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# **SIMULATED PROGRESS**

One step forward, two steps back: Serbia treads water in its listless commitment to press freedom

By Thomas Roser, Belgrade, March 2022

ANALYSE

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In its most recent progress report, the European Commission has certified only 'limited progress' by Serbia in the area of freedom of expression. But Serbia's journalistic professional associations are not even able to recognise this.

At least Serbia's head of government, Ana Brnabić, felt reason to be satisfied after the EU Commission's latest progress report. Brussels also 'identified progress' in the field of freedom of expression and freedom of the press, the SNS (the ruling national populist party) dignitary announced in Parliament at the beginning of December. "This is important. Because as a government we have paid a lot of attention to this issue."

In fact, the EU Commission only spoke of 'limited progress' – and again explicitly criticised both attacks by senior government politicians and threats and assaults against journalists. Serbia's professional journalistic associations and independent media, meanwhile, are hardly able to recognise even limited progress – on the contrary, in fact. The weekly paper *Vreme* derisively describes the progress identified by Brussels as 'microscopic shifts'.

Tamara Filipović, Secretary General of the journalists' union, NUNS, speaks bitterly of "cosmetic changes that are supposed to give Europe the impression that something is happening in terms of press freedom. But essentially nothing has changed."

Serbia is still "several light years" away from what the EU understands by freedom of the media, says NUNS president Željko Bodrožić: because the ruling SNS has "transformed the majority of the media into its propaganda loudspeakers" through direct or indirect control.

At the beginning of 2020, Belgrade signed off on a media strategy drawn up together with the professional associations, which was supposed to strengthen Serbia's threatened freedom of the press and regulate the development of the media markets until 2025. Under pressure from the EU, an Action Plan including a roadmap for its implementation followed in December 2020. Threats to journalists would "not be tolerated, that is the red line", Brnabić announced at the time.

But what has happened since then? The EU Commission has at least acknowledged the initiated implementation of the Action Plan as 'limited progress'. Filipović, on the other hand, speaks in retrospect of "lost energy and lost time": "All these bloated working groups created by the government simulated a commitment to media freedom that doesn't actually exist."

## **WORKING GROUPS AS A RECORD OF ACTIVITY**

In fact, it can at least be said that in 2021 Belgrade did not lack stamina in its declared campaign for media freedom. In addition to creating a new working group on the safety and protection of journalists, the government also created another to monitor the implementation of the Action Plan and yet another to prepare a new draft of the Law on Public Information and Media.

Except as a record of the Government's activity, the success of the working groups – created mainly with the EU in mind – was modest. The professional associations left the working group on the protection of journalists in protest only two months after its creation in March. The reason: the government representatives on the working group refused to condemn the inflammatory attacks by SNS politicians against the research portal *Krik* – because *Krik* reported on the connections between the security services and members of the Belivuk hooligan clan, which had already been hired by the

SNS for stewarding and beating services, SNS MPs of all people accused the *Krik* editors of having ties with Belivuk and organised crime.

The new version of the Law on free access to information of public importance was passed in 2021, as planned in the Action Plan. But in vain did the representatives of the professional associations in the monitoring working group insist on the implementation of the goals formulated in the media strategy, such as the obligation of the government to respond to complaints by the Ombudsman if authorities refuse to provide requested information. "None of our proposals were taken into account in the draft law by the Ministry of Administration," said Filipović.

The working group for the new draft of the Public Information and Media Act turned out to be completely ineffective. Filipović reports that from the government side, the working group was staffed with numerous representatives of so-called GONGO groups (NGOs close to the government) who had neither media experience nor basic legal knowledge: "These people kept coming up with solutions that were absolutely incompatible with the goals of the media strategy: They only sat in the working group to slow down the process." The sometimes daily, 'amateurishly' conducted meetings of the working group had been a time-consuming but inconclusive 'ordeal': "Every step forward was followed by two steps back. The meetings were torture, a complete disaster."

The adoption of the law, planned for 2021, failed and is now scheduled for autumn 2022, just like the new version of the Law on Electronic Media, because of the upcoming parliamentary election in April. The professional associations united in the Coalition for Free Media left the working group in autumn 2021. Together with external experts, they instead worked out their own draft law, which they have been negotiating over with government representatives in a new working group since the beginning of the year.

"We have lost a year," Filipović states. The journalist and media analyst Nedim Sejdinović describes the struggle for a legal framework to protect press freedom at the europeanwesternbalkans.rs (EWS) portal with complete disillusionment: there is no doubt that "all the talk" about the media strategy and the celebrated Action Plan is only "a performance" for the international community.

## **FEWER ASSAULTS, INCREASED PRESSURE FROM LAWSUITS**

The number of cases of threats, pressure and violence against journalists registered by NUNS in 2021 was 148, lower than in 2020 (189) but higher than in 2019 (119). Filipović also explains the decrease from 2020 to 2021 in terms of the exceptional situation in 2020 as an election year, in which journalists were particularly exposed to physical and verbal attacks during the state of emergency and the protests overshadowed by excessive violence.

The NUNS Secretary General considers the decrease in physical attacks on journalists from 32 to six last year to be positive. The number of 'serious' threats, however, remained at the same level of 41. Among the 96 reported cases of targeted 'pressure' on journalists, so-called SLAPP lawsuits play an increasingly important role. According to Filipović, the strategy of suing media, journalists and civil rights organisations disliked by the regime, and demanding very high fines in order to "exhaust their resources" is an "international trend", but in Serbia it hits the financially weak independent media particularly hard.

In June, for example, the pro-government Millenium Team consortium sued ten media outlets for damages amounting to €100,000 for reporting on a press conference at which opposition politician Vuk Jeremić (NS) had called the company a "generator of corruption" and "the biggest system for siphoning off public funds": the media outlets sued had merely reproduced what the former foreign minister had said about the company. "Sue me, not the media," Jeremic urged the company at the time: the former foreign minister accused the owners of Millenium Team of trying to silence the few independent media through financial pressure – for smaller web portals, the 54,000 dinar (approx. €460) fee for an official statement on the lawsuit was already a "considerable amount."

In 2021, government politicians repeatedly branded journalists of unpopular media as “traitors”, foreign “spies” or “mercenaries” of the opposition, and even called for them to be shaved “down to the skull”, “beaten to death like cattle” or for “the excrement” to be burnt in public, according to NUNS.

The Office of the Public Prosecutor did initiate more criminal cases for threats and attacks against journalists in 2021. However, the prosecution of assaults against journalists remains poor in Serbia. In 2020, there were only three convictions out of 57 cases investigated by the prosecutor’s office. In the first ten months of 2021, 66 criminal investigations led to three convictions, although Serbian judicial wheels generally grind very slowly.

It is true that the former SNS mayor of Grocka, Dragoljub Simonović, was sentenced to four years and three months in prison for arson in the first instance court in 2020: he was accused of allowing two accomplices to burn down the house of journalist Milan Jovanović in 2018. However, due to alleged procedural errors, the appellate court overturned the guilty verdict against the three convicts in December 2021 – and referred the case back to the first instance court for a retrial.

Nevertheless, in the trial against the alleged assassins of the journalist and publisher Slavko Ćuruvija, who was murdered in 1999, which had been delayed for years and was re-scheduled after the original guilty verdicts were overturned, four former secret service agents were sentenced to prison terms of between 20 and 30 years in first instance court in December 2021.

## **MEDIA PRIVATISED – AND CONTROLLED BY THE PARTY**

Serbia’s media policy also remains contradictory when it comes to dealing with the EU requirement to loosen state access to the media. As laid out in the Action Plan, the overdue privatisation of the Tanjug agency was finally completed in 2021. The privatisation of the newspaper *Politika*, originally planned for 2021, is still pending, as is that of the regional broadcaster RTV Kragujevac. As planned, almost all of the former state media in the country have been privatised since 2014. At the same time, however, media control by the SNS has increased noticeably.

For one thing, the new owners of the former state media mostly come from the environment of the ruling parties. For another, state and local government funding is systematically used to finance the loudspeakers of power close to them: independent media have almost no chance at all.

In particular, the SNS uses the semi-state-owned Telekom group as an instrument to increase its own influence in cable TV: instead of withdrawing from the media markets, as it had vowed to do, Belgrade is more active in them than ever before, thanks to Telekom.

## **SUBSIDIES ONLY FOR THE ACQUIESCENT MEDIA**

Between 2015 and 2021, the state and municipalities supported domestic media with a total of €85.4 million by co-financing almost 14,000 projects, according to a report by the Cenzolovka portal. According to media analyst Sejdinović, who has analysed the publicly available data on the use of subsidy money, the amount distributed increased from an initial €9.7 million (2015) to €15 million (2020). The amount of €13.7 million registered so far for 2021 could still increase.

Since its inception, the biggest beneficiaries of indirect media funding from the state and municipalities have been regional TV stations such as RTV Novi Pazar (€2.6 million), RTV Belle Amie in Nis (€1.1 million) or Novasadska Televizija (€1.1 million). The lion’s share of funding was distributed by the municipalities (€66.8 million for 10,000 media projects), ahead of Serbia’s Ministry of Culture (€15.3 million for 3,000 projects) and the Autonomous Province of Vojvodina (€3.4 million for just over 1,100 projects). The municipalities that disbursed the most funding were Belgrade (€4.5 million), Nis (€3.5 million), Novi Sad (€3.1 million) and Novi Pazar (€2.8 million).

Last year, the pro-government tabloids *Alo!*, *Informer* and *Srpski Telegraf*, described as “champion violators of the press code,” were also able to rake in a total of €900,000, according to the survey,

although media that repeatedly and systematically violate the press code actually disqualify themselves from state funding. According to Filipović, it is true that the amount of subsidies for the pro-government tabloid press is shrinking. The biggest problem, however, is who sits on the commissions in the municipalities that decide on the allocation of the funds: “Most of the time, the appointment of the commission members is completely non-transparent without clearly formulated criteria or a requirements profile. Essentially, the mayors determine who is appointed – and who is not.”

NUNS is represented on three commissions at the national level, according to Filipović. However, although the journalists’ union nominated its own candidates for local commissions in 100 municipalities last year, it was only actually given a seat in five municipalities. The commissions, which are set up at the discretion of the local ‘rulers’, are by no means independent: “It’s a kind of commission mafia that decides on the allocation of funding.”

## **ONLY DONATIONS KEEP INDEPENDENT VOICES AFLOAT**

The “party privatisation” of local TV and radio stations above all, but also the distribution of subsidies controlled by local political leaders, has led to a considerable impoverishment of media offerings in the country. The few independent local web portals and radio stations can barely make ends meet from meagre advertising revenues alone. Private businessmen are often deterred by the possible consequences of advertising with media that are critical of the local leadership. Both municipal and state-owned companies prefer to pitch ads to media outlets that are close to them.

According to a joint study published in October by the BIRN agency and NUNS on the practice of awarding advertising contracts in municipalities, these are often awarded ‘directly’ without public tender. In 2020, for example, municipal enterprises in the country’s 20 largest cities awarded a total of 191 advertising contracts worth a total of 55 million dinars (€470,000) – the lion’s share of which (€342 000) went to TV stations.

Smaller local media are often left with only the crumbs in this highly competitive market. According to BIRN, the Vranjenews portal, for example, signed a contract with the Parking Servis Vranje municipal company, which secured the medium the payment of 5,000 dinars (€48) per month for an advertising banner displayed on its site.

While local TV stations often commit to broadcasting city council meetings in contracts with the municipality, contracts with vague phrases like ‘marketing services’ or ‘securing public information’ often remain ‘non-transparent’ and unclear over the services for which the municipal companies actually hire the media, according to BIRN. Even in public tenders, contracts are often awarded to media “close to those in power”, complains Nemanja Nenadić, director of Transparency Serbia. BIRN describes the practice of municipalities in awarding advertising contracts as “direct contracts to compliant media”. Independent media, meanwhile, are not only troubled by a lack of advertising revenue, but also, according to Filipović, by targeted ‘ordeals’ from the tax authorities. In the end, most of these proved to be completely groundless. But smaller media could “not always hold out” against years of inspections or the blocking of their accounts.

The only positive development is that foreign NGOs and donors have become more involved with independent local media again in the last two years, says Filipović. Thanks to the increased flow of funding from abroad in the last two years, the media that have no prospect of receiving funding from their respective municipalities “have a little more breathing space again”. This is because the conditions on the advertising markets are still “completely unfair” for critical media.

Even small amounts of funding are a great help for independent local media. It is not uncommon for independent media such as ozonpress.net (Čačak), magločistač.rs (Subotica), voice.org.rs (Novi Sad) or boom93.rs (Požarevac), soinfo.org (Sombor) or juznevesti.com (Nis) to be projects supported by only a handful of committed local journalists, Filipović reports. Some are also only “one- or two-man operations”. Since 2018, the scene of independent local media in Serbia, which she estimates at 30-40 nationwide, has ‘revived’: “Thanks to foreign donations, including from the USA, the media

plurality in the region itself looks somewhat better than two or three years ago. Even if they are often very small web portals and radio stations.”

## **MORE TV STATIONS DESPITE SHRUNKEN ADVERTISING PIE**

It took a considerable length of time for Serbia’s advertising market to recover from the consequences of the global economic crisis of 2008/2009. According to Filipović, it was only in 2019 that its annual turnover climbed back to the pre-crisis level, at around €210 million: prior to that, it had languished for a long time at €140 to €150 million per year. In the Corona year 2020, the industry had to accept new slumps despite further increases in digital advertising sales. But with an annual turnover of around €180 million, the decline in advertising revenue in 2020 was somewhat less than many feared.

Completely at odds with the advertising pie that shrank during the pandemic is the simultaneous conspicuous increase in the number of TV stations. The number of people employed by the media had already increased by 500 in Serbia in 2020, contrary to all international trends, says Filipović: “And in 2021, the increase was probably even greater.” With Kurir-TV, Tanjug-TV, Euronews, Insider-TV, the regional UNA-TV channel, Vesti-TV and soon Bloomberg-TV, seven new information channels started to operate in Serbia’s “already completely oversaturated media market” within one year: most of them were launched by the majority state-owned Telekom or fed into its cable networks.

## **TELEKOM AS AN EXTENDED TOOL OF POLITICS**

In 2011, Serbia’s then government had tried to sell a 51 per cent majority stake in Telekom Srbija to Telekom Austria. But since the change of power in 2012, the 78 percent state-owned company has long since mutated into one of the ruling SNS’s key instruments for controlling the media markets from which the state was supposed to withdraw.

Apart from the public broadcaster RTS, TV Pink, Happy and Prva are the only private broadcasters with nationwide coverage that are sympathetic to the SNS. Belgrade uses Telekom to steal viewers and market share from the Amsterdam-registered United Group (UG)’s cable TV channels N1, Nova and NovaS, which are very annoying for the government. The cable network operator and UG subsidiary SBB is Telekom’s main target. Thanks to the systematic buyout of several smaller cable network operators such as Kopernikus, Radijus Vektor, AVcom and Telemark, Telekom has systematically increased its market share in the cable TV business and, according to the Regulatory Authority for Electronic Communications (RATEL), in 2020 it was the second largest cable TV operator after SBB (46 per cent) with a market share of 29 per cent.

At the beginning of 2021, tensions between Telekom and UG were exacerbated by a Telekom strategy paper that was made public, in which it was stated that the goal of the planned cable cooperation with mobile phone competitor Telenor was to be the final break-up of UG’s subsidiary SBB: if its market share shrank, the UG subsidiary would hardly have the capacity to invest in its channels and programme content.

In April 2021, Serbia’s antitrust authorities gave their blessing to the cable cooperation between Telekom and Telenor, despite UG’s objections. Nevertheless, Telekom’s market-displacement calculation through cooperation with Telenor does not seem to have entirely worked out. On the one hand, UG – which operates in eight countries throughout the region – is an international group with an annual turnover of more than two billion euros and about 13,500 employees, which is by no means only dependent on the Serbian market. On the other hand, Telenor, which was renamed Yettel at the beginning of March, apparently does not want to let the conflict with UG escalate: it is striking that in February the UG channel N1’s portal reported the agreed continuation of the cooperation between Telenor and the UG subsidiary Direct Media.

It is true that Telenor has increased its market share somewhat by buying up a smaller cable network in the Serbian enclaves of Kosovo and by taking over Pošta NET’s cable network last year. But



Telekom has chosen to buy up the broadcasting rights to the most popular foreign football leagues at completely exorbitant prices as a new means of cutting off the UG broadcasters.

Whereas UG had paid €12 million for the Serbian broadcasting rights for the English Premier League for the three seasons from 2019 to 2022, Telekom has now acquired the broadcasting rights from 2022 to 2028 for €100 million per season or a total of €600 million. Instead of the previous €600,000, Telekom is now paying €5.5 million per season for the rights to the French league – almost eight times the previous amount. For the broadcasting rights of the Spanish La Liga, Telekom will pay 40 per cent more, for the Italian Serie A 400 per cent more.

The loss of the Premier League broadcasting rights as of next season is likely to cost not only UG's Sport-Klub (SK) channels viewers, but also SBB subscribers and market share. And this also seems to be the primary goal of Telekom's high price policy, which is by no means in line with the market.

NUNS Secretary General Tamara Filipović speaks of "abnormally high fees" for the broadcasting rights. One problem is that Telekom hardly discloses any information about its business practices, although as a state-owned company it actually has to do so: "It talks its way out of it by saying that it is not 100 per cent state-owned."

Similar to the costly licences and unusually high journalists' salaries at the Serbian Euronews or Bloomberg broadcasters, the question arises above all as to where Telekom gets the funds for its costly shopping spree: "Because the losses are mounting in its balance sheets, the actual amount of which will presumably only become clear in the next few years." In Filipović's opinion, the suspicion of state cross-subsidisation is obvious: "It's about buying influence through a completely irrational squandering of our resources without any economic justification. The aim is to drive out the UG: Telekom wouldn't bother with it if it didn't have the info stations."

## **FIG LEAF RTS, BROADCASTING SUPERVISION IN THE SERVICE OF POWER**

Even so, partly as a result of the attempts at dialogue with the government, which were moderated by European parliamentarians but boycotted (2019) or prematurely broken off (2021) by the opposition, the public broadcaster RTS has opened up a little to the opposition parties again. But although RTS now also invites opposition politicians onto such debate programmes as *Reč na reč* (*Word for Word*), Filipović sees this mainly as a fig leaf function: "At RTS they are now trying to find some new balance. But there is still no clear strategy for dialogue or confrontation between different opinions. It is rather an attempt to pretend to be neutral. This has nothing to do with free journalism."

Actually, Olivera Zekić, as chairwoman of Serbia's Broadcasting Regulatory Commission (REM), should oversee the electronic media's compliance with the journalists' code. But instead of playing the role of gardener in Serbia's overgrown media meadows, the ex-journalist likes to play the goat herself. The demonstrations against the planned lithium mine near Loznica were "by no means ecological protests", the political scientist announced last December during a guest appearance on the private TV station Prva: "€100 million has been poured in from abroad from various quarters so that they can be organised."

Media analyst Sejdinović describes the REM as a "caricature of itself", serving the "ruling clique as a key instrument for abusing the media for their political propaganda": "The REM is a party branch that gags the freedom of the press and allows the electronic media to violate laws and the code on a daily basis. If the REM did its job, some media outlets would have lost their licences long ago – and our media landscape would look incomparably better."

The complaints about the REM are by no means new. After the fall of Milošević on 5 October 2000, "not a single government" has shown the will to make the broadcasting regulator "actually an independent body", former NUNS chairman Vukašin Obradović told the EWB Portal. The political conditions have not yet been created in Serbia for the realisation that the media must be oriented towards the needs of the citizens and not towards those of the ruling nomenklatura, he said, on

the contrary. “The SNS bases its power to a large extent on its immense media influence – and electronic media are the most important.”

Reforming the REM as the key to securing the threatened freedom of the media was one of the main demands of the opposition during the dialogue talks with the Government, which ultimately failed. They had already agreed on a multi-point plan to improve media equality between government and opposition in 2019. New REM members were to be elected, a rulebook for election coverage by the media was to be developed, and the latter was to be scrutinised through regular monitoring reports.

In its most recent monitoring report, the REM does talk about an increasing coverage of the extra-parliamentary opposition by the nationwide TV stations. Independent media analysts are, however, hardly able to detect this. The REM’s controversial measurement methodology in monitoring election campaign coverage is criticised by professional associations and NGOs specialising in media monitoring, such as CRTA or BIRODI, as being flawed. The ‘political pluralism’ invoked by the REM is more to be found in its monitoring reports than in the coverage of the TV stations monitored, CRTA sneers.

“We thought the establishment of the monitoring group was superfluous anyway,” Filipović says, “because if the REM did its job, it would be absolutely unnecessary.” The recommendations of the professional associations were not taken into account in the drafting of the REM regulations: “Later, even the Ministry of Culture declared it unlawful.”

Although Pink, for example, aired the scandalous documentary *Target Family* at the beginning of January, in which named investigative journalists were accused of working towards the assassination of President Vučić, the REM rebuke demanded by journalists’ associations has so far failed to materialise. “This supervisory body should actually be a dam against the lies, hate speech and primitivism,” said NUNS chairman Bodrožić. The media strategy clearly points out the ‘anomalies’ of the REM’s work and the Action Plan names concrete steps to correct them: “But I doubt that Aleksandar Vučić wants to put down the remote control with which he regulates almost all TV stations according to his will.”

## **PURPOSEFULLY CREATED MEDIA POLARISATION**

A comparative study on media consumption and polarisation in Poland, Serbia, the Czech Republic and Hungary by Loughborough University’s *The Illiberal Turn* project, published in January, concludes, among other things, that nowhere are the media and their users more polarised than in Serbia. “The profession is going in a bad direction because public officials and government politicians no longer talk to all media,” says NUNS Secretary General Tamara Filipović. However, she disagrees with the thesis that the polarisation of the media is responsible for the increasing polarisation of society. She finds it difficult to explain to foreign visitors that the polarisation of the media has been “systematically created”: “Government politicians have tattered the media scene so much. And now they say these and these are opposition media and these are pro-government media, because we are just a divided society.”

“We asked, they didn’t answer” is the title of a column in the independent newspaper *Nova*, which every day presents a question unanswered by authorities or government representatives. On the one hand, government politicians often refuse to give interviews to media they dislike, on the other, media from the government environment often consistently give opposition politicians a wide berth is Filipović’s description of everyday life in Serbia’s divided media world: “How is it that our investigative journalists win all the awards in Europe, but at the same time the media in our country are supposed to be the worst because they are not neutral? Our journalists are by no means too stupid to question the other side. But unfortunately they often don’t get the opportunity to do so.”



