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Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Serbia

Authors: Jelena Surculija Milojevic

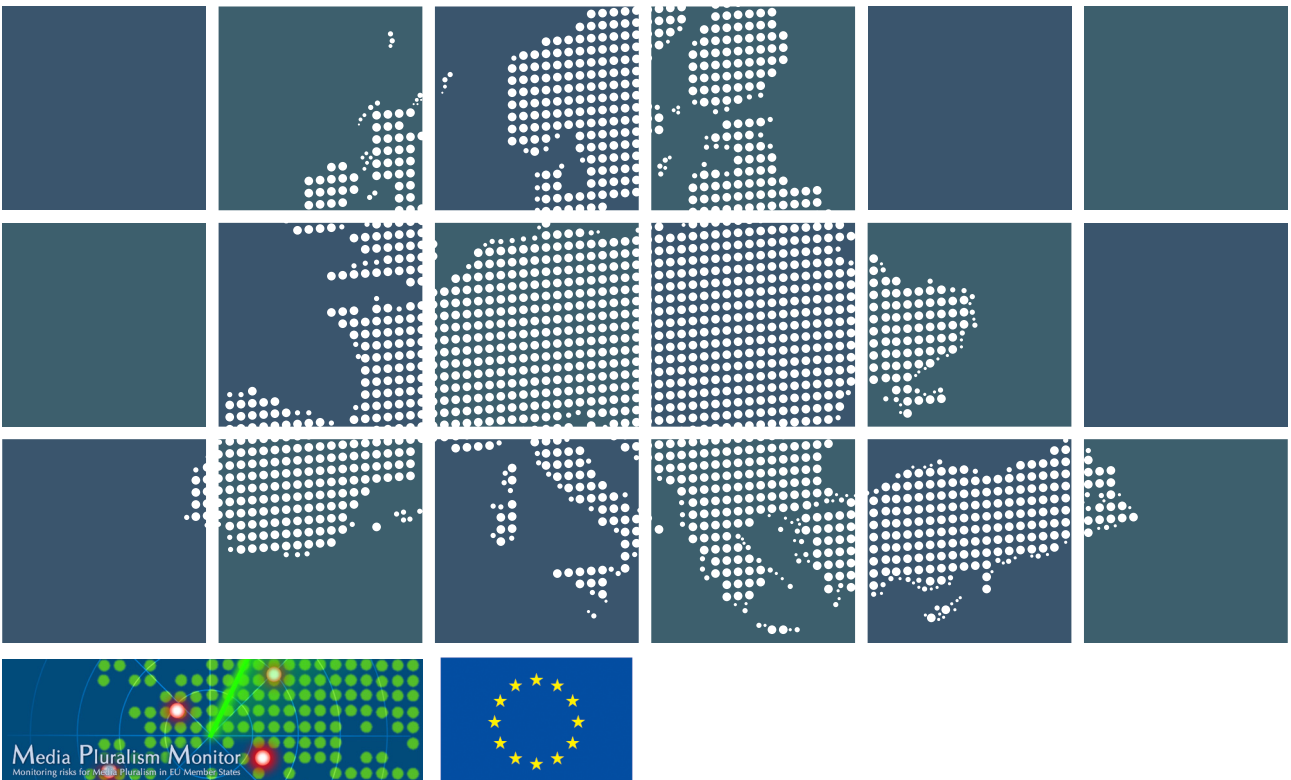




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1. ABOUT THE PROJECT

1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and December 2017.

In Serbia, the CMPF partnered with Jelena Surculija Milojevic (University of Belgrade), who conducted the data collection and annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Figure 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of a total absence or certainty of risk. For more information on the MPM methodology, see the CMPF report “Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey”, <http://cadmus.eui.eu/handle/1814/46786>



Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with those of MPM2016. For more details, see the CMPF report on MPM2017, which will soon be available on <http://cmpf.eui.eu/media-pluralism-monitor/>



2. INTRODUCTION

The Republic of Serbia is a European, Western Balkan country that borders Hungary, Romania, Bulgaria, Former Yugoslav Republic of Macedonia (FYRoM), Montenegro, Bosnia and Herzegovina and Croatia, with a bit over 7 million inhabitants. The Republic of Serbia is a successor of former Socialist Federal Republic of Yugoslavia and former State Union Serbia and Montenegro. Serbian is the official language and Serbs comprise the majority of population (83,3%), However, Serbia is a multi-ethnic country and in accordance with the latest census in Serbia (2011) the second large community is Hungarian (in Vojvodina region), Roma (in South and East Serbia and Vojvodina) and Bosnians (Sumadija and Western Serbia Region). Other ethnic groups are those that have less than 2000 members or state double nationality (e.g. Serbo-Macedonian, Hungarian-Yugoslav, etc.)

The world economic crisis that had started in 2008 affected the Serbian economy, as well. It had influenced media, in particular local and regional, but also the national of which some ceased to exist.

After one of the most draconian Law on Public Information in Europe, from 1998, and democratic changes in 2000, the Serbian media landscape has got the proper media legislation in 2002 (Broadcasting Law) and 2003 (Law on Public Information). Although very much in line with CoE standards, the enforcement of these laws posed a challenge to the new democracy. The first serious obstacle was the process of establishment of the regulatory agency for electronic media, where its first attempt failed. The agency was founded in 2006, but not without huge political and economic pressure. The Broadcasting Council has never worked independently, ever since. The media laws were amended several times, always in an urgent procedure and during the summer, so without a proper public debate. After every change, the result was the decrease of media freedoms. In 2011, the Media Strategy was adopted, on a Government phone session and without transparency of the final procedure. In 2014, the package of new media laws was adopted (Public Information and Media; Electronic Media and the Law on Public Service Broadcasting), in line with EU standards. However, the enforcement of the laws was scarce.

The state owned news Agency “Tanjug” ceased to exist within the new legal framework, but it is still operational in practice. It is financed from state budget in comparison to other two agencies that operate on the same media market, without any state fund support.

The project co-funding of local and regional media, from state budget, has been highly politicized. The largest private media are strongly supporting the ruling party, while the independent media struggle to survive, especially after constant losing of advertisers, as a form of an indirect pressure.

The ownership structure is not transparent and it is sometimes impossible to discover natural person as the owner.



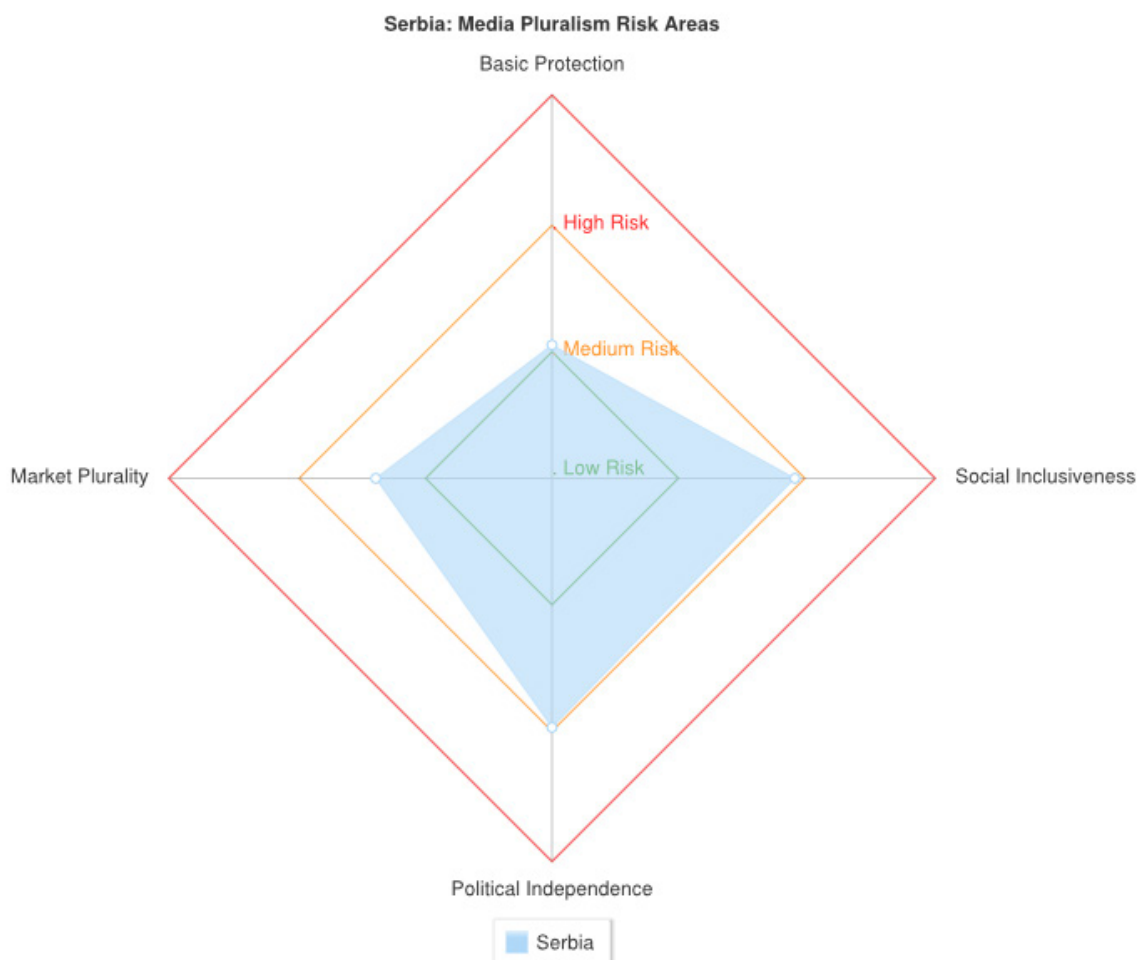
3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM

Serbia scores a medium risk rating when it comes to Basic protection of media pluralism. Although there is a solid legislative framework, the lack of enforcement leads to medium and high risk rating within many indicators. The media authority exists, but it is under heavy political control and not effective, as it does not use the powers that it has under the Law of Electronic Media.

When it comes to Market plurality, the media scene lacks the transparency of media ownership and cross-media concentration. Journalists and editors are under heavy political and economical pressure. Journalists face a lot of challenges in obtaining their work: from professional – non-existence of proper labour contracts, low salaries, not having protection after change of management or editorial policy – to life threatening situations, such as physical or oral attacks or abuse, followed by slow work of the institutions that should protect them.

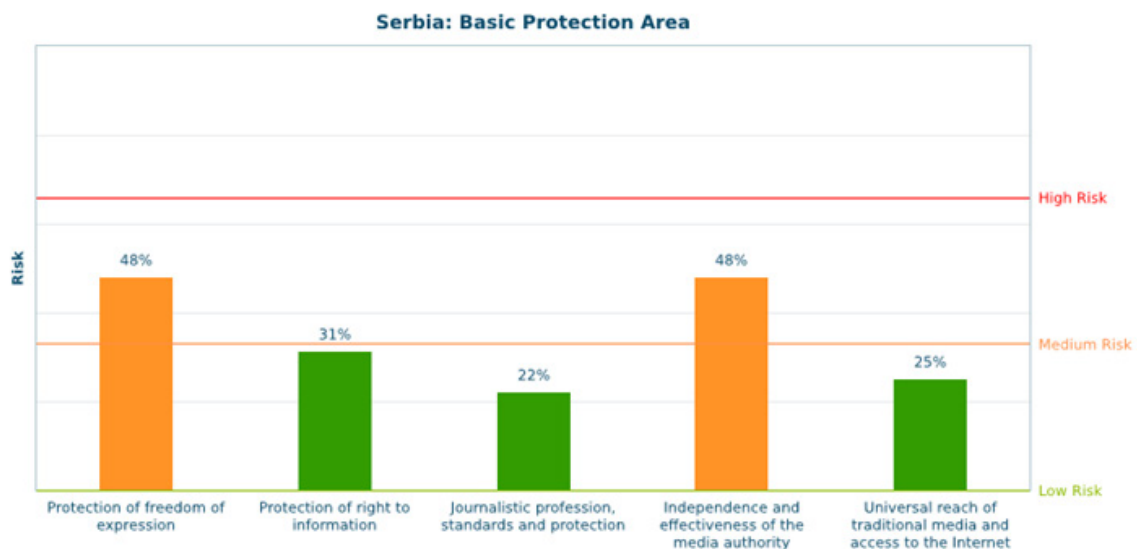
Majority of media in Serbia are not independent and they support the ruling party. PSM is not independent either, which leads to constant complains on unequal treatment by opposition, especially during the election campaign.

Social inclusiveness is on the border between medium and high risk. Minorities, people with disabilities, women, children – all those categories do not have an easy access to media. Media literacy is underdeveloped, fragmented in both regulatory framework and in practice, and depends on the good will of people that should implement it in educational system.



3.1 BASIC PROTECTION (35% - MEDIUM RISK)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The indicator **Protection of freedom of expression** acquires a 48% medium risk score. There is a very good regulatory framework in place, in line with the international standards. Freedom of expression is guaranteed by the Constitution, and also through media laws. However, the implementation of legal framework is very poor with systematic violations of the exercise of freedom of expression in practice. The defamation was decriminalized in 2012, but the Insult and Exposure of private and family life stayed within Criminal Code as Criminal Acts.

The indicator on **Protection of right to information** acquires a 31% low risk score and is explicitly recognized by the Constitution and in a separate law. The Law on Access to Information defines the right to complain, in case of the denial of access to information. Although the number of justified complaints was very high for a long time, since 2016 this trend has started to decline and the access procedures have become occasionally misused by public administration. The Law on Protection of Whistleblowers was adopted in 2014, but has not been implemented in full.

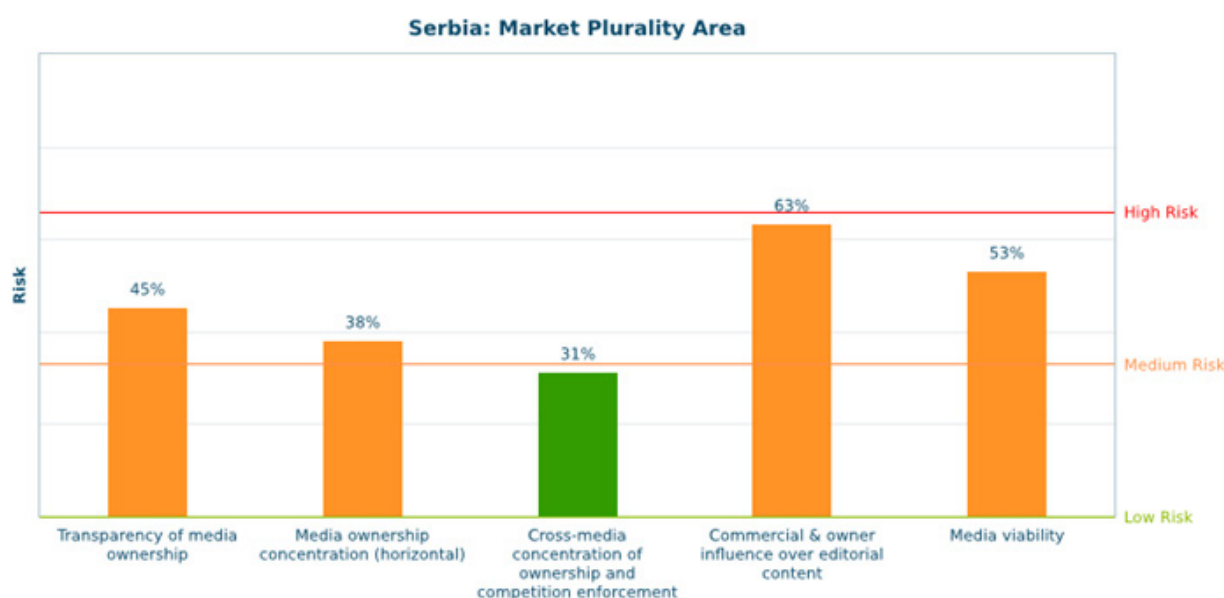
The **Journalistic profession, standards and protection** acquires a score of 22%. The entry to the profession is open to everyone, both on paper and in practice, without any restrictions or discrimination. There are two Association of Journalists that gather majority of journalists, and a Union of Journalists. Professional Associations are setting the professional standards and are effective in trying to defend the editorial independence or respect of the standards in practice. When it comes to sub-indicators on cases of attacks on physical safety and integrity of journalists, the risks raise: harassment and intimidation of journalists as well as impunity unfortunately take place in Serbia. Journalists face frequent irregularities in payments and high job insecurity.

The **Independence and effectiveness of the media authority** indicator falls under medium risk score of 48%. Despite the appointment procedures that are designed to minimize the risk of political or economic interference, they are not respected in practice. The same applies to the tasks and responsibilities of the regulator, defined within the law, but the regulator does not exercise them in full. Although the Law prescribes the appeal mechanisms when it comes to regulatory authority decisions, these mechanisms are only partially effective and occasionally delayed. Finally, the authority's powers are very often not used in an independent manner, especially in monitoring whether media providers meet their programme obligations, but also during the election campaigns. The better transparency needs to be ensured, as the regulator still does not publish information about its activities on a regular basis.

The indicator **Universal reach of traditional media and access to the Internet** acquires a 25% risk score. The Law on Public Service Media guarantees the coverage of digital signal for at least 95 % of population in the areas where the public service broadcaster's service is provided. Unfortunately, there were no data available for the percentage of the population that is covered by signal of all TV and radio channels, by broadband or broadband subscription. In the second quarter of 2017, the TOP 4 ISPs in Serbia were Telekom Srbija, SBB, IKOM and Radijus Vektor. The Commission for Protection of Competition took a standpoint that the broadband market had to respect the EU rules on Internet neutrality, so to enable end users to access Internet content and services of their choice. The Commission added that the ISPs should not block or discriminate the Internet traffic.

3.2 MARKET PLURALITY (46% - MEDIUM RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media owners and advertisers, influence editorial decision-making.



Transparency of media ownership indicator shows medium risk score of 45%. The Law on Electronic Media prescribes that the request for license needs to contain the information on the ownership structure of the applicant. That could be legal and natural person that directly or indirectly has a share in the ownership structure. There are no sanctions for non-reporting the ownership information or providing the incorrect information. Ultimate owners are not always publicly accessible, especially when they are public officials or politicians.

The indicator **Media ownership concentration (horizontal)** poses medium risk with 38%. According to the law on electronic media, the Regulator shall not issue a license for the provision of media services if s/he determines that this would lead to the violation of media pluralism. Many data is not available in this area, such as market share of the Top4 television, radio and newspapers owners or audience/readership concentration in the audiovisual, radio and newspapers media market. The Regulatory Agency for electronic media is an authority in charge of preventing a high degree of horizontal ownership concentration in audiovisual media sector. The Ministry in charge of public information is responsible for preventing high horizontal concentration in newspapers publishing.

Cross-media concentration of ownership and competition enforcement scores a low 31% risk score, which is close to border with medium risk. The Law on Public Information and Media set up the limitations for a high degree of cross-media concentration of ownership between publisher of a daily newspapers and a provider of audio or audiovisual media services. The Regulatory authority for Electronic Media and the Ministry of Culture are institutions in charge to supervise the compliance with ownership limitations and to decide on complaints. However, no cases or



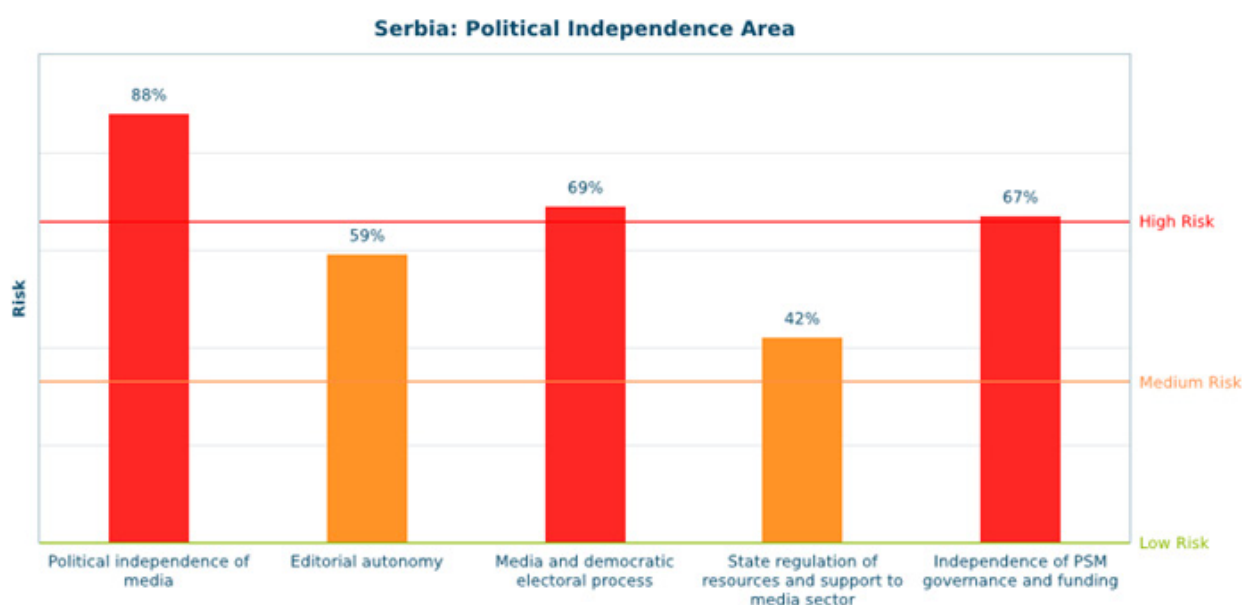
institutions involved were reported since the adoption of the Law (August 2014). The Commission for Protection of Competition has enforced the competition rules to media sector in a case of Ultra television in order to approve the ownership concentration of market participants. Apart from lacking the data on market share of the Top4 owners across different media and Internet content providers market share, together with audience concentration for Internet content providers, there is no regulatory safeguard nor administrative authority or judicial body to ensure and oversee that the state funds granted to PSM do not exceed the amount necessary to provide the public service.

Commercial & owner influence over editorial content acquires medium risk with 63%, close to the border with high risk. There are no mechanisms that would safeguard social protection of journalists in case the ownership or editorial line is changed. There are self-regulatory provisions within the Serbian Journalists' Code of Ethics that proclaim prohibition of various interests on appointment and dismissal of editors-in-chief, but without much effect in practice. The Code of Ethics prescribes that a journalist should not undersign any commercial advertising or political propaganda, nor should work in PR, marketing, lobbying agencies, public institutions or political parties. Although advertorials are prohibited by both the Law and the Code of Ethics, these provisions are not implemented in practice. The commercial influence over media presents a high pressure on the editorial policy, often informally, through the distribution of advertising funds.

The indicator **Media viability** poses 53% medium risk. The co-financing projects in the public information sector in order to realise public interest have been introduced by the Law on Public Information and Media in 2014. The procedure stipulates the competition requirements as well as application assessment criteria for media participants. However, the state supports scheme for the media sector has been very much abused by local authorities, without the process being transparent or equal opportunities for all media. There are no valid data that would show the decrease or increase of revenues in audiovisual, audio or newspaper publishing sectors.

3.3 POLITICAL INDEPENDENCE (65% - MEDIUM RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



Political independence of media has the highest score of all indicators – 88%. The Serbian legislation does not impose any restrictions on conflict of interest between media owners and political actors. A number of conflict of interest cases result from non-transparency of media ownership and of state funds in the media and in the PSMs. There is a high risk of political control over the media in Serbia (television, radio, newspapers). Regarding news Agencies, the former state owned Agency “Tanjug” was supposed to be ceased in accordance with the Law on Public Information,

but it continued to exist – produce news, employ journalists and all that paid via the state budget – contrary to other two, privately owned, news Agencies – Beta and Fonet.

The indicator **Editorial autonomy** acquires a medium 59% risk score. There are two documents that guarantee autonomy for appointing and dismissing editors-in-chief: the Law on Public Service Broadcasting (2014) and National PBS’s Statutes. Both papers prescribe the way editors-in-chief should be elected and dismissed. In practice, there is a systematic political interference in appointments and dismissal of editors-in-chief, especially in RTV Vojvodina, PBS of the Autonomous Province of Vojvodina. Self-regulatory mechanisms, the Journalist’s Code of Ethics, is applicable only to print and online media in Serbia. Some of the largest tabloid media refuse to accept its jurisdiction and to implement the Press Council decisions. There are systematic cases of political influences on the editorial content in news media.

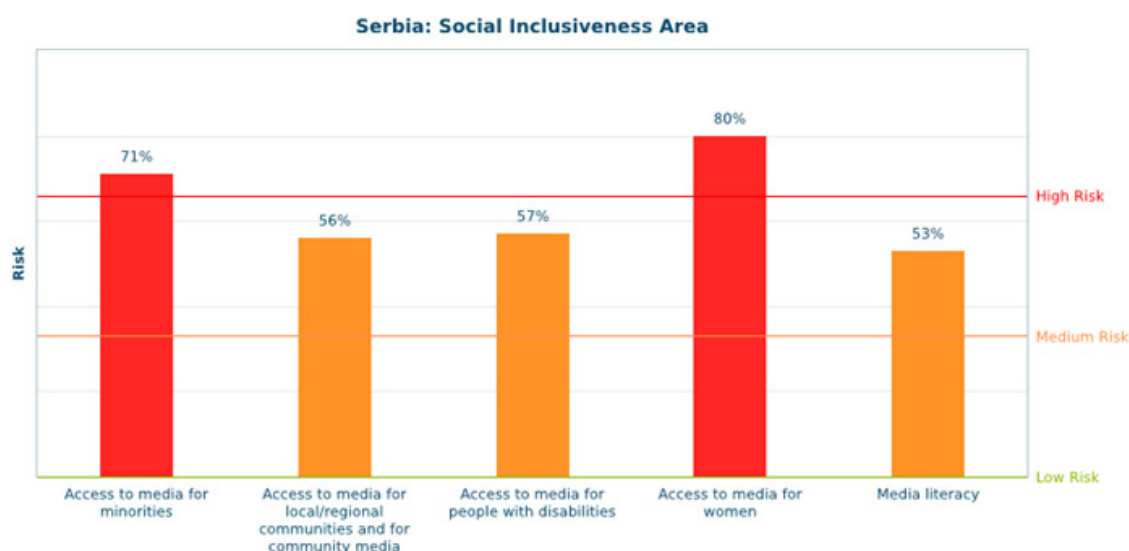
Indicator **Media and democratic electoral process** acquires a high risk score (69%). Even though media laws prescribe rules on fair representation of political parties and on their access to airtime on PSM channels, applicable to all types of political elections, these provisions are not enforced in practice. There is no law that guarantees access to airtime in private media during election campaigns, which results in non-existence of fair representation of political parties on majority of private media, where some political actors are clearly favoured over others. The buying of advertising space is not a transparent process during the election campaign and it is not available on equal conditions and rates to all participants in election process. There is still no regulation of online political advertising during the electoral campaign.

State regulation of resources and support to media sector indicator scores 42% medium risk. Although the direct subsidies are distributed to media based on a set of criteria, they are often not clear or fair. There is no legal framework for the distribution of state advertising, thus no clear criteria, which often results in pressure on editorial policy via these funds.

The indicator on **Independence of PSM governance and funding** is 67% and belongs to high risk score, for several reasons. First, there is a loophole in media laws, as they do not guarantee independence from government or other political influence. As a result, the appointment and dismissal procedures for management and managing board functions are not independent and there were indications that the election of the managing board of one of the PSMs “was set up in advance”. The same stands for the appointment and dismissal of the PSMs Director General. Finally, the funding of PSM in Serbia is under heavy political influence. Although the Law on PSMs prescribes the financing of PSM through the licence fee, the PSMs have been financed through state budget.

3.4 SOCIAL INCLUSIVENESS (63% - MEDIUM RISK)

The Social Inclusiveness indicators are concerned with access to the media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women, and people with disabilities. In addition to access to the media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country’s media literacy environment, as well as the digital skills of the overall population.



The indicator **Access to media for minorities** acquires a high risk score of 71%. Although the Law on Public Service Media guarantees access to airtime on PSM to legally recognized minorities, in practice the Radio Television Serbia (national PSM) usually does not offer access to airtime to minorities on its channels, and when it does, it usually has a negative aspect. RTV, on its second channel regularly broadcast programme in minority languages, but there is no data whether it is proportional to the size of their population in the country or whether the RTV gives access to airtime to minorities not recognized by law. Private television and radio stations do not offer access to both recognized and not recognized minorities.

Access to media for local/regional communities and for community media indicator acquires 56% and medium risk. Regional and local media are supported via subsidies through local authority. The co-financing of media is often done without clear criteria and in a procedure that is neither transparent nor fair. The Law on Electronic media defines community media as “media service of the civil sector, that meet specific interests of various social groups and citizens”. The community media service provider could be an association, endowment, foundation, church and/or religious community and it could be established within a local or regional zone. The licence for community media is issued without payment. The Law does not guarantee the independence of community media, mostly established by churches in practice. There was no data to evaluate their independence.

The indicator on **Access to media for people with disabilities** acquires 57% and medium risk. The current policies are fragmented and do not create a proper environment for people with disabilities regarding the access to media content. Before the adoption of bylaw “Recommendation on titles and sign language” by regulatory authority for electronic media (REM), it had issued only two General Binding Instructions for broadcasters to enable the access to television programme for audience with hearing disability during the election campaigns in 2012 and 2014. PSB is obliged by the Law on Public Service Media to fulfil the information needs of all sections of population, without any discrimination, including people with disabilities. RTS has recently started to slowly introduce some of the programme (e.g. central evening news, or new domestic drama series) with subtitled and such programme is available in full during the election campaign. Commercial televisions usually do not provide adequate information about access services. There is no legislative requirement for audio description for on-demand audiovisual media.

The highest risk of all the indicators belongs to **Access to media for women**, 80%. PSM in Serbia does not have any gender equality policy, known to public. In the national PSM 17% of women sit in the RTS Managing board, while no women sit in the regional PSM Radio Television Vojvodina.

Media literacy indicator acquires a 53% medium risk score. The policy on media literacy is very poor in Serbia and it exists in various laws and regulatory documents. The alignment of media literacy policies with all related sectors is relatively slow, together with implementation of the existing policy measures. State supports development of media literacy projects, mostly in the form of digital literacy, but their integration into existing education system is very slow and heavily dependent on school’s own initiative. There are still ongoing debates within education community about the form that media literacy should have in education curriculum. The training programmes for teachers are fragmented and non-systematic, focusing mainly on computer and digital literacy and usually concentrated in large cities (Belgrade, Novi Sad and Nis).

4. CONCLUSION

Serbia scores a high risk levels on several indicators and medium risk levels in most of the others. The main conclusion is that there is a solid legal framework for most of the indicators, while its enforcement is missing. The main recommendation is that legal framework should be urgently implemented by all relevant institutions.

Within **Basic protection**, Serbia should work on better enforcement of the existing media laws. Safeguards for journalists should be introduced and attacks on journalists prevented and sanctioned. Regulatory authority should become functional and transparent.

In the **Market plurality** chapter, data should be collected and made available to public. Institutions in charge should react to the high degree of horizontal ownership concentration. Social and professional protection of journalists should be introduced. Co-financing of media by state funds should be transparent and fair, under clear criteria.

Political independence in Serbia is on the border with high risk (65%). The prevention of conflict of interest should be prescribed by the law and further implemented in practice. The solution should be found for the “Tanjug” news agency. The election process of Managing boards and directors of PBSs should be ensured against political pressure. PBSs should offer all political actors equal treatment during election campaigns. Political advertisement should be equally accessible to all political players, under same conditions. PSMs should be financed via a tax, instead of a budget.

Social inclusiveness has a high medium score (63%). Minorities often not have access to media, even to PSMs. Community media is not a popular format for citizen’s media, it exists mostly for churches. A further research should be done to assess the independence of community media. The access to media by people with disabilities should be enabled. The gender equality policy in media should be introduced. Media literacy should be clearly defined and integrated into educational programmes.



ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2017 CT Leader (please indicate with X)
Jelena	Surculija Milojevic	Asistant Professor and Researcher	University of Belgrade, Faculty of Political Sciences	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Zoran	Sekulic	Owner and Editor-in-chief of the FONET News Agency	Fonet News Agency
Slobodan	Kremenjak	Media Lawyer	Law Office "Zivkovic & Samardzic"
Sinisa	Atlgic	Associate Professor; Researcher of political issues related to media	Faculty of Political Sciences, University of Belgrade
Mladen	Velojic	Deputy Chief of Party	IREX
Milos	Zivkovic	Associate Professor; Researcher of Media Law	Faculty of Law, University of Belgrade
Gordana	Novakovic	Secretary General	Press Council
Bojan	Cvejic	Journalist and Editor of Online edition of newspapers "Danas"	"Danas" Newspapers











