



LEGAL MONITORING OF THE SERBIAN MEDIA SCENE

Report for December 2014





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SUMMARY AND CONCLUSION OF THE ANEM LEGAL MONITORING REPORT No. 59

-SERBIAN MEDIA SCENE IN DECEMBER 2014-

The month of December on the Serbian landscape was marked by several events pointing to an increasingly worrisome lack of transparency at all levels of government, which undermines the capacity of the media to make available to the citizens information helping the latter to make life decisions, as well as to open the space for public debate as the foundation of a free and democratic society (the above being the basic function of the media in democracies).

Firstly, the Commissioner for Information of Public Importance and Personal Data Protection had to address the citizens twice pointing to problems related to the accessibility of information of public interest concerning large infrastructure projects, such as the South Stream pipeline or the Belgrade on Water project. The fact is that no Serbian government since 2000 has acted transparently. However, the Law on Access to Information of Public Importance has been in effect for 10 years now; under that Law, the government is obligated to make information of public interest accessible to the citizens, with a limited number of exceptions. Furthermore, the current government loves to present itself as more pro-European and pro-reform than its predecessors, raising legitimate doubts about the transparency of its own affairs.

Making things even worse is the trickledown effect of the opacity of the highest bodies of government concerning large infrastructure projects on the lowest government authorities (local governments and public and state companies and institutions) exacerbating the problem even further. Hence we have the situation where, on one hand, the Commissioner for Information of Public Importance must make a special report (in addition to the mandatory annual report) on the enforcement of the Law on Access to Information of Public Importance in state companies, in order to draw the attention of Parliament to the “disturbingly poor attitude of a significant number of state companies towards their obligations under the Law”, as well as to the “harmful consequences of such an attitude for human rights and the authority of the Law” and also to cases described herein, such as those in Odzaci and Sokobanja.

In the first case, the journalist Radoslav Medic was issued a decision saying he was redundant in the local public radio station in Odzaci he had been working with for the last 30 years. His layoff was the epilogue of reporting about the decision of the local government to relieve a chemical factory of payment of the environmental tax, which meant two million dinars less in the local budget at the annual level. In Sokobanja, the representative trade unions of the Special Hospital for Non-Specific Lung Disease have declared the Editor of the RTS correspondent office in Nis Dragana Sotirovski a persona non grata in that institution. Sotirovski has been victim of various threats and pressures since November 2013, when she started investigating the embezzlement by the Director of the Special

Hospital “Sokobanja” Liljana Isakovic. In her stories aired on RTS, the reporter claimed Isakovic had been the Director of the Hospital for the last 12 years, despite the fact that the Articles of Association of the institution prohibit the same person from occupying that position for more than eight years. It was also claimed that she had employed her daughter and son in the hospital, enabling them to undergo professional development at the hospital’s expense, due to which the Anti-Corruption Agency recommended her dismissal. A total of eleven misdemeanor charges were filed against Isakovic in the last few years, under which the Hospital was fined a total of 900 thousand dinars. Criminal charges for abuse of office were filed against Isakovic a year ago with the Basic Prosecutor’s Office in Aleksinac and twenty employees in the Special Hospital obtained whistleblower status, as a protective measure due to their revelations about corruption in their institution.

There are also positive developments. More specifically, with some of its decisions, such as the one in the case of Mica Jovanovic, the owner and former Rector of the Megatrend University against the “Svedok” magazine and its Editor-in-Chief Vladan Dinic and journalist Milivoje Glisic, the Appellate Court in Belgrade continued to steer jurisprudence in media disputes in the direction of conforming to the highest international standards and the jurisprudence of the ECHR in enforcing Article 10 of the European Convention on the Protection of Human Rights and Fundamental Freedoms. Also, the Regulatory Body for Electronic Media (REM) has held a public debate on the draft versions of three rulebooks – the Rulebook on the Criteria for Making a List of Most Important Events and Exercising the Right to Access to these Events, the Rulebook on the Protection of Rights and Interests of Minors in the Area of Provision of Media Services and the Rulebook on the Pronouncing of Measures to Media Services Providers. This is the first time since the establishment of the Independent Regulatory Body for Broadcasting (now for Electronic Media) that the content of a general act is subject to a public debate, which undoubtedly constitutes a major step forward towards more transparent regulation in the sector of electronic media.

A serious positive development is also the fact that, after the consent given by the Government of the Republic of Serbia, the new price list for the services of the Public Company Broadcasting Technology and Links (JP ETV) has been formally adopted. The price list contains for the first time the prices of services in digital broadcasting, which practically means that the television stations in Serbia will, at last, be able to plan their budget and expenditures more reliably, after switching to digital broadcasting. In the initial two-year period at least (during which ETV will grant a major discount of up to 80% to regional and local stations) the prices will not exceed the costs hitherto incurred by these same stations for analog broadcasting, which is definitely good news.

This creates the awkward situation where transparency of sectorial regulation is improved, as well as that of the economic conditions for the business of media. On the other hand, the transparency of the public administration, as the source of information of interest of the public, which the media should be releasing in order to accomplish their societal function in a democracy, is not only lagging behind, it’s

being obstructed. The only conclusion we can draw is that transparency may not be dealt with partially. The fact that the relationship of the media and the line Ministry or the competent regulatory bodies has been improved is good news. However, as long as journalists keep losing their job for reporting about the decisions of local authorities or business operations of public institutions (such as Radoslav Medic in Radio Odzaci) and as long as they are declared undesirable (such as Dragana Sotirovski in the Special Clinic “Sokobanja”) and until information about major infrastructure and other state projects are being concealed from the public, the realization of the elementary function of media in a democracy – to make available to the citizens information necessary for the adoption of uniform decisions and open the space for public debate about matters of public interest – will remain a serious question mark.

The full ANEM Legal Monitoring Report No. 59, for December 2014, is available in Serbian on the ANEM website [here](#).