

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2021

Country report: Serbia

Irina Milutinovic, Institute of European Studies

Research Project Report

Issue -
June 2022



TABLE OF CONTENTS

1. About the project	4
1.1. Overview of the Project	4
1.2. Methodological notes	4
2. Introduction	6
3. Results of the data collection: Assessment of the risks to media pluralism	8
3.1. Fundamental Protection (49% - medium risk)	10
3.2. Market Plurality (68% - high risk)	14
3.3. Political Independence (75% - high risk)	17
3.4. Social Inclusiveness (64% - medium risk)	21
4. Pluralism in the online environment: assessment of the risks	24
5. Conclusions	30
6. Notes	34
7. References	37
Annexe I. Country Team	
Annexe II. Group of Experts	

© European University Institute 2022
Chapters © Irina Milutinovic, 2022

This work is licensed under the Creative Commons Attribution 4.0 (CC-BY 4.0) International license which governs the terms of access and reuse for this work. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the series and number, the year and the publisher.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Published by
European University Institute (EUI)
Via dei Roccettini 9, I-50014
San Domenico di Fiesole (FI)
Italy
ISBN:978-92-9466-299-6
doi:10.2870/436855



With the support of the Erasmus+ Programme of the European Union. The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2021. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF.

In Serbia the CMPF partnered with Dr. Irina Milutinovic (Institute of European Studies), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the 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). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental 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 Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores, and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk

Scores between 34 and 66%: medium risk

Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, in order to avoid an assessment of total absence, or certainty, of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It 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, MPM2022 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2022, available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

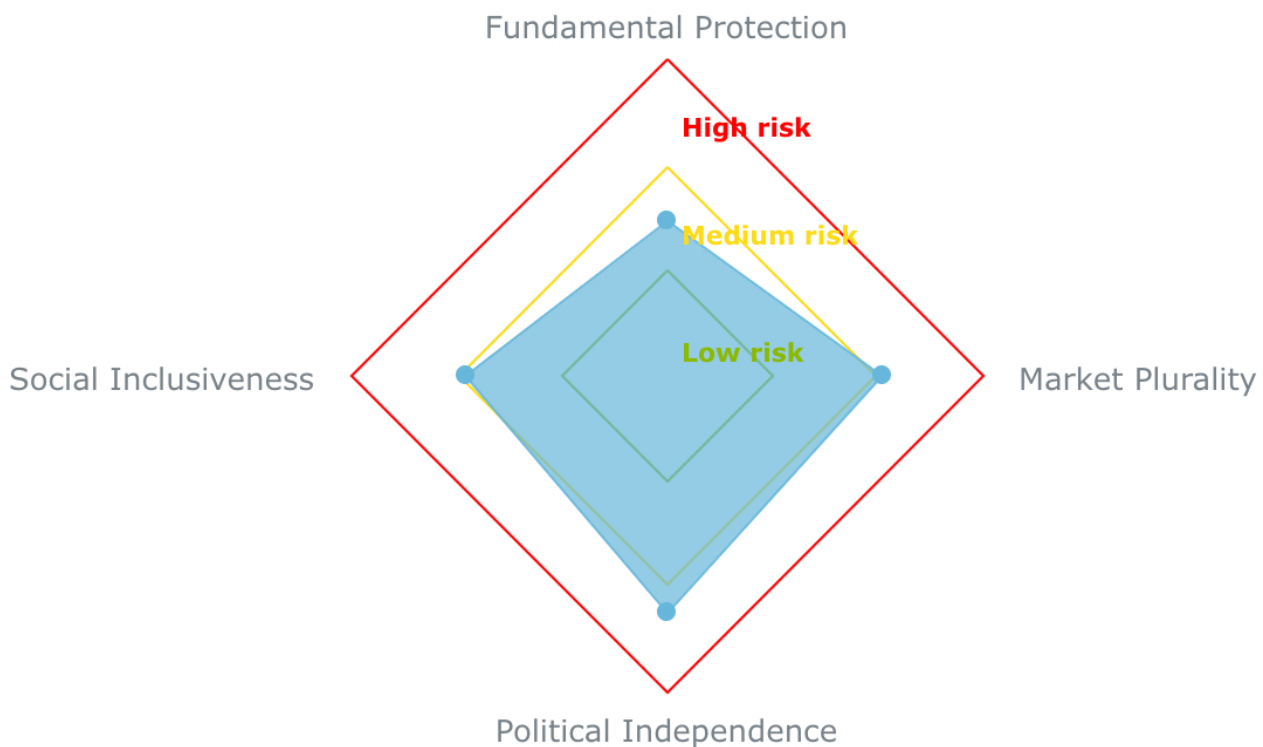
2. Introduction

- **Country overview.** The Republic of Serbia is a European, Western Balkans country, with a population of nearly 7 million. Serbia was granted candidate status for the membership in the European Union in 2012.
- **Languages and minorities.** The Republic of Serbia is a multi-ethnic country, with the Serbs accounting for the large majority of 83.32%. The official language is Serbian. According to the last national census of 2011, the second largest community are the Hungarians (3.53%, mostly residing in Vojvodina), followed by the Roma (2.05%, situated mainly in South and East Serbia and in Vojvodina) and Bosniaks (2.02%, South-West Serbia) (RZS, 2011). Their right to official use of mother tongues and scripts is recognized by the Serbian Constitution.
- **Economic situation.** The economy experienced only a mild recession (of -1 percent) in 2020 and, after three consecutive quarters of decline (from the second to the fourth quarter of 2020), in the first half of 2021, the Serbian economy started to recover from the impact of the COVID-19 crisis (the World Bank, 2021). The real GDP growth in 2021, obtained on the basis of quarterly calculation, amounted to 7.4%, compared to the previous year (RZS, 2022).
- **Political situation.** In recent years, despite the formally established institutional environment of a parliamentary democracy, the ruling Serbian Progressive Party (SNS) has steadily eroded characteristic representative institutions, legislatures, independent regulatory agencies, etc., subjecting them to a systematic manipulation that prevents them from being effective. The modification of the electoral framework ahead of the 2020 parliamentary elections and a lack of genuine choice for voters after most of the opposition boycotted the vote complaining about the non-competitive electoral conditions, led to a Parliamentary structure almost -devoid of opposition representatives. Ahead of the forthcoming 2022 general (presidential, parliamentary and Belgrade local) elections, members of European Parliament mediated several rounds of interparty dialogue between government parties and non-parliamentary opposition during 2021, intended to improve election conditions and increase confidence in the electoral process. Some of their key topics were systemic pro-government media bias, lack of campaign finance oversight and the absence of sanctions for electoral violations. The mediation resulted in the proposal that was rejected by several opposition parties, who assessed that the dialogue did not do enough to overcome existing deficits in political competition and ensure fair electoral conditions. Their leaders showed distrust of the ruling party's will to accept any measures that would significantly improve the integrity of the electoral process and abandoned future dialogues, claiming that the government had rejected all their proposals concerning elections and the opposition's representation in the media. In 2021, consistent with the outcomes of the inter-party dialogue agreement, the government formed the Temporary Supervisory Body for Media Monitoring during the forthcoming elections campaign. The Body consist of 12 members, six of which are proposed by the Regulatory Body for Electronic Media, and six by the President of the National Assembly, the latter including part of the opposition representatives that accepted the agreement.
- **Media landscape.** A heavily polarised media landscape between pro-government tabloids and critical media mirrors a divided political landscape, where critically minded media are often perceived as political opponents. Independent media and journalists' associations withdrew from the government's Working Group on Security and Protection of Journalists by March 2021, citing verbal attacks and

smear campaigns against journalists by high-level officials as well as by the ruling majority's deputies in the National Assembly (EC, 2021, p. 5). In spite of the professional community's high expectations that the new Media Strategy, adopted in 2020, could improve conditions for media pluralism and freedom in Serbia, the deadlines for the implementation of activities defined under its Action Plan have been exceeded. In line with the Media Strategy and its Action Plan, a Working group on amendments to the Law on Public Information and Media was established in July 2021. The working group has finished its work, with a number of proposals remaining without consensus, many of which are the so-called alternative solutions given by the pro-government representatives as contrary to the genuine Media Strategy orientation. The Ministry was obliged to publish the final Draft Law Amending the Law on Public Information and Media by the end of 2021, but that has not been yet done by the moment of writing this Report (Spring 2022), nor is it known what proposals have been adopted.

3. Results of the data collection: Assessment of the risks to media pluralism

Serbia: Media Pluralism Risk Areas



JS chart by amCharts



Serbia scores a medium risk rating (49%) when it comes to the **Fundamental Protection area**. The lack of enforcement of media laws leads to medium risk ratings for many indicators. Therefore, despite the Constitution and the law guaranteeing freedom of the press and the penal code that does not treat libel as a criminal offence, media freedom is undermined by different instruments. Among them was the threat of lawsuits or criminal charges against journalists for other offences. Strategic lawsuits against public participation (SLAPPs) were also used as a specific form of pressure by some companies close to the government. They sued several independent portals, local media, cable televisions, the daily, and other media outlets, claiming enormous compensation. There were also intensive pressures against critically-minded media and journalists within the National Assembly. Between the beginning of 2021 and 10 March 2021 alone, they were mentioned 37 times in a negative context at parliamentary sessions, even after its Code of Conduct was adopted in December 2020 (Babić, 2021a: 11). In some instances, politicians or public officials assumed the role of initiators of these targeted campaigns against non-loyal journalists, designating them as “enemies of the state” or “traitors”.

Within the **Market Plurality area**, Serbia scores a high risk of 68%. There were no changes compared to the last year’s Report. The major risks stem from the high concentration of news media, as well as from commercial and owner influence over editorial content. The major influence noted was that of state and party officials over private media, thanks to the political connections with certain media owners and marketing organisations. The influences were mostly conducted through direct contracting and public procurement. Many private outlets are owned by the ruling SNS supporters. State advertising was common in the Public Service Media as well. Media freedom and pluralism were particularly exposed by the lack of

transparency in the process of project co-financing of media, as well as by persisting abuses of funds through project co-financing schemes.

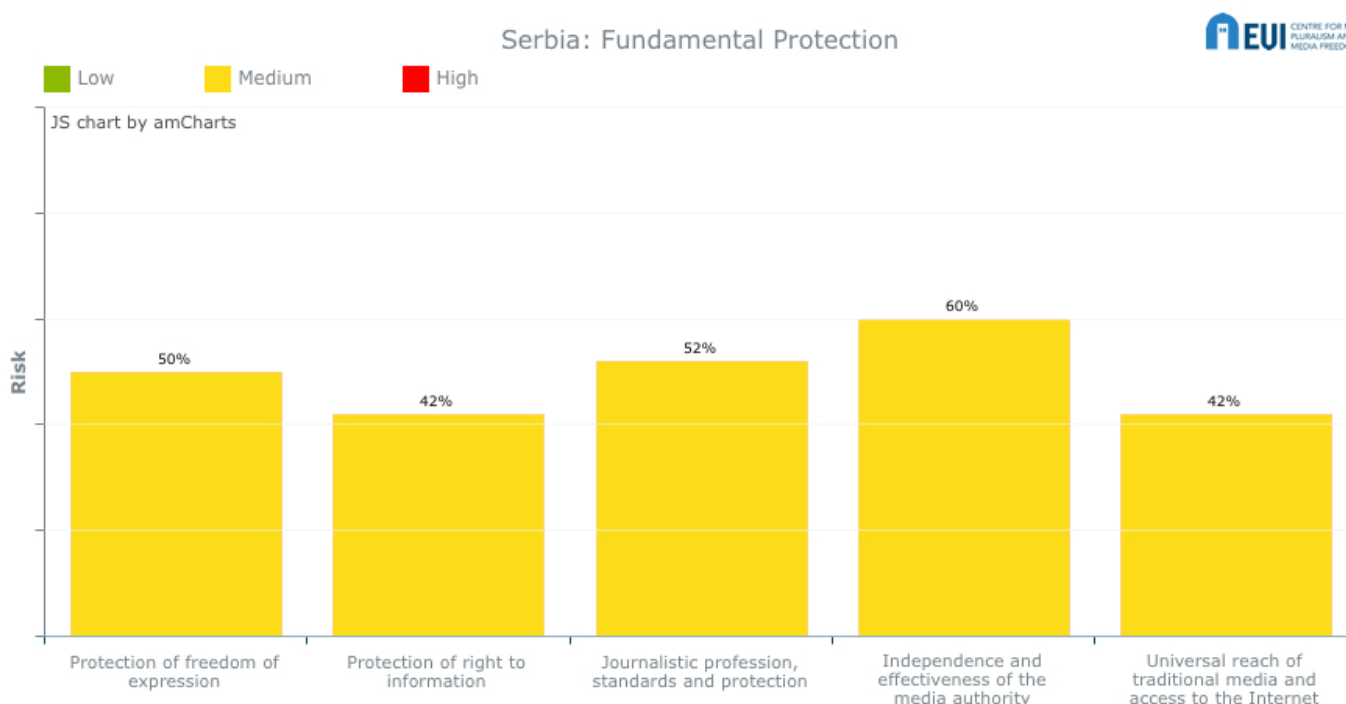
The **Political Independence area** itself indicates an increase of 18% compared to the 2020 risk assessment, reaching a peak risk level for all areas in 2021 (75%). As in previous years, journalists and editors faced heavy political pressures. Media independence was undermined by editorial pressures from politically connected media owners and direct pressure and threats against journalists, which contributed to the high rates of self-censorship. The incumbent political parties generally receive the majority of media coverage from the public media services and privately owned national broadcasters. The most influential privately owned media regularly participated in smear campaigns against the political opposition and media outlets perceived as government opponents (MFRR, 2021, p. 6). As in recent years, the Regulatory Body for Electronic Media (REM) has been criticized for its lack of independence. However, the main factors for the increase of risk compared to previous years can be associated with the following developments in 2021. The election of the RTS Management Board members and the procedure of appointment of its Director General conducted in 2021 re-confirmed that the provisions of the Law offer insufficient guarantees for independence from political influence. Despite the fact that the Media Strategy Action Plan includes a plan to introduce provisions in new laws that would enable a removal of obstacles for political independence of media and establish conditions for the improvement of media freedom and pluralism, the Strategy has not yet started to yield results. Most measures expected to be implemented until the end of 2021 have not been delivered to date, nor has the draft of the new Law on Public Information and Media been published, all indicating a lack of political will to implement this binding document and leading to a higher risk assessment score.

The **Social Inclusiveness** risk level indicates a medium risk score of 64%, i.e., slight improvement relative to last year (for only 3%), but enough to move the area from the high to the medium risk category. Compared to the previous report, the scores for the indicators of Access to media for minorities and Media literacy have slightly improved (the medium-risk score dropped from 50% to 46% i.e., from 75% high-risk to 58% medium-risk, respectively), while the indicators for Access to media for minorities and Protection against illegal and harmful speech stayed more or less within the same high-risk scores. A significant risk increase is visible only regarding the indicator of Access to media for women, from a 65% medium-risk score to a 73% high-risk score.

3.1. Fundamental Protection (49% - medium risk)

The *Fundamental 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.

Serbia scored a medium risk in the **Fundamental Protection area** (49%). None of the five indicators scored a low or high risk, but the highest risks in this area were registered for the indicator on Independence and effectiveness of the media (60%).



The **Protection of freedom of expression** indicator received a score of 50%. Freedom of expression is guaranteed by the Constitution and media laws^[1] and refers to online or offline media. The current laws^[2] prescribe that public information shall be free and not subject to any form of censorship, shall guarantee the protection of media pluralism, free flow of information, and editorial autonomy of all media. However, the implementation of the legal framework is very poor, with systematic violations of the exercise of freedom of expression in practice. In Serbia, freedom of expression has been threatened for many years, and the situation tends to be worse each year (Đurić, 2021, p. 10). Defamation was decriminalised in 2012, but the legislation provides for criminal offences in the area of offences against honour and reputation. Over the last few years, numerous instances of the so-called “weaponized defamation” were noted in Serbia, where pro-government tabloids establish long-term campaigns against opponents, not allowing the other side to express an opinion. Also, in 2021, the practice of filing strategic lawsuits against public participation (SLAPPs) against media has also been noted, as a specific form of pressure on media due to their release of certain information. A striking example in 2021 is the case of the Belgrade-based construction company Millennium that filed several lawsuits against several media outlets for their reporting demanding huge

damages, after they disseminated statements from two press conferences of an opposition party about the company's business. Similarly, four independent news media, as well as an NGO, were targeted by SLAPP lawsuits by the pro-government Adria Media Group after publishing an analysis of the Group's tabloids' fake news (MMF Serbia, 2021). However, the Law on Public Information and Media and the Law on Obligations do not fully comply with international freedom of expression standards and anti-SLAPP legislation has not received sufficient consideration in Serbia, either by the public or by the legislator. There have been no initiatives addressing these legislative changes.

The **Protection of right to information** indicator received a 42% - medium-risk score. This right is explicitly recognised by the Constitution and by a separate the Law on Free Access to Information of Public Importance^[3] stipulating the right to complain in case of the denial of access to information. Amendments to the law adopted in 2021 introduced some norms that additionally limit the right of access to information, prescribing seven grounds for the restriction of rights instead of the previous five. Independent journalists are often denied access to official sources due to refusal by public bodies to disclose information, or their administrative silence, which impedes journalists' work (EC, 2021, p. 36). Therefore, journalists have increasingly relied on a growing number of whistle-blowers, who were also targeted by verbal harassment from some politicians, who label them as "traitors" (MFRR, 2021, p. 17). The legal framework for whistle-blower protection^[4] has not been completely aligned with the new EU Acquis (EC, 2021, p. 30). Notwithstanding the fact that the law foresees a legal protection mechanism for whistle-blowers (including sanctions for the whistle-blower's employer), its effective and thorough application critically depends on media freedom and commitment of the judiciary to its enforcement. Out of more than 50 different cases related to whistle-blowers' reports in 2021, several concerned various cases of pressure or harassment of whistle-blowers, cases of acting despite the court decisions, and unacceptably slow response by courts. Some whistle-blower reports from previous years are still pending investigation in accordance with the law. The number of complaints lodged before the Commissioner for the Protection of Information of Public Interest and Personal Data Protection for violation of the right remains consistently high and shows an upward trend year after year. Notably, the current Law on Electronic Communications^[5], which regulates the subject matter of communication data retention, has flaws creating numerous problems in practice when it comes to the exercise of the constitutional right to privacy of correspondence. Since 2018, the situation has worsened. Serbian citizens are denied information on direct access to the data retained by the police and security services, because the licensed operators provide only fragments of required information in their reports to the Commissioner. The explanation for the trend of diminishing transparency in operators' reports is found in the creation of the Monitoring Centre, a new information system that allows for direct police, security services and prosecutor's access to data found in mobile and internet operators' databases. In addition, there is no body established under the law or other regulation to oversee the use of this Monitoring Centre. All of this leads to the conclusion that the data on electronic communication of the citizens is inadequately protected and could be misused, and that the legal regulations only partially comply with articles 8 and 10 of the European Convention on Human Rights.

The **Journalistic profession, standards and protection** indicator received a score of 52%. Entry into the profession is open to everyone, without any restrictions or discrimination. However, the journalistic profession is insecure. The Independent Journalists' Association of Serbia (IJAS) in 2021 registered a total of 151 incidents, of which 44 were verbal threats, 6 physical attacks, 3 attacks on property and 96 pressures (<https://www.bazenuns.rs/srpski/napadi-na-novinare/pretraga>). The number of physical attacks was lower than period last year (safejournalists.net); no journalists were killed or arbitrarily arrested. In some cases, perpetrators have been prosecuted, but only a certain number of criminal cases were investigated and resolved. The biggest problem is that the real perpetrators or instigators have not been discovered. The two

cases of murders of journalists (from 1994 and 2001) haven't been resolved yet. The investigations are inefficient and do not provide sufficient evidence. Court procedures are very slow. From January to December 2021, 86 cases were formed on the basis of filed criminal charges or initiated criminal offenses against the safety of persons performing work in the public interest in the area of information. Out of the total number, 29 cases resulted in charges being dismissed or note that there were no grounds for instituting criminal proceedings. Although the Criminal Code recognises that the work of journalists carries an increased risk for the safety of persons performing it, only one in ten reported cases of threats and attacks against journalists is concluded with a final court judgment. The atmosphere of insecurity for the physical integrity of journalists in recent years has been fuelled by public officials targeting critically-minded media and journalists involved in investigative reporting, calling them enemies of the state, foreign mercenaries, criminals. Journalists and media who reported on controversial issues, such as corruption scandals or collusion with criminal organisations, were targeted by some National Assembly deputies in 2021 (EC, 2021). Attacks also involved a system of smear campaigns either through pro-government tabloids or online accounts from anonymous sources (MFRR, 2021, p. 12). In 2021, there were many incidents in which female journalists were targeted on various occasions. In most cases, the perpetrators were not sanctioned.

The vulnerability of the journalistic profession is reflected in various forms of violence and pressures, but also in the economic risks. There is no collective branch agreement in Serbia; more and more journalists are hired on contracts, but the number of those without employment contracts is also growing (the so-called grey market). A high percentage of local media disburse salaries to their journalists on the 'cash in hand' basis, without paying social security contributions. The average journalist's salary is below the national average. Journalists' trade union organisations point to the immense lobbying and pressure against journalists to not join trade unions (Đurić, 2021, p. 18).

The **Independence and effectiveness of the media authority** indicator fell under a medium risk score of 60%. The Regulatory Agency for Electronic Media (REM) has not discharged its functions independently for years and has failed to meet its obligations. REM "still fails to exercise its full mandate through effectively monitoring and penalising broadcasters that do not meet all programme content obligations under the law" (EC, 2021, p. 96). The problem is that commercial televisions do not even meet the minimum criteria required, thus infringing the prescribed norms for the use of national frequencies as a public asset, according to official REM reports. But, despite assessments of completely inefficient control and sanction mechanisms, the media authority does nothing to make sanctions more effective year after year. Also, the regulator does not use all legally available possibilities for the protection of minors and abstains from processing filed complaints (MFRR, 2021, p. 13). REM often files claims against major televisions months after discovering their infringements, and therefore, the competent Misdemeanour Court is overwhelmed with cases that often become obsolete (Babić, 2021a, p. 32). There is a lack of transparency in regulator's work. Not all decisions on complaints by natural and legal persons are available on its website. This permanent failure to comply with the law affects the democratic capacity of the media, and consequently contributes to a deteriorating state of democracy in Serbia.

Despite the legal definition of the regulator as an independent body, REM is vulnerable to political influence and financial risk in practice (EC, 2021, p. 96). The reasons for this status are partly related to regulatory shortcomings and partly result from implementation. The last vacancies in the REM Council were filled in 2021, bringing this body to a full capacity after several years, but it is assessed that "the latest changes to the composition of REM only produced superficial results intended to raise its image in the eyes of international partners; in fact, its decisions often seem to be disregarded and are rarely implemented" (MFRR, 2021, p. 13). The influence of the executive power is exerted mainly indirectly through the process of electing members of the REM Council in the National Assembly and is potentially also through financial

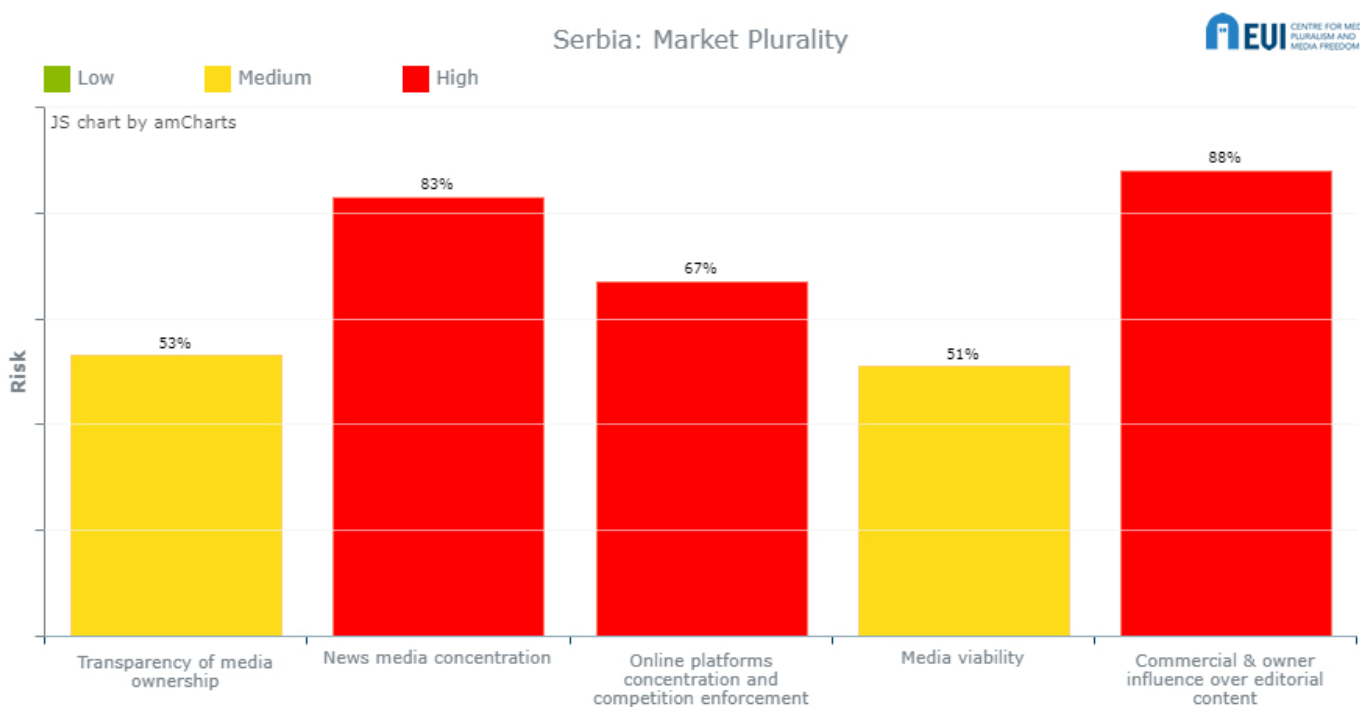
influence, namely the law provision that stipulates that the government approves the fee for media service. The fact that REM is funded exclusively from fees paid by electronic media may pose a problem, from the point of view that a regulator must be independent not only from the state but also from the entities it regulates. The European Commission has been unsuccessfully recommending to this regulator for several years to adopt a new Strategy for the Development of Radio and Audio-Visual Media Services. Therefore, certain measures and activities to amend the law were planned within the new Media Strategy and its Action Plan, primarily anticipating asymmetric mandate reintroduction and then the complete election of the new REM Council. However, the implementation of a very limited number of measures under the Action Plan related to the Media Strategy has not led to progress until now.

The **Universal reach of traditional media and access to the Internet** indicator scored the lowest risk (42%) of all the indicators (along with the Protection of right to information indicator, which registered the same score). In 2021, 98.37% of the population was covered by the signal of all public TV and radio channels; and 91.7% of Internet-covered households used fixed broadband connection (RZS, 2021, p. 14), thus implementing the media coverage guaranteed by the law. The largest telecommunications operator in Serbia (Telekom Srbija) is in majority ownership by the state. The fixed internet market is characterised by a de facto duopoly of Telekom and SBB (privately owned corporation). In terms of the share of the media services distribution market in 2021, Telekom Srbija has not only caught up with SBB but has overtook it. According to the official data for the third quarter of the 2021, Telekom Srbija's market share was 46.6% compared to SBB's 45.0% (RATEL, 2021, p. 14). Both Telekom Srbija and SBB have used exclusive media content to achieve higher penetration for their telecommunications services. They have invested significant resources in content production which geared more towards entertainment. However, according to the assessment of a lawyer Slobodan Kremenjak^[6], these investments were detrimental towards media pluralism, since the media and media content producers that remained independent and unaffiliated to either SBB or Telekom Srbija were left with even less resources to compete, and even to stay afloat.

The law still does not precisely define the concept of internet neutrality, but a certain degree of guarantee is provided under the regulatory framework, which is approximate to the EU rules. Although there are no transparent reports of ISPs who monitor the bandwidth rate of activity to see if some part of the traffic is differently treated, if it has a different rate than expected, etc., the experts' opinion is that the abolishment of internet neutrality in Serbia is not generally happening. However, an incident, pointing out that the principle of net neutrality has not been respected, occurred in late 2020 and early 2021. The Ministry of Finance instructed Serbian ISPs to filter the content of foreign betting companies, arguing that those companies were breaking Serbian law and acting against the country's financial interests. Telekom Srbija confirmed that they would act as instructed. Although RATEL argued that such instructions are in line with the notion of net neutrality, independent experts questioned such conclusions. This, however, remains an isolated incident.

3.2. Market Plurality (68% - high risk)

The Market Plurality area focuses on the economic risks to media pluralism which derive from a lack of transparency and the concentration of ownership, the sustainability of the media industry, the exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on the transparency of media ownership. Lack of competition and external pluralism are assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), and we consider separately horizontal and cross-media concentration; the concentration of the online advertising market; and the role of competition enforcement. The indicator on media viability measures the trends in revenues and employment, in relation to GDP trends. The last indicator aims to assess the risks to market plurality that are posed by business interests, in relation to the production of editorial content, both from the influence of commerce and owners.



The **Market Plurality area** registered a high risk of 68%.

The **Transparency of media ownership** indicator showed a medium risk score of 53%. Media and antitrust laws^[7] prescribe mandatory and publicly available records of beneficial owners to be kept in the registers of the Business Registers Agency (BRA) and the purpose of the Media Register is to secure the transparency of data on media. For the large majority of media, ownership data are publicly available through the BRA, while data are not available for fewer media whose owners are not clearly indicated in public registers and databases. Media ownership transparency is assessed as passive transparency, meaning that, for the large majority of media data on media owners and their political affiliation is made available upon request. The existing legal framework and the scope of data recorded in the Media Register do not provide for the collection of all information necessary for the achievement of objectives for which the Register was established. Hence, the Media Strategy (2020) foresaw amendments to the existing legislation in order to improve media ownership transparency through more precise information on cash flows, including all monetary and other payments from public revenues. The legal establishment of clear competencies of the

media authorities and clear criteria for deleting media from the Register was planned, along with measurable criteria for determining the thresholds of media concentration and risk to media pluralism, in addition to the share of ratings, readership and circulation. However, at the time of writing this report, we found that the deadlines set for most planned activities have been exceeded. Although the Working Group finished its work on changes and amendments to the Law on Public Information and Media in 2021, the final Draft Law was still not public at the time of closing this report (Spring 2022).

The **News media concentration** indicator scored a high risk of 83%. The Law on Public Information and Media regulates media concentration by restricting ownership and managerial rights. Nothing has changed regarding the 2019 Media Ownership Monitor assessment that the thresholds were set so high that it was practically impossible to exceed the current limits, so this presents one of the biggest weaknesses of the current media legislation in Serbia (BIRN & Reporters Without Borders, 2019). Although vertical concentration of a single company has been forbidden, the 2014 package of media laws,^[8] and particularly their 2016 amendments, led to some deregulation with regard to vertical integration (by allowing operators to also be media service providers through affiliated persons). This created conditions for potential adverse effects on media pluralism. Actually, several mergers and acquisitions of media companies by Telekom Srbija (whose majority stakeholder is the state) have taken place over the last few years. As a consequence, the distribution contract with the cable television network N1 in 2020 was not renewed, which led to a drop in access to diverse media for the public. The same praxis continued in 2021, when the Commission for the Protection of Competition approved the cooperation between two media companies, Telekom Srbija a.d. Belgrade and Telenor d.o.o. Belgrade, this was strongly disapproved of by their competitors. SBB and the United Media, companies operating within the United Group, in early April 2021 pursued criminal charges against Telekom and Telenor, accusing them of committing a criminal offence by concluding a restrictive agreement, "which partitions the market in order to exclude the third market participant – SBB in terms of infrastructure, and United Media in terms of media content" (N1, 2021).

Otherwise, media audience has been highly concentrated for years: the four largest media owners had an overall audience share between 50% and 70% in different media industries. Although the Business Registers Agency provides financial data on revenues, many data on financial flows in the media market are not available, and this lack of data increases the risk assessment score. The Ministry of Culture and Information, the Regulatory Authority (REM) and the Competition Authority are in charge of overseeing concentration and monopoly in the media. Due to a lack of precise provisions that define REM's procedure and competencies in monitoring the protection of media pluralism, including the methods of measuring the share of viewers, ratings and media circulation, as well as verification of data on media audience preference, the Media Strategy's Action Plan envisioned changes to the laws in 2021 and 2022, but we can note that activities planned for 2021 are behind schedule.

The **Online platforms concentration and competition enforcement** indicator scored a high-risk result (67%). No significant changes have been registered since the last report within this field. The field of digital markets is not regulated by any specific law aside from general rules on competition enforcement and media law provisions which apply to edited internet pages or internet portals registered in the BRA Media Register. Also, beyond the general provisions of the Advertising Law^[9], there are no special provisions which deal with concentration in the online advertising market. In cases of violation of competition rules, the Law on Protection of Competition applies. The solutions in laws refer only to commercial advertising, while state and political advertising have not been addressed by any other general or special media law. It is worth mentioning that the EU Directive 2019/790 on copyright and related rights in the Digital Single Market has not yet been transposed into the Serbian legal system. The new Law on Copyright and Related Rights (LCRR) was adopted in 2019, but did not provide a measure to promote publishers' remuneration by the

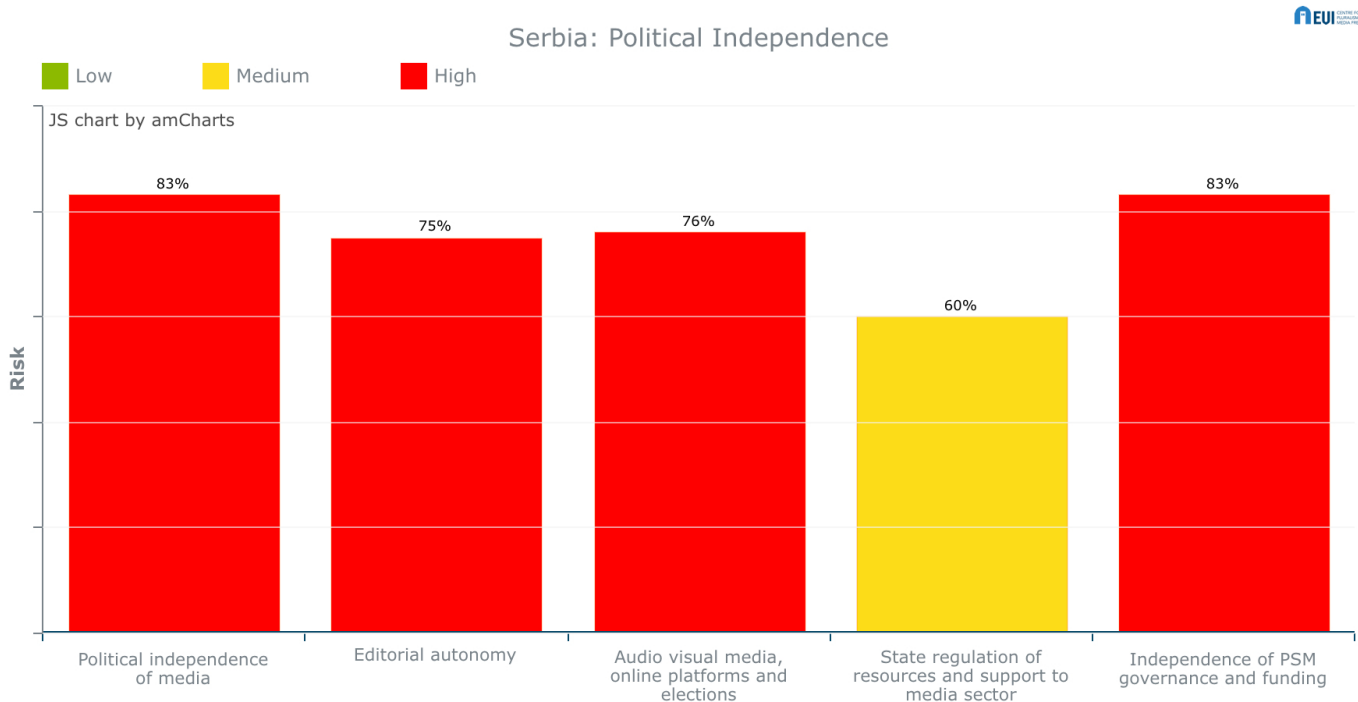
digital platforms. Therefore, LCRR has not yet been fully harmonized with European standards in this field, and the legal provisions that came into force with the amendments to the 2019 Law were understood as a transitional solution until the implementation of European Union Directive no. 2014/26.

The indicator **Media viability** showed a medium risk of 51%. At the time of writing this report, the official data on revenues and advertising market for 2021 is not yet available from the BRA. The lack of publicly available official data on media revenue trends during 2021 can be regarded as a signal of the lack of transparency and thus, a risk. Spending on advertising in the news media industry in Serbia in 2021 increased compared to 2020, but has not yet approached the values from 2019 (especially regarding traditional news media), according to the WARC forecasts. This could be an indicator of a little improvement of revenues in the media sector last year, but as we do not possess all relevant data to estimate the total revenues at this moment, we are not able to evaluate the results of the media industry in relation to the GDP. There are indications from media and publishers' associations showing that all media industries, except the print media, have recovered slightly from the shock of 2020 and the beginning of the Covid-19 crisis. According to provisional data, in 2021 the online advertising market continued to grow, remaining immune to a pandemic crisis that in 2020 affected the traditional media sector. Television seems to be doing well; the audio-visual media sector advertising market consolidated in 2021, with a tendency to approach the levels from 2018. According to available data on the amount of money spent on advertising, 2021 has seen slight growth, following the decline of the radio advertising market in 2020. Serbia's print media advertising market has suffered a continued decline over the past 10 years. After the adverse effect of the Covid pandemic on the press in 2020, in 2021 press advertising revenues improved slightly, but have not returned to the levels from 2019. When it comes to local media viability, although the Local Press (local media association) reported that it did not collect data on revenues from its members, unofficial sources showed that revenues slightly increased compared to the previous year. However, we must also acknowledge the persistent lack of transparency regarding financial flows in the local media market.

Commercial & owner influence over editorial content has the highest individual risk score for all indicators (88%). The Law and self-regulatory provisions^[10] grant journalists the right to refuse to execute an editor's order if this would violate the rules of profession and journalistic ethics, but the Law does not identify media owners and management as the source of potential pressure. For years, journalists and editors are under the pressure from owners who demand special treatment for advertisers, interfere with the choice of topics and sources of information and make demands for disguised political advertising and disguised advertising in general. On the other hand, there are no safeguards for the social protection to journalists in case that ownership or editorial line is changed. A 2021 survey by the Association of Journalists of Serbia (UNS) conducted among journalists and media professionals concluded that "media owners greatly influence editorial policy is believed by 52% of respondents, 11% believe that media owners do not influence editorial choices at all, while 19% think the owners partly influence editorial policy and 17% are unsure" (SINOS, 2021). Therefore, the Media Strategy and Action Plan anticipate that, by Q4 2021, amendments to the Law on Public Information and Media should provide for guarantees for the rights of editors and journalists in relation to instructions of the owner and the media management, and support for the creation and implementation of internal codes of journalistic practice especially in public service media, and in media whose founders are national councils of national minorities (Action Plan, 2021, 14). The Government has exceeded the deadline and we don't know what proposals have been adopted, so it is still expected the Government to publish the draft of the Law and a public hearing to follow.

3.3. Political Independence (75% - high risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The **Political Independence area** overall scored a high risk of 75%, and the highest risks within this area were related to the indicators of Political independence of media and Independence of PSM governance and funding, 83% both.

Political independence of media scored a high risk of 83%. The Serbian media landscape is divided between pro-government and independent media. The former are bigger, richer, much more influential; the latter are significantly smaller and have proportionally smaller public coverage and influence. In the third quarter of 2021, Telekom Srbija's market share rose to the level of 46,6%, while SBB's was 45,0% (RATEL, 2021a, p. 14). Things are definitely moving in the direction of greater media concentration and the growth of the company that has the state as its majority owner (Telekom). On the other hand, although private ownership is diverse, the ruling party has enormous influence over the media (via control of advertising, channelling of state funds, or direct influence over owners), leading to editorial policies which often have the same direction, news programmes frequently resemble each other, while there is a noticeable lack of criticism of those in power. The example of the Tanjug News Agency (Tanjug NA) shows that news agencies' independence from political influence has not been achieved by privatisation, nor is it adequately regulated. When the EC in November 2021 announced that the first pan-European newsroom would start operating from next year, which will also include Tanjug among 16 news agencies across the continent, the Coalition for Media Freedom in Serbia protested, accusing Tanjug of "generating disinformation and

propaganda and of the degradation of the professional and ethical standards” in journalism (Raskrinkavanje, 2021). Finally, in legal terms, there were no comprehensive, adequate and efficient legal safeguards against direct or indirect media control by political actors, nor against conflict of interest between media owners and ruling parties, partisan groups or politicians in Serbia. All aspects of the category of “affiliated person” that could exert influence on public information activities were not defined, especially the influence arising from marital relations, kinship, or financial ties. Prohibition for political parties to hold licences for the provision of audio-visual media services are prescribed, but they are still allowed to publish of a newspaper, its online editions and provide news agency services.

The indicator of **Editorial autonomy** received a high 75% risk score. In spite of legal documents and general self-regulatory norms prescribing autonomy for appointing and dismissing editors-in-chief, they cannot guarantee editorial independence, of both legacy and online media. Over the years, there has been a high and systematic political influence on editorial content. A number of reports point out that editorial pressure from politicians and politically connected media owners, as well as direct pressure and threats against journalists, led to the high rates of self-censorship in Serbian media. The risk assessment in 2021 increased due to the fact that the part of the Media Strategy Action Plan which should have improved legislation and practice of appointments and dismissals of editors-in-chief, in order to protect their independence from political influence, had not been implemented. The authorities confirmed their political bias in 2021 again, by electing new members of the public service media management boards, as will be discussed later. On the other hand, editorial content was not independent from commercial influence in practice. This influence comes from private media companies’ owners links to political actors, and pressure mostly occurs in the sphere of financing and is more visible in small media working in local environments. “The particular form of pressure comes from inside the media itself, from the management body but also editors who are often appointed because they are politically suitable, and through soft censorship and other forms of direct or indirect pressures which control the writing of journalists in media (assigning or not assigning specific stories, ‘empty desk’ syndrome, mobbing, political pressure from inside, and all of this can bring about self-censorship)” (Đurić, 2021, p. 26). This is possible due to the absence of adequate self-regulatory measures, as well. The majority of private media does not have internal regulations which regulate their internal organisation. The internal rules on the protection of editorial independence could separate newsroom from management and ownership, jeopardizing political ties and financial interests of media owners. Therefore, the lack of trust of media owners and managers toward journalist seems to be the most obvious reason for not adopting these self-regulatory rules.

The **Audio-visual media, online platforms and elections** indicator received a high-risk score (76%). There are law obligations for media service providers to provide to the registered political parties, coalitions and candidates a representation without discrimination during election campaign, while outside the election campaign, they are obliged to observe the ban on political advertising. Except for these general provisions, there are no comprehensive nor sufficient legal provisions that guarantee fair representation of political parties and their access to airtime in private media; when it comes to PSM, such provisions existed, but referred to the 2020 election period and were not consistently enforced in practice (ODIHR/OSCE, 2020).^[11] It is observed that in 2021, there were significant investments in the audio-visual media sector that were not driven by economic but primarily political reasons (2022 presidential and general elections). Pro-Government audio-visual media Kurir TV, the TV Pink news channel - Pink News have been launched, as well as a news channel within the Tanjug agency, and on the other side pro-opposition TV Nova S (Newsmax Adria). The Euronews channel as a new branch of the international news channel Euronews based in France and a subsidiary of Telekom Srbija, which tends to present itself as an independent and objective media, has also been launched. Also launched in 2021 were the daily Objektiv and objektiv.rs

portal that support the ruling party. As a consequence of the above, over the last years, representatives of ruling parties have had the highest representation on the biggest private owned TV stations with nationwide broadcasting licence, in a manner of a permanent campaign. They have been regularly presented in a positive context, while opposition representatives have been dominantly presented in a negative context. This remained unchanged in 2021, too. News programme monitoring of televisions with national coverage, including public service media, showed a superior representation of the President of the Republic of Serbia and members of the RS Government, who were the main subjects of media coverage and presented in positive tones in over 90% of programme (Cenzolovka, 2021a). Opposition political parties do not have a balanced and fair access to media service providers. The Temporary Supervisory Body for Media Monitoring established in 2021 under the European Parliament representative's mediation, published the Guidelines for media in the 2022 elections campaign, calling all media for impartial, fair, balanced and lawful representation political entities.

The **State regulation of resources and support to the media sector** indicator scored a medium risk of 60%. Although the legislation mostly provides fair and transparent rules for the distribution of direct subsidies to media outlets, they are often not clear or fair. Numerous problems have been detected in the implementation of the system for the allocation of public funds through media project co-financing. In the period between 2019 and September 2021, 438 competitions were announced, 6920 media projects were awarded, and the total value of the competition is 4.9 billion dinars (BIRN Serbia, 2021). The biggest winners were regional TV stations that practically received support for their regular work, but not as the Law-prescribed media project co-financing model of which aims to support the production of the missing, high-quality content in the public interest. Because of the media outlets' constant solvency problems, the major commercial influence has been exerted via public procurement and direct advertising contracts, in most cases to the benefit of pro-government media. The basic mechanism for spending budget funds was through public procurement, and it also referred to the procurement of various media services. Research showed that public procurement was abused from the very beginning, primarily by incorrect and inadequate planning of media services needed by local governments and institutions; it was also abused through the procedures themselves, by reducing competition or its artificial creation (BIRN and IJAS, 2021a, BIRN and IJAS, 2021b). Yet, the procedure of awarding funds through direct contracting was the least transparent: no public call, no independent commission that decides, no clear criteria for selecting the media that would provide the service, etc. Also, the provisions of the Law on Advertising that applied to direct contracts for media services, opened the possibility for public companies and institutions to order a very wide range of services through advertising, which might result in pressures on editorial policies via public funds.

When it comes to indirect subsidies, the Ministry of Finance reacted to the crisis caused by the Covid-19 pandemic by a set of economic assistance packages whose users were media outlets founded by limited liability companies. A few more benefits also targeted media companies: measures of deferred payment of profit tax, as well as property tax for legal entities and entrepreneurs and deferred payment of salary contributions for the private sector; also, the Law on VAT stipulated beneficial rates on all types of dailies and periodicals in both paper and electronic forms, as well as agency news services. Thanks to all these measures, including project co-financing, many local media and online portals managed to overcome the difficult economic situation.

The **Independence of PSM governance and funding indicator** is at high risk (83%). The Law on Public Service Media ^[12] prescribes the procedure for appointment of management and board functions in PSM, but these legal criteria are insufficiently clear and precise. The Council of the Regulatory Authority for Electronic Media (REM Council) plays a direct role in the selection of management boards members in PSMs, while for the other two bodies (Director General and Programme Council) REM's influence is indirect. Since

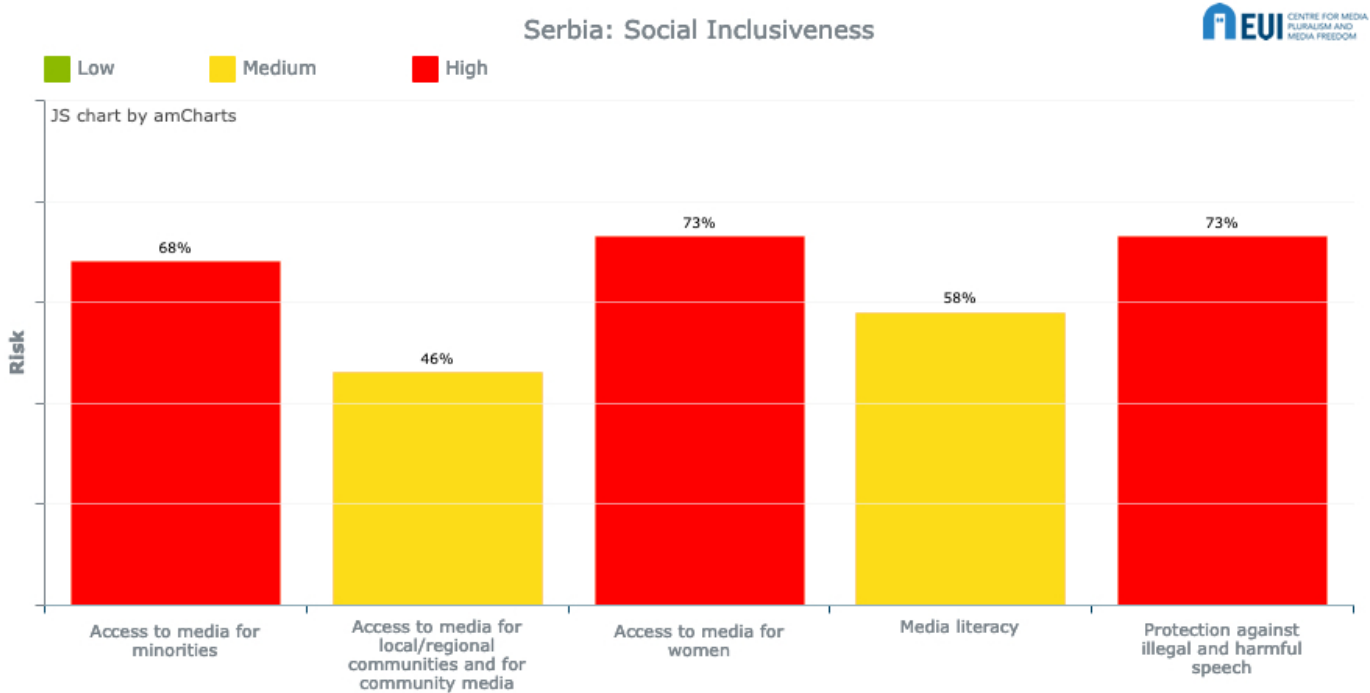
REM's political independence has been consistently challenged, there is always some concern that the same political influence would spill over to the election of the Public Service Media's MB members, which also erodes the confidence in the selection of the PSMs' General Director by the Management Board. In July 2021, new management boards of the public service media RTS and RTV were elected, three months after the former members' mandate had expired. The elections did not pass without controversy. Much like the re-appointment of the RTS Director in 2021, two vacancy announcements the post were previously cancelled (Cenzolovka, 2020). There are no guarantees of independence of editors from the management body. The independence and autonomy of the Programme Council, which should have taken care of the programme quality, is problematic since its members are appointed by the PSM Management Board, too. This body's work is invisible in public, and it is a highly common practice that "incompetent individuals with no integrity, prone to external influence are elected to these bodies, which is why all of them underperform and often directly harm the functioning of public service media (...)" (Babić, 2021a, p. 41).

Regarding financial independence, the media law could not ensure stable funding of PSM on a multiannual basis. The Law on Public Service Media stipulates that they shall be funded from the public service media fee, budget funds, net income from commercial exploitation of the content produced within the core business activity, as well as from commercial and other revenues.^[13] Nevertheless, as of 1 January 2017, PSMs were mostly funded from the state budget, which weakened their independent position. The Government first abolished the subscription fee and then established an amount of subscription fee that could not provide for the functioning of public service media, practically putting RTS and RTV into a position dependent on the state budget, and consequently on political influence (Babić, 2021a, p. 39). However, after the EC recommendation in its 2020 Report on Serbia, RTS was not included in the state budget for 2021. The Parliament instead adopted an increase of the subscription fee by amending the law on temporary regulation of subscription fee for public media services, while the law still foresees the possibility of public co-financing if needed.

Irregularities led to the public service medias' failure in fulfilling their principal role at the citizens' service (Babić, 2021a, p. 39-42). The PSMs became places from which public debate and critical thinking have been almost completely ousted. Decision-making boards are comprised of people close to the ruling SNS. Pressures are not direct, but journalists and editors know which topics they should cover, and which ones they should not, which events should be covered (Babić, 2021a, p. 38-39). Although the law and RTS and RTV statutes envisage editorial policy independence and prohibition of any form of censorship or unlawful influence on the newsroom and journalists, over the last few years "a clear upward trend has been observed in the lack of professionalism, covert advertising and violations of professional ethical norms" (CRTA, 2020; BIRODI, 2020; OSCE, 2020).

3.4. Social Inclusiveness (64% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech.



The **Social Inclusiveness area** scores overall a medium risk with 64%.

The indicator of **Access to media for minorities** received a high-risk score of 68%. The Law guarantees access to PSM airtime to legally recognized minorities.^[14] There have not been significant changes since the last report: the Radio Television of Vojvodina (RTV) broadcasts in languages of national minorities, regularly. By contrast, in the reporting period, the Radio Television of Serbia (RTS) broadcast in the languages of national minorities in a small percentage. Regarding private media, “the broadcasting of programmes in minority languages remains limited and needs to be made sustainable” (EC, 2021, p. 40). Minority media came under the attack of financial problems that affected sustainability, but there were also the external impacts on editorial policy. In particular, due to the fact that the law^[15] stipulates that the members of the expert commission for the evaluation of submitted projects are appointed by the head of the body that announced the competition. In addition, there is an obligation^[16] of giving ‘opinion’ of the national councils of national minorities on projects in competitions for co-financing minority media contents. Due to this, it is feared that commissions and national councils are the extension of the ruling party, i.e. ‘the place for distributing influence and political share of the pie’ (Đurić, 2021, p. 12). The major risks are noted for the **sub-indicator on access to media for people with disabilities** which receives a high-risk score (75%) due to the fact there is no developed reporting policy nor adequate access to PSMs’ or commercial media contents for this group. The PSMs’ obligations related to meeting the information needs of vulnerable groups, respecting language and speech standards of deaf and hard of hearing people, and the use of Sign

Language as a form of communication, are not fulfilled to a sufficient extent (NSSJ, 2021). Although there are a number of laws that ensure the rights of persons with disabilities,^[17] the legal formulation in the Law on Electronic Media^[18] does not specify programme quotas for PSM, nor binds commercial media service providers to adapt their contents to persons with disabilities and consequently, the Media Strategy measures for improving conditions of adequate informing of persons with disabilities have not been implemented yet.^[19]

Access to media for local/regional communities and for community media indicator received a score 46% and is assessed as medium-risk. Regional and local media have been supported via subsidies through local governments and from the state budget through the media project co-financing programme. It is often the only way for some local media to survive, and the number of these projects has increased in the last few years. On 13 January 2021, the Ministry of Culture and Information of Serbia released ten public calls for proposals in the area of public information for 2021, for which approximately 310 million dinars (2,58 million EUR) were allocated. Co-financed from this fund were national, regional and local media projects. In addition, in October 2021, the Ministry awarded funds for 21 media projects through the so-called individual grants, without a public contest, based on the Minister's decision, in the total value of 12,885,000 dinars (about 110,000 EUR). However, the Coalition for Media Freedom conducted a research and analysis of the co-financing process and found that the entire process has serious flaws, that unregulated areas open the possibility of arbitrary decision-making, reduce the transparency and jeopardize the integrity of competition. In at least 285 projects, regular operation or regular annual activities was explicitly stated in the title, instead of thematically rounded projects in public interest of the community. The two main problems were the favouring of certain media and organisations, and the complete absence of evaluation. This was possible due to great discretionary powers and vague laws and rulebooks, which opened the space for poor implementation and abuse of public competitions.^[20] Therefore, in late 2020 and early 2021, several legislative initiatives were launched with potential implications for the conduct of competitive procedures, as well as for data transparency and availability, but it remains to be seen how many of proposals will be adopted by the Government in the Draft Law.^[21] Regarding the **Access to community media sub-indicator**, there were no significant changes in 2021, neither. A license can be issued without payment.^[22] There are however no special provisions guaranteeing their independence, nor data to evaluate it in practice.

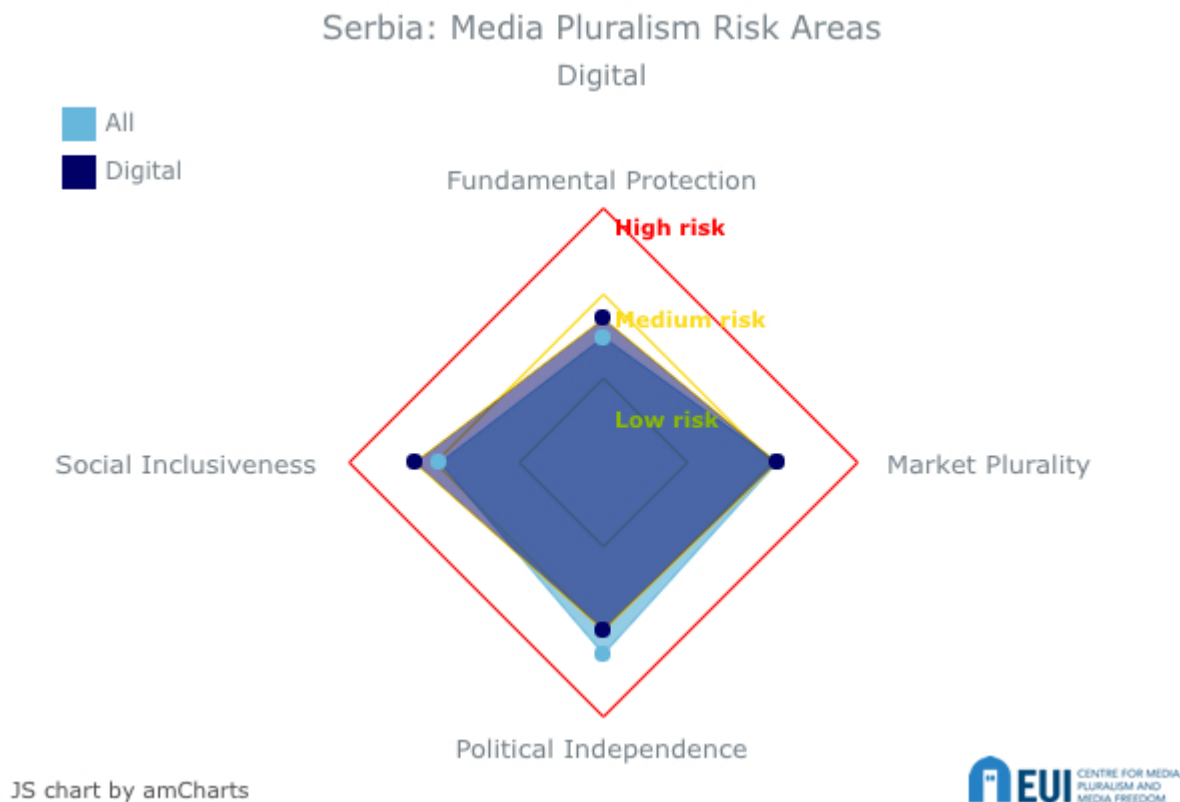
Access to media for women worsened from medium to high risk, and received a 73% high-risk score. It is not known if there is a document binding PSM to a comprehensive gender equality policy (or its implementation in practice). Out of the total of 17 members of the Management boards of the PSM in Serbia, 1 was a woman or 5.6%, and the share of women among the managers of PSMs was 45.5%. The share of women in editor-in-chief positions in the leading news media was 20%. In media practice, the situation in 2021 has not improved compared to previous years, on the contrary: the latest Global Media Monitoring Project (GMPP) shows that women in Serbian media accounted for 19% of the persons whose voices are heard, who are covered by the media or visible as subjects and sources in the press, television or radio news (GMPP, 2020, p. 82). This result has deteriorated during the last five years, and now it is positioned below the global (25%) or European (28%) average. The visibility of women declines as prominence and importance of the topic increases. In political topics, which dominate the Serbian media, women account for only 16% of the subjects and sources. Female voices in the news are the least present as views of experts or commentators (14%). Gender of presenters and reporters in Serbian televisions shows the prevalence of women with the ratio 64%: 36% (GMPP, 2020, p. 82), which could be explained by the fact that journalism has become a precarious and poorly paid job, so the unequal distribution of power between employees and managers in the media obviously has a gender dimension.

There has been some improvement within the **Media literacy** indicator, visible through a drop in risk from the high-risk assessment of 75% in 2020 to a 58% medium-risk score in 2021. Improvements are visible as education in the areas of media and information literacy was pursued in some schools. In the school year 2021/2022, media literacy was formally introduced in primary education by a supplement to the relevant Rulebook, which was assessed as the “first-ever systematic effort to introduce media literacy in primary education” (NSSJ, 2021, p. 17). A previous introduction of the optional subject “Language, media and culture” in the secondary school education was not obligatory to all high schools, nor were students required to attend it. In April 2021, the UNESCO curriculum “Media and information literate citizens: think critically, click wisely!” was published, along with the Global Standards for curriculum development guidelines for media and information literacy (NSSJ, 2021, p. 11). Several initiatives have been launched to provide various resources that could be used as teaching aids. In 2021, four accredited professional seminars on media literacy were registered at the Institute for the Advancement of Education (ZUOV) and one on critical thinking about the Internet; also, ZUOV, in cooperation with the American Embassy in Belgrade, published a Teacher’s Manual on Media Literacy. In addition to this, various teacher trainings on media literacy were also delivered in Belgrade, Novi Sad and Niš. “The need and importance of acquiring media literacy skills for students has been recognized both by the civil society, system institutions and by teaching staff themselves” (NSSJ, 2021, pp. 26-27). However, the policy on media literacy in Serbia remains underdeveloped. Policy concepts on media literacy could be seen from strategic documents of the Government (Media Strategy 2020 – 2025 and Education Development Strategy until 2030), and some general regulatory provisions contained in three laws in the field of education and one media law. But there is no single strategy for media literacy development, while the broader societal groups such as senior citizens, pensioners, minorities, etc., largely remain outside such programmes or plans.

The indicator on **Protection against illegal and harmful speech** scored 73% and is rated as high-risk. There is no comprehensive regulatory framework aiming to counter disinformation in Serbia, nor laws that define the concept of disinformation in line with the European approach to countering disinformation. There are several laws that address this issue only indirectly, through general provisions that require media to report truthfully, objectively and in a timely manner. Self-regulatory acts are also incomplete in terms of adequate interpretation of the disinformation, fake news and manipulations. The consequence of this regulatory shortcoming is an inadequate and inefficient approach to limit the circulation of disinformation and hinder possible consequences of disinformation, while not presenting any risk to freedom of expression. Disinformation was often presented top-down – starting from political power, via favourably disposed media. As the information often led to mistrust among a part of the public, it – looking for answers – sometimes incompetently accepted various partial, inaccurate, unverified, unscientific claims from the so-called conspiracy theories. When it comes to the **protection against hate-speech sub-indicator**, hate speech is prohibited by several laws in Serbia: the Constitution of the Republic of Serbia in Article 50 guarantees prevention of “advocacy of racial, ethnic or religious hatred enticing discrimination, hostility or violence” (RS Constitution, 2006); the Law on Public Information and Media (2014) in its Articles 75 and 76; the Law on Electronic Media (2014) in its Article 51; the Law on the Prohibition of Discrimination (2009) in Article 11; the Criminal Code (2005), etc. However, in practice, hate speech and discriminatory terminology were often used and tolerated in the media and were rarely addressed by regulatory authorities or prosecutors. Verbal attacks and smear campaigns against journalists persisted in 2021, even by high-ranking state officials.

4. Pluralism in the online environment: assessment of the risks

When it comes to **online environment**, almost all areas remained at the 2020 risk levels, except for the Political Independence area where the risk increased by 7.5 percentage points.



Fundamental Protection (56% Medium Risk)

The area of Fundamental Protection scored a higher risk in the online (56%) than in the overall media assessment, although it remained within the range of medium values. Namely, digital media legislation remained underdeveloped by comparison to legacy media laws.

Within the indicator of **Protection of freedom of expression**, Serbia enjoys the status of a country with a free and open internet, guaranteeing free access to information, information-sharing and use of apps and services of users' choice. However, since 2014, there have been more than 700 cases of digital rights violations, including distributed denial of service (DDoS) attacks, unauthorised access, unauthorised alterations of content, malware injection, etc. It should be noted that targets of cyber-attacks are media organisations critical of the government's actions (CRD, 2020). The specific restrictions to online freedom of expression are not clearly defined in law. Serbia is one of the countries that does not have specific regulation on blocking, filtering and downloading illegal internet content. This area is regulated by various laws, not necessarily meant for internet activities. Also, there are no rules on platform neutrality that would measure the pluralism of media content on the internet, cable and other forms of distribution, OTT platforms, etc. The Criminal Code is not adapted to modern technologies and it is very difficult to prosecute persons who commit criminal offences on the internet, especially on social networks. Police and prosecution tend to treat these threats in the online sphere as criminal offences prosecuted in a private lawsuit (insults). Except for explicit threats, this means that a journalist must find out the identity of the person who threatens him/her and only then s/he is able to file a criminal suit. In other words, s/he does not have adequate

assistance from the state (according to a lawyer Veljko Milić, in: Maksić, 2020).

From April to June 2021, SHARE foundation recorded 22 cases of digital rights violations. Journalists have been attacked 5 times (SHARE Foundation, 2021a). And from July to September 2021, SHARE foundation recorded a total of 25 violations of rights in the digital sphere, whose victims were mostly citizens and journalists (SHARE Foundation, 2021b). Then digital rights were violated by the authorities in 4 cases. In March 2021, Ekostraža, a Serbian environmental organization, said its website was taken down by a technical attack and that one page had 600,000 access requests. The biggest incident recorded during the summer was a data leak from the internet application of the Serbian Chamber of Commerce (SCC).

Freedom House report on Freedom on the Net 2021 states that the government has not obstructed or restricted internet access during the covered period. However, we assess a medium-risk score within this sub-indicator, taking into account the following: the state has a capacity for intervention in online content in an arbitrary way; there are no safeguards that such power will be exercised under proper democratic control; journalists often face physical assaults and threats in connection with both online and offline reporting. Withal, there were no substantial and systematic violations of internet users' rights by internet service providers (ISPs) (and by online platforms in general) by filtering, monitoring, blocking or removing online content in an arbitrary way. In contrast, even the blatant and potentially dangerous misinformation (including that related to the COVID-19) was rarely systematically removed. At the time of writing this report, only two cases of blocking, filtering, or suspending content were recorded. One case was removed due to copyright in 2021. YouTube removed the documentary film about the highly popular singer Svetlana Ražnatović Ceca and her participation in political events in Serbia from the channel TV N1. The second case happened when the Facebook blocked the caricature by Dušan Petričić that was previously published in the weekly NIN, with explanation it contained messages that were contrary to the standards of Facebook terms.

Regarding the **Journalistic profession, standards and protection** indicator, threats to the online safety of journalists were manifested in several ways in 2021: from death threats, through vulgar threatening messages, to targeting journalists via Facebook, Instagram, and other social media (SHARE Foundation, 2021a; SHARE Foundation, 2021b). Compared to 2020, the IJAS database for 2021 recorded an increase in the number of threats to media workers sent via Internet and social networks: out of the total of 44 verbal threats, 35 were sent via Internet and social networks.

In 2021, 81.5% of households in Serbia had an **internet connection**, which was an increase of 0.5 percentage points and 1.4 percentage points, when compared to 2020 and 2019, respectively. The average internet connection speed was 37 Mbps. The market shares of the TOP four ISPs amounted to a total of about 88%. Legislation prescribes that the end-user of public communications networks and services should be enabled to have free access to and distribution of information, and to use applications and services of their choice. However, there are no rules on platform neutrality that would measure the pluralism of media content on the internet, cable and other forms of distribution.

Market Plurality (68% High Risk)

The Market Plurality area showed the same risk relative to the overall assessment (68%).

The laws contain provisions that require the **transparency of ownership** details only for digital media registered in the Media Register run by the Business Registers Agency (BRA). Namely, according to the Law of Public Information and Media,^[23] online media have the possibility (but not the obligation) to register.

The Law does not provide for an obligation that media should be registered in the Media Register managed by BRA, however, in such case, the media can neither compete for co-financing of projects of public importance nor receive state aid in any other way.^[24] Therefore the majority of digital native news media with the biggest audience and impact have been registered in BRA, and the ones that are exempted, do not have a relevant share of the audience. Hence, sufficient and updated information to identify the owners of digital native news media outlets is publicly accessible for digital news media with the biggest audience and impact. Likewise, Serbian laws do not contain any specific provisions requiring the disclosure of ultimate (beneficial) owners of digital native news media, only the provisions of general laws.

The score of the indicator on **News media concentration** showed a high risk, but lower than the overall risk. Only electronic editions^[25] registered in the BRA Media Register are subject to the same anti-monopoly legal provisions as legacy media. There is no specific law regulating the concentration of digital news media, but general provisions of the Law of Public Information and Media also apply to online media. The market share of the Top 4 online news media in 2021 is unavailable at the moment, which indicates the lack of transparency and risk growth. In 2020, the Top 4 online news media had an audience share of 71%, while the audience share of the Top 8 news media owners across different media markets was 75%, and there is no indication that anything significant has changed in this regard.

The **Online platforms concentration and competition enforcement** showed a high-risk score and underdeveloped legal protection as noted in the previous chapters. The field of digital markets is not regulated by any specific law aside from general rules on competition protection and media law provisions which apply to edited internet pages or internet portals registered in the BRA Media Register. There are no special competition rules which deal with pluralism and competition in the digital platforms' environment. The Commission for the Protection of Competition is mandated to investigate any disruption of the free market, including the media market (LPC, Art. 21). However, in considering the effects of concentration in the media market, the Commission assesses the issue of transparency of media ownership exclusively on the basis of the Law on Protection of Competition^[26] and thus, specific media pluralism protection criteria remain outside the direct assessment of this Commission (National Convention on the EU, p. 24). When it comes to the PMS's online public service missions, the law stipulates that funding should adequately cover its missions without distorting competition with private media actors. The digital advertising industry in Serbia grew by 19.5 percentage points in 2020 – from 47.05 to 56.22 million Euros, but the data has yet to be updated for 2021. Nonetheless, the growth rate was lower than in previous years (in the last three years, those percentages were over 24%).

In Serbia, two patterns of getting news in the online environment prevail – websites (mostly of traditional media) and using social networks. Most people accessed news directly, through websites or mobile apps (73%), which could be explained by the extensive use of mobile phones where people had certain media apps installed, and partly by acquired habits of following news released by selected media (FPS, 2021, p. 18). Of all indirect forms of news access, social networks were the most prevalent channel to get news for 35% of the respondents.

There was no effective mechanism for the taxation of digital services. Moreover, the practice of identifying permanent business units of non-residents performing traditional forms of business (such as production, services, etc.) and having a physical presence in Serbia is still underdeveloped, so the introduction of effective digital taxation in the legislation can hardly be expected in the near future.

When it comes to the **Media viability** indicator for 2021, according to the WARC forecasts, the online advertising market continued to grow steadily, remaining immune to a pandemic crisis that in 2020 affected the traditional media sector. Expenditure for total advertising (online and offline) on news media in Serbia in

2021 increased by about 4 percentage points compared to 2020, almost reaching the values from 2019 (between € 215 and 216 million). Last years, the digital advertising market in Serbia increased the most, especially during 2019, by about 27.1 percentage points- from € 36.779 million (2018) to € 47.05 million (2019); in 2020 it increased by 19.5 percentage points – to 56.22 million, suggesting a lower percentage of growth than in previous years due to the pandemic crisis (IAB Serbia, 2021).

The major **commercial & owner influence over editorial content** was exerted in the same way as for legacy media through public procurement and state advertising, due to the connections of media owners with party officials. The area of online advertising is not well regulated especially regarding social platforms, such as Instagram, where influencers typically promote themselves. The prohibition of disguised online advertising in Serbia is regulated by general provisions applying to all types of media - the Law on Electronic Media^[27] and the Law on Advertising^[28], but there is no specialised law for the online environment. One of the ways in which the Advertising Law is violated on a daily basis is precisely disguised advertising, especially by online influencers, which do not bear legally regulated responsibilities and obligations as traditional media, and do not engage in self-regulation, either. In 2021, there have been increasing investments in disguised advertising on online platforms, raising concerns about the huge impact of influencers on young people.

Political Independence (66% Medium Risk)

The Political Independence area in the online environment scored a risk rise of 7.5 percentage points compared to the previous year, but still lower (66%) than recorded for legacy media (75%). It is probably due to the fact the online media have not yet been perceived as a significant threat for political competition in Serbia. In 2021, the digital media owned/controlled by individuals with known political affiliations, mostly known as the supporters of the ruling party, held the largest audience share. There were three main pillars of the presence of political control over the digital native media. First, significant abuses of funds through project co-financing scheme persisted. Champions in attracting money from the budget for co-financing projects were pro-government media, regardless of the large number of the journalistic code violations, plagiarism or copy-paste journalism. Second, there were intensive pressures against critically-minded media. Pro-government tabloids launched a smear campaign against the investigative journalism portal KRIK, declaring it the "number 1 enemy of the state". As mentioned above, in 2021, SLAPP lawsuits were used as a specific form of pressure, whose victims were several independent portals. And third, a novel type of attacks on local independent media was registered in Serbia, called 'Ugly Twins': at least three local online media were attacked by fake websites - their ugly twins, with the likely objective to undermine both the trust in the media and their revenues. On the other hand, the competent media authority was ineffective, due to heavy political influence, and did not use the powers vested in it under the Law.

Regarding **Editorial autonomy**, the Serbian Journalists' Code of Ethics has fully covered to the online environment. But self-regulatory instruments were unable to guarantee editorial independence in practice, both for traditional and online media. The Ethical Code guidelines were infringed by many digital news media, especially tabloids in their online editions. Online harassment and smear campaigns are of growing concern for the safety of journalists, and lead to the high rates of self-censorship. It seemed that these acts were condoned and encouraged by politicians or public officials in 2021, who targeted journalists in their public speech (MFRR, 2021). Female journalists were especially targeted by specific forms of online harassment of a sexual nature or faced threats made against their family members.

When it comes to the indicator **Online platforms and elections**, political advertising is regulated by general regulations governing the area of advertising in the media and there are no specific provisions related to Internet. There are no special regulations governing the running of an online political campaign and transparency of campaign costs on social networks. Also, there is no indication that any comprehensive supervision was conducted on the use of personal data of individuals by political parties for the purposes of the election campaign. It is difficult or virtually impossible for citizens to exercise their rights, since most of the largest internet companies do not have formal representatives in Serbia (SHARE Foundation, 2021c).

The state aid. Since the Law on Public Information and Media came into force in 2014, instituting the current kind of state aid through the project competitions for co-financing of (online) media, a multitude of media were established, for the most part internet portals. A trend of growth in the number of online media was accompanied by a rise in grants from public funds each year. The maximum annual number of newly established online media was recorded in 2017 (151), and the maximum amount of funds allocated to online media in 2018 (RSD 447.36 million). After a drop of newly established online media and investments in this sector in 2020, 109 new media were established in 2021 and investments remained at about RSD 218 million. Cenzolovka's analysis has linked the expansion of internet media to the misuse of project co-financing: some portals are established before the competition for co-financing projects and receive huge funds, although they do not have their own texts or do not respect the journalistic code. "As a rule, some media outlets, typically pro-government ones, manage to charge astronomical amounts for news and reports through media competitions, often for literally copy-pasted texts from other websites. Hence, public money does not pay for media content, but merely ensures the survival of "politically correct" media, while most professional local media barely survive or disappear" (Cenzolovka, 2021b). From the financial statements, it can be seen that "most of the money the media received was used for operational expenses, i.e. rental of recording equipment, editing of packages, lease of billboards and banners, other visibility costs, for which these media engaged third legal parties, and even for paying phone bills" (Cenzolovka, 2021b). An additional problem is the fact that this state aid mechanism finances media that frequently breach ethical and professional standards, as well as those that are a frequent source of disinformation.

Social Inclusiveness (74% High Risk)

The **Social Inclusiveness area** showed a high-risk score (74%), i.e., the worst within the digital media environment.

The relative **invisibility of women** in traditional media is transferred to digital news platforms: women made up only 21% of news subjects and sources on news websites. Here, too, women were visible in news dealing with celebrities, media and sports (38% of all subjects of these news were women) and some social and legal topics (43%), but were underrepresented in topics related to politics and government, with only 2% (GMMP, 2020, p. 127).

The **Digital literacy sub-indicator** showed a slight improvement compared to 2019, when 46% of the population had basic or above basic overall digital skills. Also, 81.2% of all individuals were Internet users, which means that the number of Internet users increased by 7 percentage points relative to 2020. In the same period, 74.8% of individuals used a computer, so the number of computer users increased by more than 2 percentage points relative to 2020 (RZS, 2021, pp. 12-20).

The provisions on **Protection against disinformation** in the online environment have been insu far. The fight against disinformation is usually reduced to initiatives by individual media and platforms without any institutional approach. Some inaccurate and unverified information is often published on social media by publicly influential actors and sometimes by politicians. Only a small number of media outlets with limited impact and audience check their accuracy. Three platforms successfully dealing with the disclosure of disinformation are “Istinomer”, “Raskrikavanje” and “FakeNews tragač”.

There are well developed media laws that regulate **hate speech** in Serbia,^[29] but no special regulatory framework in the online environment. Media outlets are obliged to track and prevent the spreading of hate speech and aggressive communication through its publications. Hate speech on portals and in the comments on media posts is subject to the legislation of Serbia, whereas social networks, forums and other online platforms are not subject to these rules and are harder to regulate and punish (CEPROM, 2020). For several years, the Liber Centre for New Media's statistics has found that hate speech is the most common on Twitter. Due to insufficient application of the existing legal frameworks and a lack of regulations for social networks, the digital space in Serbia abounds in aggressive communication, threats and insults.

5. Conclusions

In 2021 there were slight improvements in the area of Social Inclusiveness, as well as a deterioration in the area of Political Independence within the media environment in Serbia. The main conclusion is that the large majority of deadlines for completion of activities foreseen by the Action Plan of the Media Strategy for 2021 have been exceeded, and the Government has not delivered the activities on amending media legislation to date i.e., it has not published the final law drafts. Therefore, the main recommendation is that the Government should accelerate the reform and its implementation. Foremost, the Government should instantly ensure that all measures and activities envisaged by the Strategy will be implemented in a timely and consistent manner during 2022.

Within the **Fundamental Protection area**, Serbia should work on the better implementation of the Media Strategy measures. In accordance with the undertaken obligations through the adoption of the Action plan of the Media Strategy, the Ministry of Culture and Media has to implement all the measures and activities related to the changes of the Law on Public Information and Media, the Law on Electronic Media, and so forth.

Recommendations:

- **to the prosecutors, courts and other competent authorities: to sanction consistently all attacks on journalists, and ensure prompt legal action in practice without exemptions;**
- **to the state: to consider the changes to the Criminal Code and certain criminal acts to ensure the better journalists safety;**
- **to the regulatory authorities and other competent authorities: to prevent and sanction hate speech and verbal attacks coming from political actors against journalists;**
- **to the state authorities and other political agents: to condemn clearly and unequivocally each and every case of violence against journalists, in order to achieve the environment for journalists' uninterrupted work;**
- **to the state: to introduce collective branch agreement by law in order to improve the social and economic position of the branch;**
- **to the competent Ministry: to ensure the transparency of the law amending processes in line with the Media Strategy;**
- **to the state: to ensure that the Law on Public Information and Media and the Law on Obligations will be fully complied with international freedom of expression standards;**
- **to the state: to introduce anti-SLAPP legislation;**
- **to the state: to align the legal framework for whistle-blowers protection with the new EU acquis;**
- **to the state: to change the Law on Electronic Media in line with recommendations of the Media Strategy, in order to achieve independent and more efficient media authority;**
- **to the state: to reintroduce the asymmetric mandate and then the complete election of the new REM Council, in order to establish politically independent and effective regulator;**

- **to the state:** to comply optimally the Law on Electronic Media with articles 8 and 10 of the European Convention on Human Rights, with the aim of adequate protection of the data on electronic communication and of the increase of transparency in operators' reports;
- **to the state:** to established immediately, by law or other regulation, a body competent to oversee the use of the new information system (Monitoring Centre) that allows for the direct police and security services' access to data found in mobile and internet operators' databases;
- **to the state:** to precisely define and improve the concept of internet neutrality, including the obligations of electronic communications operators and internet service providers.

The **Market Plurality area** high-risk score shows that media pluralism is jeopardized especially by big commercial and owner influence over editorial content as well as by high news media concentration including online sphere. This situation causes declining conditions for media freedom and quality and investigative journalism. In 2021 the Working Group finished its work on changes and amendments to the Law on Public Information and Media. However, the final Draft Law has not been published at the time of data collection for this report, and the deadlines set for most planned activities have been exceeded (so no significant changes have been registered since the last year).

Recommendations:

- **to the state:** to accelerate the law reform in line with the Media Strategy and its implementation;
- **to the state:** to change the existing legislation in order to improve media ownership transparency through more precise information on cash flows, including all monetary and other payments from public revenues and other relevant data;
- **to the state:** to establish the clear competencies of the media authorities and clear criteria for deleting media from the Register, and the measurable criteria for determining the thresholds of media concentration and risk to media pluralism, in addition to the share of ratings, readership and circulation;
- **to the state:** because it was found that there was a high degree of commercial and owner influence over the editorial content, amendments to the Law on Public Information and Media should have been provided for guarantees for the rights of editors and journalists in relation to instructions of the owner and the media management;
- **to the competent authorities and media outlets:** all the data on media ownership requested by laws should be collected and made available to the public;
- **to the Business Registers Agency (BRA):** the official data on financial flows and total media revenue trends and advertising market should be available publicly and up to date, in order to decrease the persistent lack of transparency regarding financial flows in the media market and thus to lower the risks for the media pluralism.

The most endangered is the **Political Independence area**, due to the highest risks for media pluralism and freedom. The authorities, political parties, and state-owned companies often use their financial power to influence editorial policies while the media lack the political or financial clout to stand up to the pressure,

especially in local media markets. Hence, adequate and efficient legal safeguards against corruption and clientelism should be precisely prescribed by the law and implemented in practice; i.e., efficient legal instruments against direct or indirect control of media by political actors should be prescribed, as well as the mechanisms for prevention of conflict of interest between media owners and politicians, ruling parties and partisan groups. The process of electing PSM Managing boards and directors should unfold without political pressures. But the provisions which would enable removing the obstacles for political independence of PSM have not been delivered until now, although they were expected to be prescribed in new laws until the end of 2021. Since the Government has exceeded the deadline and we don't know what proposals have been adopted, the Government is expected to publish the draft of the Law and a public hearing should follow. Also, in order to achieve a functional, sustainable and fair media market, protected from political influence, the co-financing of media by state funds should be transparent, fair, and under clear criteria.

Recommendations:

- **to the state: all aspects of the category of "affiliated legal person" that could exert influence on public information activities should be comprehensively defined, especially the influence arising from marital relations, kinship, or financial ties;**
- **to the media outlets and self-regulatory bodies: to introduce adequate self-regulatory rules that could made newsrooms more independent from the media outlets' management and ownership;**
- **to the state: the area of political advertising should be regulated by the Law, in a way that guarantees the equal accessibility of political advertisement to all political players, under the same conditions;**
- **to the state: to prescribe comprehensive and sufficient legal provisions that guarantee the fair representation of political parties and their access to airtime in private media during election campaigns;**
- **to the media authority: to ensure that PSMs offer all political actors' equal treatment both during and beyond election campaigns, using prescribed powers and competencies;**
- **to the state: to timely implement the Media Strategy's measures into the Law on Public Service Media to decrease the risks for media freedom, that is to ensure the greater independence of PSMs, of PSMs' bodies and their members, so they could play the role in line with the legal provisions as citizens' public service;**
- **to the state: to adopt and implement legislative initiatives based on the Media Strategy, launched in late 2020 and early 2021, regarding the upgrading competitive procedures for co-financing and other forms of state aid, as well as the improvement of data transparency and availability of these processes.**

Within **Social Inclusiveness** area the highest risks are related to the sub-indicator of Protection against disinformation. Also, the access to media by minorities, including people with disabilities and women, is under high risk. The media position of these groups should be improved in line with new law provisions.

Recommendations:

- **to the state: to improve the reporting policy on the group of persons with disabilities;**

- **to the state:** to introduce new legal formulations in the Law on Electronic Media that will specify program quotas for PSM and bind commercial media service providers to adapt their contents to persons with disabilities, as it was foreseen by the Media Strategy;
- **to the state and media authority:** the broadcasting of programmes in minority languages needs to be made sustainable, regarding the RTS and private media;
- **to the state:** to introduce law provisions guaranteeing independence of community media;
- **to media outlets:** to improve the visibility of women in the positions of participants and sources in the media reporting, especially presence of female experts in news programs;
- **to the state:** to continue the integration of media literacy into formal and non-formal educational programmes;
- **to the state:** introduce laws that will define the concept of disinformation in line with European standards and prescribe the countering of disinformation, without jeopardizing the freedom of expression.

When it comes to the **online media environment**, the legislation should be comprehensively improved in line with the European regulatory framework.

Recommendations:

- **to the state:** primarily, the field of digital markets should be covered by law provisions which deal with the concentration in the online advertising;
- **to the state:** to precisely prescribe the legal obligations to political actors to make transparent and regular reports on spending in their online campaigns;
- **to the state:** to transpose the Directive 2019/790 on copyright and related rights in the Digital Single Market into the Serbian legal system, with the aim to improve copyright protection and provide a publishers' remuneration by the digital platforms.

6. Notes

- [1] See: Constitution of the Republic of Serbia, Official Gazette of the RS no. 98/2006; Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016; Law on Public Service Media, Official Gazette no. 83/2014, 103/2015, 108/2016 and 161/2020; Law on electronic media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016.
- [2] Ibidem
- [3] Law on Free Access to Information of Public Importance, Official Gazette RS, no. 120/04, 54/2007, 104/2009, 36/2010 and 105/2021.
- [4] Law on the Protection on Whistle-blowers, Official Gazette no. 128/2014.
- [5] The Law on Electronic Communications, Official Gazette no. 44/2010, 60/2013, 62/2014 and 95/2018.
- [6] A member of the Group of experts (Annexe II).
- [7] Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016; Law on electronic media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016; Law on the Central Register of Beneficial Owners, Official Gazette of the Republic of Serbia no. 41/2018 and 91/2019; Law on Protection of Competition, Official Gazette of the Republic of Serbia no. 51/2009 and 95/2013; Strategy for the Development of the Public Information System in the Republic of Serbia in the period 2020–2025 (Media Strategy).
- [8] See: Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016; Law on electronic media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016; Law on Public Service Media, Official Gazette no. 83/2014, 103/2015, 108/2016 and 161/2020.
- [9] Advertising Law, Official Gazette no. 6/2016 and 52/2019.
- [10] See: Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016 (Articles 4 and 50) and Serbian Journalists' Code of Ethics (Chapters 3 and 4): <https://savetzastampu.rs/en/documents/kodeks-novinara-srbije>.
- [11] Rulebook on the manner for the performance of obligations of public media services during the election campaign (2020) and Recommendation for private media on coverage of the campaign (2020).
- [12] See Articles 16 and 17 of the Law on Public Service Media, Official Gazette no. 83/2014, 103/2015, 108/2016 and 161/2020.
- [13] Law on Public Service Media, Official Gazette no. 83/2014, 103/2015, 108/2016 and 161/2020, Articles 35-37 and 43.
- [14] See: Art. 3 para (1); Art. 7 para (1) items (5-6, 9); Art. 8 para (1) item (1); Art. 9 para (2); Art. 23 para (1) item (10) of the Law on Public Service Media, Official Gazette no. 83/2014, 103/2015, 108/2016 and 161/2020.
- [15] Article 24 para (3) of the Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016.
- [16] Article 24 para (2) of the Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016.
- [17] The Law on Electronic Media (LEM) stipulates that “a media service provider shall, in accordance with its financial and technical capacities, make its programmes and contents accessible to persons with impaired hearing or vision”, and that the Regulator should encourage media service providers to ensure that their programme and content are also accessible to persons with disabilities (LEM, Articles 52 and 22). The Law on Public Service Media stipulates that public service broadcaster need to: “show consideration for linguistic standards both of the majority population (...), as well as the linguistic standards of deaf persons and persons with impaired hearing” (Article 8, paragraph 1, item 1). Article 9

stipulates that the public service broadcaster must use the Serbian language, Cyrillic alphabet, and – as the form of communication for deaf and hard of hearing people – sign language in its programming. Also, the Law on the Use of Sign Language stipulates that “Media service providers are obliged to consider opportunities and work on creating conditions for enabling monitoring of audio-visual media services through Sign Language interpreters or using techniques acceptable to deaf people as much as possible, providing daily monitoring available programs and content” (Article 17). The Law on Public Information and Media prescribes in Article 12: “With a view to protecting the interests of persons with disabilities and ensuring equality in their exercise of the right to freedom of opinion and expression, the Republic of Serbia ... shall take measures to ensure smooth receipt of information intended for the public, in the appropriate form and by applying appropriate technologies, and provide part of funds or other conditions for the operation of the media that publishes the information in Sign Language or in Braille Code, or in another way facilitate the exercise of these persons' rights pertaining to the public information sector.”

[18] Law on electronic media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016 (Art. 52).

[19] During the work of the Working Group for Amendments to the Law on Public Information and Media, were proposed amendments to Article 12, in the direction of introducing subsidies directly from the competent budgets to the media that publish information in Sign Language or in Braille Code, or in other ways, which enable blind and partially sighted and deaf and hard of hearing persons to freely achieve their rights in public information. A certain level of agreement has been reached, however, the Ministry of Culture and Information has not yet issued a final version of the Law on Amendments to the Law on Public Information and Media, so we still do not know whether this proposed amendment will be included in the draft.

[20] The Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016, that regulates co-financing projects in the public information sector, within Articles 17-28, is not precise enough regarding provisions on: the criteria of expertise of the members of the commissions, the obligation of independent evaluations of implemented projects, the sanctions for non-compliance with obligations related to project co-financing, etc. (Media Strategy, 2020, pp. 72-73). Therefore, in practice, one of the main problems is the complete absence of evaluation, which would answer the question how the completed projects have contributed to the public interest and what are their concrete results in the communities in which they were implemented. There is no information if the funds were utilized for their earmarked purpose. The competitive procedure, quality of available documents and even the quality of response to the Request for Information vary from one department to another. Also, there is no transparent data on the selection criteria for the evaluation committees members, and the practice is repeated that members of the most representative professional associations are not elected to the commissions, but people from unknown or newly formed associations. Research centres CINS, KRIK and BIRN, have repeatedly written about problems that accompany the competition co-financing process. The main objection is that the media close to the government are the absolute favourites when receiving funds in competitions, even if violate the Code of Journalists of Serbia, while those media that are critical are outsiders when allocating these funds (BIRN Serbia, 2021a). The Rulebook on co-financing prescribes that the commissions for the allocation of funds should take into account whether the media that apply in the previous year violated the law and the journalistic code, but this recommendation is not prescribed by law precisely and obligatory.

[21] At the time of writing this report (Spring of 2022), we do not know when the Draft Law will be available.

[22] Article 72 para (6) of the Law on Electronic Media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016.

[23] Articles 37-43 of the Law on Public Information and Media, Official Gazette of the Republic of Serbia

no. 83/2014, 58/2015 and 12/2016.

- [24] Article 44 of the Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016.
- [25] Article 4 para (2) item (19) of the Law on Electronic Media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016: "an electronic edition is an editorially created website or internet portal".
- [26] Law on Protection of Competition, Official Gazette no. 51/2009 and 95/2013.
- [27] Law on Electronic Media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016 (Art. 4 para 2 item 17).
- [28] Advertising Law, Official Gazette no. 6/2016 and 52/2019 (Art. 12 and 13).
- [29] The Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia No. 98/2006) in Article 49 prohibits incitement to racial, national and religious hatred, and in Article 50 prescribes that the competent court may prevent the dissemination of information and ideas through means of public informing only in special cases, among which is the prevention of advocacy of racial, ethnic or religious hatred which incites discrimination, hostility or violence. The Law on Public Information and Media (Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016) in its Article 75 prescribes the prohibition of hate speech; the Law on Electronic Media (Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016) prohibits the hate speech in its Article 51. The Law on the Prohibition of Discrimination (Official Gazette no. 22/2009 and 52/2021) prescribes: "It is forbidden to express ideas, information and opinions inciting discrimination, hatred or violence against an individual or a group of persons on account of his/her or their personal characteristics, in public organs and other publications, in gatherings and places accessible to the public, by writing out and displaying messages or symbols, and in other ways" (Article 11). The Criminal Code (Official Gazette no. 85/2005, 88/2005 – corr., 107/2005 – corr., 72/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019) criminalizes acts that essentially represent hate speech through several criminal acts. In the online space, criminal justice protection is defined by the Law on Organization and Competences of State Bodies for Combating High-Tech Crime (Official Gazette no. 61/2005 and 104/2009).

7. References

- Action Plan (2020). ACTION PLAN for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020–2025 year, in the period 2020-2022. Available at: <http://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/drugiakt/2020/148/1> (in Serbian)
- Babić (2021a). Media Freedom and Journalists' Safety in Serbia through the Prism of Existing Legal Solutions – How to Reach Better Solutions. Available at: https://nuns.rs/media/2022/01/publikacija-MK_ENG_WEB-1.pdf
- Babić (2021b). Media Freedoms in Serbia: Alternative Report on the Implementation of the Revised Action Plan for Chapter 23. Available at: https://nuns.rs/media/2021/12/Medijske-slobode-u-Srbiji-izvestaj-u-klin-stvarnost-u-plocu_final_2.pdf (in Serbian)
- BIRN & Reporters Without Borders (2019). Media Ownership Monitor Serbia. Available at: https://serbia.mom-rsf.org/en/findings/indicators/?_escaped_fragment_=1b8d4b8675e576d13f6353ba0afc8092&cHash=3b708ab81629a484e786ecbf6fb39163
- BIRN and IJAS (2021a). Monitoring state funding of the media through direct contracting. Available at: <https://nuns.rs/media/2021/10/Direktna-ugovaranja.pdf> (in Serbian)
- BIRN and IJAS (2021b). Public procurement of media services. Available at: <https://birnsrbija.rs/wp-content/uploads/2021/10/Javne-nabavke-medijskih-usluga.pdf> (in Serbian)
- BIRN Serbia (2021). Database of public competitions in the field of public information, culture, civil society and youth. Available at: <https://birnsrbija.rs/javno-o-javnim-konkursima/> (in Serbian)
- BIRODI (2020). Industry of Populism. Available at: <https://www.birodi.rs/wp-content/uploads/2020/08/Industry-of-Populism-Zoran-Gavrilovic.pdf>
- Cenzolovka (2020). Authorities retain control of RTS. Available at: <https://www.cenzolovka.rs/drzava-i-mediji/vlast-zadrzala-kontrolu-nad-rts/> (in Serbian)
- Cenzolovka (2021a). RTS as Vučić's Public Service. Available at: <https://www.cenzolovka.rs/drzava-i-mediji/rts-kao-vucicev-javni-servis/> (in Serbian)
- Cenzolovka (2021b). Golden Age of Propaganda Journalism. Available at: <https://www.cenzolovka.rs/drzava-i-mediji/zlatno-doba-propagandnog-novinarstva-za-jednu-vest-opstine-spremne-da-plate-i-vise-od-hiljadu-evra-debelo-placaju-cak-i-plagijate/> (in Serbian)
- CEPROM (2020). Serbia lacks sanctions against hate speech on social networks. Available at: <https://www.ceprom.rs/2020/10/24/srbiji-nedostaju-sankcije-protiv-govora-mrznje-na-drustvenim-mrezama/> (in Serbian)
- CRD (Civil Rights Defenders) (2020). Internet Freedom Report. Available at: https://crd.org/wp-content/uploads/2020/04/200402_GRA_InternetFreedoms_Narativa_A4_Spreads.pdf
- CRTA (2020). Media in Serbia: In Defence of the Existing Situation. Available at: <https://cрта.rs/en/media-in-serbia-in-defence-of-the-existing-situation/>
- Đurić (2021). Serbia Indicators on the level of media freedom and journalists' safety 2020. Available at: <https://nuns.rs/media/2021/08/SRB-ENG-2020.pdf>
- EC (European Commission) (2021). Serbia 2021 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2021 Communication on EU Enlargement Policy. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0288>
- European Centre for Press and Media Freedom (ECPMF) (2021). Mapping Media Freedom. Serbia. Available at: <https://www.mappingmediafreedom.org/country-profiles/serbia/>
- FPS (Faculty of Political Sciences) (2020). Information in the digital environment in Serbia. Available at: <http://centarzamedije.fpn.bg.ac.rs/wp-content/uploads/2020/10/informisanje-u-digitalnom-okruzenju-2020.pdf> (in Serbian)
- GMMP (2020). Who Makes the News? 6th Global Media Monitoring Project. Available

at: https://whomakesthenews.org/wp-content/uploads/2021/07/GMMP2020.ENG_.FINAL20210713.pdf

IAB Serbia (2021). Digital AD spend study for 2020. Available at: <https://iab.rs/vesti/predstavljeno-adex-istravanje-za-2020-godinu/>

IJAS (2021). Journalist attack database. Available at: <https://safejournalists.net/>

Maksić (2020). Media and new Internet governance policies. Freedom of expression and media freedom in the digital environment. Available at: <https://birnsrbija.rs/wp-content/uploads/2020/12/Mediji-i-nove-politike-upravljanja-Internetom-1.pdf> (in Serbian)

Media Freedom Rapid Response (MFRR) (2021). Media Freedom and Safety of Journalists in Serbia. Media Freedom Rapid Response Mission Report. Available at: <https://www.article19.org/wp-content/uploads/2021/04/MFRR-Serbia-mission-report.pdf>

Media Strategy (2020). Strategy for the Development of the Public Information System in the Republic of Serbia in the period 2020–2025. Available at: <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/strategija/2020/11/1> (in Serbian)

National Convention on the European Union. Rule of Law Through Chapter 8. Competition Policy. Available at: https://uploads-ssl.webflow.com/5e9038a5fc30d378d256622b/5f8d87df5ab9996cd483f819_Vladavina-prava-Poglavlje-8-Zastita-konkurencije-final.pdf (in Serbian)

N1 (2021). United Media and SBB filed criminal charges against Telecom and Telenor. Available at: <https://rs.n1info.com/vesti/united-media-i-sbb-podnele-krivicnu-prijavu-protiv-telekoma-i-telenora/> (in Serbian)

NSSJ (2021). Report on Accessibility of Media Content and Media Reporting on Persons with Disabilities in 2021. Available at: <https://novinarska-skola.org.rs/sr/publication/izvestaj-o-pristupacnosti-medijskih-sadrzaja-i-izvestavanju-medija-o-osi-u-2021-godini> (in Serbian)

NSSJ (2021). Research: Existing Methods of Implementing Media and Information Literacy in Education. Available at: https://medijskapismenost.org.rs/wp-content/uploads/Istrazivanje_Postojece-metode-sprovodjenja-MIP-u-obrazovanju.pdf (in Serbian)

ODIHR/OSCE (2020). REPUBLIC OF SERBIA PARLIAMENTARY ELECTIONS 21 JUNE 2020 ODIHR Special Election Assessment Mission Final Report. Available at: <https://www.osce.org/files/f/documents/a/3/466026.pdf>

Raskrinkavanje (2021). Tanjug part of "European newsroom", Coalition for Media Freedom protesting. Available at: <https://www.raskrinkavanje.rs/page.php?id=Tanjug-deo-evropske-redakcije-Koalicija-za-slobodu-medija-protestuje-912> (in Serbian)

RATEL (2021). Overview of the Electronic Communications Market in the Republic of Serbia - Third Quarter of 2021. Available at: https://www.ratel.rs/uploads/documents/empire_plugin/Pregled%20trzista%20Q3%202021.pdf (in Serbian)

RZS (Statistical Office of the Republic of Serbia) (2011). Population by ethnicity, age and sex. Available at: <https://data.stat.gov.rs/Home/Result/3102010403?languageCode=en-US>

RZS (Statistical Office of the Republic of Serbia) (2022). Quarterly Gross domestic product of the Republic of Serbia, IV Quarter 2021. Available at: <http://publikacije.stat.gov.rs/G2022/HtmIE/G20221053.html>

RZS (Statistical Office of the Republic of Serbia) (2021). Usage of Information and Communication Technologies in the Republic of Serbia. Available at: <https://publikacije.stat.gov.rs/G2021/PdfE/G202116016.pdf>

SHARE Foundation (2021a). Digital rights monitoring April-July 2021. Bungling Digitalization, Fishing and Pressure. Available at: <https://www.sharefoundation.info/sr/monitoring-izvestaj-april-jun-2021-nespretna-digitalizacija-fising-i-pritisci/> (in Serbian)

SHARE Foundation (2021b). Digital rights in Serbia during the summer: New data leaks and political pressures. Available at: <https://www.sharefoundation.info/sr/digitalna-prava-u-srbiji-tokom-leta-novo-curenje->

podataka-i-politicki-pritisci/ (in Serbian)

SHARE Foundation (2021c). Privacy Breach Base: Monitoring Citizens' Rights Violations. Available at: <https://www.sharefoundation.info/sr/baza-povreda-privatnosti-pracenje-krsenja-prava-gradana/> (in Serbian)

SINOS (2021). Economic insecurity is a major obstacle to the work of journalists, followed by threats and pressures. Available at: <http://www.sinos.rs/srpski/radna-prava/20/2021/12/07/6889/ekonomska-nesigurnost-glavna-prepreka-radu-novinara-slede-pretnje-i-pritisci.html> (in Serbian)

World Bank (2021). The World Bank in Serbia. Available at: <https://www.worldbank.org/en/country/serbia/overview#1>

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2022 CT Leader
<i>Irina</i>	<i>Milutinovic</i>	<i>Senior Research Associate</i>	<i>Institute of European Studies</i>	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 that make up the MPM2022. Consulting the point of view of recognized experts was aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as being subjective, and, therefore, to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Bojan</i>	<i>Cvejić</i>	<i>Executive director and Editor-in-chief of the Danas daily portal</i>	<i>Danas Daily</i>
<i>Zoran</i>	<i>Sekulić</i>	<i>Director and Editor-in-Chief</i>	<i>FoNet News Agency</i>
<i>Gordana</i>	<i>Novaković</i>	<i>General Secretary</i>	<i>Press Council</i>
<i>Siniša</i>	<i>Atlagić</i>	<i>Associate Professor</i>	<i>Faculty of Political Sciences University of Belgrade</i>
<i>Slobodan</i>	<i>Kremenjak</i>	<i>Lawyer, Partner</i>	<i>Zivkovic Samardzic Law Firm</i>
<i>Željko</i>	<i>Bodrožić</i>	<i>President</i>	<i>Independent Journalists' Association of Serbia (NUNS)</i>
<i>Slobodan</i>	<i>Krajnović</i>	<i>Director</i>	<i>Radio 021 and Novi Sad Informative Portal</i>

Research Project Report

Issue -

June 2022

doi:10.2870/436855

ISBN:978-92-9466-299-6

QM-07-22-562-EN-N



Publications Office
of the European Union

