

III MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

In the period covered by this Report, the Parliament of the Republic of Serbia did not pass any regulations of relevance for or with implications on the media sector. However, amendments to the Criminal code were announced, which could have an effect on the media.

1. The Criminal Code

State Secretary in the Ministry of Justice, Slobodan Homen, announced that the amendments to the Criminal code, which are expected to be passed in early autumn, provide for the decriminalization of libel and slander. The purpose is, among other things, to alleviate the pressure on the media from many high fines that are putting their survival at risk. „Removing libel and slander from the Criminal code is extremely important for journalists and media, which are often exposed to claims“, Homen said, noting that those who feel they have been slandered and that they have suffered damage as a result, will still have the opportunity to claim for damages in litigation proceedings. The existing Criminal code of the Republic of Serbia provides only for a fine both for slander and libel, since the threat of a prison sentence was revoked with the amendments from 2005. The Journalists' Association of Serbia (UNS) and the Independent Journalists' Association of Serbia (NUNS) have welcomed the announced scrapping of slander and libel as criminal offenses from the Criminal code. The decriminalization of slander and libel is extremely important for the development of civil rights and freedoms and especially for journalist, which have in the recent years been exposed to a real epidemics of lawsuits and excessive damage claims that are putting their very survival at risk, NUNS said in a press release. The association believes that decriminalization of slander and libel will be a major step forward towards the expansion of freedom of information in Serbia. UNS on the other hand reminded that journalists have been sentenced, according to applicable Criminal code provisions, even when they had been merely transmitting official press releases of government bodies and statements made by state officials, which didn't bear any responsibility since they are protected by immunity.

The decriminalization of slander and libel would definitively represent a major step forward towards the protection of freedom of expression in Serbia. While the advances made in 2005, with the revoking of prison sentences for libel, were more symbolic in nature, since such sentences weren't seen for decades in Serbia's case law, not even in the times of worst crackdown on the media during the nineties, today they have been replaced by fines. However, the decriminalization of libel itself will not suffice if there is no change as to the civil responsibility for damage suffered and especially in the practice of courts in litigation

proceedings over publicly made statements. As it could have been observed through our prior reports, the number of sentences against journalists and media for damages far exceeds the numbers for sentences pronounced for libel. What's more, the amounts of damages to be paid, that are often pronounced by the courts too easily, typically exceed the amount of fines for libel.