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ON MEDIA MONITORING

REPORT

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Authors:

CTRA observation mission team

Editorial Team:

Michael Roick

Editita Barać-Savić

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Dina Dizajn

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Friedrich Naumann Foundation for Freedom

Western Balkans

Bulevar kneza Aleksandra Karadjordjevica 13/A8

11000 Belgrade

Serbia

Tel.: + 381 11 3066 824

westbalkan@freiheit.org

<https://www.freiheit.org/western-balkans>

 /@FNFWesternBalkans

 /@FNFWestbalkans

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Foreword

Eight years after the start of accession negotiations with the European Union, political developments in Serbia are still characterised by limited pluralism, a lack of media freedom and deficits in state institutions—especially in the area of the judiciary.

Since the beginning of the negotiations in 2014, Serbia has even developed into a “hybrid system”, according to the NGO “Freedom House”, and has slipped down 33(!) places in the ranking of “Reporters without Borders”, which analyses media and press freedom every year.

In its most recent Country Report 2021, the EU Commission acknowledged that Serbia, a candidate country, had made “limited progress” with regard to freedom of the press and media. Experts and journalistic professional associations, however, could find little to gain from this assessment and spoke of “cosmetic changes” at best, in order to give Europe the impression that something was happening here, especially in the run-up to elections under special international observation.

The new “Media Strategy 2020-2025”, which was actually adopted by the government in 2019 to improve and secure the threatened freedom of the press and media, has also been critically assessed in this context. Analyses from 2021/22 come to a very sobering conclusion with regard to the implementation of this strategy: <https://www.freiheit.org/de/westliche-balkanlaender/schritt-voraus-oder...> There is talk here of “simulated progress”. <https://www.freiheit.org/de/westliche-balkanlaender/serbiens-medienstrategie-2020-25-follow>

After the parliamentary election in June 2020 was boycotted by several opposition parties due to unfair election conditions, it was crucial to closely follow and analyse the entire process and procedures of election and media monitoring in the run-up to the latest election, which was scheduled to coincide with the presidential elections and the Belgrade City Assembly election in April 2022.

The Friedrich Naumann Foundation for Freedom therefore supported and funded a media monitoring project as part of a large election observation mission by CRTA (Center for Research, Transparency and Accountability), an NGO that has been active in this field for years and has acquired extensive expertise.

The project focused on a detailed analysis and assessment of election-related media coverage and the (equal) representation of election candidates in the media, including the identification of possible cases of political bias and violations of standards of truthful objective reporting.

One of the main results of this project is that a brief flicker of supposed ‘media pluralism’ was rather artificial and due to the awareness of international observation. It was not the result of democratic conviction and did not follow the

self-image of being committed to journalistic standards and reporting in the public interest.

Immediately after the elections, the old practice quickly returned. That is, the representatives of the government took up almost all the time – actually devoted to the new parliamentary actors – while the representatives of the opposition were hardly mentioned. The central figure, who was also presented by the main broadcasters so far as the most suitable and responsible for solving all the problems of Serbian society, was once again President Aleksandar Vučić.

Media work to strengthen independent critical journalism will therefore remain a special focus of the Foundation’s political education work in the future.

Michael Roick

Project Director Western Balkans (2019-2022)

**THANKS TO ALL THE OBSERVERS,
PARTNERS AND DONORS,
WITHOUT WHOSE SUPPORT THE
CRTA OBSERVATION MISSION
WOULD NOT BE POSSIBLE.**

MAIN FINDINGS OF MEDIA OBSERVATION

The data included in the Final Report on Media Observation, conducted by the CRTA observation mission, show that television stations with nationwide coverage achieved only a semblance of pluralism and a balanced presentation of different political options during the election campaign. This is at least some progress compared to the pre-election campaign period, when there was virtually no pluralism in the media landscape. Post-election data also suggest that some political diversity in the media was intentionally created only for the period of the official election campaign by introducing the so-called election 'blocks', which allowed for the greater presence of the opposition in the programme content. However, in the regular news programmes, which are crucial for ratings and influence, the dominance of the governing parties remained.

During the whole period of media observation (before the campaign, during the campaign, and after the elections), a neutral or positive tone was used to report on the governing parties, while a negative tone prevailed for the opposition parties in the pre- and post-election periods. Regular news programmes featured the government's achievements and criticised the opposition, while the time-limited election blocks served to fulfil only formally the obligation to represent opposition actors.

There were noticeable differences in the representation of opposition parties of different orientations – traditionalist and conservative parties were more often represented positively than negatively, while the opposite is the case for the more progressive opposition parties.

The strongest bias was found in the coverage of the presidential candidates. Apart from the fact that the sitting presidential candidate, Aleksandar Vučić, received almost three quarters of the airtime allocated to all presidential candidates in both capacities (as party leader and as state president), he was also the most positively portrayed candidate. On the other hand, Zdravko Ponoš, who received the second most votes in the presidential elections, was the only candidate who was more often portrayed negatively than positively by the media, and he had the least opportunity to address the audience of the television stations with nationwide coverage directly as a subject in the coverage.

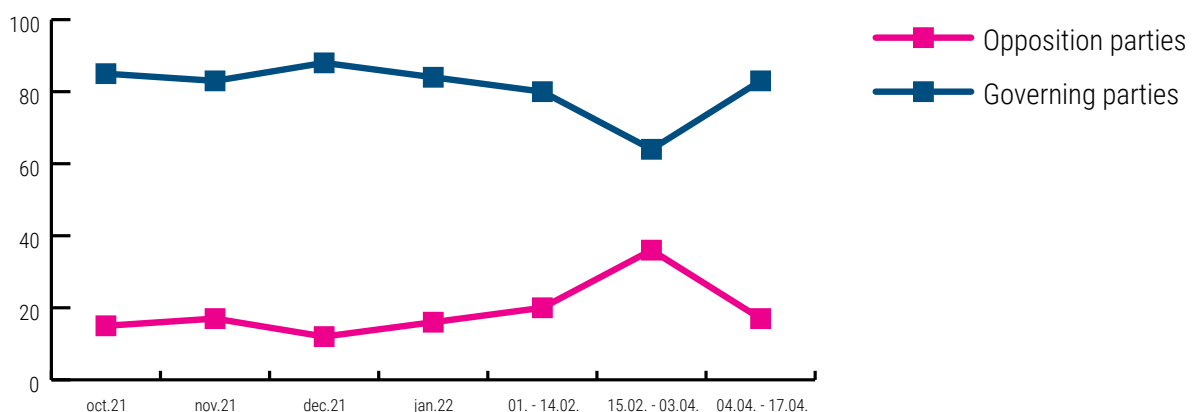
The data show that RTS 1, a public broadcaster, and TV Prva provided the most balanced coverage of political actors during the election campaign. TV B92, TV Happy and TV Pink were at the forefront of biased coverage in favour of the governing parties.

Two narratives dominated the election campaign: one concerning Serbia's economic progress and rising living standards, the other the war in Ukraine. The Serbian Progressive Party insisted on messages about the better economic situation of citizens and used the war in Ukraine to present itself as a guarantor of the country's stability and security. Its coalition partner, the Socialist Party of Serbia, based its election campaign on a commitment to strengthening relations with Russia and a firm stance on Kosovo as an inseparable part of Serbia. The right-wing opposition parties focused on defending national identity, but also advocated closer relations with Russia, a move away from European integration and an intransigent stance on Kosovo. The more progressive opposition parties stuck to issues such as ecology, the economy, and the problems of local communities.

I. THE REPRESENTATION, TONE AND MANNER OF THE PRESENTATION OF POLITICAL ACTORS

The CRTA observation mission monitored television stations with nationwide coverage during the period from 1 October 2021 to 17 April 2022 and classified and analysed the data in relation to three periods: before, during and after the election campaign. The data collected shows that only during the election campaign did the representatives of opposition parties have an increased presence. During the election campaign, 64% of the time allocated to political actors was spent on representatives of the governing parties and 36% on representatives of the opposition parties. In the pre-election period, there was virtually no pluralism in the media, with representatives of the governing parties taking up 85% of the time on television stations with nationwide coverage and those of the opposition only 15%. Immediately after the elections, the situation was almost identical, so that in the period from 4 to 17 April 2022, the ratio between representatives of the governing and opposition parties was 83 to 17% (Chart 1).

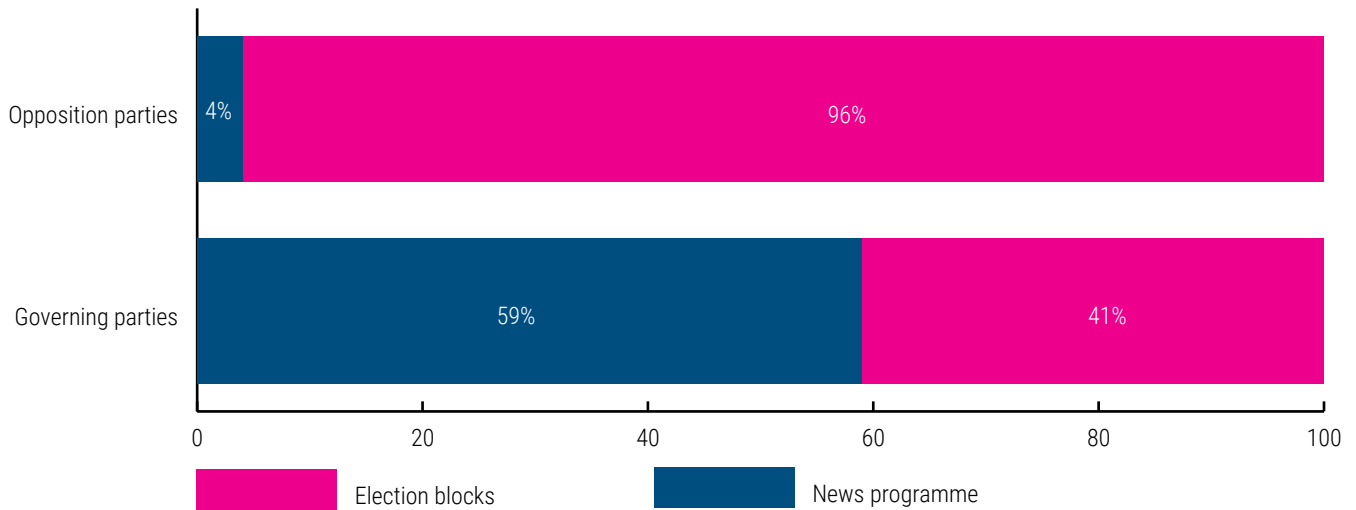
Chart 1: Representation of the representatives of governing and opposition parties on television stations with nationwide coverage



The more balanced presence during the election campaign was the result of the obligation for television stations with nationwide coverage to include election blocks in their programmes, which had to be separated by opening and closing credits and clearly marked on the screen (e.g., 'Elections 2022'). The fact that the government was better represented in the regular news programmes (59% of the time) speaks in favour of the fact that the television stations were determined to fulfil the legal obligation only formally, and not to provide the public with a comprehensive and objective

coverage (59% of the time), followed by negative (36%) and positive (4%). A similar trend was observed immediately after the elections, when opposition parties were most often reported neutrally (67%), then negatively (31%) and finally positively (3%). During the election campaign, the relationship was more balanced, with both positive and negative coverage representing 13% of the time each, while the rest of the time (74%) the coverage was neutral. Representatives of the governing parties were continuously represented in a positive rather than negative light: 23% positive, 2% negative,

Chart 2: Representation of electoral actors during the campaign in election and news programmes on television stations with nationwide coverage



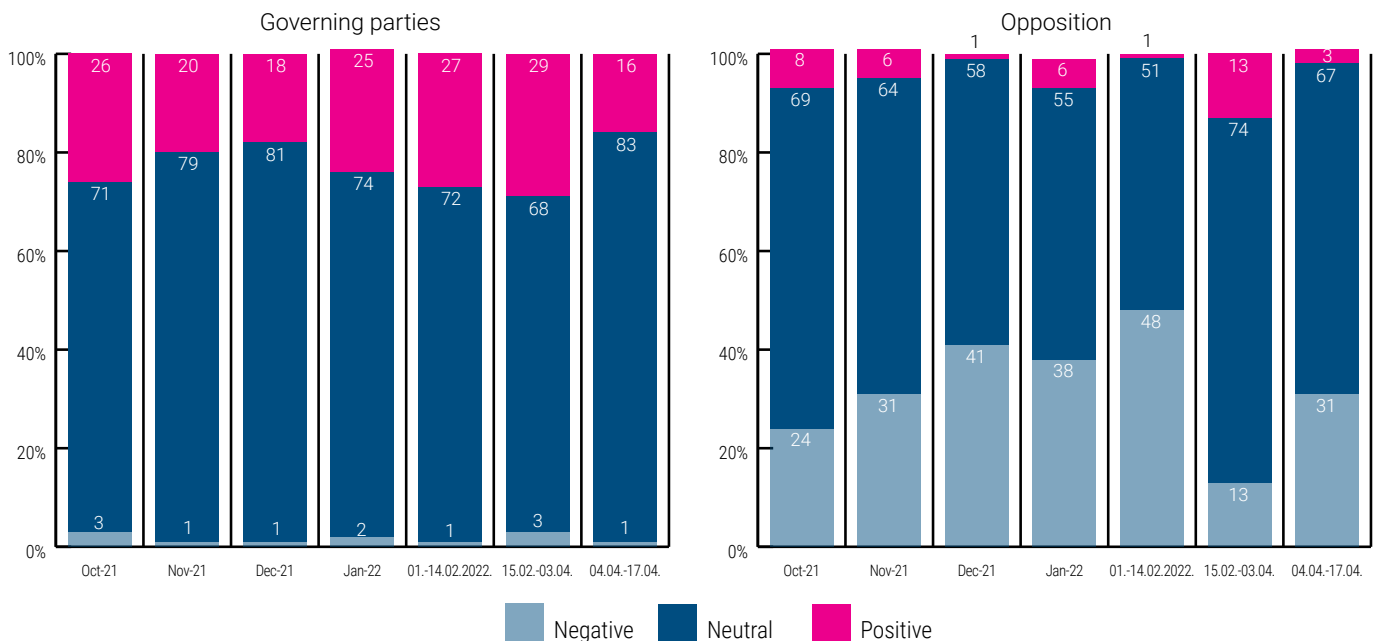
insight into the political debate, while the opposition received 96% of the time-limited election broadcasts (Chart 2).

During the official election campaign, bias in television reporting was treated more leniently than usual. In the run-up to the election campaign, representatives of opposition parties were in general represented more negatively than positively. On average, they most often received neutral

and 75% neutral in the period before the campaign; 29% positive, 3% negative, and 68% neutral during the campaign; 16% positive, 1% negative, and 83% neutral immediately after the election (Chart 3).

Although the data on the tone of prime-time coverage on television stations with nationwide coverage reveal an overall more balanced treatment of political actors during the elec-

Chart 3: Tone of the representation of electoral actors according to party affiliation on television stations with nationwide coverage



tion campaign, the data classified by programme type show that the tone depends strongly on the type of programme. It can be seen that regular news programmes featured negative campaigning against opposition representatives and that the sections of the programme devoted to election blocks served to fulfil the prescribed obligation to represent all participants in the election campaign. Representatives of opposition parties were mostly portrayed negatively (59% of the time), then neutrally (38%) and positively (3%) in the regular programme content, while they were mostly portrayed neutrally (82%), then positively (12%) and finally negatively (6%) in the election blocks. In contrast, representatives of the governing parties were portrayed either positively (22% of the time) or neutrally (78% of the time) – never negatively – in the regular news programmes; they were most often portrayed neutrally (75%), then positively (18%) and finally negatively (7%) in the election blocks (Chart 4).

Comparing the tone of reporting on opposition parties of different orientations additionally confirms the bias of television stations with nationwide coverage. The data show that television stations favoured conservative, traditionalist opposition parties, some of which also hold extremist views (NADA, Patriotic Block, Sovereignists, SRS and Zavetnici), compared to those with more progressive policies (United for Serbia, Moramo and SDS). Overall, all the opposition parties and coalitions were most often represented in a neutral light, but those advocating modernist and more liberal views were more often portrayed negatively (29% of the time) than positively (8% of the time), while parties and coalitions favouring conservative and traditionalist views more often received positive (19%) rather than negative representation (2% of the time) (Chart 5).

Chart 4: Tone of the representation of electoral actors according to party affiliation in the election blocks and news programmes of television stations with nationwide coverage

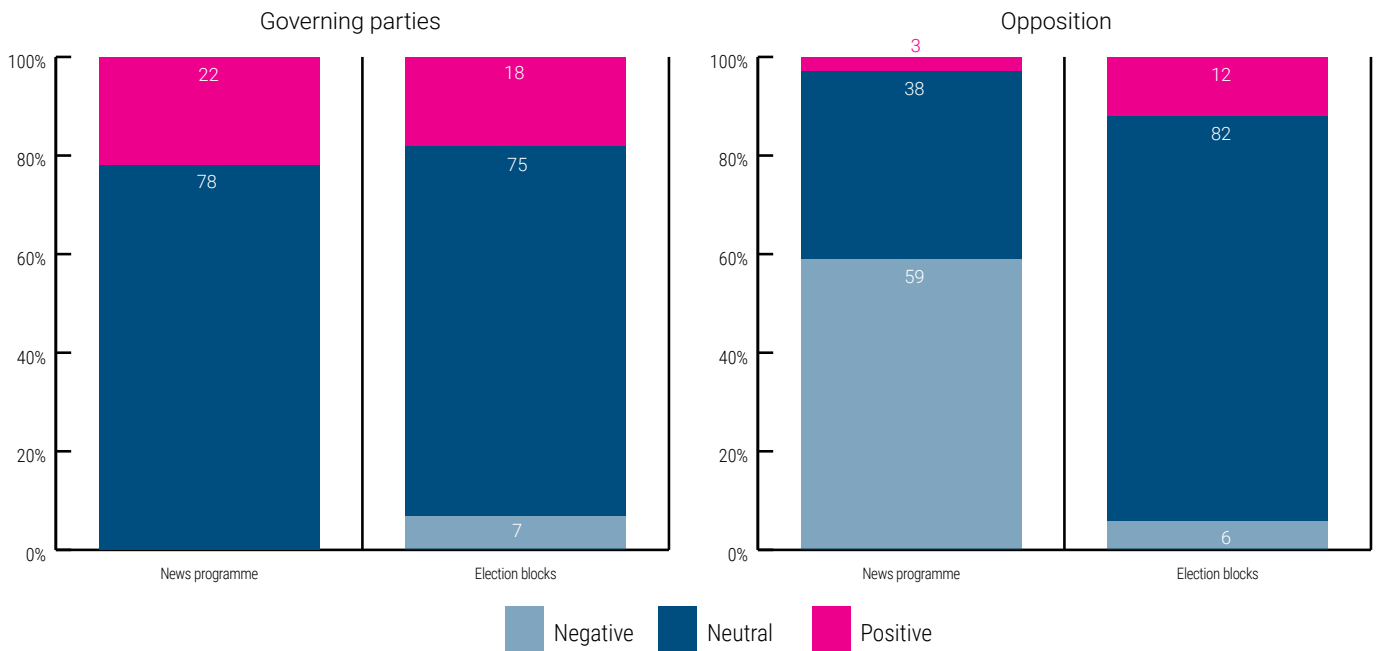
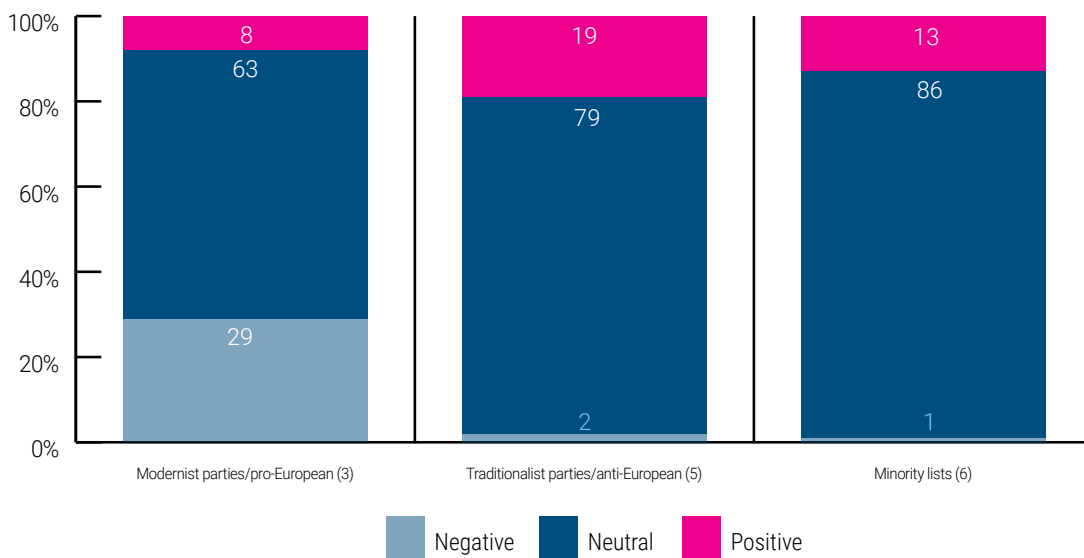


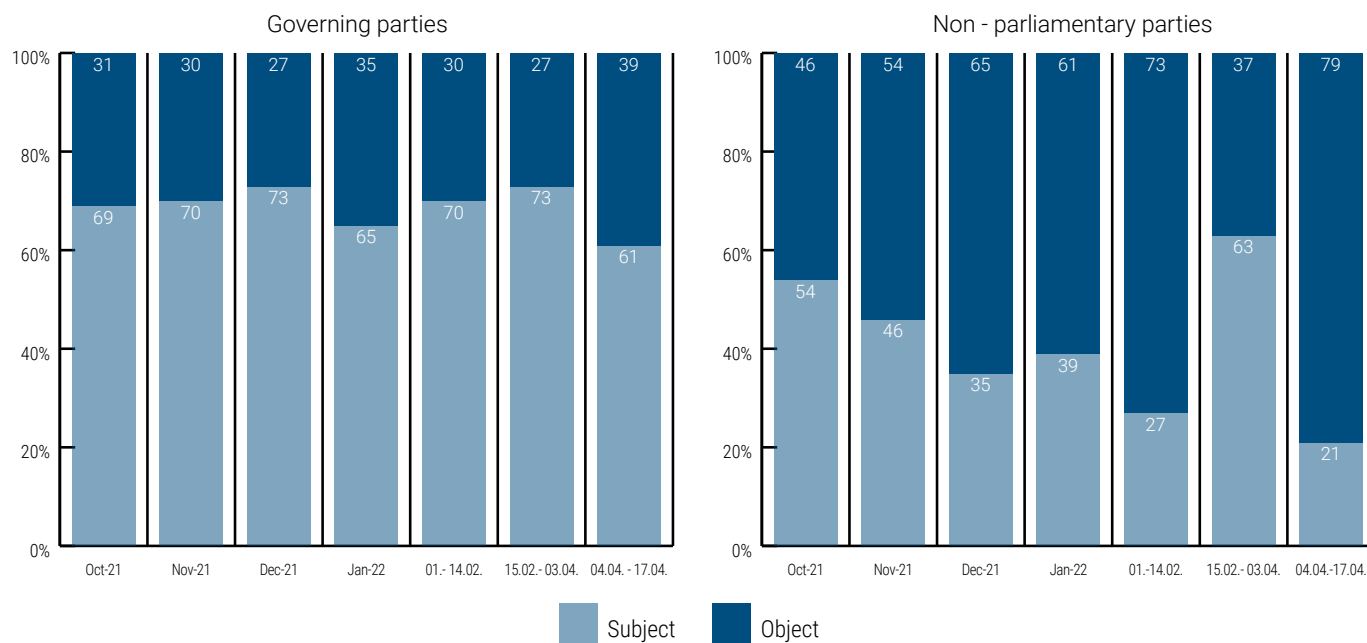
Chart 5: Tone of the representation of electoral actors according to party affiliation on television stations with nationwide coverage



The bias of television stations with nationwide coverage is evident in both the data related to the time given to political actors as subjects (video and audio recordings of their appearance) and as objects (mentioned or discussed by

during the election campaign (63%). The presence of representatives of opposition parties as subjects is lower in the period after the election campaign (21%) than in the period before the election campaign (40%). (Chart 6).

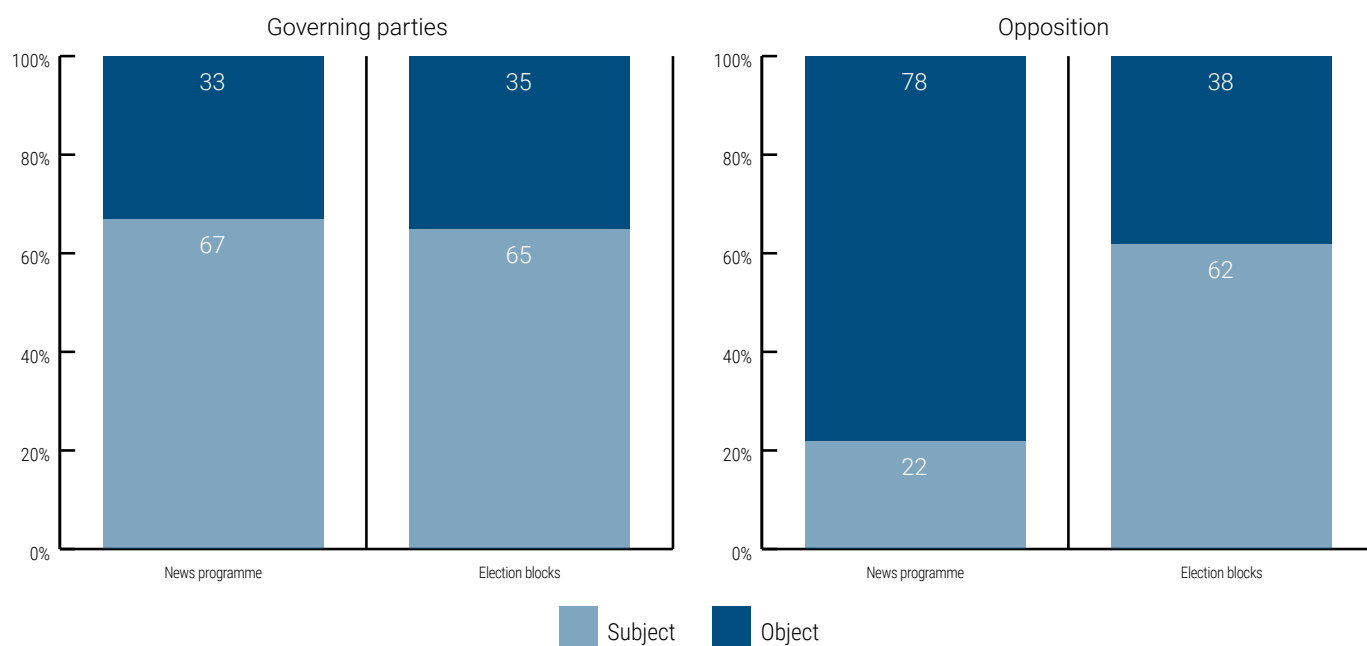
Chart 6: Representation by role of electoral actors according to party affiliation on television stations with nationwide coverage



another person: journalist, presenter or guest). In this sense, the television stations tended to favour the governing parties and gave them more frequent opportunities to speak in the first person in programmes. The tendency for representatives of the governing parties to dominate as subjects was observed in all three periods considered, before (on average 69% as subject versus 31% as object), during (73% as subject versus 27% as object) and after the election campaign (61% as subject and 39% as object). Representatives of the opposition were more frequently present as subjects only

Both news programmes and election blocks divided their presentation of representatives of the governing parties as subject and object in almost identical fashion, at two thirds of the time and one third respectively. Representatives of the opposition parties had their say ('on camera') mainly in the election blocks (62% as subject), while they were more often the object of conversation in news programmes (78%) (Chart 7).

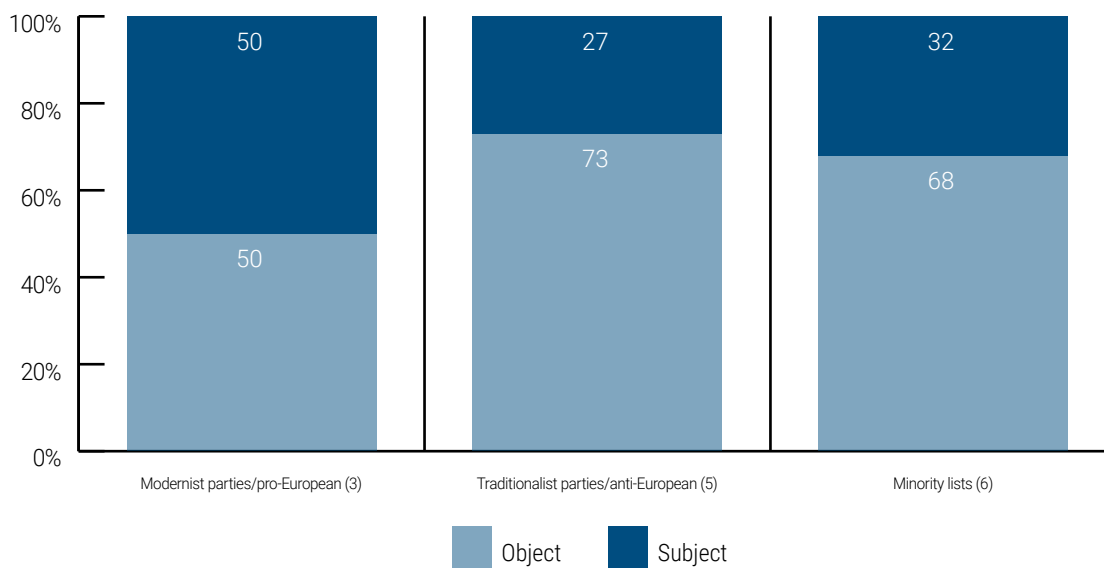
Chart 7: Representation by role of electoral actors by party affiliation in election blocks and news programmes of television stations with nationwide coverage



Again, more conservative opposition actors were more likely to be subjects (73%) than representatives of more progressive parties (50%) (Chart 8).

Biljana Stojković with 3% and Branka Stamenković and Miša Vacić with 2% each (Chart 9).

Chart 8: Representation by role of electoral actors according to party affiliation on television stations with nationwide coverage



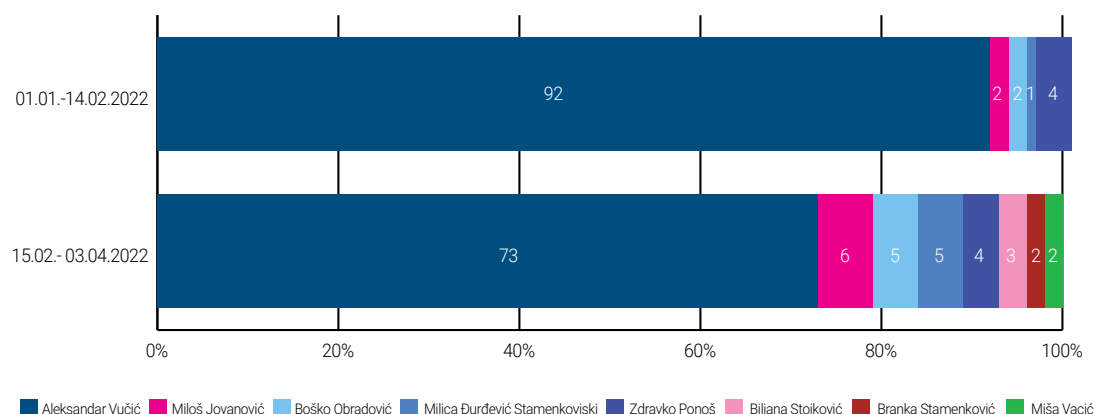
II. COVERAGE OF PRESIDENTIAL CANDIDATES

Aleksandar Vučić was the most widely covered political actor as President of the Republic and leader of the party and, as of 8 March 2022, as a presidential candidate. Immediately before the start of the election campaign, he accounted for 92% of airtime, while all other actors who had announced their candidacy together received 8% of airtime. During the election campaign, the share of airtime for Aleksandar Vučić in all his functions decreased from 92% to 73%, with a corresponding increase to 27% for all other presidential candidates. After Aleksandar Vučić, Miloš Jovanović received the most representation with 6%, followed by Boško Obradović and Milica Đurđević Stamenkovski with 5% each, Zdravko Ponoš with 4%,

The dominance of one presidential candidate is most noticeable in the last week of the campaign, when Aleksandar Vučić, represented as both the President of the Republic and party leader, had the opportunity to appear on nine programmes inside and outside the extended airtime. He appeared six times between 25 and 30 March¹ and three more times on 31 March,² the last day of the election campaign.

In addition, during the election campaign, the CRTA observation mission followed Aleksandar Vučić’s live broadcasts in both capacities, as President and as party leader, and his addresses to the media on television stations with nationwide, regional and local coverage, as well as on cable channels. In the period from 15 February to 3 April 2022, 94 live broadcasts of Aleksandar Vučić’s speeches were recorded. In 55% of all

Chart 9: Representation of the presidential candidates on television stations with nationwide coverage in the period before and during the election campaign



1 On 25 March, on RTS 2, presenting himself as a presidential candidate in the scheduled time, and on TV B92 on *Directly with Minja Miletic*; on 27 March on the morning programme of TV Prva; on 28 March on *Cyrrilic* on TV Happy; on 29 March on the *Amidži Show* on TV Pink; on 30 March during a one hour broadcast of the SNS pre-election rally on TV Prva

2 On 31 March during a one-hour broadcast of the SNS election rally on TV Prva, on Oko on RTS 1 and within paid airtime on TV Pink

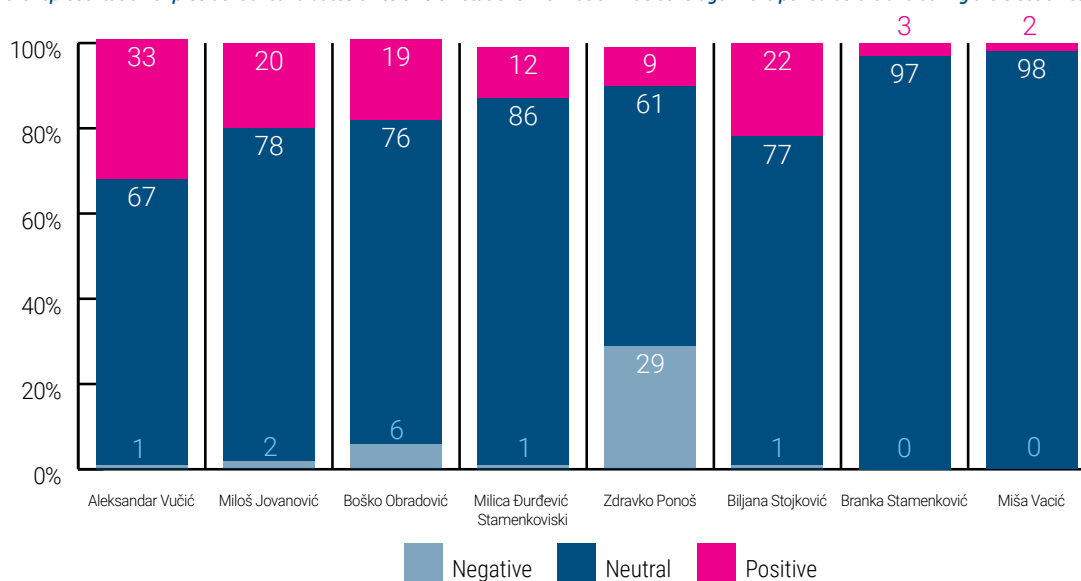
live feeds (52 live broadcasts), Aleksandar Vučić was seen in his capacity as President of the Republic, attending 'pseudo-events'³ (23 live broadcasts) in addition to his regular duties, such as the start or completion of work on infrastructure projects, hospitals, schools, the laying of foundation stones for new factories, tours of factories and, as the most important event, the opening of the Belgrade- Novi Sad high-speed railway line. In addition, the Serbian President made a total of 12 guest appearances and gave interviews on television stations in various broadcasting areas during the election campaign.

In terms of broadcasts of party meetings and paid airtime where President Vučić spoke, there were 42 broadcasts on television stations with varying coverage. In several cases, it

positively (20%) than negatively (2%). Boško Obradović was most often portrayed neutrally (76%), followed by positively (19%) and negatively (5%). Milica Stamenkovski Đurđević was mostly portrayed neutrally (86%), followed by positively (12%) and negatively (1%). The exception among the candidates was Zdravko Ponoš, with the fifth highest reporting; he was most often portrayed neutrally (61%), followed by negatively (29%) and finally positively (9%) (Chart 10).

Seven of the eight Presidential candidates had more frequent opportunities to appear on television stations with nationwide coverage in the role of subject: Aleksandar Vučić (75%), Miloš Jovanović (80%), Boško Obradović (77%) and Milica Stamenkovski Đurđević (78%), while one candidate,

Chart 10: Tone of the representation of presidential candidates on television stations with nationwide coverage in the period before and during the election campaign



was found that television stations (with regional and local coverage, as well as cable channels) broadcast live 'pseudo-events' in the morning, while in the afternoon they broadcast party meetings at which the President also spoke.⁴

The reporting of Aleksandar Vučić was most often neutral in tone (67%) followed by positive (33%), while almost no reports were negative. Miloš Jovanović, the presidential candidate who received the second most coverage, was mostly reported in a neutral tone (78%), and otherwise was reported more

Zdravko Ponoš, appeared more often as the object (57%), i.e., he was talked about more on the part of others (Chart 11).

Regarding the presidential candidates, several examples of biased reporting in the form of a negative campaign were noted. One of the most vivid examples is the appearance of the same report about Zdravko Ponoš 16 times between 14 and 16 February, in various different editions of TV Pink's *National Daily*.⁵ The article was edited after the Hit Tweet show, broadcast on Sunday, 13 February, in which Milorad Stupar,

3 Pseudo-events are those events that are created or managed by the government in order to garner more positive media coverage

4 For example, on 7 March, at 12 o'clock, the television stations reported on the President's presence at the ceremonial completion of the first phase of construction of the new Erenli factory in Leskovac, while in the afternoon a party meeting of the Serbian Progressive Party in Leskovac, at which the President spoke, was broadcast.

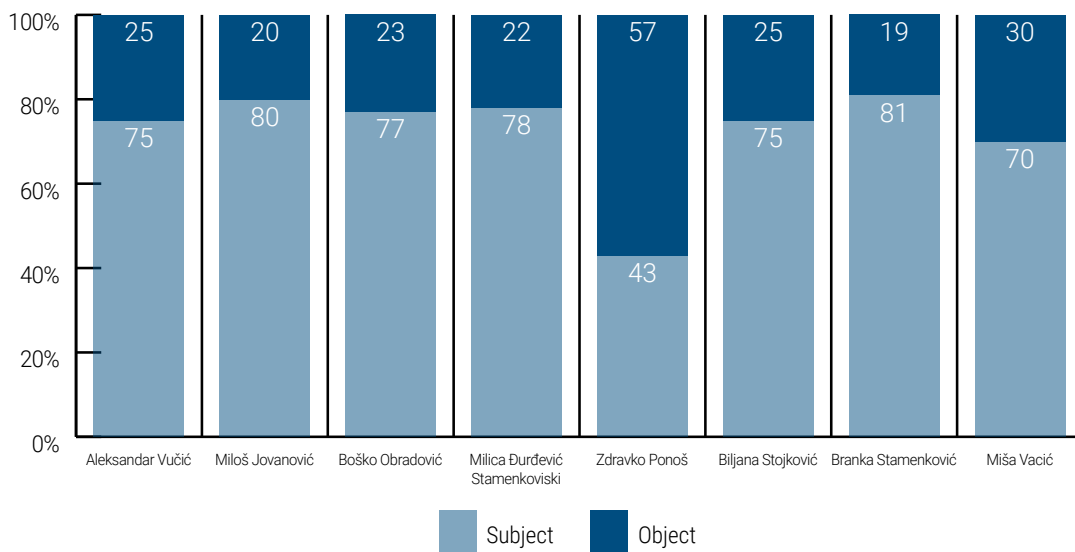
5 "The legendary commander of the 72nd Special Brigade, Major General Milorad Stupar, believes that the Đilas' Presidential candidate, Zdravko Ponoš, while he was the Chief of General Staff, behaved like a junior officer, carried out a reform in the interest of NATO and brought the Serbian army to the brink of collapse. The reform of the army carried out by the then President and Chief of General Staff, Boris Tadić and Zdravko Ponoš, was in fact a systematic destruction of the army. The legendary commander of the 72nd Brigade, General Milorad Stupar, points out: 'The NATO pact, which could not destroy the army in '99, continued a so-called multidimensional aggression to destroy the army and put Tadić and Ponoš in their positions, which damaged the army more than the NATO pact. So they continued to dismantle the armed forces until we reached the situation that, if there had been no turnaround in 2012, we would have had a hunting society.' 'Thanks to Tadić, Ponoš was extraordinarily promoted without any basis and without any regular procedure, and thus managed to reach the rank of general and became the Chief of General Staff.'"

Stupar: 'That Boris Tadić, whom you broadcast now, has best explained what he did: he acted contrary to the law and the defence system. One of the results of his actions contrary to the law is the appointment of Ponoš as Chief of General Staff of the Serbian Army. In no country in the world, Verica, is there a platoon leader who has become Chief of Staff.'

Zdravko Ponoš was not respected as a general or commander by the officers of the Serbian army, especially those who defended the country against NATO aggression.

Stupar: 'To us, he is junior officer Zdravko. Why is he junior officer Zdravko? Because after the academy he got his first post as a platoon leader, and after two years they realised that he has neither the talent nor the desire to become a commander. He has already been put in a position that exists in the army, and only five to seven academics become commanders and generals with real leadership responsibilities. He has already been demoted to the position of a clerk, which is a position that deals with scientific development and production. Very important, I don't underestimate them, but these are not tasks that you can make the Chief of General

Chart 11: Representation by role of presidential candidates on television stations with nationwide coverage in the period before and during the election campaign



a retired major general, spoke about Ponoš as a deserter and a 'NATO general'.

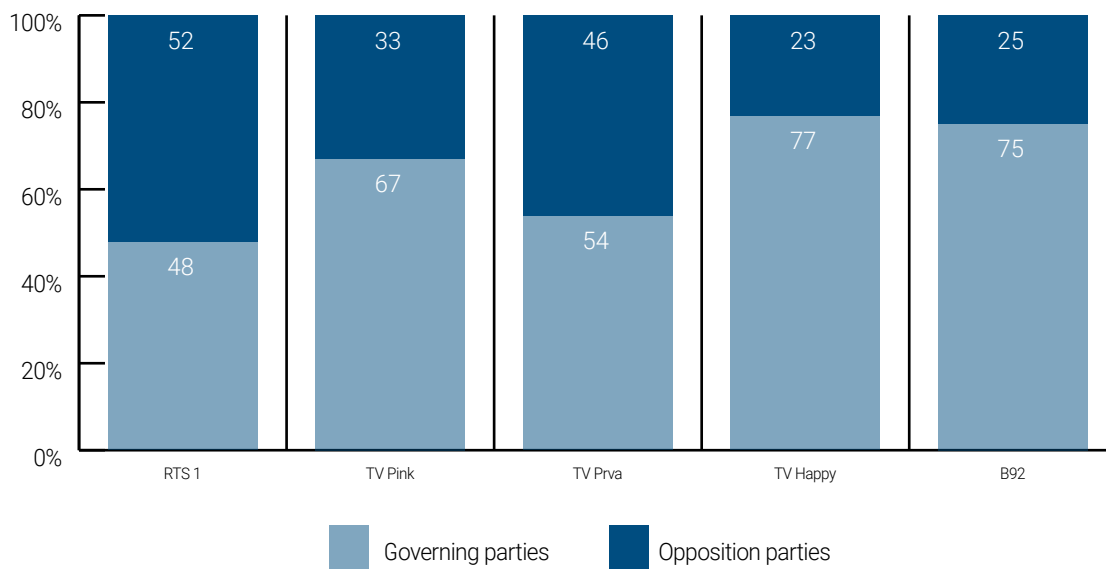
III. DIFFERENCES IN COVERAGE BY THE TELEVISION STATIONS

A comparison of data on reporting by various television stations indicates that RTS 1, a public broadcaster and the most watched television station with nationwide coverage,⁶ allotted time almost equally to all party representatives – for

opposition parties (52%) and for governing parties (48%). TV Prva also reported almost equally on all political actors, both the governing parties (54%) and the opposition parties (46%). The remaining three commercial television stations with nationwide coverage gave preference to the governing parties – TV Pink (67%), B92 (75%), and most of all TV Happy (77%) (Chart 12).

Data on the tone of reporting on various television stations show that all commercial television stations reported in

Chart 12: Presentation of the representatives of the governing and opposition parties on television stations with nationwide coverage during the election campaign



Staff out of:

As such, General Ponoš carried out the army reform and reduced combat readiness by 60 per cent.

Stupar: 'In my time, Vojvodina was defended by 10 brigades: 36th Subotica, 14th Kikinda, 506th Zrenjanin, 51st Pancevo, 453rd Mitrovica, 18th Novi Sad, 12th Sombor, 24th Backa Topola, and 6th Artillery Sremska Mitrovica. Believe me, after the reform of the army that Ponoš carried out on Tadić's orders, Vojvodina is now defended by a single brigade. People, is it possible that they did not see what they were doing?'

The legendary commander of the 72nd Special Brigade accuses Ponoš of not going to defend his homeland as an officer, even though he is from Knin.'

Stupar: 'But an officer whom the people have trained to go to the front at a certain moment and defend his home, his family, his people, who is not on the ground, is a deserter.'

Host: 'You are actually saying that Mr Ponoš was not in Knin when he should have been. Is that true?'

Stupar: 'If he did not defend Knin, then he will not defend my Kikinda.'

Tadić appointing Zdravko Ponoš to the post of Chief of General Staff was disastrous for the Serbian army and in the interest of NATO, as Major General Stupar points out.

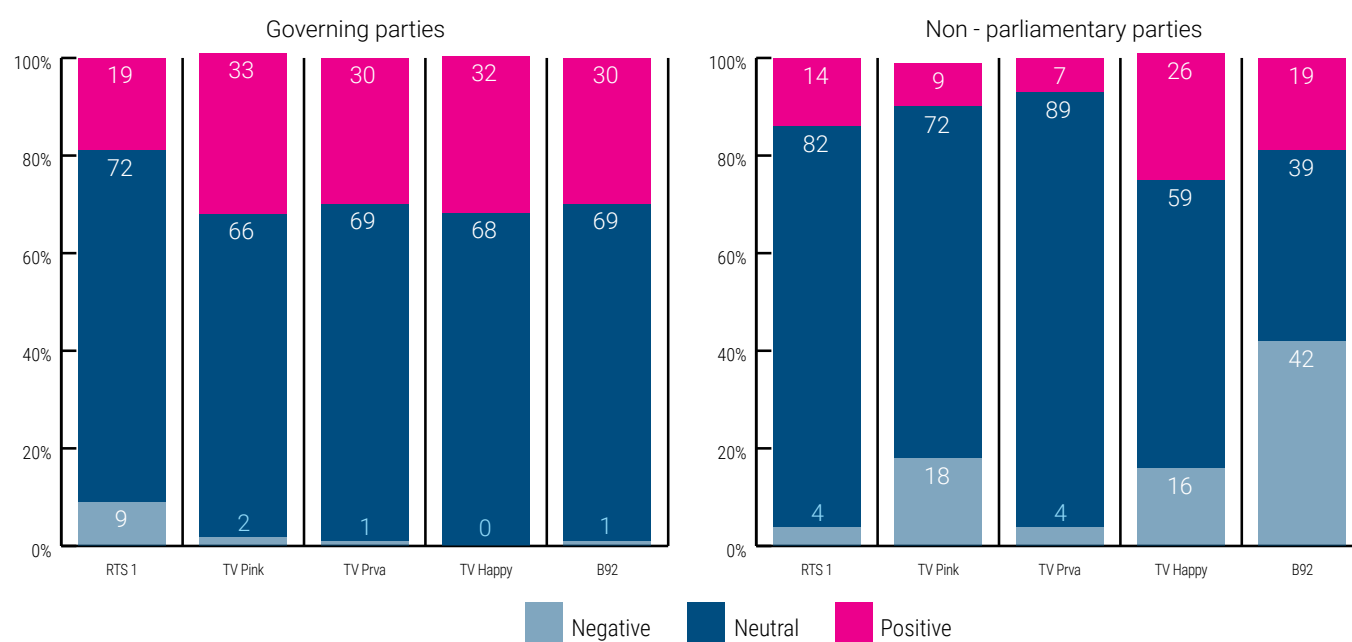
6 According to Media Ownership Monitor, RTS 1 with 19.25% share is the most watched television station, followed by TV Pink with 16.54%, TV Prva with 11.04%, TV Happy with 8.15% and TV B92 with 4.68% share, <https://serbia.mom-rsf.org/rs/mediji/tv/>, accessed 31 May 2022

a similar way on representatives of the governing parties, mostly neutrally (between 66% and 69%), then about one-third of the time positively (between 30 and 33%) and almost never negatively (between 0.3% and 2%). The only notable difference is the public broadcaster, which reported on the governing parties in a neutral tone more often (72%), then positively (19%) and finally negatively (9%). In terms of opposition parties, TV Prva with 89% neutral, 7% positive and 4% negative was the least biased in reporting. TV Prva is followed by RTS 1, with 82% neutral, 14% positive and 4% negative coverage. Of the remaining three commercial television stations, TV B92 was by far the most biased with 42% negative, 39% neutral and 19% positive coverage of opposition parties (Chart 13).

IV MOST FREQUENTLY REPRESENTED TOPICS

Two narratives dominated. The first was formed on topics related to the country's alleged economic progress and raising the living standard of citizens, and the second on the war in Ukraine. The 'economic' issues included raising salaries and pensions, lowering the unemployment rate, improving living conditions in local communities, providing various types of social assistance, building infrastructure projects, hospitals, investing in healthcare ... They dominated the communication of the governing parties, especially the Serbian Progressive Party. The most prominent communicator was Aleksandar Vučić, who also participated in events illustrating the economic progress and development of the country.⁷

Chart 13: Tone of the presentation of representatives of governing and opposition parties on television stations with nationwide coverage during the election campaign



Three commercial television stations stand out for their extremely biased reporting on opposition parties of different orientations – TV B92, TV Happy and TV Pink reported extremely negatively on opposition parties advocating modernist, more liberal views (TV B92, 58% negative and 10% positive; TV Happy, 42% negative and 10% positive and TV Pink 41% negative and 4% positive) while RTS 1 and TV Prva reported far more evenly (RTS 1, 8% negative and 12% positive and TV Prva, 5% negative and 4% positive).

Conservative, traditionalist opposition parties were represented more positively than negatively on all five television stations (RTS 1 16% positive and 1% negative; TV Pink 16% positive and 2% negative; TV Prva 10% positive and 3% negative; TV Happy 36% positive and 1% negative and TV B92 36% positive and 4% negative).

The governing parties also used narratives related to the war in Ukraine in the election campaign, but there were significant differences in the messages of the two main partners in power. While the Serbian Progressive Party insisted on messages about preserving the stability and security of citizens in the new conditions,⁸ the Socialist Party of Serbia advocated strengthening relations with Russia and protecting Serbia's interests in Kosovo.

The conservative, traditionalist opposition parties adhered to narratives about the protection of national identity in the context of international politics, the status of Kosovo, the relationship to European integration and relations between Serbia and Russia. They advocated a pro-Russian stance and a move away from the European Union, NATO and the United States, recalling the bombing of Serbia in 1999. The European-oriented opposition parties focused their communication on environmental issues and the problems of local communities. In addition, these parties also dealt with eco-

⁷ See the section 'Coverage of Presidential Candidates'

⁸ Aleksandar Vučić's entire presidential campaign was carried out under the slogan 'Peace. Stability. Vučić'

conomic topics and suggested solutions to various economic issues.

While the governing parties focused on the promises of a better standard of living, without paying too much attention to their political opponents, the opposition parties used the most frequent issues to criticise the government and mobilise their voters. The conservative opposition parties used the war in Ukraine to accuse the governing coalition, especially the Serbian Progressive Party, of not helping Russia enough and thus betraying national interests (especially after the UN General Assembly session in which Serbia joined in condemning Russia's invasion of Ukraine). Parties of modernist, pro-European orientation focused their criticism on the economic sphere (United for the Victory of Serbia denying the government's economic results) and environmental measures.

ANALYSIS OF IMPLEMENTATION AND RECOMMENDATIONS FOR IMPROVING THE NORMATIVE FRAMEWORK FOR THE BEHAVIOUR OF MEDIA SERVICE PROVIDERS DURING THE ELECTION CAMPAIGN

Regardless of whether or not an election campaign is underway, the electronic media are obliged to refrain from hate speech,⁹ and to provide free, truthful, objective, complete and timely information,¹⁰ and must also take into account that political advertising outside election campaigns is prohibited.¹¹ Despite that, CRTA found cases of political advertising before the elections were called, which is why three complaints were submitted to the Electronic Media Regulatory Authority (REM). CRTA also filed one complaint for hate speech and three more complaints against television stations that showed programme content simultaneously containing elements of hate speech, biased reporting and the promotion of a political organisation.

From the day the decision to call the elections comes into force until the end of the election campaign, media service providers are subject to stricter rules and are obliged to ensure the non-discriminatory representation of election participants. This obligation applies to the entire programming of media service providers – both to the election blocks and to regular news and other programmes. While CRTA's monitoring showed that the principle of non-discrimination was applied much more consistently in the election blocks than in the regular news programme, with certain deviations, it did reveal cases of biased reporting in both the election blocks and news programmes. In cases where such actions

resulted in violations of the normative framework, CRTA submitted complaints to the REM, which are discussed in more detail below. During the election campaign, 13 complaints were filed, most of them relating to television stations failing to provide a non-discriminatory presence of election participants.

The television stations observed often resorted to permissible but harmful practices that led to a substantially unequal representation of the actors and primarily gave a privileged position to those in power. Such cases were not reported to the REM, but need to be addressed through changes to the legal framework. The report will be followed by recommendations aimed at improving the framework for media coverage during election campaigns.

I. HATE SPEECH AS THE CULMINATION OF CONSTANT NEGATIVE COVERAGE BEFORE ELECTIONS ARE CALLED

Throughout the period leading up to the call of the elections, negative coverage of representatives of the political opposition was noted in the programmes of media service providers with a national broadcasting licence. Due to such content, CRTA filed four complaints with the REM in which the negative campaign degenerated into hate speech directed not only against representatives of the political opposition, but also against journalists described by the author of the content as political dissidents against the governing majority.

1. Hate speech against Marinika Tepić and members of the Romanian national minority on TV Pink

In the programme, which aired live on TV Pink on 29 November 2021, Dragoslav Bokan¹² responded to the host's question regarding donations from abroad and legal entities to domestic actors with insults based on the ethnicity of Marinika Tepić, vice president of the opposition Freedom and Justice Party:

A response is needed. And not only: 'They are awful, they are like this, like that.' Yes, but that is not the point. Marinika Tepić belongs to a national minority that hates Serbia and the Serbian people! Who joined Čanak in his anti-Serbian organisation when she was a young girl who was studying - what? Romanian language! She comes from a Romanian family, has a Romanian mother, a Romanian father, worked in a Romanian organisation. And she

9 Article 51 of the Law on Electronic Media stipulates that the Regulator shall ensure that the programme content of a media service provider does not contain information that encourages, in an open or covert manner, discrimination, hatred or violence due to actual or presumed personal characteristics such as race, nationality, affiliation, religious or political beliefs, gender, gender identity, sexual orientation, etc.

Article 27 of the Rulebook on Human Rights Protection in the Field of Media Service Provision further specifies this prohibition.

10 Article 47, paragraph 1, item 1) of the Law on Electronic Media stipulates that the media service provider, in relation to its programme content, in accordance with its programme concept, is obliged to provide free, truthful, objective, complete and timely information. In more detail, regulating this obligation of media service providers, in 2015 REM adopted the Rulebook on Human Rights Protection in the Field of Media Service Provision, which very clearly regulates the manner of fulfilling the obligations of media service providers regarding respect for the right to truthful, complete and timely information. (Articles 4 –19)

11 Article 47, paragraph 1, item 5) of the Law on Electronic Media stipulates that the media service provider is obliged to respect the ban on political advertising outside the election campaign.

12 Dragoslav Bokan is a Serbian director, known as the commander of the "White Eagles" paramilitary unit during the war in former Yugoslavia <https://www.istinomer.rs/akter/dragoslav-bokan/>

is our enemy! She is a national enemy, not only ideologically and politically. And that must be clear. We have to define what the Serbian state must defend...

On that occasion CRTA submitted a complaint to REM on 30 November 2021¹³ because, by allowing such speech in its programme, TV Pink violated the provisions of the Law on Electronic Media and the Rulebook on Human Rights Protection in the Field of Media Service Provision prohibiting the use of hate speech. The provisions of the Rulebook, in such cases, enable the media service provider to distance itself from the views of the interlocutor in a programme that is broadcast live, which was not done in this specific case.¹⁴ On the contrary, the host did not distance himself in any way from the views of the interlocutors, nor were the viewers informed that the disputed content violated human rights.

The case caused a huge public stir, and Bokan made guest appearances on other television stations with nationwide coverage in the following days in an attempt to soften the tone of the statement he had made earlier. At the same time, again in the TV Pink programme, he continued his attacks on Marinika Tepić:

As a spawn of the Romanian people, she betrays the principles on which relations between the Serbian and Romanian people are based. She became the first Romanian woman to create chaos between the two nations.

In the case of Bokan's appearance, REM did not act upon the complaint, but initiated ex officio proceedings against TV Pink on 6 December 2021, and issued a warning on 28 December 2021. The reasoning for this decision states that 'portraying a person's political activity and evaluating it as harmful and hostile and calling for the protection of the Republic of Serbia from such actions is a call for national and state confrontation with the Romanian minority, especially as this was broadcast on television', without a subsequent adequate response from the presenter, which constitutes discrimination against a person on the basis of their belonging to the Romanian national minority.¹⁵

2. Broadcast of the film *Meta Family* on TV Pink, TV Happy and TV Studio B

On 9 and 10 January 2022, TV Studio B, TV Pink and TV Happy, as well as the regional TV stations, showed an inde-

pendently produced film about the attacks on President Aleksandar Vučić by author Tomislav Lovreković.¹⁶

In the film entitled *Meta Family*, journalists from KRIK (Crime and Corruption Reporting Network), BIRN (Balkan Investigative Reporting Network) and CINS (Center for Investigative Journalism of Serbia), as well as the leaders of several opposition parties, are described as 'conspirators', 'agents and perpetrators in an attempted shameful coup d'état', 'branches of foreign secret services' and finally 'murderers', who are planning the liquidation of President Vučić.¹⁷ The film suggests that these journalists and editors of certain newsrooms and opposition leaders are 'conspirators', and in the context of the film are portrayed as enemies waging war against the Vučić family and the state of Serbia.

The film also shows the logo of the Serbian Progressive Party with the slogan 'Faster, Stronger, Better' and footage of various celebrations where that logo is clearly visible, along with numerous party flags and other propaganda materials, and a recognisable slogan of the Serbian Progressive Party, 'For our children', with the name of the party leader and the number 1 alluding to the number of the list in the upcoming elections. The narrator's voice says:

We, decent Serbia, will not wipe out the conspirators with false attacks or calls for murder, snipers or machines for grinding human flesh, or persecute children and call for the murder of sons and the rape of daughters. No, we are the civilised majority and we will solve the matter with the deadliest weapon of a modern democracy like Serbia. With a pencil! This April and every April to come. Never again, you conspirators, never again will Serbia be your hostage!

These words, together with the iconography of the Serbian Progressive Party and the video of the President of the Serbian Progressive Party inserting a ballot paper into the ballot box in some of the previous elections, were clearly used to promote the political party.

It is clear from the content and context of the film, including the final shots in which it is suggested to viewers that they will only identify themselves as opponents of the group referred to in the film as 'conspirators' if they vote for the Serbian Progressive Party, that the immediate aim of the film was to discriminate against and discredit a particular group of people whom the author of the film knows or assumes to represent

13 Complaint against TV Pink from 30 November 2022. <https://link.crtars/3p>

14 The provision of Article 4, paragraph 2 of the Rulebook on Human Rights Protection in the Field of Media Service Provision stipulates that '(...) if a human rights violation occurs during a direct (live) broadcast, the media service provider is obliged to inform media service users that there has been a violation of human rights in this particular case'.

The provision of Article 22, paragraph 4 of the same Rulebook stipulates that a media service provider may refuse to allow a particular person to participate in the programme if he or she engages in violent or indecent behaviour, incites a criminal offence, uses hate speech, insults other participants in the programme or representatives of the media service provider, or fails to comply with the conditions under which his or her participation in the programme was agreed.

15 Electronic Media Regulatory Authority, Decision no. 07-2022 / 21/22 on imposing a warning on TV Pink of 28 December 2022. <https://link.crtars/4c>

16 Lovrekovic is known to the general public for throwing a chicken at Marinika Tepic in February 2021, while she was speaking at a party rally in Pancevo. <https://link.crtars/3r>

17 The content of the entire film is available at the link <https://www.youtube.com/watch?v=nkHrYNX1tgA>

political dissidents against the ruling majority precisely because of their actual or presumed nature.

Due to the presentation of content that contains elements of hate speech, biased reporting, but also the promotion of a political subject, CRTA filed three complaints with REM on 26 January 2022: against TV Pink, TV Happy and TV Studio B.¹⁸ On 24 March 2022, REM initiated proceedings against TV Pink and Studio B, while there are no data on proceedings against TV Happy. In this case, the REM Council initiated the procedure of imposing measures ex officio, and not on the basis of CRTA's complaint. As the procedure was not completed before the publication of this report, it is not known whether REM recognised the violations of regulations in the disputed content that CRTA pointed out in its complaint.

II. FAILURE TO PROVIDE NON-DISCRIMINATORY REPRESENTATION OF ELECTION PARTICIPANTS DURING THE ELECTION CAMPAIGN

Media service providers (MSPs) are obliged to represent registered political parties, coalitions and candidates in a non-discriminatory manner during an election campaign. This obligation, prescribed by the Law on Electronic Media, is specified for public media services by the binding Rulebook on the manner of fulfilling the obligations of such services during an election campaign, and for commercial media service providers by a non-binding recommendation, so that the obligations prescribed by law are concretised in the case of public media services, but not for commercial media service providers, leaving considerable room for the unequal application of the Law on Electronic Media and arbitrariness in REM's approach. Such an approach by REM is not legally justified, as the Law on Electronic Media does not differentiate in any way between the MSPs to which the obligation to ensure non-discriminatory representation applies (public media services, commercial MSPs and civil society MSPs).

Recommendation: Ensure consistent implementation of the Law on Electronic Media so that all TV bylaws and the regulatory framework for conduct in an election campaign binds all media service providers equally.

1. Unequal treatment of election participants in the election blocks¹⁹

Although CRTA's monitoring showed that the principle of non-discriminatory presentation was generally applied more strongly in the election blocks on the monitored television stations than in news programmes, in individual cases it became apparent that many media service providers did not consistently comply with their obligations.

1.1. Informing the public about the activities of public officials in the election block

Although the election blocks are not meant to report on the activities of state organs and officials, some media service providers (MSP) used them to present projects of importance to the community through the activities of public officials, obviously attributing them to the political subject from which the officials whose activities were promoted originated.

This kind of coverage is characteristic of TV Novi Pazar, which several times presented the state activities of Tatjana Matić, Minister of Trade, Tourism and Telecommunications and at the same time a candidate on the 'Aleksandar Vučić – Together we can do everything' electoral list. TV Subotica also broadcast the ceremony in Novi Sad on the occasion of the commissioning of the Belgrade- Novi Sad railway line, which was attended by the Hungarian Prime Minister Viktor Orban and the President of the Republic of Serbia Aleksandar Vučić. The one-and-a-half-hour programme was marked as an 'election block' throughout its duration.

CRTA filed a complaint with REM against TV Novi Pazar and TV Subotica because, as described, they had placed parties, whose prominent representatives are also office holders, in an unequal and privileged position compared to other election participants.²⁰

1.2. Broadcasting the campaign events of political organisations in the election block

Free broadcasting of the election rallies of political subjects is permitted within the framework of the election block, i.e., within the framework of reporting on the activities of the election participants. However, MSPs must always take into account the obligation to ensure that participants are presented without discrimination. According to REM's opinion in previous elections, the media service provider **'may not broadcast rallies of only one or a certain number of electoral list holders during the election campaign, but is obliged to broadcast the rallies of all electoral list holders under the same programming and technical conditions.'** On various television stations, especially those with local and regional coverage, CRTA's monitoring recorded no less than 42 broadcasts of rallies in support of the Serbian Progressive Party and the 'Aleksandar Vučić – Together we can do everything' list. However, in most cases, the same television stations did not broadcast rallies or other events organised by other political subjects.

Since it is rare in practice that television stations broadcasting election rallies of a political subject also broadcast rallies of all other election participants in order to comply with the principle of equal representation of the election participants, measures must be taken to prevent the broadcast or delayed

¹⁸ The complaints from 26 January 2022 are available at the following links: Against TV Studio B <https://link.crt.rs/3m>, against TV Pink <https://link.crt.rs/3n>; against TV Happy <https://link.crt.rs/3o>

¹⁹ The coverage of election participants during an election campaign shall take place within the framework of the election block, which must always be separated from the rest of the programme by opening and closing credits and clearly marked as such in text throughout. The election block shall include programme contents which serve the following purposes: 1) information about the election activities of the election list holders and election candidates, 2) the presentation of the holders of the announced election lists and candidates and 3) political advertising.

²⁰ Complaint against TV Subotica dated 31 March 2022 <https://link.crt.rs/4a>; complaint against TV Novi Pazar from 31 March, 2022 <https://link.crt.rs/4b>

airing of election rallies of political subjects already in the normative framework.

Recommendation: Prohibit the broadcasting or time-delayed airing of the integrated election campaign events of political subjects, with the possibility of broadcasting reports from the election campaign event up to a maximum of two minutes.

During the campaign for the elections to be held on 3 April 2022, it was found that the SOS Station Plus television station showed a rally of the Serbian Progressive Party, although it is a specialised media house licensed to broadcast only sports content. Until 2019, REM's bylaws included an explicit ban on the broadcast of election programmes by MSPs that did not include the broadcast of news and current affairs programmes in their programming scheme, while reserving them the right to broadcast paid political advertisements (except in the case of a media service specialising in content for children and minors). Since the REM bylaws adopted on the eve of the 2022 elections do not contain such a prohibition, and this lack has given MSPs leeway to arbitrarily interpret their own obligations, future REM acts must clearly state that MSPs that have not provided for broadcasting current news must also not provide information about the election campaign.

CRTA filed a complaint against SOS Station Plus with REM on 31 March 2022.²¹

Recommendation: Prohibit the broadcasting of election programmes by a media service provider that has not provided for the broadcasting of news and current affairs programmes in its programme scheme.

2. Indirect endorsement of election participants in news and other types of programmes

The coverage of the activities of public office holders during election campaigns has been identified as one of the main shortcomings of the electoral process in Serbia in recent years. CRTA's media monitoring found that the television stations monitored reported on the activities of the governing majority, including public office holders, in their news broadcasts either in a neutral or positive tone, highlighting various achievements and successes, but never critically or negatively (Chart 4).

A ban on the covert or indirect endorsement of electoral lists or candidates has been introduced exclusively by the public service media and includes a prohibition on showing an electoral block as news or other programming.²² Within the framework of this prohibition, unauthorised forms of regular reporting on public officials are specified. In this sense, the set

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²¹ The complaint is available at the link <https://link.crtars.rs/47>. In the meantime, on 5 April 2022, SOS Kanal Plus requested the competent authority to turn off the broadcast signal due to lack of funds, after which on 5 May 2022, REM made a decision to terminate the broadcasting license of this television station. <https://link.crtars.rs/3w>

²² Rulebook on Obligations of Media Service Providers during Election Campaigns, Article 4.

²³ Recommendation to Commercial Media Service Providers on Conduct during Election Campaigns, item 5.

²⁴ Complaint against B92 submitted to REM on 8 March 2022 <https://link.crtars.rs/3x>; complaint against B92 dated 31 March 2022 <https://link.crtars.rs/3y>

²⁵ Complaint against TV Zona plus dated 8 March 2022 <https://link.crtars.rs/40>; complaint against TV Vesti dated 8 March 2022 <https://link.crtars.rs/3z>

of rules stipulates that in news programmes outside the election block, the public service media, when reporting on current events and activities of state organs and public officials, may not:

- refer in a particularly promotional manner to electoral list holders or candidates or their activities, ideas or political views;
- allow government officials – holders of public office – to enjoy a privileged position compared to other participants in the electoral process.

Commercial MSPs, on the other hand, have not been prohibited from doing so, but they are advised to refrain from reporting that contains elements of favouring government officials over election participants who do not have the opportunity to appear in an official capacity.²³

2.1. Promotional reference to election participants when reporting on current events and the activities of public officials

During the election campaign, TV B92 news reported on Aleksandar Vučić's activities in such a way that the reports contained elements of advertising for the 'Aleksandar Vučić – Together we can do everything' electoral list. In both features, which CRTA reported to REM,²⁴ the host of the programme speaks about infrastructure projects in the country, and then President Vučić is quoted as emphasising the importance of such projects. However, both reports show not only the visual identity of the Dela govore (Actions speak) website and its internet address, but also the name of the 'Aleksandar Vučić – Together we can do everything' electoral list. The Dela govore website (<https://www.delagovore.rs/>), to which the report refers, is an internet presentation of the Serbian Progressive Party, dedicated to the promotion of the Party and Aleksandar Vučić's electoral list, whose distinctive logos are highlighted on this website.

In addition, a rally in support of the list, which took place in Merošina on 19 February 2022, was shown during news broadcasts on TV Vesti and TV Zona plus.²⁵ CRTA also filed a complaint with REM against those two television stations for the unauthorised promotion of an electoral list during a news programme.

2.2. Putting public officials in a privileged position compared to other election participants

That REM, adhering to the Rulebook on Obligations of Media Service Providers during Election Campaigns, explicitly pro-

hibited public media services from reporting that allows for a privileged position of government officials over other participants in the electoral process and recommended commercial media to avoid such reporting for the first time during the February 2022 election campaign is certainly a step forward compared to the previous rules. However, REM has failed to set criteria for establishing a privileged position for public officials during an election campaign. It is undisputed that public officials perform their duties during election campaigns and that the public has a legitimate interest in being informed about some of those duties, but in many situations, public officials' appearances served solely to promote previous work and influence voters.

For example, during the election campaign, the television stations monitored by CRTA broadcast some of Aleksandar Vučić's activities in his capacity as President of the Republic 40 times. Of these, 23 cases featured participation in presidential activities, such as the start or completion of work on infrastructure projects, visits to institutions (schools, hospitals), laying of foundation stones for new factories, tours of factories and the like. The remaining 17 cases were reports on matters that fall within the President's remit and where it can be assumed that the public had an interest in being informed about them. In addition, the President appeared 12 times on various television programmes and was presented in two ways: both in the capacity of President of the Republic and in the capacity of presidential candidate or holder of the 'Aleksandar Vučić – Together we can do everything' electoral list. Such an unclear demarcation of state and party activities contributes to the violation of equality in the competition of election participants.

It is precisely for this reason that defining the criteria for distinguishing between these two types of events is crucial in order to prevent preferential treatment and unjustified favouritism for the governing parties and their candidates in the elections.

In addition, an insufficient attempt was made to limit reporting on the activities of public officials who are also election candidates with the December 2021 amendment to the Law on Electronic Media, which prohibits the media from reporting on official public events involving the opening of infrastructure and other facilities (roads, bridges, schools, hospitals, factories, etc.) in the ten days before election day, i.e. to report on the start of construction of such facilities if they involve public officials who are candidates for the office of President of the Republic, a seat in the National Assembly, a seat in the parliament of an autonomous province, or a council seat in the assembly of the local self-government unit.²⁶

Not only is the ban set for too short a period of time, but it is also limited exclusively to candidates, although it is known that in practice such events are often attended by ministers, whose term of office is about to end (i.e., in the technical mandate in the case of early new elections), who are often not candidates on the electoral lists at all, but in most cases

are members of a party participating in the elections and not infrequently seek a new ministerial post.

The monitoring did not identify any cases where the media did not comply with the ban.

Recommendation: Establish clear criteria for determining a privileged position of public office holders during an election campaign, assuming that a privileged position exists:

- *if the media service provider reports on the activities of public office holders during the election campaign that do not constitute statements by public bodies, that are not urgent in nature and that do not relate to a threat to life, health, safety or property;*
- *if the duration of media content relating to the activities of public officials is of such a scope that it does not justify the exercise of the citizens' right to be informed in terms of the Public Information Act;*
- *if the content of a public official's speech is likely to influence voters, in particular if in his speech he refers to the results of the work of the body in which he performs his function, if he presents parts of the programme of election participants or if he uses his appearance as a public official to discredit other political subjects or candidates;*
- *if the media service provider conducts live or delayed broadcasts of ceremonial events in which the public official participates;*
- *if, during the election campaign, the media service provider organises a broadcast in which a public official who is a candidate or a prominent representative of a political subject participating in the election campaign promotes the results of the work of state bodies.*

In addition, provision shall be made for the reporting of the regular activities of public officials for which there is editorial justification in short reports (e.g., no longer than two minutes) in news programmes, in text form, without audio and video recording.

2.3. Promotion of candidates in entertainment programmes

As part of the ban on the covert or indirect endorsement of electoral lists or candidates, REM prohibits public media services from broadcasting any feature, documentary, entertainment or similar programme during the election campaign that features an officeholder or prominent representative of an electoral list or an electoral candidate, with an exception for programme content that was produced at least four years before the election was called.

Contrary to the cited ban, the RTS1 television station of the public broadcaster Radio-Television of Serbia showed epi-

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26 Article 47, paragraph 2 of the Law on Electronic Media

sodes of the entertainment programme *Na večeri kod (Dinner with)* produced in 2022, in which the actress Iva Štrljić, a candidate on the 'Aleksandar Vučić – Together we can do everything' electoral list for the parliamentary elections in the city of Belgrade, participated. During the election campaign, the candidate took part in two episodes of the programme broadcast for the first time, each of which was repeated twice.

Taking the view that the public broadcaster was thus indirectly endorsing a candidate on an electoral list in the form of an entertainment programme, CRTA filed a complaint against RTS with REM on 31 March 2022.²⁷ As of the date of this report, REM had not informed the complainant of the outcome of the proceedings in relation to this complaint, nor had it published any information on possible action on its website.

At the very end of the election campaign, on 29 March, Aleksandar Vučić was a guest on the evening entertainment programme *Amidži Show* on TV Pink. Unlike the public service media, which are forbidden to present election candidates in entertainment programmes during the election campaign, the commercial MSPs are not even advised to avoid such guest appearances. At the beginning of the two-hour programme, Vučić was announced as the President of the Republic, but the host allowed his interlocutor to introduce his programme and talk about the ongoing election campaign. In addition, the programme showed an excerpt from Vučić's promotional video.

Based on this content, CRTA filed a complaint against TV Pink, considering that the MSP had provided Aleksandar Vučić with a privileged position compared to other participants in the electoral process by allowing him – as the sitting President and, at the same time, a presidential candidate and the holder of the 'Aleksandar Vučić – Together we can do everything' electoral list in the parliamentary and local elections – to participate in an entertainment show immediately before the elections, while promoting his state and political activities.²⁸ As of the date of completion of this report, the complainant has not been informed of any possible steps taken by REM regarding this complaint.

Recommendation: Prohibit the broadcast during election campaigns of feature, documentary, entertainment or similar programme content by commercial media service providers in which a public official or a prominent representative of an electoral list or a candidate appears.

III. POLITICAL ADVERTISING BEFORE AND DURING THE 2022 ELECTION CAMPAIGN

Political advertising in electronic media is only allowed during election campaigns²⁹ and is subject to the provisions of the Advertising Act, which are, however, formulated in such a

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²⁷ Complaint against RTS dated 31 March 2022 <https://link.crtars.rs/41>

²⁸ Complaint against TV Pink dated 21 April 2022 <https://link.crtars.rs/42>

²⁹ Law on Electronic Media, Article 47, paragraph 1, item 5)

³⁰ Complaint against TV Pancevo dated 27 December 2021 <https://link.crtars.rs/3u>

³¹ The complaint against TV Santos is available at the link <https://link.crtars.rs/3s>; against TV Zona plus <https://link.crtars.rs/3t>

³² Notice of 25 March 2022 from the Electronic Media Regulatory Authority to the complainant against TV Zona plus <https://link.crtars.rs/3v>. Identical notices were sent to the complainants against TV Santos and TV Pancevo.

way that they are primarily aimed at advertising commercial products and are therefore difficult to apply to the content of election campaign messages. The Advertising Act stipulates that commercial media service providers may broadcast a maximum of 12 minutes of advertising on television in one hour and public service media 6 minutes, with no possibility of offering election participants the opportunity to advertise their electoral lists for campaign purposes outside the dates prescribed by law.

1. Cases of illicit political advertising outside the election campaign

Despite the clear legal provisions, there were cases of advertising for political subjects in the programmes of some media service providers even before the elections were called.

On TV Pancevo's programme on 2 and 16 December 2021, propaganda videos were shown shortly before the broadcast of the main evening news, which contained elements promoting the activities of the Serbian Progressive Party, leading CRTA to file a complaint with REM.³⁰

Of particular concern, however, was the advertisement for the Ministry of State Administration and Local Self-Government, which was broadcast in November and December 2021, promoting the Ministry as an advertiser, but also the activities of a political organisation – the Serbian Progressive Party: namely, in a part of advertisement the narrator says 'None of this would be possible without close cooperation with the President of the Republic', and a video of Aleksandar Vučić at a rally appears, clearly showing an identifying symbol of the Serbian Progressive Party – the recognisable 'Aleksandar Vučić - For our children' slogan used by the party in promotional activities. CRTA filed complaints against two local television stations: TV Zona plus from Niš and TV Santos³¹ from Zrenjanin for broadcasting these videos.

In all three cases mentioned, REM found violations of the provision of Article 47, paragraph 1, item 5) of the Law on Electronic Media based on CRTA's complaints. However, in none of the cases did the regulator carry out proceedings to impose measures on the media service providers, but merely reminded them in letters that they are obliged to comply with the provisions of the Law on Electronic Media.³²

1.1. Surreptitious advertising in the form of news

In the months leading up to the calling of the elections, the practice of downloading videos from President Vučić's Instagram account, and showing them on news programmes continued on numerous television stations. In some of these videos, which primarily promote the results of the government's

and the President's work, footage of the Serbian Progressive Party's rally is shown, with Vučić giving a speech in front of clearly recognisable symbols of the SNS.³³ REM has previously taken the position that these posts cannot be considered covert advertising, but that it is an 'inviolable right of viewers to be informed about an event (posting a video on social media)'.³⁴ However, due to the harmfulness of this behaviour by the MSP, it is necessary to improve the normative framework and prevent this type of advertising outside election campaigns.

Recommendation: Improve the normative framework so that the broadcasting of advertising content containing elements of promotion of political subjects in the news programming of media service providers is considered a covert form of political advertising that is not allowed outside election campaigns.

2. Paid airtime during the campaign

While the REM bylaws do not regulate paid airtime for political parties during election campaigns, this situation is directly governed by the provisions of the Advertising Act, which stipulates that a commercial media service provider has a total of 12 minutes and a public broadcaster has 6 minutes for all types of advertising per hour, which includes commercial and political advertising as well as paid airtime that parties buy for their own election advertising. The shortcomings of the REM regulations have led to media service providers, as well as election participants, interpreting the regulations in this area arbitrarily, resulting in 'paid airtime' being broadcast over a continuous period of several tens of minutes.

This is how Aleksandar Vučić, as a presidential candidate, and his electoral list were promoted, with election rallies broadcast by numerous television stations under the label of 'paid airtime'. This was the case with the rally in Merošina on 19 February, which lasted almost an hour and was broadcast under the label of political marketing by the local television stations Most from Novi Sad, Sat TV from Požarevac and Belle Amie from Niš.

The final rally of the Serbian Progressive Party on 30 March 2022 was broadcast live for 42 minutes on TV Pink, also under the label of paid airtime.

Taking the view that there is no basis in the current regulations for political subjects to advertise themselves on commercial television for more than 12 minutes per hour during an election campaign, CRTA has filed a complaint with REM against those television stations who broadcast such programmes.³⁵ The complainants have no information about REM's actions in these cases.

Recommendation: Explicit ban on broadcasting paid content of political subjects for more than 12 minutes during one hour on commercial television or 6 minutes on public broadcasters.

OBSERVATION METHODOLOGY

On 1 October 2021, the CRTA observation mission officially started monitoring the work of television stations with nationwide coverage. The main objective of the observation mission was to determine whether all political actors were equally represented, what the media coverage of political actors looked like and whether political actors were equally represented in their capacity as subjects or objects. The mission aimed to shed light on the degree of political pluralism in the media and the professionalism of the media's treatment of all actors in the political arena.

CRTA observers, trained to the highest international standards for observing the media in an electoral process, monitored all television stations with nationwide coverage: RTS 1, TV Pink, TV Prva, TV Happy and TV B92. The focus of the observation was on the entire programming in primetime television (extended 'prime time' from 17.30 to 24.00) in which political actors appeared or were mentioned.

The representation of political actors was measured by recording the basic unit of measurement, the seconds devoted to each political actor on each of the observed television stations. The tone of the representation of political actors was determined on a three-point scale from negative to positive, with negative tone reflecting attacks on or unfavourable coverage of a political actor, neutral tone reflecting facts offered without pejorative or affirmative coverage, and positive tone reflecting affirmative and supportive coverage of a particular political actor. The seconds allocated to political actors as subjects and objects were also measured: as a subject, the political actor is present in a first-person video address, while the position of object implies that the political actor is spoken about by journalists, presenters, speakers or other participants in the programme.

A full account of the detailed methodology of the media observation can be found on the CRTA website.³⁶

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33 An example of the described procedure is the video published on the President's Instagram account on December 14, 2021, available at the link https://www.instagram.com/tv/CXdu8HLI_4N/?utm_medium=copy_link which was broadcast on the same day in the news programmes of TV Pink, Studio B and B92.

34 REM announcement regarding the received complaints of the organisation Citizens on Guard (Građani na straži) from 6 February 2019 <https://link.crtars.rs/49>

35 Complaint against TV Most dated 8 March 2022 <https://link.crtars.rs/44>; complaint against Sat TV dated March 8, 2022 <https://link.crtars.rs/45>; complaint against Belle Amie TV from March 8, 2022 <https://link.crtars.rs/43>; complaint against TV Pink dated April 21, 2022. <https://link.crtars.rs/46>

36 <https://link.crtars.rs/3c>

