

FREEDOM OF THE MEDIA IN SERBIA IN 2010

**Survey conducted by the Media Studies Department, College of Philosophy of
the University of Novi Sad, and the OSCE Mission to Serbia**

- SUMMARY -

Results of the Poll of the Chief Editors of News Media Outlets

*The views expressed in this report do not necessarily reflect the views of the OSCE
Mission to Serbia*

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1. INTRODUCTION

The “Freedom of the Media in Serbia” survey, initiated and supported by the OSCE Mission to Serbia Media Department, has been conducted annually since 2007. It is based upon a standardised questionnaire, which is adapted yearly to reflect the current socio-political context. As a multi-ethnic and multi-lingual community, Serbia is tasked with encouraging the work and development of media in the languages of the ethnic communities. The 2010 questionnaire devotes greater attention to these media outlets than its predecessors. The 2010 survey was conducted by associates of the Media Studies Department within the College of Philosophy of the University of Novi Sad.

According to most of the respondents (84%), violations of media freedom were a serious problem in Serbia in 2010. Over half of the polled outlets (64%) doubt that media can operate normally, independently from various pressures.

The problems affecting Serbia’s media stage in 2010 were similar to those faced in previous years: incomplete media legislation, absence of a media strategy, lack of ownership transparency, unfinished transformation of ownership, lack of media professionalism, impoverishment of the media sector, assaults on journalists, politicisation of the media and predominance commercialised media over quality electronic and print outlets.

The questionnaire and cover letter were e-mailed to a sample of 480 media outlets addresses. As many as 86 outlets refused to take part in the survey. Although some of them were explicit, most of them implicitly refused to take part, under the explanation that they did not have the time or the consent of their management or owners to take part in any polls. This phenomenon was registered in the *Media Freedom in Serbia 2008* survey as well, even in some of the same media.

The survey entailed the polling of two main groups of respondents – the *owners, chief editors and journalists of media outlets* in Serbia and the *media professionals and journalists* in Serbia and neighbouring countries. Within the first group, the questionnaire was completed by 131 outlets (just over a quarter of all media contacted). The second group of respondents comprised of eight university lecturers and three journalists. The number of respondents totalled 142.

2. VIOLATIONS OF MEDIA RIGHTS AND FREEDOMS

QUESTION: Were the rights and freedoms of your media outlet and/or journalists violated during the period 1 January - 31 December 2010?

Ten variables were offered in response to this direct question. According to the response data, the media were under the greatest pressure from economic power centres in their capacity as advertisers (18%). In general, pressure took the form of obstruction of their

work (17%), interference in their editorial policies (10%) and accusations and criticisms voiced against them in other outlets (10%). Self-censorship remained an issue in 2010 as well (12%), through indication that journalists did not feel protected and stayed away from topics which they anticipated would cause them problems.

The responses from media working in minority languages differed. Insistence on reporting on the work of the national minority councils was recognised as putting pressure on outlet's editorial policy in 13% of the cases. A high percentage of these outlets also referred to groundless lawsuits against journalists (25%) and physical assaults on journalists (13%). These results indicate that non-majority ethnic communities are more prone to reacting to reports by media in their native languages, because a total of 38% of direct threats to journalists were identified in responses to this question.

The polled local media outlets listed economic pressures (21%) and obstructing and hindering their work (16%) as their direct problems in 2010.

The results of this survey may lead to the conclusion that pressures take the form of implicit "obstruction of work" in more economically successful communities, as opposed to direct economic conditioning, which is present to a greater degree in the poorer municipalities.

QUESTION: Who violated the rights and freedoms of your media outlet and/or journalists?

Over half of the media outlets (67) said that there had been no violations of their media rights and freedoms in 2010. The remainder were of the view that their rights and freedoms were violated by the authorities, both national and local authorities (30), political parties (24), media owners (10) and economic power-wielders (10). Criminal circles and religious figures were at the bottom of the list (each of these variables were selected by only 2 media outlets).

The rights and freedoms of minority language media were equally violated by members of the national minority councils and political parties.

QUESTION: In the cases you have mentioned, what were the reasons those who pressured, threatened or attacked you gave for such conduct towards your media outlet/journalists?

Thirty-five of the respondents listed the economic and political situation as the most frequent reasons for the pressure, threats or attacks on their outlets and journalists, while a much smaller number cited disapproval of editorial policies as the reason for such conduct (16 media outlets marked the two variables related to this issue). Twenty-five media outlets listed inappropriate reporting (two variables) as the reason. Only two media outlets said that the journalist's ethnicity was the reason behind the pressures, threats or attacks.

QUESTION: Have you taken any steps to protect your rights and freedoms in any of the listed cases from 1 January to date?

Nearly half of the surveyed media outlets (43%) emphasised that they had not been exposed to any attacks, threats or pressures (42% radio stations, 36% TV stations, 48% print media). Most of the media that had encountered such problems (17%) did nothing about them and only 1% organised a protest. According to the respondents, public reaction to pressure is not the way to defend media freedoms in Serbia.

The survey results demonstrate that the polled media in Serbia, irrespective of who owns them, where they are headquartered or who their target audience is, rarely take any steps to protect their rights and freedoms. Those that decided to react usually reported the case to the relevant authorities. This relates to the 13% of the outlets that said their reaction had yielded specific results.. However, 30% of the outlets stated that nothing had changed in the way their journalists worked after they or their outlet had been exposed to pressure, threats or attacks, while only 13% said that the level of self-censorship among their journalists had increased.

QUESTION: The recent amendments to the Criminal Code increased the penalties for crimes against journalists and media. In your opinion, what other specific measures can be taken in the immediate future to advance media rights and freedoms in Serbia the most?

This question aimed at establishing what the respondents thought should be done to promote media rights and freedoms in Serbia. The vast majority of the respondents (126) think that the efficiency of the judiciary and the police would be help them the most.

3. ASSESSMENTS OF MEDIA FREEDOMS

The majority of the respondents (86%) qualified violations of media freedoms as a serious problem in Serbia in 2010. A comparison of the answers to this question with the answers to all the prior questions brings a discrepancy to the fore. A high percentage of the respondents positively responded to this question in principle. However, when the questions were personalised and focused on their outlets, they were more neutral in their selection of the offered variables and in many cases opted for the variable “there were no violations...” In her book “Radio Interviews” Dubravka Valic Nedeljkovic, recognizes this strategy as the articulation of a socially desirable view when one is talking in principle and the refutation of this view in principle when one goes into individual cases (above all, when one speaks from personal experience).

QUESTION: In your opinion, what affected the state of media rights and freedoms in Serbia in 2010 the most?

Most of the polled media circled the general economic crisis and the social context in which the media were operating in response to this question. Radio stations by and large opted for the economic crisis, the TV stations attributed equal blame to the economic crisis and the persistence of unfair competition, while the print media mostly highlighted the social context in which the media operated.

QUESTION: What were the worst effects of the economic crisis on your outlet have impacted on media freedoms and the rights of journalists?

The media outlets were asked to circle up to three of the offered 18 variables. Most outlets opted for variables grouped under the common denominator “lack of human resources” which an outlet must have if it is to provide quality self-produced content that distinguishes it from others in the media market. Each impinges on the other, as the respondents clearly recognised in their own media practice.

For instance, 41 media outlets identified staff depletion as a major problem brought on by the salary cuts they had to make because of the economic crisis. Fifty-one media outlets highlighted the feeling of insecurity amongst the journalists, which has resulted in their apathy and lack of initiative to report on “sensitive” subjects; 54 media outlets stressed that they had to cut the number of their regular contributors and occasional freelancers due to the economic crisis. As far as content is concerned, 55 media outlets noted that the economic crisis directly resulted in the decrease of investigative topics, while as many as 62 media outlets stated that it had forced them to reduce their news production and diversity of content.

QUESTION: Which social events, that you have covered, triggered the greatest number of interventions by social actors and interferences in the independence of your outlet's editorial policy?

A large number of the polled media (57) said that there had been no interventions in their coverage of events. Forty-five of them qualified election campaigns at different levels as critical events when it came to reporting. The degree of democracy and professionalism of a media outlet is always put to test during an election campaign. Pressures, both explicit and implicit, on the media are always the greatest at such times, as demonstrated by the surveys conducted by the Novi Sad School of Journalism and entailing the monitoring of the Vojvodina public broadcaster in the 2006-2010 period.

When answering on this question, the Vojvodina media outlets identified the following three events as those when they came under pressure: “local elections”, “elections of the national minority councils” (the most frequent finding among minority language media) and reports on “assembly sessions”, just like the media outlets in the rest of Serbia, albeit the latter did not include “elections of the national minority councils” among critical events.

QUESTION: *What state measures would most help your outlet overcome the effects of the economic crisis impacting on media freedoms and rights of journalists?*

The polled media outlets were asked to indicate three variables with most opting for cutting the VAT, taxes and contributions (57), direct funding of media projects (52) and cutting the licence fees (42 outlets). They also selected the combating of piracy (37), lowering copyright fees (39), offer of favourable loans (20), etc.

Only six media outlets considered that the state should not support media in any way because it presents direct interference in editorial policy. This reveals in the best way the bad financial situation in media, because almost all respondents see some kind of state aid as the only chance for survival, whereas practically do not believe in market competition.

4. LEGISLATION AND THE MEDIA

The set of questions regarding the legislation and the media dealt with specific amendments to media laws and their potential impact on media freedoms and included a question on the vision of the development of Serbia's media sector until 2016. In their answers to these questions, the respondents showed either that they knew little about the issues or that they were not in their focus any longer. Over a third of the respondents said that they could not assess the impact, while another third (in one case, even one half) said that they would "not have major impact". The third question regarding the media strategy elicited the same treatment by the respondents. One third had no view, one third could not assess its impact, while the remaining third thought that such a strategy would not have a major impact on the exercise of media rights and freedoms.

A very fierce, long and controversial debate on how the amendments to the *Public Information Law* would limit the freedom of expression and the media ensued during the adoption of these amendments by the National Assembly in 2009. At its 31st regular session on 22 July 2010, the Constitutional Court found that specific provisions of these amendments were not in compliance with the Constitution and ratified international treaties. The results of this survey demonstrated that the media had not been sufficiently informed about the Court decision, because as many as 52% of the polled radio stations, 41% of the polled TV stations and 45% of the polled print media were unable to assess whether the Constitutional Court decision impacted on their freedoms.

One important issue covered in this set of questions regards the failure to vet the journalists and media, i.e. the attempt to rectify the "omission to act" during the first decade of the 21st century. Namely, the survey asked the respondents the following question: "*Will the criminal report of the Independent Journalists' Association of Serbia (IJAS) filed with the War Crimes Prosecution Office against responsible persons and journalists charging them with "the crime of organising and inciting the commission of genocide and war crimes in the 1990s" impact positively or negatively on the exercise of media freedoms and rights of journalists?*".

Media in Serbia have never been vetted. Those who violated the professional code of conduct during the conflicts in the former Yugoslavia possibly went to work for another outlet for a short while or left the profession only to return in the mid-2000s, and some were even appointed to editorial positions. The fact that as many as one third of the respondents did not have a view on whether the IJAS criminal report would affect media freedoms and the rights of journalists needs to be viewed against this background. The survey results indicate that the IJAS initiative had been launched too late.

5. NEW TECHNOLOGIES

Digitalisation and Internet publishing are challenges that media in Serbia is responding to in accordance to their competences and their capacities (the number of employees, their skills and available technical equipment).

The public is insufficiently informed about digital terrestrial TV broadcasting, particularly since the date for the switchover from analogue to digital broadcasting (4 April 2012) was set back in 2009. TV journalists also have limited knowledge about the opportunities digitalisation offers TV stations and the change of perspective on the production of TV content. This survey implicitly confirmed this hypothesis because the following question: “*Will the digitalisation of terrestrial TV broadcasting in Serbia, to be launched as of April 2012, affect the exercise of media freedoms and the rights of journalists?*” mostly elicited the following responses: “I cannot assess” or “Not substantially”.

The poll ended with the following question: “*Which social actors do you expect to play the main role in advancing media freedoms and the rights of journalists in 2011?*” The respondents selected outlets and journalists, notably, professional associations, i.e. themselves; 84 of them opted for those two variables. The civil sector did not win the expected trust. Only 17 outlets marked non-government organisations as champions of media freedom, while nearly twice as many (33) recognised the state as an important factor in advancing media freedom and the rights of journalists.

6. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS TO IMPROVE PRACTICE

According to most of the respondents (84%), violations of media freedom were a serious problem in Serbia in 2010. Over half of the polled outlets (64%) doubt that media can operate normally, independently from various pressures.

This survey showed that the respondents expressed what is called “a general opinion” (e.g. “media are not free”) when they were asked a general question, but that their answers to questions focusing on their personal experiences were more neutral and that they in many cases opted for the offered variable “there were no violations...”

The general economic crisis and the social context in which the media are operating affected the state of media freedoms the most. The effects of the economic crisis have above all impacted on human resources, with staff having left the media sector and moved into other professions.

The polled media did not show any interest in several important issues, such as the impact upon media freedom of the Constitutional Court of Serbia decision on the unconstitutionality of the amendments to the Public Information Law; the IJAS criminal report to the War Crimes Prosecution Office against responsible persons and journalists “for the crimes of organising and inciting the commission of genocide and war crimes” in the 1990s; or the design of Serbia’s media strategy.

The de-politicisation of the media sector and the consistent enforcement of the law and the media strategy would contribute to greater media freedom the most.

The completion of the transformation of ownership, with emphasis on the prevention of prohibited media concentration for which transparency of ownership is indispensable, is a priority task which will definitely impact upon freedom of the media. The adoption of the *Law on Prohibited Concentration and Transparency of Ownership of Media Outlets*, which has undergone a public debate in 2010 but still has not been submitted to the Assembly for adoption, is one of the priority prerequisites for enhancing media freedom in Serbia.

Media freedom would also benefit from improving the professional standards of media workers and introducing media literacy at all levels of the education system to raise awareness of the relevance of public information for the democratisation of society.