

Standing Working Group on the Safety of Journalists 2017-2021 Activity Report

with an Overview of International
Initiatives and Standards on the Safety
of Journalists and Other Media Actors

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1. Introduction¹²

Safety of journalists is one of the prerequisites for the freedom of the media. Free and independent media are vital for the existence and development of any democratic society. Citizens can receive information of crucial importance for their everyday lives if the journalists imparting it are working without fear for their own safety and that of their families. Only then can journalists fulfil their vital role of controllers of the work of institutions and “watchdogs” of our so precious democracy.

Journalists have the obligation and the right to report on the views and activities of all social actors accurately and impartially. Thus posited, the role of the journalistic profession appears as important as the roles of all other democratic institutions. Therefore, the protection of journalists is an issue of the protection of the fundamental values of a democratic society.

OSCE participating States recognized the importance of the freedom of expression, freedom of opinion and the role of journalists in promoting them back in 1975, when they adopted the Helsinki Final Act. Today, 46 years later, the obligations the participating States then assumed are just as significant, but their responsibility for protecting these fundamental human rights is greater than ever.

In December 2016, the Republican Public Prosecution Office, the Ministry of the Interior of the Republic of Serbia, and seven press and media associations signed an Agreement on Cooperation and Measures to Improve the Level of Safety of Journalists, which reflected their important joint efforts to address specific challenges in this field. The establishment of a new mechanism and the expected results of the Agreement’s implementation were subsequently recognized as an important indicator of Serbia’s progress in the EU accession efforts, as well as the starting point for establishing cooperation between the national authorities and journalists on entirely new foundations.

The Standing Working Group on the Safety of Journalists, established under the above-mentioned Agreement, is a unique platform for dialogue between the law enforcement authorities and the media community. Other initiatives building on

¹ Disclaimer: The views herein expressed are solely those of the author and contributors and do not necessarily reflect the official position of the OSCE Mission to Serbia.

² This publication is produced with the assistance of the Norwegian Ministry of Foreign Affairs. Opinions expressed in this publication do not necessarily represent those of the Norwegian Ministry of Foreign Affairs or its partners.

the process in various ways have, however, emerged in the meantime: the Government formed a Working Group on the Safety of Journalists, while the Protector of Citizens launched a platform for documenting assaults and pressures on journalists. The new Media Strategy, which devotes an entire chapter to the safety of journalists and their socio-economic status, is also an important part of all these efforts.

After working together for almost five years, the OSCE Mission to Serbia and the Standing Working Group on the Safety of Journalists are publishing this Report on the results of the process and challenges during this complex period. At a time when the entire OSCE region is witnessing a disquieting number of attacks on journalists, national initiatives rallying all stakeholders round the clear goal of improving the safety of journalists warrant the support and recognition not only of the international community, but all local actors as well.

This Report is the result of months-long work of a group comprising representatives of the police, prosecution offices and the media community, who were supported by experts in international standards on the safety of journalists. It provides information on the structure and operations of the SWG, as well as on the numerous activities it has implemented the public is apparently insufficiently informed about. The Report may also be an important source of information for all other states facing similar challenges and examining ways to address them efficiently.

We invite everyone dealing with the protection of journalists and freedom of expression to review the findings of this Report and set the issue of the safety of journalists as the imperative of their work, and thus make an important contribution to the further development and democratization of society.

2. Agreement on Cooperation and Measures to Improve the Level of Safety of Journalists and the Structure of the Standing Working Group on the Safety of Journalists

Before elaborating the *Agreement on Cooperation and Measures to Improve the Level of Safety of Journalists* (hereinafter: Agreement) and presenting the structure of the *Standing Working Group on the Safety of Journalists* (hereinafter: SWG), it needs to be highlighted that the Republic of Serbia had undertaken specific steps to improve the safety of journalists before the Agreement was adopted and the SWG set up, pursuant to the Chapter 23 Action Plan (Fundamental Rights, Activity 3.5.1.4).³ Notably, the *Republican Public Prosecution Office* (hereinafter: RPPO) and the *Ministry of the Interior of the Republic of Serbia* (hereinafter: MOI) had signed a bilateral *Agreement on Priority Investigations of Threats and Violence against Journalists*⁴, with a view to improving the effectiveness of investigations of attacks on journalists and the criminal prosecution of the perpetrators.

This Agreement, which the prosecutors and police signed in April 2016, set out a number of obligations of its parties:

- Adopt internal acts mandating the urgent investigation and prosecution of crimes against individuals performing duties of public importance in the field of provision of information that are related to their profession⁵ (hereinafter: journalists);
- Designate contact points who will be charged with coordinating activities in such cases;
- Keep separate records of crimes against journalists to facilitate exchange of information and monitoring of their activities;
- The MOI committed to forwarding to the RPPO, at its request, all information on submitted reports of crimes against journalists;
- Lower ranking Appellate Public Prosecution Offices committed to submitting to the RPPO, at its request, quarterly reports on cases concerning threats to the safety of journalists based on the relevant public prosecution offices' activity reports;
- Establish a working group comprising representatives of the parties to the Agreement to monitor its implementation; the working group was to hold

³ Chapter 23 Action Plan, p. 255, available at:

<https://www.mpravde.gov.rs/files/Action%20Plan%20Ch%2023%20Third%20draft%2020.04.2015..pdf>

⁴ Agreement on Cooperation between the Republican Public Prosecution Office and the Ministry of the Interior of the Republic of Serbia on Priority Investigations of Threats and Violence against Journalists, available in Serbian at: <http://www.rjt.gov.rs/sr/bezbednost-novinar>

⁵ Definition in Article 138, paragraph 3, of the Criminal Code of the Republic of Serbia, used by the SWG.

quarterly meetings in order to take stock of the situation and review the needs for and possibilities of improving activities and cooperation.

This last paragraph of the Agreement was the starting point for the subsequent conclusion of the Agreement on Cooperation and Measures to Improve the Level of Safety of Journalists.

2.1. Agreement on Cooperation and Measures to Improve the Level of Safety of Journalists

The Agreement on Cooperation and Measures to Improve the Level of Safety of Journalists⁶ was concluded on 26 December 2016 by the MOI, the RPPO, the Journalists' Association of Serbia (UNS), the Independent Journalists Association of Serbia (NUNS), the Journalists Association of Vojvodina (DNV), the Association of Independent Electronic Media (ANEM), Association of Media (AM) and the Association of Online Media (AOM). The Independent Journalists' Association of Vojvodina (NDNV) acceded to the Agreement soon afterwards - on 18 January 2017. The document provided the foundations for the establishment of a new mechanism for improving the safety of journalists, which is based on the cooperation and exchange of information among state authorities, on the one hand, and the media community, on the other.

The Agreement notably defined 10 measures the implementation of which should result, to an extent, in a safer environment for the work of journalists and their more effective protection under criminal law.

The first and most important measure involved the **establishment of the Standing Working Group on the Safety of Journalists**, an expert body comprising high-level representatives of the parties to the Agreement. The RPPO designated a Deputy Republican Public Prosecutor to represent it, while the MOI appointed two representatives at the strategic management level, notably, a member of the Minister's Cabinet (the Head of the Media and Communications Department), and of the Police Directorate (Assistant Police Director). The press and media associations appointed their highest representatives or legal representatives to the SWG. Furthermore, all parties appointed deputies to stand in for their absent main representatives. The SWG held its first meeting in January 2017; available information indicates it has met at least 22 times since.

⁶ The Agreement on Cooperation and Measures to Improve the Safety of Journalists is available in Serbian at:
<http://www.rjt.gov.rs/assets/Sporazum%20o%20saradnji%20i%20merama%20za%20podizanje%20nivoa%20bezbednosti%20novinara.pdf>

The Agreement also provides for the **development of the SWG's Action Plan(s)**, drafted with the assistance and support of the OSCE mission to Serbia. The first Action Plan covered the 2018-2019 period and the second covers the 2021-2022 period.

Other measures set out in the Agreement include the SWG's **Analysis of the Criminal Code and Activities of the Relevant Authorities** in order to identify any needs to amend it and formulate recommendations for the relevant institutions on increasing the level of protection of journalists from crimes they may be exposed to.

The Agreement also provides for the development of an **Analysis of the Relevant Institutions' Communication and Openness with the Media** and recommendations of activities to be implemented in accordance with the Chapter 23 Action Plan.

To facilitate the implementation of the Agreement, the RPPO and the MOI assumed the obligation to adopt internal acts **mandating urgent action** on crimes against journalists within three months from the day they signed the Agreement.

One of the most important measures envisaged by the Agreement is the **establishment of a "System of Contact Points"**, a mechanism of cooperation among the parties to the Agreement, involving the designation of points of contact and coordination on cases of crimes against journalists, which will be discussed below.

Furthermore, the parties to the Agreement committed to keeping updated **records of crimes against journalists and periodically comparing the data** in their possession, in accordance with the regulations on data confidentiality and personal data protection.

The RPPO committed to setting up a **separate register of crimes** against journalists, media and Internet news portals, which is also in accordance with the Chapter 23 Action Plan.

And last but not the least, the Agreement provides for the organization of a **series of trainings for journalists, media owners, prosecutors and the police** on the criminal law protection of journalists, information security, measures of protection against attacks by use of information technologies, and to increase the

understanding of the importance of the provision of public information and the role of media in democracies.

2.2. SWG Rules of Procedure – SWG’s Structure

After it was established, the SWG adopted its Rules of Procedure,⁷ as provided for by its 2018-2019 Action Plan, in order to regulate its operations and structure. After a somewhat lengthy harmonization of the text, the Rules of Procedure were adopted by all SWG members in February 2019.

It should be noted that some press and media associations suspended their status in the SWG during most of 2018, because they were dissatisfied with its work and results. Essentially, the demands they set to rejoin the SWG concerned the implementation of the pending Agreement measures, including the adoption of the Rules of Procedure.

The Rules of Procedure define the composition of the SWG, the holding of meetings and keeping of minutes, transparency, keeping of records of attacks on journalists and the functioning of the System of Contact Points.

The Rules of Procedure lay down that the SWG shall comprise representatives of each party to the Agreement and their deputies, as well as a representative of the OSCE Mission to Serbia. The SWG meetings may be attended by third parties if necessary, subject to the consent of all SWG members.

The Rules of Procedure also provide for the establishment of two SWG Sub-Groups. One of them was charged with developing the Analysis of the Criminal Code and Activities of Relevant Authorities, with a view to identifying any needs to amend the Code and recommend actions to the relevant institutions. This Sub-Group held its first meeting in November 2018, when it defined its tasks and activities, course of its work and expected results.

The second Sub-Group has been charged with preparing an Analysis of the Relevant Institutions’ Communication and Openness with the Media and formulating recommendations for improving them. This Sub-Group has held one meeting to date, at which it defined its future activities. The Analysis should be completed by the end of 2021.

⁷ The Rules of Procedure are on file with all parties to the Agreement

Regular SWG meetings are scheduled at the initiative of at least two (out of six) press or media associations, the RPPPO or the MOI, and are held at least once every three months (in early January, April, July and October). The parties to the Agreement may also call ad hoc meetings, a possibility they availed themselves of quite often.

The Rules of Procedure also specify the SWG's powers. For instance, the parties to the Agreement may share information on cases, discuss ongoing developments, trends, laws, practice, make suggestions and undertake other measures to protect journalists, in accordance with the law.

The Rules of Procedure also set out that the SWG's operations shall be transparent, which will be ensured by the holding of public meetings, press conferences, publication of joint press releases and similar activities. When publishing information discussed at SWG meetings, the parties to the Agreement shall ensure compliance with the rules on data confidentiality and personal data protection.

SWG meetings are chaired by the chairperson, i.e. the representative of the party to the Agreement that initiated the meeting. Each SWG member or their deputy has one vote. The adoption of all decisions shall be public and all decisions must be in accordance with the law and adopted by consensus.

The Rules of Procedure include special provisions laying down that the OSCE Mission to Serbia shall extend support to and participate in the work of the SWG by conducting expert analyses, organizing trainings, suggesting improvements of the SWG's work and protection of journalists, and by implementing other activities.

The Rules of Procedure also elaborate the Agreement provisions on the keeping of records of criminal and misdemeanor offenses and events that have or may result in threatening the safety of journalists.

Finally, the Rules of Procedure elaborate the System of Contact Points. Notably, they define the powers of the contact points, and the procedures for reporting attacks and sharing information among the journalists, the police and the public prosecution offices. A more detailed presentation of the System of Contact Points is provided in the following Section.

3. System of Contact Points

As mentioned, the Agreement provides for the establishment of a mechanism of cooperation of the parties to the Agreement (i.e., the RPPO, the MOI, and press and media associations) and the designation of points of contact and coordination on cases of crimes against journalists – the so-called System of Contact Points. The System of Contact Points was officially set up at the first SWG meeting, when all the parties designated their representatives that would serve as points of contact and coordination.

The RPPO initially designated a deputy prosecutor in each of the four Appellate Public Prosecution Offices (in Belgrade, Niš, Kragujevac and Novi Sad), i.e. a total of four officials. The number of RPPO's contact points increased in July 2017, when it designated secondary and tertiary contact points for the areas covered by each Appellate Public Prosecution Office, wherefore the network at the time comprised a total of 12 deputy public prosecutors whom the journalists could turn to whenever they thought their safety was in jeopardy.

The MOI, for its part, designated a contact point for each of the 27 police administrations, while each press and media association appointed one contact point – six of them altogether.

The System of Contact Points is essentially a mechanism providing the journalists with a simple procedure for reporting threats to their safety to the relevant authorities. Firstly, the assaulted journalists may report the incidents via the contact points in the press associations sitting on the SWG. The contact points report the incident to the relevant public prosecution office or police administration and notify their contact points thereof at the same time. The SWG is also officially notified if a grave attack is at issue or if so requested by the attacked journalist. Of course, the journalists may report the attacks directly to the contact points in the prosecution offices and the police, who then notify the relevant public prosecutors or MOI officers, who register the cases. Thereafter, the SWG members jointly monitor and review the course of all undertaken official activities and the SWG reacts via the RPPO and MOI representatives in the event it identifies any irregularities in the prosecutorial investigation or police activities. This specific in-house procedure has been developed by the SWG.

In December 2020, the Republican Public Prosecutor adopted new Binding Guidance No. 10/2020, which further improves the mechanism of contact points

in public prosecution offices.⁸ The new Guidance instructs all Appellate, Higher and Basic Public Prosecution Offices to designate a deputy public prosecutor who will serve as a contact point and process cases of crimes against journalists. Given the potential workload, the public prosecutors are entitled to designate other prosecutors to act as secondary case processors.

Furthermore, the new Binding Guidance lays down that deputy public prosecutors designated as contact points shall be on stand-by at all times and under the obligation to take urgent actions on cases concerning the safety of journalists, and in coordination with the contact points designated by the MOI and the press and media associations.

The public prosecution offices established a network of contact points comprising a total of 115 deputy public prosecutors in accordance with the Guidance; 88 of them are designated as primary contact points (four deputy public prosecutors in Appellate, 25 in Higher and 58 in Basic Public Prosecution Offices and one deputy public prosecutor in the Special Cyber Crime Prosecution Office), while 27 are designated as secondary contact points. The list of these contact points and their contact details was forwarded to all SWG members and published on the *Bezbedni novinari* (Safe Journalists)⁹ Internet portal in January 2021.

At the SWG meeting in December 2020, the MOI notified the present members that it had undertaken additional measures to improve the network of contact points in police administrations. Both the MOI and the press and media associations are expected to forward the updated lists of their new contact points as soon as possible, to facilitate the prosecutorial contact points' provision of information on actions undertaken in prosecutorial cases.

Furthermore, the issue of the entitlement of the press and media associations' contact points to contact the public prosecution offices on behalf of the attacked journalists and request information about the steps they have taken in their cases has given rise to polemics and dilemmas on a number of occasions. This issue apparently needs to be addressed without delay and should not be confused with requests for access to information of public importance and usual questions by members of the press.

⁸ Binding Guidance No. 10/20, available in Serbian at:

<http://www.rjt.gov.rs/assets/Obavezno%20uputstvo%20-%20D0%9E%20D0%B1%D1%80.10-20.pdf>

⁹ The development of the <http://bezbedninovinari.rs> portal is envisaged by the SWG's 2021-2022 Action Plan; the project was initiated by ANEM, one of the parties to the Agreement.

The general impression of the System's work in practice is that the cooperation between the contact points has had its ups and downs. There were a lot of problems in communication and exchange of information at the very start of implementation of the Agreement. The impression was that the police and prosecutors did not understand how the system operated. Problems also arose because the press contact points were unclear on which kind of information they were entitled to request from the prosecution offices and the police, pursuant to the rules on the victims' procedural rights and the protection of the right to privacy.

Therefore, it was clear at the very start that the contact points of all parties to the Agreement were in need of continuous training and that this process required time. In an attempt to address this issue adequately, the SWG envisaged in its 2018-2019 Action Plan a series of consultations among contact points with a view to improving their cooperation and the effectiveness of prosecutorial and police operations. In cooperation with the RPPO, the MOI and the press and media associations, the OSCE Mission to Serbia organized a set of trainings and meetings for contact points and other representatives of the public prosecution offices, the police and press and media associations, notably: in Belgrade (in May 2019), Niš (June 2019), Kragujevac (October 2019) and Novi Sad (November 2019).

These events were attended by 224 beneficiaries of or stakeholders involved in the System of Contact Points in various ways. Ninety were representatives of public prosecution offices, 85 were representatives of the MOI and 54 were journalists. The goal was to introduce the local journalists with the contact points of the police, prosecution offices and press and media associations to whom they could report the attacks and to exchange experiences and thoughts on the functioning of the System. Furthermore, the project aimed to further encourage journalists to report all threats to their safety and use the mechanism of contact points as much as possible, and thus contribute to its further development through practice.

The discussions during the consultative meetings and the suggestions voiced by the participants led to the formulation of 26 conclusions and recommendations for improving and developing the system of sharing information among the contact points, which the SWG proceeded to implement.¹⁰

¹⁰ The conclusions and recommendations adopted at the contact points' meetings are available in Serbian at: <http://bezbedninovinari.rs/> (the list of downloadable documents is available at the bottom of the page)

Headway, especially in reporting incidents and sharing information on specific cases, was visible very soon. However, notwithstanding the improvements, there are still some problems in the functioning of the System of Contact Points.

Journalists still have some dilemmas about whether they should report the incidents to the relevant prosecution offices (as they are definitely entitled to), in which case the contact points are merely notified of the reports and the cases in general, or whether they should report them directly to the contact points in the relevant public prosecution offices or the police. This definitely calls for clarification of the issue during further journalistic training and, if necessary, in the Rules of Procedure.

There have been cases of contact points advising the journalists to report the incidents to public prosecution offices, although the Republican Public Prosecutor's Binding Guidance lays down that deputy public prosecutors designated as contact points shall be on stand-by at all times and take urgent actions on cases concerning the safety of journalists, and that they are under the obligation to cooperate with the authorized contact points of the parties to the Agreement, including the contact points of press and media associations

One more trend among the journalists was also identified: in some cases, they ignored the contact points in the relevant prosecution offices and reported the incidents directly to the SWG. This may be useful in specific cases, especially when the reported threats have been received online, given that the Special Cyber Crime Prosecutor sits on the SWG. However, the journalists are thus bypassing the System, which should facilitate the efficiency and effectiveness of the relevant authorities' actions.

As noted, the practices of the contact points have greatly improved since the implementation of the Agreement began, resulting in more effective and faster police and prosecutorial response in a number of cases. However, the establishment of such practices at all levels and by all contact points will improve the efficiency of the other stages of the proceedings, the collection of evidence and the identification and prosecution of the perpetrators, which is still a major issue repeatedly alerted to by press and media associations.

4. Data on Cases of Threats to the Safety of Journalists since the Establishment of the Standing Working Group

As mentioned, the parties to the Agreement assumed the obligation to keep records of crimes against journalists and compare the data periodically and the RPPO has established a separate register on cases concerning journalists, the media and Internet portals.

Even before the Agreement was concluded, the Republican Public Prosecutor issued Guidance A 802/15 on 22 December 2015 instructing Appellate, Higher and Basic Public Prosecution Offices to keep separate records of crimes against journalists and to take urgent action on them.¹¹

Under the Guidance, the separate records are to include data on the perpetrators, the victims, the criminal offenses, the undertaken activities and adopted prosecutorial and court decisions. The public prosecution offices were also instructed to submit to the RPPO quarterly reports with the data from the separate records. Public prosecution offices have accordingly been keeping such separate records as of 1 January 2016.

The SWG discussed the cases registered in the prosecutorial records that are of special relevance to the public or the media community at all of its meetings, both regular and ad hoc ones. At the third SWG meeting, held in June 2017, the representatives of the prosecutors assumed the obligation to forward to the SWG members quarterly Bulletins – information on actions undertaken by public prosecution offices in cases of crimes against journalists, with a view to improving the exchange of information. The Bulletins comprise data on the number of opened cases, the number of cases in which a final decision has been taken, information on the types of decisions, and reviews of all cases in which a first-instance or final decision is pending.

SWG members are provided with information about each of the pending cases – the name of the journalist or media worker, the media they work in, the public prosecution office handling the case, case number, the crime the defendant is charged with or the incident the case concerns, undertaken actions (stage of the proceedings) and current status.

¹¹ Guidance A 802/15 of 22 December 2015 instructing Appellate, Higher and Basic Public Prosecution Offices to keep separate records of crimes against journalists, available in Serbian at: <http://www.rjt.gov.rs/assets/Uputstvo%20-%20%D0%90%20802-15.pdf>

The work of the Sub-Group that analyzed the Criminal Code was particularly important for the keeping of prosecutorial records. During its analysis of the Criminal Code, this Sub-Group **identified 35 criminal offenses that may be committed against journalists**.¹² The Sub-Group's report, adopted at the meeting held in April 2019, served as the basis for the development of the RPPO's new Binding Guidance.

There were several reasons why the RPPO needed to issue a new Binding Guidance. The requirements for recording cases in the separate register were not defined clearly enough in the prior Guidance, wherefore a large number of cases, in which the victims were journalists but the events at issue had nothing to do with their profession or did not threaten their safety, were entered in it.

In addition, shortcomings in registering the cases in the separate register were identified, although the public prosecutors promptly took action and issued decisions.

Furthermore, there were discrepancies between the data on the number of registered attacks on journalists in the prosecutorial register and the records of the press associations. A greater number of attacks was registered in the records of the latter (albeit their records did not coincide either) than in the prosecutorial register. Consequently, the three existing registers contained totally different data. This prompted the RPPO to perform a review of the 2020 prosecutorial register in December 2020.

The review took into account the records of the press associations, specifically the NUNS records of 92 incidents involving journalists¹³ and the UNS records of 101 incidents. Direct and thorough perusal of both associations' records showed that they coincided with respect to 51 incidents involving 56 journalists.

A total of 132 incidents (including the 51 incidents registered in both records), were recorded by the two press associations, specifically:

- Assaults – 26 cases (16 incidents were reported to the prosecution offices)
- Threats – 41 cases (25 incidents were reported to the prosecution offices)
- Insults – 14 cases (one incident was reported to the prosecution offices)

¹²The conclusion of the Sub-Group that analyzed the Criminal Code is available in Serbian at: <http://www.rjt.gov.rs/assets/Zaklju%C4%8Dak%20radne%20podgrupe%20za%20analizu%20Krivi%C4%8Dnog%20zakonika.pdf>

¹³ The NUNS database of attacks on journalists is available in Serbian at: <http://www.bazenuns.rs/srpski/napadi-na-novinare>

- Targeting in the media, on social networks or in the public – 10 cases (one incident was reported to the prosecution office)
- Violent conduct – one case (reported to the prosecution office);
- Stalking – one case (reported to the prosecution office);
- Instigation of racial, religious or ethnic hate or intolerance - one case (reported);
- Other incidents – 38 in total: nine attacks on media websites (none reported); four arrests of journalists, one of which in the Republic of Montenegro, as a form of pressure (none reported); three cases of damage to vehicles of the outlets or the journalists (all three reported); three cases of pressure (one reported); four cases of prohibition of recording (none reported); two cases of prohibition of entry to premises (neither reported); two cases of telephone seizure (one reported); one case of damage to a building during a protest (reported); one case of telephone harassment (not reported); one case of interception of communication (not reported); one case of breaking and entering (not reported); one case of intimidation (not reported); one case of failure to invite the press to an event (not reported); one case of inciting the obstruction of the work of a journalist (not reported); one case of replacement of members of a news company's Governing Board (not reported); one case of disconnection from the cable system (not reported); one case of obstruction of distribution of the press (not reported).

The analysis of the press associations' records was particularly difficult because of the different registration methodologies they apply. The UNS records are in some situations kept by incident and in others by the journalist at issue, while the NUNS records are kept only by the journalist. However, each journalist appears separately in the table although they were involved in the incident together with other journalists. On the other hand, the prosecutorial records are kept by incident, which may have involved more than one journalist.

However, mere perusal of the descriptions of some of the reported events – at least 34 cases - showed that the described actions did not have the elements of a crime (e.g. failure to invite journalists to a public event, insults, pressures, change of membership of the Governing Board).

In addition, although the descriptions of some of the events indicated that elements of crimes prosecuted ex officio may be at issue, they did not threaten the safety of journalists wherefore the cases did not fulfil the requirements to be entered in the separate register. Such cases included car damage and breaking and entering into a private home or premises (seven cases).

In addition, the descriptions of some cases indicated that the reported incidents had not been committed in the real and territorial jurisdiction of the public prosecution offices of the Republic of Serbia (such as, for instance, the arrest of journalists in the Republic of Montenegro).

After the data on incidents reported in 2020 were compiled, it was concluded that as many as 69 events (52.27%) registered in the press associations' records had not been reported to the public prosecution offices and that this was the actual reason for the discrepancies between the prosecutorial and press associations' records.

The review confirmed the above conclusions, wherefore the Republican Public Prosecutor adopted Binding Guidance on 24 December 2020 instructing Appellate, Higher and Basic Public Prosecution Offices to keep separate records on the crimes committed against journalists and enumerated in the Guidance. To recall, this list of crimes is an integral part of the Conclusion of the Sub-Group that analyzed the Criminal Code.

As opposed to its predecessor, the new Guidance lays down that the separate records in each public prosecution office shall be managed by the deputy public prosecutor designated as the primary contact point. The deputy public prosecutor and public prosecutor are responsible for the accuracy of the data in the records.

Separate records contain data on the journalists, the media they are working for, the crime they are victim of, the time and place of its commission, the undertaken actions and adopted prosecutorial and court decisions. At the proposal of the SWG members, the data on the perpetrators of the crime are also being registered in the records as of 1 January 2021.

The Binding Guidance instructs the Appellate Public Prosecution Offices to submit to the Republican Public Prosecution Office compiled monthly reports of lower ranking public prosecution offices on their actions in the cases.

According to the data in the separate records, criminal reports/reports of 316 incidents against journalists were filed with the public prosecution offices (**316 cases were opened**) in the **January-June 2021 period**.

Of these 316 cases, the prosecutors did not find elements of a crime prosecuted ex officio in 137 cases, whereas they found **reasonable suspicion that a crime against the safety of journalists has been committed in 179 cases**.

Herewith an overview of the status of the 316 cases covering all the incidents the public prosecutors were aware of on 30 June 2021:

- **Judgements of conviction were delivered in 29 cases;** 28 of the judgements are final;
- The perpetrators fulfilled all their obligations under the deferred prosecution agreements in 14 cases, while the fulfilment of obligations in three deferred prosecution cases was still pending;
- The courts rejected the prosecutors' indictments in three cases;
- The court dismissed the prosecutor's indictment in one case;
- **Judgements of acquittal were delivered in three cases;**
- Rulings dismissing the criminal reports were issued in 73 cases;
- The decision that there were no grounds to initiate preparatory proceedings against juvenile offenders was taken in two cases;
- Official notes on lack of grounds to initiate criminal proceedings were issued in 62 cases;
- Criminal prosecution was transferred to the relevant authorities of the requesting state in one case under the international legal assistance in criminal matters procedure;
- Court proceedings on the public prosecutors' indictments were pending in 13 cases;
- The motion to institute preparatory proceedings against a juvenile offender was filed in one case;
- The implementation of evidentiary actions was under way in 18 cases;
- Requests for collecting the requisite information were submitted in 35 cases;
- A request for international legal assistance in criminal matters was submitted in one case;
- The potential perpetrators were not identified in 57 cases even after preliminary investigation measures were taken.

Therefore, final decisions were rendered in 188 cases (59.49% of all cases).

Herewith a review of the status of 179 cases in which the prosecutors found reasonable suspicion that a criminal offense prosecuted ex officio had been committed:

- A criminal penalty was imposed or prosecution was transferred to another state in 42 (23.46%) cases;

- Evidentiary actions, investigations, international legal assistance or trials before the relevant courts were under way in 78 (43.58%) cases;
- The courts rejected or dismissed the indictments or acquitted the defendants in seven (3.91%) cases; and
- **The potential perpetrators have not been identified in 52 (29.05%) of the cases.**

The text below provides an overview of the data by year:

4.1. Data on Cases Opened in 2021

Forty-six cases were registered in the records of crimes against the safety of journalists in the 1 January-30 June 2021 period; four of those cases were registered in June 2021. Herewith the status of these cases:

- A final judgement of conviction was delivered in one case;
- Court proceedings on the prosecutors' indictments were pending in four cases;
- Rulings dismissing the criminal reports were issued in six cases;
- Official notes on lack of grounds to initiate criminal proceedings were adopted in eight cases
- Implementation of evidentiary actions was under way in five cases;
- Fulfilment of requests for the collection of the requisite information was under way in 20 cases;
- The potential perpetrators were not identified even after preliminary investigation measures were taken in two cases.

Final decisions were rendered in 15 cases (32.61% of all cases).

4.2. Data on Cases Opened in 2020

Fifty-six cases were registered in the records of crimes against the safety of journalists in the 1 January-25 December 2020 period. Herewith the status of these cases as of 30 April 2021:

- Final judgements of conviction were delivered in three cases;
- The fulfilment of obligations under the deferred criminal prosecution agreements was pending in two cases;
- Rulings dismissing criminal reports were issued in 14 cases;
- Official notes on lack of grounds to institute criminal proceedings were issued in eight cases;

- Decisions not to initiate preparatory proceedings against juvenile offenders were rendered in two cases;
- Court proceedings on the prosecutors' indictments were pending in two cases
- Implementation of evidentiary actions was under way in nine cases;
- A motion to initiate preparatory proceedings against a juvenile offender was filed in one case;
- Fulfilment of requests for the collection of the requisite information was under way in eight cases;
- The potential perpetrators were not identified even after preliminary investigation measures were taken in seven cases.

Final decisions were rendered in 27 cases (48.21% of all cases).

4.3. Data on Cases Opened in 2019

Public prosecution offices received criminal reports/reports of **61 incidents (formed 61 cases)** against journalists in the 1 January-23 December 2019 period. Herewith the status of these cases as of 30 April 2021:

- Judgements of conviction delivered in 13 cases; 11 of them are final
- The perpetrators fulfilled all their obligations under the deferred prosecution agreements in two cases, while the fulfilment of obligations in one deferred prosecution case was pending;
- A final judgement of acquittal was delivered in one case;
- Rulings dismissing the criminal reports were issued in 12 cases (a motion to institute misdemeanor proceedings has been filed in one case);
- Official notes on lack of grounds to institute criminal proceedings were issued in 12 cases;
- Court proceedings on the prosecutors' indictments were pending in four cases;
- A motion to institute preparatory proceedings against a juvenile offender was filed in one case;
- Implementation of evidentiary actions was under way in four cases;
- Fulfilment of requests for collecting the requisite information was pending in three cases;
- The potential perpetrators were not identified even after preliminary investigation measures were taken in eight cases.

Final decisions were rendered in 40 cases (65.67% of all cases).

4.4. Data on Cases Opened in 2018

Public prosecution offices received criminal reports/reports of **57 incidents** against journalists (**opened 57 cases**) in the 1 January-26 December 2018 period. Herewith the status of these cases as of 30 April 2021:

- Judgements of conviction were delivered in six cases, five of the judgements are final;
- The perpetrators fulfilled all their obligations under the deferred prosecution agreements in three cases;
- The courts issued rulings dismissing the prosecutor's indictment in two cases;
- A judgement of acquittal was delivered in one case;
- Rulings dismissing the criminal reports were issued in 16 cases (a motion to institute misdemeanor proceedings was filed in one case);
- Official notes on lack of grounds to institute criminal proceedings were issued in 10 cases;
- The implementation of evidentiary actions was under way in two cases;
- The fulfilment of requests to collect the requisite information was under way in four cases;
- The potential perpetrators were not identified even after preliminary investigation measures were taken in 13 cases.

Final decisions have been rendered in 38 cases (66.67% of all cases).

4.5. Data on Cases Opened in 2017

Criminal reports/reports of **38 incidents** against journalists were filed with the public prosecution offices in the 1 January-25 December 2017 period (**38 cases were opened**). Herewith the status of these cases as of 30 April 2021:

- Final judgements of conviction were delivered in two cases;
- The perpetrators fulfilled all their obligations under the deferred prosecution agreements in three cases;
- The prosecutor's indictment was dismissed in one case;
- A judgement of acquittal was delivered in one case;
- Rulings dismissing the reports were issued in 13 cases;
- Official notes on lack of grounds to institute criminal proceedings were issued in five cases;

- Criminal prosecution was transferred to the relevant authorities of another state under the international legal assistance in criminal matters procedure in one case;
- Court proceedings on the prosecutor's indictment were pending in one case;
- The implementation of evidentiary actions was under way in one case;
- The potential perpetrators were not identified even after preliminary investigation measures were taken in 10 cases.

Final decisions were rendered in 26 cases (68.42% of all cases).

4.6. Data on Cases Opened in 2017

According to the data in the separate records, criminal reports/reports of **58 incidents** against journalists were filed with the public prosecution offices in the 1 January – 31 December 2016 period (**58 cases were opened**). Herewith the status of these cases as of 30 April 2021:

- Judgements of conviction were delivered in three cases;
- The perpetrators fulfilled all their obligations under the deferred prosecution agreements in five cases;
- The court dismissed the public prosecutor's indictment in one case;
- Rulings dismissing the criminal reports were issued in 10 cases;
- Official notes on lack of grounds to institute criminal proceedings were issued in 20 cases;
- The implementation of evidentiary actions was under way in two cases;
- The fulfilment of a request for the collection of requisite information was pending in one case;
- A request for international legal assistance in criminal matters was sent in one case;
- The potential perpetrators were not identified even after preliminary investigation measures were taken in 15 cases.

Final decisions have been rendered in a total of 39 cases (67.24% of all cases).

There are no substantial divergences between the numbers of cases concerning crimes against the safety of journalists opened every year, except the visible drop in 2017. It is still too early to judge the 2021 crime reporting trend, but indications are that the Binding Guidance and the SWG's track record have encouraged a greater number of journalists and media workers to report attacks and various incidents.

There have been no changes in trends of crimes committed by either identified or unidentified perpetrators. The vast majority of reports concerned the crime of Endangerment of Safety under Article 138 of the CC, usually committed via the Internet, specifically social networks and news platforms. The other reports concerned, albeit to a much lesser extent, the crimes of Violent Conduct under Article 344 of the CC, Stalking under Article 138a of the CC and Causing of General Danger under Article 278 of the CC.

The NUNS has been keeping a database of attacks and pressures on journalists for a number of years. The information in the database dates back to 2008. The database is divided into several categories: assaults, verbal threats, attacks on property, and pressures. The categorization differs from the one used by the prosecutors, primarily because it comprises a broader range of incidents.

The differences between the data kept in the databases of the press associations, on the one hand, and the RPPO database, on the other, have frequently been qualified by the public as a major problem. The NUNS database is primarily a database of attacks and pressures on journalists; it is publicly available and all the categories are accessible. The press associations' databases paint a broader picture of the climate journalists and media professionals are working in and register all the incidents in which the journalists justifiably have the subjective feeling of threat, although these incidents do not necessarily have all the elements of a crime.

Furthermore, there are some discrepancies with respect to incidents that, at first glance, do not appear to be threatening the journalists' safety, e.g. car damage, breaking and entering into private apartments or newsrooms, et al. Although these offenses for the most part fall in the category of crimes against property, when viewed in a broader context, especially when investigative journalists are at issue, the incidents do not necessarily result merely in attacks on property, but may also give rise to strong feelings of threat among journalists working on sensitive stories, primarily those on criminal activities, on the activities of the power-wielders and politicians, and other topics.

As per pressures, the types of pressures that are registered differ from those that may indirectly threaten the safety of journalists and media professionals, such as the targeting of reporters by public officials, various smear campaigns waged via specific outlets, various forms of harassment that occasionally even amount to stalking, as well as series of insults hurled at journalists, especially the brutal ones received via social networks. Some of the incidents may indirectly undermine the

safety of journalists, although the vast majority of them do not contain elements of a crime prosecuted ex officio. In addition, the database registers cases impinging on and limiting the work of journalists and the survival of the outlets, such as bans on coverage of events of public interest, non-invitation of journalists to conferences and specific events of public importance, the filing of so-called SLAPP lawsuits, administrative harassment and other pressures.

The data in the NUNS database show an increase in the number of registered incidents over the past few years. A drastic increase in their number was registered in 2020, which, according to NUNS data, can be attributed to the overall situation caused by COVID-19, the state of emergency and the July protests in Belgrade. Verbal threats had different trends; the number of threats registered until 2016 was smaller than in 2016, when it increased slightly; after relatively similar numbers were registered for a few years, the number of threats soared in 2020 (to 50). Also, the number of assaults fell slightly after 2016 compared to the pre-2016 period; it increased slightly in 2019 (to 11) and soared in 2021 (to 23). The number of registered pressures also grew from one year to another, peaking in 2020, when 92 such cases were registered. An increase in the number of attacks on property was also registered in 2020 (14).

The NUNS has been both registering the cases in its database and monitoring their fate. The cases registered in the database are the ones journalists have been reporting to it directly and the one it has learned about from media reports. The cases need to fulfil specific criteria to be entered in the database. The comprehensiveness of the records was increased by the records of cases kept by the RPPO and the bulletins it has been forwarding to SWG members.

The Journalists' Association of Serbia (UNS) has also been registering the number of incidents against journalists. The UNS database records the cases of repression against media and the monitored categories are similar to the categories of cases registered by the NUNS. The UNS database includes data on threats, insults, interferences in or obstruction of work, reporting bans, discrimination, et al. That means that the UNS has been registering pressures on journalists and media as well. According to available UNS data, 25 cases of repression against journalists and the media have been registered by the end of May 2021. The UNS database is not public, but the association occasionally publishes statistical data on the numbers of attacks and pressures against journalists.

5. Specific Cases Addressed by the Standing Working Group

The SWG was set up to facilitate access to justice of journalists exposed to various attacks and those whose safety is in jeopardy. In its four years of existence, the SWG has succeeded in fulfilling most of the set goals and implementing the measures and activities set out in the Agreement and the Action Plans, such as the establishment of the SWG; keeping of records and of a special register by the RPPO; provision of training; Analysis of the Criminal Code; etc. The System of Contact Points, analyzed in a separate section of this Report, can, however, be considered its greatest contribution to improving the safety of journalists and the establishment of a mechanism for preventing impunity.

In its four years of existence, or, more precisely, slightly over three years of existence given that it was not operational for a while because the press and media associations suspended their status, the SWG has reviewed at least 16 cases, although a much greater number of cases was dealt with in accordance with the procedures set up under the Agreement and the SWG's in-house rules. These data should be taken with a methodological "grain of salt" for a number of reasons: (a) there are no centralized records or registers of data concerning the analyzed cases; (b) the number of processed cases was arrived at within the analysis of communication within the SWG, wherefore it probably does not cover all the addressed cases; (c) the most relevant methodological deficiency concerning the number of cases lies in the fact that they regard only the period since 2018, because the SWG spent the first two years consolidating itself and implementing weaker activities. In view of all of these considerations, the collected data show that the SWG actively reviewed at least 16 cases from 2018 to 2020.

The SWG has developed a number of models of cooperation and communication lines since its establishment. The following section will present the individual elements of these mechanisms identified through an analysis of some of the cases discussed at SWG meetings. It needs to be borne in mind that this is merely one of the possible perspectives of reviewing cases and models of cooperation based on the analysis of the SWG's minutes and e-mail correspondence. This section will not go into the findings of fact of the individual incidents or provide an assessment of the activities of the authorities beyond the SWG.

5.1. Initiation of the Procedure: Cases of Arson of Milan Jovanović's House and Threats against Jovana Gligorijević

Milan Jovanović is a journalist of the portal Žig Info in Grocka, whose house in Vrčin was set on fire on 12 December 2018. Milan was in the house together with his

wife at the time.¹⁴ Given the severity of the crime, the first to arrive at the scene when the arson was reported were the police and the relevant public prosecutor. The SWG called an urgent meeting after the association representatives notified it of the event. The police officers, who were the first to arrive at the scene of the crime, attended the meeting as well and briefed the SWG in detail. The case marked a turnabout in the SWG's method of work because this was the first time the investigative authorities provided, with the relevant prosecutor's consent, the Group's members with details of an event that was in the prosecutorial investigation stage. Soon afterwards, the SWG held a meeting with the relevant public prosecutor, who presented his initial conclusions and the course and details of the investigation. The meeting was also attended by the press association members, who were in direct contact with Jovanović; they also shared the information they had to facilitate the investigative proceedings. This type of open cooperation, communication and exchange of information and opinions has resulted in speedier processing of specific cases, given the relevant authorities' obligation to take urgent action in cases of attacks on journalists. In this case, the communication and open cooperation within the SWG substantially contributed to the assignment of police protection to the journalist and his wife, after the representatives of the association concluded that their safety might be at risk because the main suspect was still at large.

The case of journalist Jovana Gligorijević is also worth a mention in the context of initiating the procedure. The good cooperation and cooperation in this case, albeit in a somewhat different form, helped "unblock" the procedure. Namely, Vreme reporter Jovana Gligorijević received threats via Twitter on 8 May 2020 from an individual who insulted her and said that the day when she would "face the music was coming". The reporter had been repeatedly insulted and attacked on social networks before she received this gravest threat.¹⁵ The prosecution office reviewed the submitted reports, but, in face of the numerous unresolved threats, the journalist doubted that the relevant authorities were informing and protecting her adequately, as she herself said in the media.¹⁶ With the help of the association's representative in the SWG, Gligorijević got directly in touch with the

¹⁴ NUNS report in the database Attacks on Journalists, available in Serbian at: [Physical Assault - Milan Jovanović \(12 December 2018\)](#).

¹⁵ More on the attacks in the NUNS database reports, available in Serbian at: [Pressure - Jovana Gligorijević \(8 February 2018\)](#), [Pressure - Nedim Sejdinović, Dinko Gruhonjić, Igor Besermenji, Jovana Gligorijević, Dragana Pećo and Hana Adrović \(8 February 2019\)](#) and [Verbal Threats - Jovana Gligorijević \(7 May 2020\)](#).

¹⁶ Jovana Gligorijević's interview for Duetsche Welle, please see: <https://www.dw.com/sr/nikada-ne-hapse-one-koji-crtaju-mete/a-53461550>

latter and forwarded it the data needed to prosecute the cases more effectively, which led to the speedy arrest of the suspect.¹⁷

5.2. Rapid Response: Cases of Zana Cimili and Daško Milinović

The safety of journalist Zana Cimili was jeopardized when she was threatened on Instagram in July 2019;¹⁸ the RPPO representative in the SWG was notified of the incident by the association's contact point. The prosecution office responded swiftly and, in cooperation with the police, the individual who had threatened her was taken into custody. This case is an illustration of rapid and efficient response directly via the established mechanism, as well as of the excellent communication among the contact points of the police, prosecution offices and press and media associations.

Novi Sad journalist Daško Milinović was the victim of a grave assault, when two individuals attacked him with metal bars in the early morning hours of 16 April 2021.¹⁹ Milinović initially hesitated whether to report the case. However, with the help of the association's representative, the case was reported to the police and prosecution office several hours later. Thanks to communication within the SWG, the police responded rapidly and arrested one of the assailants the same day; the second assailant is still at large. This case illustrates the importance of rapidly reporting cases, as well as the importance of the trust the attacked journalists must feel in order to report the case. In the SWG context, both of these cases demonstrate that the SWG is capable of responding rapidly and effectively in cooperation with the relevant authorities via the SWG's System.

5.3. Cases of Ljiljana Stojanović and Jelena Zorić

Ljiljana Stojanović, a journalist of Leskovac-based Jug Press, was the target of profanities, insults and threats hurled at her by participants in a protest of high-schoolers in Leskovac on 2 March 2020.²⁰ She notified a police officer standing nearby of the threats, who had heard identical threats but had not reacted. When she insisted that he do something about them, he directly refused. The journalist first reported the case in the police station and then to the SWG. The MOI

¹⁷ NUNS Report in its Attacks on Journalists database, available in Serbian at: [Verbal Threat - Jovana Gligorijević \(7 May 2020\)](#).

¹⁸ NUNS Report in its Attacks on Journalists database, available in Serbian at: [Verbal Threat - Zana Cimili \(4 July 2019\)](#).

¹⁹ Safe Journalists network, Serbian journalist Dasko Milinovic attacked with bars, 16 April 2021, available at: <https://safejournalists.net/portfolios/serbian-journalist-dasko-milinovic-attacked-with-bars/>.

²⁰ Safe Journalists, Threats and insults to a journalist, Ljiljana Stojanović, Leskovac, 2 March 2020, available at: <https://safejournalists.net/reports/pretnje-i-uvrede-novinarki-ljiljana-stojanovic-leskovac-02-03-2020/>

representative in the SWG initiated the check and report mechanism and the officer who refused to protect the journalist was very soon subject to an internal control procedure. This case is an illustration of the rapid response of the police vis-à-vis their colleagues and demonstrates that the SWG mechanism enables public officials to take action against their co-workers, contrary to widespread opinion that public officials will not take action against one of their own.

The same mechanism was applied also in the case of N1 TV reporter Jelena Zorić, who was repeatedly threatened over a short period of time.²¹ Following consultations between the SWG journalists and the prosecution office and the examination of the available evidence and information, the prosecutors and police decided to take urgent action. This example is a good model of the effective resolution of cases, where the urgent and rapid response by the police and prosecutors, as well as cooperation on the part of journalists, are vital.

5.4. Untapped Potential: Cases of Assaults on Reporters during the Inauguration of the Serbian President and the Case of KRIK Journalist Bojana Pavlović

A number of reporters were physically assaulted by the security service safeguarding the National Assembly during the Serbian President's inauguration in 2017. While the reporters were trying to interview the protesters, the plain-clothes agents assaulted them and dragged them away from the plateau in front of the parliament, essentially precluding them from doing their job and applying force against them. The representatives of press and media associations in the SWG were of the opinion that the police at the scene had not acted adequately to protect the journalists.²² Some time later, the MOI said that, together with the relevant prosecution office, it had identified all the individuals implicated in the events that day. After all of them were questioned and the report was forwarded to the relevant prosecution office, the Belgrade First Public Prosecution Office dismissed the criminal reports against the suspects twice. In the meantime, the representatives of the journalists suspended their status in the SWG and temporarily left the SWG, qualifying it as inefficient and ineffective. Although an assault was at issue, the representatives of the media community held that the SWG had failed to make use of the developed models of cooperation in this case

²¹ NUNS report in its Attacks on Journalists database: [Verbal Threat - Jelena Zorić \(2 January 2021\)](#) and [Verbal Threat - Jelena Zorić \(28 December 2020\)](#) and [Pressure - Jelena Zorić \(18 January 2021\)](#).

²² Platform to promote the protection of journalism and safety of journalists, Serbian Reporter Lidija Valtner Attacked During New Serbian President's Inauguration, 25 April 2019, available at: https://www.coe.int/en/web/media-freedom/detail-alert?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_col_id=column-2&p_p_col_pos=5&p_p_col_count=10&sojdashboard_WAR_coesojportlet_alertPK=60003048.

like it had in some other cases, such as, for instance, the assaults on Daško Milinović or Ljiljana Stojanović.

Another relevant case is that of Bojana Pavlović, a journalist working for the investigative portal KRIK, who was stopped by public officials on 10 June 2020 after photographing the President's son in the company of a man suspected of being a member of a criminal group. She said that an unidentified individual had seized her phone and that she found herself surrounded by people she did not know, while the public officials walked away, leaving her unprotected.²³ The case was closed when the decision to dismiss the criminal report was taken. Representatives of press and media associations were of the view that the police had disregarded their obligations and qualified the case as yet another missed opportunity to increase the degree of trust in the MOI's and RPPO's actions within the SWG and strengthen the good relationships that have been continuously built over the years. All the more since the physical safety of journalists was at issue, which the police generally take extremely seriously as the processed cases demonstrate. It is worth noting that Bojana Pavlović attended the meeting at which the SWG discussed her case. The same opportunity was provided to Marko Somborac²⁴, whose case is important because this is the first time protection was extended to a caricaturist, which, in a sense, paved the way for a broader interpretation of the notions of journalist and journalism.

In July 2020, during civil protests in Belgrade against the introduction of additional measures due to the Covid pandemic, there was a conflict between a part of the demonstrators and members of the MOI. A large number of threats, physical attacks and injuries of journalists who reported from the protest was recorded. Journalists' associations registered 29 events in the period from July 7 to 11, 2020. The largest number of events were physical attacks, injuries to journalists and damage to their equipment, while a smaller number of cases were threats. A total of seven proceedings have been initiated before the public prosecutor's offices, of which one case has been resolved, one application has been rejected, and five proceedings are still pending. In several related cases, nine journalists complained of threats, damage or confiscation of equipment and physical injuries by police officers. Journalists' associations informed PWG about these events, after which an urgent meeting was held. Representatives of the associations expressed dissatisfaction with the police actions towards journalists in several individual cases. They pointed out the omissions in recognizing the role and task of journalist teams that informed the public in the public interest about critical events,

²³ NUNS report in its Attacks on Journalists database: [Threat to Property - Bojana Pavlović \(10 June 2020\)](#).

²⁴ NUNS report in its Attacks on Journalists database: [Threat to Property - Marko Somborac, Goran Rajšić, Nikola Vitković, Andrej Vojković and Dalibor Novak \(12 October 2020\)](#) and [Pressure - Marko Somborac, Goran Rajšić, Nikola Vitković, Andrej Vojković and Dalibor Novak \(16 October 2020\)](#).

especially in the cases of beating Zikica Stevanovic, apprehending Igor Stanojevic, harassing Milica Bozinovic and temporarily seizing Irena Stevic's phone. The associations expected and demanded that the police and public prosecutor's offices investigate the circumstances of all cases ex officio, while representatives of the Mol and the Public Prosecutor's Office considered that there were no serious misconduct, and that police officers were under special pressure that evening because of the aggressive attacks from one part of the demonstrators. Disagreements and differing views on the July events were evident, and a compromise was found in the initiation of internal control procedures by the Mol in all cases where suspicion of exceeding police authority and excessive use of force by the police was raised. Internal control procedures are still ongoing. Due to the police's treatment of journalists, 3 criminal charges were filed with the competent public prosecutor's office, which included 7 injured journalists. Proceedings are ongoing.

Press and media associations nevertheless expect that highly sensitive cases of threats to the safety of journalists, especially those working in labelled outlets such as Bojana Pavlović, or relations toward journalists in certain cases during the protests in July, will be prosecuted more efficiently and that they will lay the foundations for building the SWG's strategic position in the public and facilitate the further development and strengthening of this system for the protection of journalists.

The above brief analysis of cases aimed at explaining the work and logic of the SWG's functioning and values. Through its cooperation and communication over the past four years, the SWG has succeeded in establishing specific models of cooperation tailored both to the journalists' needs and the state and legal protection system. The analysis shows that the SWG has the strength to jointly initiate proceedings, and facilitate the implementation of more effective and higher quality investigations, which undoubtedly depends also on the willingness and openness of all SWG members to share their information and findings. On the other hand, it is also crucial that the associations' "pressures" and the state and judicial representatives' "sensitivity" are both capable of enabling urgent response, especially in cases of physical threats to the safety of journalists, and result in bringing the perpetrators of the attacks to justice. In all these cases, trust and readiness to protect the journalists' safety are the least common denominator of the SWG's cooperation models and success. It remains to be seen whether the developed models are sufficient and capable of providing, in the given media and political climate, the highest level of protection also to journalists, whose cases have not been processed by the SWG or have not resulted in the protection of the journalists and the punishment of the perpetrators.

6. SWG's Activities

The activities the SWG has implemented or plans to implement are defined in the Agreement and the two Action Plans, the first covering the 2018-2019 period²⁵ and the second covering the 2021-2022 period²⁶, developed with the assistance and support of the OSCE Mission to Serbia. The main idea guiding the authors of both Action Plans was to define strict deadlines by which the activities had to be implemented and to ensure that a party to the Agreement leads the implementation of each of them, thus assuming a degree of responsibility for their completion.

As mentioned, the Agreement sets out 10 measures, nine of which have been implemented to date. Only the development of an Analysis of the Communication and Openness of the Relevant State Institutions on Cases of Threats to the Safety of Journalists is pending; the implementation of this measure is to be completed by the end of 2021.

The 2018-2019 Action Plan provides for the implementation of 15 activities. All of these activities have been completed, although the SWG ascertained that two of them could not be implemented the way it had initially planned.

One of the planned activities that has not been fully implemented concerns the **adoption of a uniform and efficient solution introducing legal standing of the representatives of press and media associations (SWG members) to access data on the course of the investigations**. The representatives of the RPPO and the MOI expressed reservations on this point, explaining that the issue of legal standing to access data during the investigation was governed by the Criminal Procedure Code and applied only to the victims parties and their legal counsel. The SWG has not yet defined a way in which its members from amongst the ranks of press and media associations could access the data, although, objectively, this has not been a serious obstacle to the SWG's functioning and sharing of information that may be available under the law.

The second activity concerned the **definition of common criteria for registration of attacks on journalists by all parties to the Agreement**. The SWG has not yet adopted a document on uniform registration of incidents in

²⁵ The SWG 2018-2019 Action Plan is available in Serbian at: <http://bezbedninovinari.rs/> (the list of downloadable documents is available at the bottom of the list)

²⁶ The SWG 2021-2022 Action Plan is available in Serbian at: <http://bezbedninovinari.rs/> (the list of downloadable documents is available at the bottom of the list)

which journalists are the victims. All parties to the Agreement have been keeping their own records and periodically comparing data amongst themselves. The SWG established that the parties could not keep records under common criteria and that each party should continue keeping them the way it did. It should also be borne in mind that the Protector of Citizens launched a Platform for Registering Attacks and Pressures against Journalists in cooperation with the press associations; this Platform can be considered a kind of single register.

The adoption of the **SWG's Rules of Procedure** was the first activity envisaged by the 2018-2019 Action Plan. The representatives of all parties to the Agreement adopted the Rules of Procedure after they agreed on all its provisions.

The Action Plan also provided for the **establishment of a formal procedure of communication among the contact points**. This activity was implemented by the introduction of the System of Contact Points. Its completion paved the way for the implementation of another activity set out in the SWG Action Plan – the **RPPO's and MOI's adoption of internal acts mandating urgent action on reports of crimes against journalists**. The internal acts and the System of Contact Points were discussed in greater detail above.

An **Analysis of the Criminal Code of the Republic of Serbia**²⁷ was performed by one of the two Sub-Groups, with a view to identifying all criminal offenses that may threaten the safety of journalists. After completing the planned activity successfully, the Sub-Group issued a Conclusion, which was adopted by all SWG members. The Analysis identifies a total of 35 offenses under the CC, which may be brought into the context of threats to the safety of journalists. The results of the Analysis informed the Republican Public Prosecutor's General Binding Guidance, which includes provisions instructing public prosecution offices to take urgent action in response to criminal reports of offenses that may result in threatening the safety of journalists and other media workers.

The SWG **Sub-Group charged with analyzing the communication and openness of the relevant institutions with the media** has been set up. The implementation of the analysis is under way.

The SWG has also implemented the activity involving the **identification of "critical points" in the system for protecting journalists and the definition of measures to address the problems** (violence against female journalists, online

²⁷ OSCE Analysis of the Efficiency of Criminal Law Protection of Journalists, available in Serbian at: <http://bezbedninovinari.rs/static/themes/bezbedni-novinari/documents/Analiza%20efikasnosti%20krivico-pravne%20zastite%20novinara.pdf>.

threats and stalking) **more efficiently**. It involved the publication of a report developed by the Slavko Ćuruvija Foundation, in its capacity of AOM's representative.²⁸

Within the educational activities and measures to increase the SWG's visibility in public and improve cooperation among the contact points, the OSCE Mission to Serbia, in cooperation with the MOI, the RPPO and the SWG members, organized a **number of consultative meetings aimed at directly familiarizing local journalists with the contact points of the police, prosecution offices and press and media associations**. These events also served to further encourage local journalists to report all cases of threats to their safety and use the System of Contact Points as much as possible and thus facilitate its further development in practice. The meetings, held in Belgrade, Niš, Kragujevac and Novi Sad, were attended by 224 beneficiaries of or stakeholders involved in the system of contact points in various ways. Of the 224 attendees, 90 were representatives of prosecution offices, 85 were representatives of the police and 54 were journalists and other media actors. Conclusions and recommendations based on the participants' discussions during the meetings and their suggestions were forwarded to the SWG to consider new opportunities and prospects for improving the System of Contact Points.

In the context of other opportunities for improving the visibility of the SWG's activities, note needs to be made of the several press releases the SWG issued, its occasional presence in the media and the participation of its representatives at several international conferences at which they presented the SWG's activities.

In late 2020, the SWG adopted a new Action Plan, covering the 2021-2022 period. The Plan comprises 11 activities, the implementation of which should further improve the SWG's capacity and functioning. Eight of the 11 activities are to be implemented in 2021 and three in 2022.

The SWG has already implemented the following four of the eight activities to be completed in 2021:

The first activity involved the development of the **Analysis of Potential Amendments to the Criminal Code and Recommended Amendments** covering the criminal law protection of journalists in cases now treated as

²⁸ Critical Points in the System of Safety of Journalists, available at:
<https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2019/10/SCF-Critical-Points-In-the-System-of-Safety-of-Journalists.pdf>

pressures against journalists. The activity has been completed and the Ministry of Justice is to set up a Working Group that will proceed with drafting the amendments.

In addition, the SWG launched a ***Bezbedni novinari (Safe Journalists) website and mobile application***, with a view to increasing the visibility of the SWG's work and general awareness of the importance of public information and of the safety risks journalists face at work. Both the website and application are up and running and the development of additional content is under way.

The Action Plan also provides for the production of several video podcasts on the safety of journalists. The podcasts were finished in July and posted on the Safe Journalists website. One of the two podcasts focuses on the safety of female journalists,²⁹ while the other explains the legal interpretation of threats, as defined in Article 138 of the Criminal Code³⁰.

Furthermore, the SWG prepared this **2017-2021 Activity Report**, thus implementing the fourth of the eight activities to be completed this year.

The SWG is to implement the following activities in the second half of 2021:

- Analyze risks to the safety of journalists and other public figures exercising the freedom of expression in public discourse;
- Analyze the relevant state institutions' communication and openness on cases of threats to the safety of journalists;
- Hold online consultations between police and prosecutorial contact points and local reporters, to be headed by Belgrade Law School Professor of Criminal Law Zoran Stojanović; and,
- Develop a video guide on the safety of journalists for prosecution offices and the police.

²⁹ See <http://bezbedninovinari.rs/article/63/epizoda-1-nasilje-prema-novinarkama>

³⁰ See <http://bezbedninovinari.rs/article/64/epizoda-2-bezbednost-novinara>

7. Similar International Initiatives and International Standards on the Protection of the Safety of Journalists

The issue of the safety of journalists and the closely related issue of impunity for attacks on journalists have gained in importance across the globe over the past few decades, due to the increase in attacks that may be associated with various factors, such as the rise of populism undermining the importance of media freedoms, increasing economic inequalities, technological development and the digital gap, the blurring line between the physical and the digital, et al.

International organizations, such as the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE), as well as regional organizations, such as the Council of Europe (CoE), have for years been alerting to the problem and the deficiencies of the state protection systems. They have been setting minimal standards for protecting the safety of journalists and calling on the states to embrace them. This section of the Report analyzes the standards and initiatives to protect journalists that have a similar structure or address similar topics as the SWG, with a view to presenting the SWG's position and relevance in the "coordinate system" of international protection of the safety of journalists.

7.1. International Standards on the Protection of Journalists

Freedom of expression is a complex human right. The exercise of this right, the right to impart, receive and share information, depends on numerous socio-political factors affecting the extent of the citizens' ability to take part in public debates and inform themselves of matters of public importance freely and without fear. However, for the citizens to actually be able to express themselves freely, the state authorities have to prosecute and punish attacks, as well as create an enabling environment, an atmosphere in which one does not fear state or private retribution for what one has said. The creation of this enabling environment is primarily an obligation of the state (the so-called positive obligations doctrine³¹), and entails the state's duty to promote greater media freedoms and the safety of journalists.³² A set of standards aiming to protect the safety of journalists was developed at the international level precisely with the aim of creating an enabling environment and punishing attacks.

³¹ Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, para 6 and II. Principles, paras 13-19

³² UN, UN Plan of Action on the Safety of Journalists and The Issue of Impunity (CI- 12/CONF.202/6), 2012, para. 1.5

The main principles and guiding idea emanating from these standards is based on a simple albeit difficult to achieve goal: **Prevention, Prosecution and Protection** (the 3 Ps).³³ The following text presents the individual elements of these pillars of protection.

1. Prevention is portrayed in international instruments as a set of measures which, if systematically implemented, should result in a high degree of protection. This requires the adoption of regulatory instruments and development of institutions enabling such a high degree of protection. To that aim, states are called upon “to implement more effectively the applicable legal framework”³⁴ and amend it “so that they do not limit the ability of journalists to perform their work independently and without undue interference”.³⁵ Furthermore, states should raise awareness of the character of attacks on journalists among judges, prosecutors and the police “including with a strong focus on combating sexual and gender-based discrimination, and violence against women journalists, as well as the particularities of online threats and harassment of women journalists”.³⁶ In addition, a system for registering the attacks needs to be established and politicians should condemn violence, as well as dedicate the resources necessary for establishing and maintaining a comprehensive protection system.³⁷

2. Prosecution of attacks and punishment of perpetrators under international protection standards is based on the system of specialized protection designed to recognize the specific character and importance of the journalistic position for and in society. International bodies have, inter alia, recommended that states

³³Article 19, Acting on UN Human Rights Council Resolution 33/2 on the Safety of Journalists, 2017, p. 5; UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/33/2), 6 September 2016; CoE’s Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors is based on the mentioned principles, but it also introduces the elements of impunity, as well as promotion, information, education and awareness raising as the basic elements of protection.

³⁴ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/33/2), 6 September 2016, para. 7; Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016., I Guidelines, paras 2-3; OSCE, Decision No. 3/18 Safety of Journalists, MC.Dec 3/18, 7 December 2018, para 2.

³⁵ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/33/2), 6 September 2016, para 8, Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, II Principles, para 36

³⁶ UN Human Rights Council, Resolution adopted by the General Assembly on 18 December 2019, 23 January 2020 (A/RES/74/157), para 11

³⁷ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/21/12), para 8; UN General Assembly, Resolution on the Safety of Journalists and the Issue of Impunity (A/RES/68/163), 21 February 2014, para 6; UN General Assembly, Resolution on the Safety of Journalists and the Issue of Impunity (A/RES/70/162), 10 February 2016, para. 8, OSCE, Decision No.3/18 Safety of journalists, MC.Dec 3/18, 7 December 2018, para 9, A/RES/74/157, para 11

establish special judicial or non-judicial inquiries into specific cases or independent specialised bodies to conduct such inquiries on an ongoing basis.³⁸ These authorities need to undergo continuous training on security risks and be guided by special prosecution and investigation protocols. International bodies recommend the establishment of an early warning and rapid response mechanism to give journalists, when threatened, immediate access to the authorities and protective measures.³⁹

3. Protection from attacks by both private and state actors⁴⁰ that may take various forms since “the work of journalists often puts them at specific risk”⁴¹ entails the obligation of state authorities to react to attacks when they occur and provide effective and adequate protection.⁴² Investigations must be “effective and therefore respect the essential requirements of adequacy, thoroughness, impartiality and independence, promptness and public scrutiny”⁴³ and result in bringing the perpetrators to justice, while both the journalists and their families are to be provided with access to protection mechanisms.⁴⁴

The presented international protection standards call upon states to respond simultaneously on three “fronts” and to respond to various forms of attacks and prevent impunity through prevention, prosecution and the protection of journalists at both the substantive and procedural law levels.⁴⁵

It needs to be noted at the end that journalists are not a monolithic category and that some categories of journalists, because of the character of their work and reporting (e.g. from conflict areas, investigative journalists, et al) and reporters

³⁸ Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, Guidelines, para 25

³⁹ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/27/5), para. 5; UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/33/2), 6 September 2016, para. 6

⁴⁰ Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, para 3.

⁴¹ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/33/2), 6 September 2016, p. 2

⁴² See also: Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, Guidelines, paras 9-10

⁴³ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/27/5), para 3; Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, Guidelines, paras 18 and 19; OSCE, Decision No. 3/18 Safety of journalists, MC.Dec 3/18, 7 December 2018, para 6

⁴⁴ Ibid.; UN General Assembly, Resolution on the Safety of Journalists and the Issue of Impunity (A/RES/70/162), 10 February 2016, para 9

⁴⁵ In nine out of 10 cases, perpetrators of crimes against journalists have not been prosecuted, UN, UN Plan of Action on the Safety of Journalists and The Issue of Impunity (CI- 12/CONF.202/6), 2012, para 1.3.

belonging to groups at risk of discrimination (female journalists, journalists belonging to national minorities, journalists reporting on sensitive issues) are also recognized in these standards, wherefore international bodies call upon states to respond to their specific protection needs; the greatest attention has recently been devoted to the protection of women journalists.⁴⁶

7.2. Similar International Initiatives

Mechanisms for protecting the safety of journalists and preventing impunity, including a mechanism such as the SWG, have been recognized as successful models for safeguarding media freedoms. For instance, in their 2012 Joint Declaration, international mandates on the freedom of expression have called on states to establish special protection mechanisms where there is a real and immediate risk of crimes against the freedom of expression; this is recognized also in the 2018 UN Resolution on the Safety of Journalists, which acknowledges the important contribution that e.g. national human rights mechanisms can play in improving the safety of journalists.⁴⁷

In accordance with these recommendations, and with the help of its International Programme for the Development of Cooperation (IPDC), UNESCO has been supporting the establishment of similar mechanisms at the national level⁴⁸ for years now which are still operating in a number of countries.⁴⁹ It needs to be noted that every country has “troubles of its own” when it comes to media freedoms and the safety of journalists. This is why the selection, tasks and design of the mechanisms differs from one country to another, but what they all have in common is that they focus on two central problems: protection of the safety of journalists and prevention of impunity (or both).

The text below addresses the mechanisms and models of cooperation in the context of the above-mentioned primary goals: protection of safety and

⁴⁶ UN General Assembly, The safety of journalists and the issue of impunity, Report of the State- Secretary General (A/72/290), 2017, para 10; Council of Europe, Recommendation CM/Rec(2016)41 of the Committee of Ministers to member States on the protection of journalism and the safety of journalists and other media actors, 13 April 2016, Principles, paras 16 and 17

⁴⁷ UN Human Rights Council, Resolution on the Safety of Journalists (A/HRC/RES/39/6), 27 September 2018, p. 2

⁴⁸ UN Plan of Action on the Safety of Journalists and The Issue of Impunity (CI- 12/CONF.202/6), 2012

⁴⁹ UNESCO has supported the establishment of such mechanisms in Afghanistan, Bangladesh, Botswana, Brazil, Burundi, Cambodia, Colombia, Ecuador, Guatemala, Iraq, Kenya, Mali, Mexico, Myanmar, Nepal, Pakistan, Palestine, Paraguay, Peru, the Philippines, Rwanda, Somalia, South Sudan, Tanzania, Uganda and Yemen, UNESCO, Director-General's report on the safety of journalists and the danger of impunity (CI-20/COUNCIL.32/4), 2020, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000374700?posInSet=2&queryId=59f40786-004d-4e02-b22a-3c5f3fef2291>, p. 6

prevention of impunity, although the analysis will demonstrate that a clear line cannot be drawn between them and that protection mechanisms soon grow to become mechanisms for preventing impunity as well. Particular focus is on the newly-established organization “PersVeilig” (Safety of Journalists), which was set up in the Netherlands in 2018, and the features and design of which are comparable to those of the SWG. This analysis aims to highlight the tasks, successes and failures of similar initiatives and examine the SWG’s work and potentials through the prism of this analysis as well.

Like the SWG, most national safety protection mechanisms rally state and non-state actors. This inter-sectoral approach is prerequisite since, as already noted, the safety of journalists is a specific social, legal and political challenge requiring concerted action and cooperation of various entities. In that sense, safety protection mechanisms must comprise the broadest possible range of participants, and envisage that their structures include, at the very least, the following mechanisms and policies:

1. Putting in place the necessary information systems to be sure to receive reports about cases of potential protection or investigation need, whether these come in via complaints, referrals or internal monitoring by the mechanism
2. Putting in place urgent actions whether related to protection or impunity, in which case the focus would be on investigations and securing evidence.
3. Longer term assessments of risk and the allocation of protection measures.
4. Longer term investigations and bringing legal cases.
5. Special systems where there are allegations of official involvement.
6. Governance functions in the sense of oversight, which might also include complaints and redress systems.
7. Internal administrative functions, including financial management.
8. Systems for ensuring appropriate coordination among and the engagement of different stakeholders and parts of the system.⁵⁰

Models of multi-sectoral cooperation and mechanisms may take various forms: from coalitions of media associations for public advocacy (Afghanistan and Pakistan), special inter-state bodies comprised only of state actors (Mexico), the expansion of the powers of specific state bodies especially designed to ensure safety, which is the practice in European states, to the establishment of special prosecution offices and police investigation units (Mexico). From these country experiences, it is possible to extrapolate the following factors to guide

⁵⁰ Toby Mendel, Supporting Freedom of Expression: A Practical Guide to Developing Specialised Safety Mechanisms, UNESCO and Center for Law and Democracy, 2016, p. 21

stakeholders in developing and implementing collaborative measures for improving the safety of journalists and combatting impunity: strategy, collaboration, influence, and sustainability.⁵¹ There are no causal connections or correlations among these factors; for instance, greater public visibility of a mechanism does not necessarily mean it will result in better protection. However, the interconnection of these factors and the flexibility of the mechanisms in adapting to the safety dynamic will have crucial influence on the achievement of the goals, as the following examples clearly illustrate.

7.2.1. Safety Mechanisms

Safety protection mechanisms, such as the one in Colombia, for instance, extend various sets of services and are charged with taking measures, such as relocation, potentially with a new identity, which may include a system of safe houses, safety equipment, training, bodyguards, hotlines, police monitoring and visits. Specific decisions regarding the allocation of protection measures should be based on a holistic assessment of needs and a realistic assessment of resources. These mechanisms are also called upon to extend support after and during attacks, involving referral to health institutions, trauma recovery support, and potentially compensation from aid funds.⁵²

The program developed in Colombia is a “typical” mechanism focusing on safety protection. The National Protection Unit in Colombia (UNP), although formally an independent body established in 2000, operates under the tutelage of the Human Rights Protection Department of the Ministry of the Interior.⁵³ The UNP implements physical measures of protection, from three basic structures: the Technical Corps for Information Collecting and Analysis (CTRAI), an inter-institutional group consisting of members of the Unit for Protection and the National Police; the Preliminary Assessment Group, which reviews information from CTRAI on individual cases, establishes the level of risk and makes recommendations; and the Committee for Risk Assessment and Recommendation of Measures (CERREM), which decides on allocation and protection measures.⁵⁴

The following bodies are involved in the Colombian protection system: the Ministry of the Interior, which is responsible for the protection program and the

⁵¹ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, pp. 53-55

⁵² Toby Mendel, *Supporting Freedom of Expression: A Practical Guide to Developing Specialised Safety Mechanisms*, UNESCO and Center for Law and Democracy, 2016, pp. 11, 12

⁵³ *Ibid.*, pp. 17 and 21

⁵⁴ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, p. 99. See the Risk Assessment Matrix, p. 102.

UNP; the UNP, the main entity in charge of the protection programme and directly responsible for its execution, but with no investigative powers; the National Police; the Ministry of Defense, charged with providing military intelligence; the Office of the Ombudsman, which provides information on situations of risk; the Attorney General's Office, which "receives" information; and non-government organizations, whose voice and information provided by them are taken into account when making decisions about protection. The composition of the UNP has been criticized for comprising topmost political officials, such as the Deputy Police Minister, as well as a large number of lower-ranking public officials, but hardly any representatives of "mid-management". In practice, this has led to imbalance of political power and control of such power, which has been partly rectified by the participation of civil society.⁵⁵

According to police representatives, the risk assessment procedure and determination of safety measures involves three steps: interview with the journalist and analysis of the documentation and the request for measures; assessment of the situation in the field and checking with the Attorney General whether there are grounds for initiating an investigation; in the event the documentation indicates the existence of an imminent threat, the Ministry of the Interior is entitled to react and implement urgent measures.⁵⁶

The program has achieved significant success and the number of assaulted journalists has fallen substantially, which may also be attributed to eradication of conflict in the country. On the other hand, overall trust in the UNP decreased substantially after it was established that the state security monitored the work of journalists under UNP protection. Furthermore, the in-house procedures are extremely bureaucratized, while the assessment of the journalists' status, the first requirement that has to be fulfilled before performing a risk assessment, is a major stumbling block.⁵⁷ Due to all this, there are opinions that success would have been greater (over 100 journalists received protection since 2000) and that three lives would have been saved had coordination, communication and cooperation been at a higher level.⁵⁸

⁵⁵ Ibid.

⁵⁶ Natalia Torres, *Institutional Design and Effectiveness of the Agencies Charged with Protecting Journalists and Investigating Crimes against the Press: Mexico, Colombia and Guatemala*, 2012, p. 50. See also the risk assessment matrix and the ensuing procedure on p. 52

⁵⁷ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, pp. 37 and 99; See also: Natalia Torres, *Institutional Design and Effectiveness of the Agencies Charged with Protecting Journalists and Investigating Crimes against the Press: Mexico, Colombia and Guatemala*, 2012, p. 59

⁵⁸ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, p. 105

A similar mechanism was developed in Italy, where a Central Bureau of Inter-Forces for Personal Security (UCIS) has been established to implement urgent measures of protection to journalists at risk of attacks. When it becomes aware of the threat, the UCIS and the local authorities together perform a risk assessment based on which they categorize the risk from “extraordinary” to “low”; the measures include domicile supervision, dynamic vigilance, evacuation, police escort and bodyguards. The risks and effectiveness of the measures are constantly re-evaluated. Furthermore, a Coordination center on the monitoring, analysis and permanent exchange of information on the intimidation of journalists was established in Italy in 2017. The Coordination center operates under the tutelage of the Ministry of the Interior and is chaired by the Minister of the Interior; its other members include the head of the police, a senior representative of public security, the Secretary General and the President of the National Federation of the Italian Press and senior representatives of the national press association. The Centre aims to “formulate proposals/strategies on how to prevent and counteract intimidation and violence against journalists”. The Coordination center also has a Secretariat serving as the main gateway between journalists and law enforcement/public security officials. It monitors and analyzes data provided by the prefects and the local units of the police on attacks and intimidation of journalists and identifies preventive strategies and specific protective measures to the Coordination center.⁵⁹

A protection program similar to the UCIS has recently been launched in the Netherlands, where the Dutch Association of Journalists (NVJ) and national police have agreed to hold meetings every three months to discuss collaboration between the press and the police, in particular in relation to incidents involving journalists during riots and the rights of journalists in public spaces. This model of cooperation was strengthened in 2018, when the Dutch Society of Chief Editors joined in and when journalists “agreed to systematically report any security-related incidents and file complaints with law enforcement authorities.”⁶⁰

In Sweden, in the context of the Action Plan “Defending free speech – measures to protect journalists, elected representatives and artists from exposure to threats and hatred”, the Government extended the powers of the police crime victim and personal security division (BOPS), which now maintains regular contacts with individuals charged with safety protection in media organizations. BOPS can extend direct personal protection, as well as facilitate the enforcement of measures tailored to the situation in cooperation with other units. When a journalist or another individual reports a threat to their physical safety, the BOPS

⁵⁹ Council of Europe, How to protect journalists and other media actors?, Council of Europe, 2020, p.15

⁶⁰ Ibid., p.36, More on the Agreement in the following section.

interviews them and then issues a decision on the enforcement of measures. Furthermore, the BOPS has been developing a set of trainings and, in direct cooperation with various branches of government, been building expertise and “better instruments” for protecting journalists; it has also been providing training to journalists. Through this program, the Swedish Government has commissioned Linnæus University to build a knowledge center and a service offering advice and support to journalists and editorial offices, including freelancers, small offices and smaller production companies. Stockholm Police have established a development center which is responsible for offenses that threaten human rights. It meets on a regular basis with organizations representing journalists to share experiences and improve operational collaboration. Furthermore, a consultation forum between the heads of security of large media organizations and police representatives working on crime victims and personal safety has been set up.⁶¹

7.2.2. Impunity Mechanisms

Mechanisms focusing on combatting impunity are essentially designed to strengthen and improve the effectiveness of the parts of the state protection systems due to which attacks on journalists go unprosecuted, uninvestigated and unpunished. These mechanisms and cooperation models mostly focus on establishing institutional and systemic procedures and essentially rely greatly on the described international standards on the safety of journalists.⁶²

The mechanism developed in Mexico comprises a special prosecutorial department, the Special Prosecutor’s Office for Crimes against the Freedom of Expression (FEADLE, initially called the Special Prosecutor’s Office for Crimes against Journalists), which was formed under an agreement between the Mexican President and the UN Human Rights Commissariat in 2006. The mechanism was launched only after the Constitution was amended, given that these crimes had been in jurisdiction of the federal states.⁶³ FEADLE’s mandate is laid down in the law, under which it shall “direct, coordinate and supervise investigations” and where appropriate, prosecution of crimes against journalists.⁶⁴ The law also sets out the requirements an attack must fulfil: it must have been committed against a journalist to curtail the exercise of the right to freedom of information or

⁶¹ Ibid. pp. 13, 14, 16 and 37.

⁶² Toby Mendel, Supporting Freedom of Expression: A Practical Guide to Developing Specialised Safety Mechanisms, UNESCO and Center for Law and Democracy, 2016, p. 13

⁶³ Ibid. pp.13, 17 and 18

⁶⁴ Natalia Torres, Institutional Design and Effectiveness of the Agencies Charged with Protecting Journalists and Investigating Crimes against the Press: Mexico, Colombia and Guatemala, 2012, p. 22

freedom of the press, it must be defined as a criminal offense under local and federal law, and it may not be related to organized crime.⁶⁵

FEADLE now operates within the office of the Attorney General and has prosecuted a total of three cases. Some are of the view that the office is slow to exercise its authority, “in part because too much onus is given to first ascertaining whether the crime is connected to the victim’s work as a journalist, rather than proceeding with an investigation and then determining whether this is the case”⁶⁶ and the extremely limited and insufficiently funded investigative actions.⁶⁷ Analysts have also criticized the lack of sustainability in institutional terms because FEADLE is not recognized as a permanent body and may be abolished by the Attorney General.⁶⁸ FEADLE received additional institutional support in 2009, in the form of the Mechanism to Protect Human Rights Defenders and Journalists, which focuses on safety protection and operates as part of the Interior Ministry’s Human Rights Protection Unit, a mechanism similar to the Colombian UNP. The main identified problems include the local authorities’ insufficiently rapid response and lack of resources, wherefore many protection requests remain unprocessed.⁶⁹

On the other hand, in Sweden, a mechanism was developed under the above-mentioned Action Plan under which special police units charged with democracy and protection from hate must conduct special proceedings when there is suspicion that a crime has been committed with the intent of influencing the “free formation of opinion” to ascertain whether it may impinge on the work of the journalist at issue. The Government has assumed the obligation to oversee the work of the service and the measures it is implementing, while the Prosecution Office conducts a survey to identify actions in cases regarding the protection of journalists based on which new measures can be agreed.⁷⁰

In the Netherlands, the Attorney General signed an “Agreement on Aggression and Violence against Journalists” with the police and press associations, based on which an organization, “Safety of Journalists” (“PersVeilig”) was formed. By developing guidelines and a “proactive policy”, the prosecutors and the police assumed the obligation to develop a mechanism for monitoring the number of

⁶⁵ Ibid.

⁶⁶ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, p. 38

⁶⁷ Natalia Torres, *Institutional Design and Effectiveness of the Agencies Charged with Protecting Journalists and Investigating Crimes against the Press: Mexico, Colombia and Guatemala*, 2012, p. 23

⁶⁸ Natalia Torres, *Institutional Design and Effectiveness of the Agencies Charged with Protecting Journalists and Investigating Crimes against the Press: Mexico, Colombia and Guatemala*, 2012, p. 2

⁶⁹ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, p. 37

⁷⁰ Ibid. pp. 53 and 54.

cases and their status and inform the Dutch Association of Journalists and the Dutch Society of Chief Editors, signatories of the Agreement, when incidents are registered. The police and prosecutors committed to giving priority to the prosecution and punishment of attacks on journalists and to conducting high-quality investigations.⁷¹ The Agreement also provides for a set of measures (training, prevention, measures in response to attacks, complaints protocols, et al) to be implemented by the media community, as well as the obligations of employers and editors when an attack occurs. It also provides for the launch of a telephone application for journalists that will include necessary information on the protection of their safety.⁷² The implementation of the Agreement and other activities, such as the development of the application, are under the auspices of PersVeilig, which essentially links journalists with the police and prosecution offices in the following manner: PersVeilig designated contact points in the police when an attack occurs. Thereafter, the police contact points notify the relevant police unit of the Agreement and the Protocol, described in the paragraph below. In addition, PersVeilig offers psychological support and safety training.⁷³

The Protocol regulates the relationships between: (a) journalists and their employers, and (b) journalists and the police and other authorities. Under the Protocol, the primary responsibility for the journalists' safety, health and well-being rests with their employers, who are to assess risks and define sets of measures to protect them against potential attacks, as well as earmark funding for trainings and the implementation of the measures. In case of an attack, "the employer is to extend also psychological support, and submit a report on the attack in lieu of the journalist". The Protocol provides also for the establishment of a hotline via which the journalists can report attacks; this applies especially to freelance journalists who can take part in trainings and receive other forms of support through PersVeilig.⁷⁴

As per the relationships between journalists and the police/prosecutors, the Protocol grants journalists the status of public sector staff, if the attack was committed in relation to their work, and even if the journalist appears in the capacity of a natural person "if the threat aims to influence the journalist to report differently than he ordinarily would". After the complaint is filed, the police are under the obligation to respond immediately and, if a criminal offense is at issue,

⁷¹ Council of Europe, How to protect journalists and other media actors?, Council of Europe, 2020, p. 52

⁷² Agreement on Aggression and Violence against Journalists, 19 July 2018, unofficial translation prepared by the Office of the OSCE Representative on the Freedom of the Media

⁷³ Office of the OSCE Representative on Freedom of the Media in co-operation with the OSCE Mission to Serbia, 7th Annual South East Europe Media Conference (SEEMC), 2020 (video)

⁷⁴ Protocol Persveilig, available in Dutch at: <https://www.persveilig.nl/wp-content/uploads/2019/10/Protocol-Persveilig.pdf>

undertake all the requisite investigative actions, and to consider all acts as grave threats to safety. The investigation report is forwarded to the public prosecutor, who will register the case and take urgent measures within their remit. Both the journalist and their employer must be kept abreast of all stages of the proceedings throughout. The penalties for attacks on journalists are also stricter; prosecutors may require that the perpetrator be handed down a penalty “200% stricter” than the one provided by law; the severity and the circumstances of the crime and the personality of the defendant must be taken into account.⁷⁵ In practice, judges have in some cases imposed the proposed harsher penalties.⁷⁶

The Collective Media Standard providing the framework for and focus of the PersVeilig initiative has been developed within the initiative. The Standard categorizes in detail attacks on journalists and the forms they may take, thus covering a broad range of attacks, from physical and sexual violence to destruction of property. The Collective Media Standard is an extremely important document among the other adopted protocols and documents, because editors, journalists and other media professionals have committed in writing to report and record attacks and monitor the actions of the relevant authorities.⁷⁷

As already noted, four factors listed in the Introduction must be taken into account in reviews of the SWG’s track record and potential: strategy, visibility, influence and sustainability, while the following complex questions need to be answered through the prism of the presented successes (and failures) of similar national mechanisms: Has the applied strategy achieved the set goal and to what extent, and what if it hasn’t?; Should a greater number of stakeholders be involved in the SWG’s work and should its visibility be increased, and what will be gained by that?; Have the journalists, above all, personally felt the improvement?; and, finally, Is the SWG a sustainable mechanism? It is crucial to bear in mind that the goal of these mechanisms is not to take over or replace state structures primarily charged with protecting journalists and punishing attacks on them: “It is the role of a safety mechanism, coalition, or other initiatives to augment and strengthen these existing efforts, not replace them.”⁷⁸

Furthermore, examples show that various stakeholders are called upon to build the system of safety of journalists until it becomes sufficiently strong. The SWG’s influence and visibility can be enhanced by the engagement of senior public officials, such as the police, as well as the Government and the Ministry. Because

⁷⁵ Ibid.

⁷⁶ Interview with PersVeilig Chief Coordinator Peter ter Velde, 14 June 2021

⁷⁷ Ibid.

⁷⁸ Elisabeth Witchel, *Defending Journalism*, International Media Support, 2017, p. 43.

they are the ones responsible for implementing safety policies and “paving the way” for the prosecution of the attacks. Just as important are the representatives of the non-government sector, associations, journalists, activists and editors, who should oversee the work of the relevant authorities, alert to any deficiencies, “exert pressure” and provide direct assistance in, e.g. investigations, collection of evidence, training of officers, ensuring that the mechanism genuinely protects journalists. However a balance of power within the Group is needed, as Mexico’s example illustrates.

Furthermore, there is no one size fits all solution to all the problems concerning the safety of journalists and combatting impunity and a mechanism that has been formed may, in time, become insufficient to respond to all the challenges, wherefore thought should be given to developing additional forms and models of cooperation. On the other hand, the need to assign new tasks to the existing mechanism needs to be assessed. Mexico’s example shows that a protection mechanism in addition to the Special Prosecution Office needs to be developed, while the examples of Sweden and Italy indicate the need to develop specially tailored models of cooperation between the police and journalists focusing exclusively on risk assessments and protection measures. This is why it is expedient to consider at this point of time whether the SWG should facilitate the establishment of specific expert mechanisms with executive powers, providing the journalists with a developed system of police support in case of an attack agreed on at meetings held before notified protests. Journalists would thus benefit from the already collected data, acquired knowledge and, above all, inter-sectoral expertise, and be provided with support extended through activities preventive in character, as well as support after attacks, like the support PersVeilig extends journalists when their employers or newsrooms fail to.

It needs to be noted at the end that the above analysis failed to identify whether and to what extent the above-mentioned mechanisms focus on digital attacks and safety, whether they include gender-sensitive safety policies, and whether journalists belonging to vulnerable categories enjoy special protection. For instance, through the network of organizations protecting media freedoms, PersVeilig has the opportunity to cooperate directly with platforms and thus facilitate access to procedures for removing threatening content. Nevertheless, national mechanisms, including the SWG, need to address these (new) specific challenges directly, via the existing support structures, because these issues must not be treated as secondary.

8. Conclusions and Recommendations

General Conclusions and Recommendations:

- In the nearly five years of its existence, the SWG has, within the limits of its mandate and resources, succeeded in introducing specific operational and cooperation models tailored to the needs of both the journalists and the state and legal system for their protection. The authors of this Report have found that the **SWG has the capacity to fulfil its mandate and contribute to the initiation and implementation of more thorough and effective investigations and court proceedings in cases of crimes against the safety of journalists.**
- Since its establishment in 2016, the SWG has taken part in the implementation of numerous activities aiming to improve the safety of journalists. **Nine of the ten measures set out in the Agreement have been fulfilled.** The development of an Analysis of the relevant state institutions' communication and openness on cases of threats to the safety of journalists is the only pending measure, to be completed by the end of 2021.
- **The 2018-2019 Action Plan set out 15 activities, all of which have been completed,** although the SWG ascertained that two of them could not be implemented the way it had initially planned.
- The SWG adopted the new 2021-2022 Action Plan comprising 11 activities, the implementation of which should further improve its capacity and efficiency. Eight of the 11 activities are to be completed in 2021 and three in 2022. **The SWG succeeded in implementing the following four of the eight activities planned for 2021 by the time this Report was finalized:** (1) Analysis of Potential Amendments to the Criminal Code and Recommended Amendments; (2) Development of the Safe Journalists website; (3) Production of two video podcasts on the safety of journalists; and, (4) Preparation of the SWG 2017-2021 Activity Report.
- **The SWG has held at least 23 meetings to date,** at which it discussed the situation concerning the safety of journalists; the journalists, who were victims of the attacks, often attended these meetings in the role of guests and were thus provided with the opportunity to directly familiarize the senior representatives of the prosecution offices and the police with their cases. Given that the SWG Rules of Procedure provide for the holding of

four meetings a year, it may be concluded that a much greater number of meetings was held over the past four and a half years, which testifies to the functionality of this mechanism.

- The analysis of similar international initiatives has shown that national mechanisms protecting the safety of journalists usually comprise state and non-state actors and that such a multi-sectoral approach is necessary, because the safety of journalists is a specific social, legal and political challenge, requiring concerted action and cooperation of various stakeholders. In that sense, it may be concluded that the **SWG's design provides the requisite basis for the implementation of the set goals.**
- There is no one size fits all solution to all the challenges to ensuring the safety of journalists and combatting impunity, wherefore the established mechanism may become insufficient to address all the challenges over time. Thought should, therefore, be given to **developing additional forms and models of cooperation and entrusting the existing mechanism with new tasks.** With regard to the SWG, this might include, notably, measures aimed at preventing future attacks, as well as extension of support after the attacks, involving referral to health institutions, trauma recovery support, and potential compensation from aid funds.
- When assessing the work of the SWG to date, it is extremely important to bear in mind **that the goal of this and all other similar mechanisms protecting the safety of journalists is not to take over or replace the state structures** primarily charged with protecting journalists and punishing attacks on them. The SWG's role is to augment and strengthen those existing efforts, not replace them.

System of Contact Points:

- Notwithstanding the major importance of the fulfillment of each of the 10 measures set out in the Agreement, the **establishment of the System of Contact Points can be qualified as the SWG's greatest contribution to improving the safety of journalists.** The System of Contact Points is a mechanism facilitating the rapid exchange of information on attacks on journalists between the journalists (or their representatives in the SWG) and the representatives of the police and prosecution offices.
- The System has substantially developed over time; for instance, **the number of public prosecutors designated as contact points has grown**

from four to 115, which testifies to the state institutions' willingness to engage in improving the safety of journalists more actively than ever.

- The functioning of the System of Contact Points is now at a much higher level than when the implementation of the Agreement began and has contributed to faster and more effective police and prosecutorial response in a number of cases. However, **representatives of the media community are of the view that there are differences in the commitment and quality of response among prosecution offices and police administrations**. This is why more uniform practices should be established at all levels and in the operations of all contact points, which will also result in greater efficiency of the other stages of the proceedings, such as collection of evidence, drafting of well-founded indictments, and the identification and prosecution of the perpetrators in general.
- As per the functioning of the System of Contact Points, **journalists are often in a dilemma whether to report an attack on their safety to the relevant prosecution office**, in which case the contact points are merely notified of the report and the case in general, **or whether they should report them directly to the contact points in the relevant prosecution office or the police**. This issue apparently needs to be clarified in detail in the SWG Rules of Procedure and requires the provision of further journalistic training on the mechanism.
- Another issue that needs to be **clarified** concerns the **entitlement of contact points in press and media** associations to **request**, on behalf of the attacked journalists, **of the public prosecution office** to notify them which actions have been undertaken in specific cases; this entitlement should not be confused with requests for free access to information of public importance and usual questions by members of the press.
- According to some journalists, prosecutorial contact points have in some cases referred individuals who wanted to report an attack to the relevant prosecution office, although the Republican Public Prosecutor's Binding Guidance lays down that deputy public prosecutors designated as contact points shall be on stand-by at all times and under the obligation to take urgent actions on cases concerning the safety of journalists, and in coordination with designated contact points of the parties to the Agreement, including, the contact points of press and media associations. Therefore, the **RPPPO should invest additional efforts in the**

implementation of the new Guidance, notably, in training prosecutorial contact points.

- In some cases, journalists ignored the contact points in the relevant public prosecution offices and the MOI, and reported their cases directly to the SWG. This indicates that journalists have started trusting SWG over time and that **additional efforts should be invested in building the journalists' trust in the relevant prosecution offices.**
- In order to further improve the System of Contact Points, **the MOI and press and media associations need to forward the updated lists of their new contact points as soon as possible**, to facilitate the prosecutorial contact points' provision of information on actions undertaken in prosecutorial cases.

Records of Attacks on Journalists:

- The Sub-Group charged with analyzing the Criminal Code issued a Conclusion on the criminal offenses under the Code that may be committed against journalists. At the time the SWG was established, the view prevailed that it should focus only on crimes explicitly formulated as those committed against journalists – a total of three offenses (aggravated murder, infliction of grave physical injuries and endangerment of safety). The Sub-Group concluded that **journalists could be victims of as many as 35 criminal offenses, wherefore the scope of criminal law protection of journalists and of the SWG's work has been substantially expanded**, which is considered an important result in the implementation of the Agreement.
- The discrepancies in the numbers of attacks on journalists between the records kept by the prosecution offices, on the one hand, and press and media associations, on the other, have frequently given rise to polemics both within the SWG and in public. The RPPO thus performed a review of the prosecutorial records of cases formed in 2020 in December 2020. The review took into account the records of press associations, specifically NUNS' records of 92 incidents and UNS' records of 101 incidents. Detailed inspection of both records found that **as many as 69 incidents (52.27% of all incidents) registered by the press associations had not been reported to the public prosecution offices and that this was the key reason for the discrepancies between the prosecutorial and press associations' records.** This clearly indicates the need to report every single event that led a journalist to feel unsafe.

- According to the data in the prosecutorial register, **criminal reports/reports of 316 incidents against journalists have been filed with public prosecution offices since the SWG was set up (316 cases were formed)**. The prosecutors did not find elements of a crime prosecuted ex officio in 137 cases, whereas they found **reasonable suspicion that a crime against the safety of journalists had been committed in 179 cases**.
- **Judgements of conviction were delivered in 29** of the 316 cases, comprising all incidents the public prosecutors are aware of; 28 of the judgements are final. **The courts acquitted the perpetrators in only three cases**. Of the 316 cases, final decisions were rendered in 188 (around 60% of all cases); these decisions included a substantial number of rulings dismissing the criminal reports (73 cases) and so-called official notes in which the prosecutors found that there were no grounds for initiating criminal proceedings (62 cases).
- **Of the 179 cases in which the prosecutors found reasonable suspicion that a crime prosecuted ex officio had been committed, a penal sanction was imposed or prosecution was transferred to another state in 42 (23.46%) of the cases**; evidentiary actions, investigations, international legal assistance procedure or main hearings before the relevant courts were under way in 78 (43.58%) of the cases; the courts rejected or dismissed the indictments or acquitted the perpetrators in seven cases (3.91%); while **the potential perpetrators have not been identified in 52 (29.05%) cases**.
- As per the number of formed cases of crimes against journalists since the SWG was set up, it may be observed that **there were no substantial divergences**, apart from the visible drop in such cases in 2017. Fifty-eight incidents were registered in 2016, 38 in 2017, 57 in 2018, 61 in 2019 and 56 in 2020, while 46 incidents were registered in the first half of 2021. It is still too early to judge the trend of the crimes reported in 2021, but indications are that the new Binding Guidance and the SWG's results have encouraged a greater number of journalists and media workers to report attacks and various incidents.
- There have been no substantial changes in trends of crimes committed by either identified or unidentified perpetrators. **The vast majority of reports concerned the crime of Endangerment of Safety under Article**

138 of the CC, usually committed via the Internet, specifically social networks and news platforms. The other reports concerned, albeit to a much lesser extent, the crimes of Violent Conduct under Article 344 of the CC, Stalking under Article 138a of the CC and Causing of General Danger under Article 278 of the CC.

- On the other hand, **the NUNS database shows an increase in the number of registered incidents over the past few years.** A major rise in their number was registered in 2020, which, according to NUNS data, can be attributed to the situation caused by COVID-19, the state of emergency and the July protests in Belgrade. Verbal threats had different trends; the number of threats registered until 2016 was smaller than in 2016, when it increased slightly; after relatively similar numbers were registered for a few years, the number of threats soared in 2020 (to 50). Also, the number of assaults fell slightly after 2016 compared to the pre-2016 period; it increased slightly in 2019 (to 11) and soared in 2021 (to 23). The number of registered pressures also grew from one year to another, peaking in 2020, when 92 such cases were registered. An increase in the number of attacks on property was also registered in 2020 (14).
- The analysis of the records of the press associations (UNS and NUNS) showed that they have been applying different methodologies for registering attacks on journalists (who are members of one or the other association). The UNS has in some cases been keeping the records by incident and in others by the journalist who suffered the attack, while the NUNS has been keeping records only by the journalists. **Thought should be given to the possibility of establishing a single register of the press associations,** in which the data on the attacks collected by both associations would be kept.
- In the view of some press and media associations, some **highly sensitive cases** of threats to the physical safety of journalists, especially those working in labelled media (e.g. the case of Bojana Pavlović who works in KRIK or attacks on journalists during the protests in July 2020), have not been prosecuted adequately. The associations are of the view that it is **precisely such cases that will lay the foundations for building the SWG's strategic position in the public and facilitate the further development and strengthening of this system** for the protection of journalists

Conclusions and Recommendations Regarding International Standards

- The main principle and guiding idea emanating from international standards on the protection of the safety of journalists are based on a simple albeit difficult to achieve goal: **Prevention, Prosecution and Protection (3Ps)**. The structure and mode of functioning of various national mechanisms differs from one country to another but what they have in common is that they focus on two central problems in their work: protection of the safety of journalists and preventing impunity.
- In order to fulfil their international obligations, states should implement the applicable legal framework effectively and amend it so that they do not limit the ability of journalists to perform their work independently and without undue interference. Furthermore, **states should raise awareness of the character of attacks on journalists among judges, prosecutors and the police**, including with a strong focus on combating sexual and gender-based discrimination, and violence against women journalists, as well as the particularities of online threats and harassment of women journalists.
- **States have to react in cases of crimes threatening the safety of journalists, and ensure them effective and adequate protection.** Primarily, they are under the obligation to conduct impartial, prompt, thorough, independent and effective investigations and bring the perpetrators to justice, as well as provide both the journalists and their families with access to protection mechanisms.
- The Swedish Government commissioned experts at a university to build a knowledge center and a service offering safety related advice and support to journalists and editorial offices, and other media workers. The **SWG may wish to give some thought to cooperating with the academia and individuals whose expertise may contribute to the further development of the mechanism.**
- **The SWG should not devote too much attention to whether a crime against a journalist is related to their work, at least not during the initial stage of the investigation.** The example of FEADLE in Mexico illustrates that the initiation of the protection mechanism is greatly slowed down by excessive focus on this issue, which resulted in the prosecution of only three cases in Mexico. It would be the most expedient to first initiate the investigation and then determine whether the crime was committed because of the journalist's work.