them. As many as 49.04% of journalistic complaints submitted to the Commissioner in 2023 were declared due to the "silence" of public authorities.⁴⁸

The transparency of the courts is not at a satisfactory level, but it primarily depends on the openness of individual courts and their presidents. There is no uniform approach in the communication of courts and prosecutor's offices, and most basic courts and prosecutor's offices do not publish news and announcements on their websites or do so very rarely. The actions of courts and prosecutor's offices in response to requests for access to information of public importance also did not give encouraging results, but only a semblance of transparency, and the requested information still remains unavailable due to the excessive anonymization of documents.

2.10 Lawsuits and convictions against journalists (including defamation cases) and safeguards against abuse

Not only are journalists failing to be protected by the law and its enforcement agencies, but often those very laws and institutions are being used to silence their work. The Vojvodina Association of Independent Journalists' (NDNV) leaders Hegediš and Gruhonjić were not only threatened and denied justice, but themselves reported for allegedly inciting racial, religious and national hatred stemming from a doctored video. This complaint was lodged by an individual associated with the ruling SNS party.⁴⁹

The European Commission has noted the increase in strategic lawsuits against public participation (SLAPP) by members of national and local

⁴⁸ [Annual report of the Commissioner for the protection of the rights and protection of personal data, p. 25](#)

⁴⁹ [Serbia: Urgent action needed to address threats against journalists, IFJ, 25/03/2024](#)

authorities.⁵⁰ As of June 2024, investigative news outlet KRIK was defending 16 separate SLAPP cases⁵¹, which KRIK itself described as “revenge and retribution” as many of these cases were brought by government officials or their associates.

Between 2010 and 2020, at least 26 SLAPP lawsuits were brought against journalists. More than half of these came between 2018 and 2020.⁵² In 2023 alone, there were at least 28 such cases.⁵³ In 2024 we have noticed five new SLAPP cases. There are minimal legal safeguards for journalists to protect themselves against SLAPPs. Whilst Serbia’s Media Law and Law on Contracts and Torts allow the legal defence in cases of attacks on honour and trustworthiness, these are often allowed to be interpreted to deflect legitimate criticism⁵⁴ by a judicial system of questionable independence.

The use of SLAPPs, citing anti-inflammatory legislation and its flexible interpretation, is part of a ‘lawfare’ campaign by which government officials, organised crime, and others are weaponising legislation to silence investigative and critical voices. In May 2024, Appeals Court Judge Dušanka Đorđević filed lawsuits against KRIK investigative journalists Bojana Pavlović and editor Stevan Dojčinović seeking damages, jail sentences, and bans on practices after their work to increase judicial transparency supposedly infringed on the judge’s family’s right to privacy.⁵⁵

In concert with an ‘administrative silence’ by official bodies, reluctance by supposedly ‘independent’ figures to step in, and a lack of progress since amendments to the Law on Access to Information of Public Importance in 2021, journalists are operating in an environment in which official information is denied and authorities and those linked to positions of power are attempting to silence critical voices.

⁵⁰ [Serbia 2023 Report, p.42, European Commission, 2023](#)

⁵¹ [Coalition for Media Freedom: KRIK’s Verdict is Unfair, Urgent Adoption of Anti-SLAPP Recommendations is Necessary, SafeJournalists 10/06/2024](#)

⁵² [State of SLAPPs in Serbia, p.22, Article19 Europe, December 2021](#)

⁵³ [CASE koalicija: Srbija 10. u Evropi po broju SLAPP tužbi - Građanske Inicijative](#)

⁵⁴ [Serbia Sees Rise in Lawsuits to Silence Media and Activists: Report, Balkan Insight, 23/02/2022](#)

⁵⁵ [Judge Sues KRIK, Seeks Jail Time for Journalists and Occupational Ban, KRIK, 30/05/2024](#)

Recommendations

3.1 Legislative framework

The Media Strategy adopted by the Serbian government in 2020 with widespread participation of media and journalists' association represented a positive step forward in the harmonisation of national legislation with the EU *acquis* on media freedom and a welcomed sign of the government's commitment to reform the media landscape of the country in line with European and international standards. However, since then the implementation of the Strategy has been slow and incomplete. In addition, the Action Plan for the implementation of the Media Strategy expired in 2022, and a new one has yet to be adopted.

- We urge Serbian authorities to prioritise the adoption of the new Action Plan to ensure timely and comprehensive implementation of the Media Strategy and avoid further delays. In this process, the government should regularly consult with the competent Working Group for the development and monitoring of the Action plan of the Strategy, ensuring that their input and recommendations are adequately taken into consideration.
- We call on Serbian authorities to share information on the Strategy implementation regularly with the competent Working group and make it available to the public to allow for civic scrutiny.
- The EU's *acquis* on media freedom has expanded over the past years with the adoption of new laws such as the European Media Freedom Act aimed at harmonising the media landscape across Europe and the anti-SLAPP directive aimed at protecting journalists, activists and anyone who engages in public participation from vexatious lawsuits. We urge Serbian authorities to take these legislative developments into consideration, ensure that the Media Strategy is regularly updated to reflect the new standards, and ensure that national laws comply with the new provisions.

3.2 Media regulatory authority and self-regulatory body

An important part of the Media Strategy relies on the role of the Regulatory Authority for Electronic Media (REM) and the Press Council. In this regard, Serbian authorities need to strengthen and make these bodies more independent.

- We urge Serbian authorities to take steps to ensure that the REM is effectively and independently performing its functions and contributing to the pluralism of the media in Serbia.
- We call on Serbian authorities to progressively align REM and Press Councils with the provisions of the European Audiovisual and Media Services Directive and with the newly adopted European Media Freedom Act (EMFA).

For what concerns the REM, we urge Serbian authorities to:

- Ensure the organisational, operational, and financial independence of the Regulatory Authority for Electronic Media so that it can act as an independent regulator capable of safeguarding media pluralism in line with the Media Strategy and in light of the alignment with the EMFA.
- Ensure that the selection process of the REM Council selects the most qualified candidates with the relevant skills, experience, and proven independence. The process should be representative of all aspects of Serbian society. The selection process should start without delay. The tenure of the REM members should be guaranteed for the whole duration of their mandate.
- Ensure that REM implements its mandate in an independent and transparent manner and free from any political interference, in particular:
 - It should guarantee transparent and unbiased allocation of broadcasting rights across the whole national territory.
 - It should make sure that all broadcasters comply with the media laws and the relevant bylaws.

- Create an accountability mechanism to assess the levels of responsibility of the REM Council for failure to apply regulations.
- Ensure that REM effectively organises media monitoring during election campaigns providing objective and timely reports to the public.
- Ensure sufficient resources to REM to guarantee the effective and sustainable implementation of its mandate.

For what concerns the Press Council, we urge Serbian authorities to strengthen the role of the Press Council, especially when it comes to taking into consideration its sanctions in cases of non-compliance with ethical standards when it comes to the allocation of public money on any basis , clarifying that Press Council decision's apply to all printed and online media.

3.3 Transparency of media ownership and government interference

The latest amendment to the Law on Public Information and the Media and the Law on Electronic Media introduced provisions that facilitate state ownership in private media. The return of state ownership in the media sector represents a serious threat to media pluralism and risks creating unbalances in the media market detrimental to independent and critical voices.

- We call on Serbian authorities to refrain from any form of interference in the media market, to respect the independence of all media outlets, and to avoid exercising any form of political or financial control and undue pressure on editorial policies through personal relationships or political connections.
- We urge the Serbian authorities to withdraw the controversial amendment to the Law on Public Information and the Media and the Law on Electronic Media and ensure full compliance with the Media Strategy, which clearly states that direct and indirect ownership of private media by the state is banned. In the process of amending the laws, the government should consult with media and journalists'

associations and guarantee that their input is properly taken into consideration.

- We call on Serbian authorities to improve the Media Register of the Serbian Business Registers Agency and the REM Electronic Media Registry. These registers should provide updated, transparent and comprehensive information on the ultimate owner of media outlets, so as to avoid the risk of media capture by state and political powers by means of subsidiary companies.

3.4 Allocation of state advertising and other safeguards against state/political interference

Media pluralism is a precondition for a sustainable and fair media market. State advertising should not become a means by which state authorities exercise pressure and control on the media market and hinder independent and critical media outlets.

- We call on Serbia authorities to ensure a transparent distribution of state advertising through an efficient and non-arbitrary mechanism that allows for a fair and balanced allocation and pluralism of the media. They should also provide complete, regular, and updated info on how state advertising is distributed and to whom.
- We urge Serbian authorities to amend the Law on Public Information and Media and the Law on Electronic Media to introduce clear and defined criteria for state advertising in media. The Laws should provide a clear reference to the respect of the Code of Journalists and enhance the role of the decisions of the Press Council when it comes to state advertisings. In this way, public finances would be directed to media that respect journalistic ethical standards. They should also enhance the transparency of any kind of the allocation of public money to the media, making information on the distribution of funds publicly available to allow for civic scrutiny.

3.5 Journalists' protection

While the legal framework appears to be adequate, the number of attacks on journalists shows that there are poor conditions for the safety of journalists and that the existing framework does not deter possible attacks. Laws are

not adequately implemented and this ensures impunity for those trying to intimidate journalists. More worryingly, politicians themselves create a hostile climate against journalists. For these reasons, we call on Serbian authorities to:

- Refrain from encouraging hostility or foment distrust against media workers.
- Close the implementation gap by ensuring a stricter implementation of the existing laws for what concerns the protection of journalists.
- Strengthen the functioning of the Standing Working Group on the Safety of Journalists and foster meaningful cooperation between all parties involved. Law enforcement and judicial authorities should show a clear and credible will to cooperate with civic counterparts, ensuring that the activities, decisions and recommendations made by its members are effectively taken into consideration and a timely follow-up is guaranteed.

3.6 Recommendations for civil society and professional organisations

Impunity is a violation of human rights, inasmuch as states fail to put in place a system that effectively protects the rights of its citizens. In that case, it is possible to seek the constitutional protection of human rights or seek international avenues.

- Promote and encourage cooperation amongst journalists associations to tackle similar problems and share common strategies, including the further development of mechanisms to provide legal and material assistance to journalists. This could foresee developing capacities in the field of strategic litigation before domestic and international bodies for cases where states fail to provide adequate and sufficient measures to protect journalists.

3.7 Law enforcement capacity to ensure safety and investigate attacks

Recommendations to the authorities in Serbia

To ensure the safety of journalists and prompt investigation of attacks, we urge Serbian authorities to:

- Act responsibly, reduce tensions, and urgently, unambiguously and non-selectively condemn all cases of violence against journalists and events that threaten the safety of journalists and citizens who think and speak critically.
- Use their position and function to facilitate unhindered access to data for police and prosecutors when investigating cases of violence against journalists, in particular when these relate to state security agencies.
- Conduct urgent investigations and resolve all outstanding and new cases of threats and attacks against journalists, with a special focus on those initiated by representatives of the authorities.
- Make sure that investigations into attacks against journalists meet the criteria set forth by the European Convention for Human Rights and the relevant EU law. Investigations need to be thorough, impartial, independent, transparent, and timely.
- Improve communication with the public. In particular, for the purpose of ensuring public scrutiny of the investigation, the Public Prosecutors' Office and the Ministry of Interior are urged to improve their openness and public communication, including by providing public updates on prosecutorial investigations and proceedings.
- Continue, improve, and introduce new training for police officers, public prosecutors, and judges in understanding victims of criminal acts, especially on the topics of sensitivity and secondary victimisation. If required, include in the training more senior levels within the police forces
- Ensure that prosecutors and police handle cases promptly, and investigate and prosecute abuses that lead to the failure of investigations.
- Clarify the judicial understanding of criminal acts that relate to journalists' safety, particularly in the realm of online space.

- Improve the protection of journalistic sources to mitigate the potential harmful effects of other regulations that can undermine their position as well as to reduce the effects of biometric data collection and processing.

Recommendations to civil society and professional organisations:

- Further encourage journalists and other media professionals to always report cases to the competent authorities.
- Provide assistance and support where required in reporting cases to judicial and law enforcement bodies.

3.8 Access to information

While Serbia's laws on access to public information are quite strong, incomplete and inadequate implementation still represents an obstacle to the right of information.

- We call on Serbian authorities to show their full commitment to the principle of transparency and accountability, properly dealing with Freedom of Information (FOI) requests, following up on queries within the timeframe indicated by the law and avoiding delaying the response without a proper and consistent justification. The processing of FOI requests should be transparent and free from political pressure or consideration of any kind.
- As the so-called administrative silence represents a significant challenge to journalists seeking information of public interest, especially investigative ones, Serbian authorities are urged to strengthen access to information rights in order to provide support to journalists that are ignored by public offices and bodies that do not follow up on FOI requests, give incorrect answers, and abuse deadlines for delaying answers.

3.9 Lawsuits against journalists and safeguards against abuse

It is with great concern that lawsuits, including SLAPPs, are often being brought against journalists as a form of intimidation, including cases where

state officials initiate those cases. In order to protect journalists from abusive lawsuits, we urge the Serbian authorities to:

- Refrain from initiating lawsuits against journalists which could have a negative impact on public participation.
- Introduce measures similar to those contained in the EU Directive against SLAPPs of April 2024 or the COE Recommendation against SLAPPs. Serbian authorities are urged to report on the measures taken against these lawsuits as part of their accession process.
- Implement the provisions related to the compensation of damages in cases of journalists in line with the relevant jurisprudence of the European Court of Human Rights vis-a-vis article 10 of the Convention.

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