

Snjezana Milivojevic

Media System in Serbia

According to UNESCO Media Development Indicators

Summary

Republic of Serbia has a population of 7 120 666 and 5268 \$ GDP per capita (World Bank GDP Ranking 91 out of 190 countries). According to the UNDP *Human Development Index* the rank is higher (59), while *Development Index* places it as 65th out of 167 countries. By its overall score (6.33) it is classified in the group of „flawed democracies“. In terms of press freedom, Freedom House classifies Serbia as *partly free* with an overall score of 33, which is a slight improvement compared to 2009 (score 39).

Republic of Serbia is a parliamentary democracy with the President of Republic directly elected by a popular vote. During the past twenty years, the country has passed through several changes which influenced its constitutional order and international position. After the break up of SFR Yugoslavia, a new state SR Yugoslavia was formed, which transformed into the State Union of Serbia and Montenegro, and finally, after the independence of Montenegro, Serbia also became an independent country in 2006. Politically, this period was marked by a clear distinction between a non-democratic regime (1990-2000) and period of democratic transition (2000-). During the 1990s freedom of expression and media freedom was severely limited and frequently violated. The repression culminated with the adoption of Public Information Act passed by the Parliament in 1998. It was an unconstitutional document and its main purpose was political control of the media. Broadcasting regulation, and especially licensing regime of the period, was repressive and arbitrary and mostly served to favor media supportive of the regime. Other, independent or critical media, were forced to operate illegally and were quite often closed down. Commercial channels began

to operate under those irregular conditions, and due to 'savage deregulation' resulted in a hectic media scene with almost 1500 media.

CATEGORY 1: SYSTEM OF REGULATION

After democratic changes in 2000, professional associations, experts and civil society organizations initiated media changes and actively contributed to preparation of two basic media laws, The Public Information Act (2002) and The Broadcasting Act (2003). This pressure and active involvement of civil society continued throughout the decade. Unfortunately, combination of inadequate laws, delayed privatization and contradictory regulation produced an inconsistent normative framework and saturated media market with many unsustainable media outlets.

Freedom of expression is guaranteed by the Constitution (2006) and further protected by two basic media laws. Both laws have been amended several times since adoption and are currently under review to be thoroughly revised. The Public Information Act relates to freedom of expression and media freedom, defines rights and obligations of all participants in public communication and provides protection of sources of information. Broadcasting Act regulates dual broadcasting system, licensing procedures and functioning of broadcast media in accordance with international conventions, establishes the public broadcasting system and the Republic Broadcasting Agency as an independent regulatory body. Other laws partly related to media and journalism are: Law on Free Access to Information of Public Importance, Law on Advertising, Criminal Code (criminal acts of defamation and offence), Obligation Law (violation of reputation and honor, and compensation of material and immaterial damage), Law on Local Government, Capital City Law etc.

This constitutional and legal framework provides a solid normative basis for media development. However, in practice, there are numerous cases of restrictions of freedom of expression, especially through the influence of political

elites, state institutions that limit journalists' rights or freedom of the media, through court's decisions and impact of economic lobbies. Also, court's decisions in lawsuits against journalists, editors and media according to defamation and offence and violation of reputation and honor often do not comply with international standards.

The government often lowers the achieved degree of freedom of expression through subsequent amendments to adopted laws. The most recent case happened with the Public Information Law in 2009. when series of amendments introduced severe fines for nonprofessional behavior in the media, particularly in the area of presumption of innocence and the rights of minors, as well as some business restrictions. The official justification was to stop the atmosphere of 'lies, defamation and threats' spread by especially aggressive tabloids. But it caused serious public criticism and most of the amendments were rendered unconstititutional afterwards (Constitutional court rulings in 2010 and 2011). This debate was the decisive impetus behind the new wave of regulation initiated in september 2011. by adoption of *Strategy of media development till 2016*. Earlier, Ministry of Culture agreed to initiate a joint initiative with media associations and international organizations to strategically reconsider media development as well as media policy. The document includes Action plan which defines measures and legal changes that the state is expected to undertake within the next five years. Major obligations include state withdrawal from media ownership (within 18-24 months), control of the State aid law and harmonization of the media framework with the *Acquis Communautaire*.

In december 2009 Serbia applied for membership in the European Union and it received a membership status at the EU summit in march 2012. The Resolution of the European parliament supporting Serbian integration indicated problems that the media face and called the government to respect media freedom and to undertake measures against media concentration, to increase transparency of ownership and nondiscriminatory access to advertising market and state advertising funding.

CATEGORY 2: MEDIA PLURALISM AND DIVERSITY

Serbia has a saturated media market and according to IREX still the highest ratio of media per capita. There are approximately 500 print media (20 daily papers, 83 weeklies, 6 byweeklies, and 72 monthly publications) 186 radio stations, 96 TV channels and 90 online publications. Serbian Business Register Agency (for the printed press) and Broadcasting Council (for the electronic media) feature different data indicating existence of many pirate and unsustainable media, as well as nontransparent ownership and financial basis for most of the media outlets.

Some large media outlets are still owned or controlled by the state (e.g. Tanjug, Politika, and Vecernje novosti), local governments and national councils of national minorities, which directly affects their editorial policy. The ownership of large commercial media is not transparent and it is suspected that economic and financial lobbies, usually connected to the biggest advertisers, influence the media in many hidden ways. In a recent report the Anti-Corruption Council of the Serbian Government stated that out of 30 most important media, 18 are with nontransparent ownership. Their real owners are not publicly known due to presence of many offshore companies in their ownership structure. These findings were confirmed recently when a major businessman publicly announced ownership over major newspaper Vecernje novosti although it was not visible from the official state records. The other publicly debated case is the recent change of ownership of two major commercial TV channels TVB92 and TV Prva. There were publicly raised concerns of both nontransparency and possible concentration in the hands of the same owner, although the Broadcasting Council had no objections in either case.

Media pluralism is significantly limited because there are no efficient legal provisions relating to the prevention of media concentration and transparency of media ownership. Law on Transparency of Media Ownership was drafted in 2007. but its adoption procedure has never started. Media ownership is one of the

major media issues in the country, with the state still being a significant owner and nontransparent ownership of commercial media. It is expected to be the major area of policy concern for the next wave of media regulation.

CATEGORY 3: MEDIA AND DEMOCRATIC DISCOURSE

Media market in Serbia is very competitive and supported by insufficient funding which has serious consequences for both quality and diversity of media output. Total advertising market in 2011. was 175 million euro which is comparatively lower than in other countries of the region (Slovenia or Croatia), and the public service broadcasting is financed by the licence fee which is approx. 5 euro per month.

There are five national broadcasters along with two public service institutions (TS and RTV) and almost 500 different print media. The circulation of the printed press is traditionally low and according to the recent reports daily newspapers sell cumulatively 530 000- 588 000 copies. Compare to the population it places Serbia on the bottom of the European countries list by the newspapers' readership.

Television is the most important medium of public communication. The concentration of audience around four major channels is 77% percent. Public service broadcaster (RTS) topped the watching charts for 310 days in the past year, and its average audience share was 23,6 followed by the the largest commercial channel, TV Pink, with 20,4% share. Among top 20 shows that attracted audiences' attention, 15 were RTS programmes, including domestic serials, sports and news bulletin. The major news bulletin is still regularly watched by 36% of the evening TV audiences.

Public service broadcaster is seriously endangered by a very low licence fee collection which in the last year dropped to less than 40%, with the commercial programme limited to 10% per hour. Its major program content obligations set by

the law, are difficult to achieve. According to the Broadcasting Council's monitoring for the 2009-1011 period , RTS programe output includes 30% of news and information, 22% of serial, 15% of film, 10% entertainment and 1,6% childrens' and sports programs. Commercial channels have a very limited content diversity, im most cases only down to six out of 10 recognized programe types, while usually more than half of them are only four program groups- information, film, serial and entertainment. Complete dominance of commercially succesfull programs reflects commercial and sensational agenda of commercial chanel. Coupled with low quality of information, absance of *investigative* and rise of *Google journalism* quality of media performance is seriously indangered.

CATEGORY 4: PROFESSIONAL CAPACITY

Professional journalism is not conditioned by license, the law does not define professional requirements so everyone can be a journalist, which significantly affects the quality of journalism. There is no reliable data about the number of journalists but the most inclusive professional database *novinari.rs*, compiled by the Independent Association of Journalists, includes close to 4000 members in different media professions.

Journalists have access to education both at academic and professional level. There are four public university journalism programs in the country and four private universities, as of recently, offer journalism and media education as well. The oldest program in Journalism at the Faculty of Political Sciences, University of Belgrade, dates from 1968, and offers a combination of courses ranging from social, political, economic and cultural disciplines to professional media and journalism studies. The program also offers two master degrees, in Journalism and Communication, and a PhD in Culture and Communication.

Recent research confirms high level of formal education of journalists (between 56% and 73% university graduates) which is comparatively much higher than the general population (around 10% with university degrees). Journalists

themselves are very self-critical and aware of needs for permanent education in professional and technological areas. Many of them also attend specially designed mid-career journalism trainings frequently offered by many present international organizations: OSCE, IREX, USAID, Council of Europe, UNICEF, UNDP, and European Commission.

There are several major professional organizations such as NUNS, UNS, NDNV, and media associations like ANEM, Local press and Association of media. They are very active as participants and organizers at conferences and round tables and involved in cases regarding incidents in which journalists' safety is compromised, or information rights questioned (e.g. freedom of expression, legislative or judicial procedures and authorities). They are more active than trade unions, which have been mostly compromised during the 1990s, and the idea of labor rights protection is only as of recently gaining prominence in journalistic circles.

Professional activism was more recognizable in the 1990s when major division between supporters and opponents of the authoritarian regime deeply divided the journalistic community and initiated new and critical organizations NDNV, NUNS, ANEM and Local Press. This division is still very present although there are signs of joint activities regarding major professional issues such as joint Journalistic Code adopted in 2006 and joint activities regarding Strategy of Media development since 2010.

CATEGORY 5: INFRASTRUCTURAL CAPACITY

There are significant differences in technological resources, both in terms of access and use, between media in Serbia. Large international companies with most sophisticated and advanced technological working environment (e.g. converged news room of *Blic*) co-exist alongside some small media where journalists still use type writes in their daily work. But, despite those differences,

general level of technological infrastructure in the media is not obviously lagging behind European average.

Internet is used by 41% of the households, higher in Belgrade (51%) and Vojvodina region than in Central Serbia 36,3%. One third of the households have broadband connection, while there is also a significant difference in terms of geography, income and urban/rural distribution.

Technology is not considered among major impediments to media development and freedom of expression neither by policy analysts nor by media professionals themselves. Major policy issue regarding technological infrastructure is connected to digitization which had a late start, but took up since the beginning of 2012. The initial Digital Switch off Strategy proposed a switchover from analog to digital broadcasting date for 4 April 2012, using DVBT-a and MPEG 4 standards. Although it was unrealistic to conduct the switch off without preparatory simulcasts it was only at the beginning of 2012 that the Strategy was modified, the new region-by-region switch off approach introduced and the date postponed for 15 June 2015.

As in other important policy issues, this change was not a part of public discussion. The document was open for public debate between 22 December 2011. and 5 January 2012. Although a digital switchover is relatively technical issues there are important policy decisions that are being made without public insight. During the last two decades, the role of civil society in media issues was significant, but had relatively limited effect. On many occasions both government and political elites did not acknowledge journalists' associations or NGO's demands related to freedom of expression and media rights (e.g. Media Development Strategy - the key requirements of professional associations and media professionals was not respected, especially those related to ownership transparency and the role of the state). On the other hand, even when government respected professional and civil sector requirements, adopted standards often were not implemented. That has a significant effect on guiding public policy in media field and media development through the entire decade of complex and delayed transition.

