

FREEDOM OF THE MEDIA IN SERBIA IN 2009

**Results of the Poll Conducted by the
Institute of Social Sciences
and
the OSCE Mission to Serbia**

- SUMMARY -

Poll of News Media Chief Editors

The views herein expressed are solely those of the authors and do not necessarily reflect the official position of the OSCE Mission to Serbia.

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I INTRODUCTION

In the opinion of the surveyed Serbian media chief editors, the situation regarding freedom of the media has deteriorated compared to 2008.

Direct threats against and attacks on journalists and media property have subsided but a greater number of media outlets reported being affected by restrictions on media freedoms in 2009. According to chief editors, three developments in 2009 negatively affected freedom of the media: the economic crisis, increasingly unfair competition in the media market and amendments to the Public Information Law.

Two thirds of the respondents (66%) felt that the freedom of their media outlet had been restricted in 2009 in one form or another. This represents an increase from **2008 (50%)** and **2007 (40%)**.

Economic pressures were most often quoted as the factor affecting media freedoms in 2009 - **41% of the polled outlets** reported being subjected to such pressures. The forms of economic pressure ranked by frequency of mention include: payment defaults; termination of cooperation; changes to business contracts or practice; frequent financial inspection controls.

The second way in which media freedoms were restricted involved **preventing and obstructing the work of media outlets and journalists**, notably: withholding information of public importance; granting interviews or giving statements only to selected journalists; jamming frequencies; and preventing journalists from attending events. Such pressures were experienced by **one-third** of the media outlets surveyed (36%).

The third most frequent form of pressure entailed undue **interference in editorial policy** (18%), e.g. imposing (un)desirable topics/figures for coverage, prohibiting the publication of information and staff dismissals.

A large number of media outlets reported that they were also subjected to other forms of pressure, albeit to a lesser extent: 16% were exposed to threats of physical assault, 14% were criticised in other media outlets, 11% were subjected to what they regarded as groundless lawsuits and 9% experienced attacks on their premises or physical assaults on their journalists. Around 11% of the polled editors highlighted **self-censorship amongst journalists** as a form of restriction of media freedoms.

II SAMPLE

The **sample** was comprised of **210 respondents employed in news media outlets**. The poll was conducted by e-mail in December 2009 and January 2010. Of the respondents, **71% were chief editors**, 19% media directors and 4% media owners. (6% of those surveyed did not specify their position.) Ten percent of the respondents preferred to remain anonymous (twice as many as in 2008).

The sample is **representative** of news media outlets in Serbia in terms of the **type of media outlet, regional headquarters, target audience, year of establishment and type of ownership**.

III WHO VIOLATES MEDIA FREEDOMS?

According to participants in the survey, media rights and freedoms are **most often** restricted by three groups: **authorities** (40% of the cases), **political parties and organisations** (21%), and by **economic actors** in their capacity as advertisers (21%). This indicates that political interests dominate relationships between power centres and the media.

Frequencies of media freedom violations suggest that **political forces resort to economic pressures on the media to a great extent**. In a **quarter of the cases** (24%), **economic pressures were exerted by government bodies or political parties**.

Editors **complain more often** about threats and pressures exerted by **individuals** (11%), and by **criminal** (7%) and **ideological** (6%) **groups than by the owners of media outlets** (3%).

IV ASSESSMENTS OF THE PRACTICAL ENJOYMENT OF MEDIA FREEDOMS

Two-thirds (64%) of senior media staff **negatively assessed the state of media freedoms** and rights of journalists in Serbia in 2009. Of them, most (58%) believe **there are serious obstacles** to the enjoyment of media rights and freedoms in Serbia, while 6% are even more critical and opine that **there are absolutely no conditions** for enjoying these rights and freedoms in practice.

Only one of the 210 persons surveyed (an anonymous editor of an Internet media outlet) is of the view that media rights and freedoms are **fully enjoyed** in practice.

A **quarter** of the respondents (28%) are of the view that the freedom of the media is jeopardised by **sporadic incidents**.

The results are similar to those obtained in 2008 - with variations in either direction differing by 2-3 per cent. In 2008, 61% of those surveyed were of the view that there were serious obstacles to the enjoyment of media freedoms, 29% believed that media freedoms were jeopardised only by sporadic incidents, 3% thought that the freedoms were fully enjoyed, while 4% were of the opinion that there were no conditions for enjoying media freedoms in practice.

V ATTACKS ON MEDIA FREEDOMS AS A SOCIAL PROBLEM

The vast majority of those surveyed - **88%** - believe that attacks, threats and pressures on media and journalists are either **a very serious** (43%) or **a fairly serious** (45%) **problem** in Serbian society.

One out of 17 surveyed (6%) is of the view that the existing attacks, threats and pressures on media and journalists are not too serious a social problem.

The polled **editors have a poorer opinion** of the general state of media rights and freedoms than they did in 2008. The number of those who think that attacks, threats and pressures on media and journalists are a “very serious” problem has increased (by 11%), while fewer now qualify them as a “fairly serious” (8%) or “not too serious” (4%) problem.

VI

WHAT THE STATE OF MEDIA FREEDOMS DEPENDS ON

When asked to select three factors which most affected media rights and freedoms in 2009, the majority of respondents chose mainly **economic factors**.

Thus, **58% of respondents** cited the **general economic crisis** as the factor that had most impacted the state of media rights and freedoms. Almost as many (57%) respondents listed the **social context in which the media operate**, i.e. transition, political relations, society's value system, etc. The social context in which the media operate was highlighted as the chief factor in 2008; in 2009, this **was modestly superseded by a new factor, the general economic crisis**.

The respondents also singled out **two other decisive economic factors: persistent unfair competition (36%)** and the **inherited economic status of the media outlets, i.e. disposable resources, amount of taxes, employees' wages, etc (27%)**. Unfair competition is associated with the existence of **a large number of illegal broadcasters** and with continuing **state ownership of media outlets and the presence of state capital in them**.

One-quarter of those surveyed (23%) are of the view that the social status of the media - regulation, relation of economic and political power centres to media activities, etc., affects the state of media freedoms; none of the other factors was perceived as important.

Media professionals are of the view that **journalists' professionalism does not significantly affect the state of media freedoms**. Professionalism (educational level, respect for professional and ethical norms, degree of self-censorship, etc) was qualified as a significant factor by **three times fewer** respondents in 2009 than in 2008 (16% in 2009 *vis-à-vis* 47% in 2008).

VII

CONSEQUENCES OF THE GENERAL ECONOMIC CRISIS

Only one of the 210 respondents (0.5%) is of the view that the economic crisis **did not entail consequences** of relevance for media freedoms. Others qualified the effects as very significant. The following two consequences were most often cited: a) an increasing **feeling of insecurity amongst journalists, apathy and lack of initiative to report on "sensitive" issues** - quoted by almost half of the respondents (48%), and b) **a reduction in volume and diversity of production** due to lower revenues - also listed by nearly half of the respondents (46%).

The crisis has led to the **downsizing of staff** (both full-time and freelancers) in **one-third** of the surveyed media outlets (39%). According to 35% of surveyed editors, the **volume of investigating journalism** was also cut.

Seventeen percent of the media outlets experienced a reduction of professional staff. Fourteen percent of the editors said the economic crisis made them feel more susceptible to pressures exerted by the authorities and economic power-wielders/advertisers. Around 11% of the respondents cited as an effect of the economic crisis journalists' **greater proneness to self-censorship** in reporting on topics.

VIII

MEASURES THAT WOULD HELP MEDIA OUTLETS OVERCOME THE CONSEQUENCES OF THE ECONOMIC CRISIS

Nearly half of the editors believe that if the following **two measures were taken by the state**, it would help media outlets **overcome the consequences of the economic crisis**, positively impacting on media freedoms and journalists' rights: a **tax cut** (VAT, taxes and contribution dues for freelancers). This measure was mentioned by 47% of the respondents; **shutting down illegal broadcasters**, the importance of which was highlighted by 45% of the respondents.

Over 40% of the editors would also welcome a **copyright fee cut** (44%) and **direct funding of media projects** (41%).

Other measures that the state could take gained far less support. Cutting the broadcasting licence fee was selected by less than one-third of the respondents (29%), while less than one-quarter (23%) opted for favourable credits for media outlets. Only **7% of editors voted for amending the Law on Advertising**, e.g. abolishing the prohibition on advertising sales of wine, beer, et al.

IX REASONS BEHIND ATTACKS ON THE MEDIA

Chief editors claim that those attacking and pressuring the media justify their actions mainly on political and economic **grounds**, i.e. they perceive the media as jeopardising their economic and political interests.

The general **economic crisis** is quoted as the reason for the attacks and pressures by one-quarter of **respondents** (25%).

Another **quarter** of the cases is ascribed to the media outlet's **politically biased editorial policy** (13%) and the **complex political situation** (12%). Complaints of attacks on a media outlet on the grounds of its allegedly **unpatriotic editorial policy**, which were frequently listed as the reason behind pressures in 2008, (above all with respect to reports on Kosovo's declaration of independence as well as on presidential and parliamentary elections), have more than halved (from 23% to 10%).

The reasons for attacks on media mentioned above do not constitute grounds for legal measures against media outlets. Respondents quite rarely quoted those that do. In the editors' view, 10% of the attacks were motivated by violations of the rights or interests of a person and 8% were triggered by inaccurate reporting.

X MEASURES TO PROTECT JOURNALISTS FROM VIOLATIONS OF RIGHTS AND FREEDOMS

When their rights and freedoms are violated, media outlets do not often take highly active measures. **In one quarter of cases (25%)**, managers **did nothing** after the attacks, threats or pressures they had been exposed to. Their **most frequent reaction** was to **inform their audience** of the incident (25%).

Those surveyed opted to report **the incidents to professional organisations** to a lesser extent (19%) **and even less to the competent state authorities** (16%).

Individual outlets also took the following steps: organised protests or petitions in support of the outlet (4%); alerted international organisations (2%), launched negotiations with the management; sought help from the local authorities, etc.

XI EFFECTS OF ATTACKS ON THE MEDIA

Chief editors claim that, **in one-third of the cases** (36%), threats and pressures **did not result in any changes** to the reporting of their media outlets or to the conduct of their journalists.

In 18% of the cases, changes took the **opposite direction that the perpetrators intended** to provoke: the media reported on the topic that led to the attacks to an even greater extent than before and with greater commitment.

Attacks, threats and pressures have, however, had **undesirable consequences** in quite a number of cases (37%) - media focus less on problematic topics, specific figures and organisations (13%); some journalists avoid “sensitive” topics (9%) or apply greater self-censorship when reporting on such topics (15%).

XII WHO WILL MOST ADVANCE MEDIA FREEDOMS IN 2010?

Most of the respondents (57%) are of the view that the **media themselves, i.e. their journalists**, will play the chief role in advancing media rights and freedoms **in 2010**, while 42% think that this role will be played by **professional associations** and organisations.

One-third (34%) think that the state of media rights and freedoms will depend most on the **conduct of the advertisers**, while another **third** (34%) attribute such influence to **state authorities**.

Much less influence is ascribed to media owners (21%), civil society (14%) and the least to foreign actors (12%).

XIII HOW AMENDMENTS TO THE LAW ON PUBLIC INFORMATION WILL AFFECT MEDIA FREEDOMS

Only **2% of the respondents approve of the amendments to the Law on Public Information** adopted in 2009. One-third of those polled (32%) think that they will have **adverse** effects on the enjoyment of media rights and freedoms, while another third (34%) think they will **not have a significant impact**. Nearly one-third of the respondents (31%) did not state their view of the amendments to the Information Law, while 1% qualified the effects of the amendments as simultaneously positive and negative.

The respondents who qualified the legal amendments as **negative** maintain that they **diminish journalists' rights and freedoms**, narrow the scope for their normal work, especially for investigative reporting, that “they protect criminals more than journalists”, that they “encourage peremptory individuals” and that they will result in an even greater number of lawsuits against journalists. **Most of the negative comments concern self-censorship**. The respondents are of the view that the amendments will result in the “flourishing” of self-censorship, i.e. that they “introduce”, “directly impact on”, “force one to [engage in]”, or “increase” self-censorship. Quite a few of the respondents say that the new fines for violating the Law are draconian and **threaten to shut down or “silence” disagreeable media**. Many of the negative comments refer to the **motives for amending the Law**, which they qualify as “**wrong**” i.e. as “a showdown with specific media” and an attempt by “certain individuals” to silence the tabloid press.