

For English version, please scroll down

PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI

LEGAL MONITORING OF SERBIAN MEDIA SCENE

Monitoring Novosti 2 / Monitoring News Letter 2

Predstavljamo Vam *drugi broj Monitoring Novosti*, kojima ANEM promoviše aktivnosti na realizaciji projekta „Pravni monitoring medijske scene u Srbiji i prateće promotivne aktivnosti“. Ovaj projekat ANEM sprovodi u saradnji sa dugogodišnjim partnerom, advokatskom kancelarijom „Živković&Samardžić“, uz podršku USAIDa i IREXa Srbija. *Više o projektu, [ovde](#)*

Za drugi broj Monitoring Novosti, izdvajamo:

1. Drugi Izveštaj o pravnom monitoringu medijske scene u Srbiji – Monitoring predstavlja osnovnu aktivnost u okviru navedenog projekta. Monitoring vrši tim advokata i saradnika kancelarije „Živković&Samardžić“, u saradnji sa ANEMom. Projektom je predviđeno podnošenje mesečnih izveštaja o sprovedenom monitoringu, koji treba da olakšaju uočavanje i rešavanje problematičnih pitanja i nedostataka, kako medijske regulative, tako i okruženja za razvoj medija. Svi izveštaji će biti dostupni na web sajtu ANEMa.

Prvi Izveštaj je obuhvatio period Maj - Jun 2009. Podsećamo Vas na njegov sadržaj [ovde](#)

Drugi Izveštaj, koji ovde predstavljamo, odnosi se na mesec jul 2009.g.

1.1. Prikaz Izveštaja – I ovaj izveštaj, kao i prethodni, daje pregled ključnih aspekata medijskog sektora: ostvarivanja prava na slobodu izražavanja; regulatornog okvira (implementacija postojećih zakona i usvajanje novih); rada državnih i drugih nadležnih organa i organizacija; odvijanja tranzicionih procesa privatizacije i digitalizacije. On sadrži niz podataka i činjenica prikupljenih profesionalnim pravnim monitoringom, njihovu stručnu analizu, kao i ocenu stanja u medijskom sektoru Srbije za taj period. Ovde izdvajamo ono najvažnije:

Nalaz monitoringa za posmatrani period, ukazuje da je najozbiljnije ugrožavanje položaja i slobode medija bilo učinjeno u oblasti medijske regulative. Izmene Zakona o javnom informisanju i Zakon o nacionalnim savetima nacionalnih manjina predstavljaju grubo menjanje regulatornog okvira od strane vlasti, bez učešća i saglasnosti samih medija i javnosti, a njihove posledice mogu ozbiljno ugroziti dostignuti nivo slobode izražavanja. Drugi vid ugrožavanja medija, ali ekonomskog, predstavlja nedovoljna realizacija Vladinih interventnih mera za pomoć medijima u uslovima krize. U meri, u kojoj su realizovane, nisu značajno popravile ekonomski položaj medija, a primetno je i nepostupanje po preporukama Vlade, koje produbljuje krizu u kojoj su se našli mediji.

Izveštaj pruža značajne informacije i o svim ostalim relevantnim pitanjima za razvoj medijskog sektora.

1.2. Zaključak Izveštaja – Analiza stanja u medijima, koja je sadržana u celom Izveštaju, a u Zaključku naročito, ukazuje šta je loše i šta treba menjati u medijskoj regulativi i praksi, kako bi se i medijske reforme i demokratizacija društva nastavile. Smatrajući ključnim u Zaključku, ovde posebno navodimo sledeće: „Prevazilaženje ovakve

situacije kao nužni preduslov ima postizanje šireg društvenog konsenzusa o ciljevima i pravcima medijske reforme u Srbiji. U protivnom, preči dalje urušavanje medijske scene, sa krajnje neizvesnim ishodom“.

Više o drugom Monitoring Izveštaju i sam Izveštaj pogledajte [ovde](#)

2. Objavljena Prva ANEMova Monitoring Publikacija – Kako je i najavljeno u prošlom broju Monitoring Novosti, ANEM je objavio svoju Prvu Monitoring Publikaciju, 31.08.2009. Publikacija je, u elektronskoj formi, dostavljena svim saradnicima i partnerima sa mailing lista ANEMa, a javno predstavljanje štampanog izdanja ovog broja, nedavno je održano u Beogradu. Publikacija je predstavljena i na sajtu ANEMa.

Publikacija sadrži: uvod, 4 autorska teksta i jedan dokument Saveta Evrope. Za izbor tema je bio opredeljujući monitoring sproveden u prethodna tri meseca (Maj - Jul 2009.). **Uvod** daje sažetu informaciju o monitoring rezultatima za navedeno tromesečje. **Prva dva stručna teksta** autora Slobodana Kremenjaka, rukovodioca Monitoring tima, **se odnose na ostvarivanje slobode izražavanja i izmene Zakona o radiodifuziji**. Oba ukazuju na ugrožavanje slobode izražavanja i slobode medija. Prvi, kroz analizu slučajeva koji pokazuju da je neadekvatna sudska praksa poseban vid kršenja ovih sloboda, a drugi kroz pojašnjenje smisla i posledica svih dosadašnjih izmena Zakona o radiodifuziji, kojima je regulisan samo sastav i izbor članova Saveta RRA. **Treći (Novi Zakon o autorskom i srodnim pravima – autor Mr Vladimir Marić) i četvrti tekst (Strategija prelaska sa analognog na digitalno emitovanje programa u Srbiji- autor Mr Jelena Surčulija)** se bave važnim pitanjima za medije, koja imaju direktne posledice na njihov ekonomski status i primer su dobre saradnje medija i nadležnih organa, kroz javno uključivanje predstavnika medija u izradu predloženih akata. **Peti, poslednji tekst je Dokument Saveta Evrope**, koji sadrži listu od 27 osnovnih principa, koji mogu poslužiti kao **indikator za ocenu stanja u medijima** u državama članicama, a nama i za procenu koliko smo blizu ili daleko od evropskih standarda u oblasti slobode izražavanja i medijskih sloboda.

Prikaz Publikacije I i samu Publikaciju možete pogledati [ovde](#)

3. Javno predstavljanje Prve Monitoring Publikacije na okruglom stolu u Beogradu - U Beogradu je 08.09.2009, održan okrugli sto „Monitoring medijske scene u Srbiji“, u organizaciji ANEMa, a uz podršku USAIDa i IREXa Srbija. Povod za organizovanje ovog skupa je bilo predstavljanje štampanog izdanja prve istoimene ANEMove Publikacije, kao i dosadašnjih monitoring Izveštaja. Nakon toga, otvorena i konstruktivna debata o stanju u medijima danas u Srbiji, između velikog broja predstavnika svih zainteresovanih strana, potvrdila je potrebu za hitnim donošenjem strategije razvoja medijskog sektora, koja treba da bude rezultat šireg društvenog konsenzusa. Debata je takođe pokazala da je monitoring medijske scene važan instrument za ostvarenje ovog cilja, jer ukazuje na ono što nedostaje ili što treba menjati u medijskoj regulativi i praksi da bi se stvorilo povoljnije okruženje za napredak ovog sektora.

Izveštaj sa ovog okruglog stola, pogledajte [ovde](#)

4. Treći Izveštaj o pravnom monitoringu medijske scene u Srbiji, uskoro - Ovim Monitoring Novostima, ANEM najavljuje treći Izveštaj o pravnom monitoringu medijske scene u Srbiji, koji je u pripremi. Izveštaj se odnosi na mesec avgust 2009. On će sadržati najvažnije informacije o izazovima s kojima su mediji bili suočeni u ovom periodu, uočenim nedostacima u medijskom regulatornom okviru i praksi, kao i o ostalim bitnim činjenicama za razvoj medija i celog sektora. Analiza stanja u medijima za taj period je ključni deo ovog Izveštaja. Više o svemu navedenom, moći ćete da nađete u ovom monitoring Izveštaju, koji se očekuje uskoro.

5. Izdvajamo iz ANEMovih saopštenja - Saopštenje povodom usvojenih izmena Zakona o javnom informisanju i donetog Zakona o nacionalnim savetima nacionalnih manjina – Višestruka štetnost ova dva zakona je bila predmet drugog Monitoring Izveštaja, za jul mesec 2009. I pored činjenice da su se sva medijska udruženja i stručnjaci jednako i snažno usprotivili izmenama Zakona o javnom informisanju, Zakon je ipak usvojen u Skupštini 31.08.2009. Ostao je gotovo nezapažen drugi navedeni zakon, istog dana usvojen, koji jednim delom duboko i negativno zadire u oblast medija. Nakon donošenja ovih zakona i stručne provere njihovih usvojenih tekstova, ANEM je smatrao da je potrebno da još jednom ukaže na ozbiljnost njihovih posledica po medije. Stoga je **03.09.2009. izdao Saopštenje, koje možete videti [ovde](#)**

Ovim Saopštenjem, ANEM izražava svoj protest, ali istovremeno apeluje na nadležne da sami preispitaju loša rešenja i da njihovim izmenama, na kojima će ANEM insistirati, spreče ozbiljnije ugrožavanje medijskih sloboda.

6. Uskoro Monitoring aktivnosti na novom web sajtu ANEMa – Uskoro se očekuje objavljivanje restrukturiranog i redizajniranog web sajta ANEMa, koje su pomogli USAID i IREX Srbija. Monitoring projekat će na naslovnoj strani imati posebnu sekciju, sa svim najvažnijim informacijama o ovom projektu, a svi zainteresovani će moći da daju svoje komentare, sugestije i postavljaju pitanja u vezi sa ovim i svim drugim aktivnostima ANEMa.

U međuvremenu, ANEM ponavlja poziv svima, koji žele da doprinesu nastavku medijskih reformi, da se svojim pitanjima ili predlozima, koji su u vezi sa monitoring projektom i njegovim rezultatima, obrate mailom Sekretarijatu ANEMa, na anem@anem.org.rs

Promotivne aktivnosti u okviru projekta: "Pravni monitoring medijske scene u Srbiji i prateće promotivne aktivnosti", sprovodi ANEM,



uz podršku USAIDa i IREX Serbia,



Ove Monitoring Novosti su realizovane zahvaljujući građanima SAD u okviru programa podrške medijima Američke agencije za međunarodni razvoj (USAID). Izneti stavovi pripadaju isključivo autorima i ne predstavljaju zvaničan stav USAID-a i IREXa.

[English version](#)

PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI

LEGAL MONITORING OF SERBIAN MEDIA SCENE

Monitoring Novosti 2 / Monitoring News Letter 2

ANEM presents you the *second issue of Monitoring News Letter*, aimed at promotion of activities for the implementation of the ANEM project “Legal Monitoring of Serbian Media Scene”. This project ANEM enforces in cooperation with its longtime partner, Law Office “Zivkovic&Samardzic”, supported by USAID and IREX Serbia. More about the project [here](#)

Highlights of the Second issue of Monitoring Newsletter:

1. Second Report on legal monitoring of the media scene in Serbia – Legal monitoring is the main activity predicted by the above project. Monitoring is being conducted by expert team of lawyers and associates of the Law Office “Zivkovic&Samardzic”, in cooperation with ANEM. The project envisages the submission of regular monthly reports on legal monitoring, which should facilitate identifying and overcoming problematic issues and remaining gaps in both media legislation and media environment. All reports will be available on ANEM website.

The First Report covered the period May-June 2009. Please, see the Report here

The Second Report** presented here **refers to July 2009.

1.1 Report Review – This report, like the previous one, provides an overview of the key aspects of the media sector: exercising of the rights to freedom of expression; regulatory framework (implementation of existing laws and adoption of new ones); work of state authorities and other competent bodies; proceeding of the transition processes - privatization and digitalization. It contains a numerous data and facts collected by professional legal monitoring and their expert analysis along with assessment of the media situation in Serbia for this specified period. Here are the most important points:

The finding of the conducted monitoring for the period observed indicates that the most serious threat to media position and freedom of media was done in the field of media regulations. Amendments to the Law of Public Information and the Law on National Councils of National Minorities present the drastic alteration of the regulatory framework by the Establishment, without the participation and consent of the public and the media as well. More over their effect can seriously jeopardize the achieved level of freedom of expression. Another aspect of endangering the media, economic one, is poor and inadequate implementation of emergency government measures to assist media in conditions of crisis. To an extent to which they’ve been realized, the measures have not significantly improved the economic position of the media. Even more, the failure to act by the recommendations of the government is evident, which further deepens the crisis of the media.

The Report also provides important information on all other issues relevant for the development of the media sector.

1.2. Conclusion of the Report – Media situation analysis, presented in this Report, particularly in Conclusion, points out what is wrong and what has to be changed in the media legislation and practice, in order to continue media reforms and the democratization of society. Deeming it crucial in the Conclusion, we here cite the following: “In order to overcome this situation, it is necessary to achieve a broad social consensus on goals and directions of media reforms in Serbia. If this does not happen, deterioration of the media scene will continue and its final outcome will be quite uncertain.”

More about the Second Monitoring Report and Report itself see [here](#)

2. First ANEM Publication on Legal Monitoring published - As announced in the former Monitoring Newsletter, ANEM launched its first Legal Monitoring Publication on August 31st, 2009. The electronic version of the Publication was sent to all associates and partners via ANEM mailing lists, while a public presentation of the printed edition of this issue was recently held in Belgrade. The Publication is also available on the ANEM website.

Publication contains an introduction, four authors' texts and one document of the Council of Europe. Decisive in topic selection was monitoring carried out in the previous three months (May-July 2009). **The Introduction** gives brief information about the monitoring results for the quarter indicated. **Two following expert texts** written by Slobodan Kremenjak, Head of Monitoring team, **treat the freedom of expression and amendments to the Broadcasting Law**. Both texts indicate a violation of freedom of expression and media freedom. First, through analysis of cases which display inadequate judicial practice as a specific form of violation of these freedoms, and the other through the clarification of the meaning and effects of all previous amendments to the Law on Broadcasting, which regulate only a composition and election of member of the Council of the RBA. **The third (New Law on copyright and related rights-** author MA Vladimir Maric) **and fourth article (Strategy of transition from analog to digital broadcasting in Serbia-** author MA Jelena Surculija) deals with important issues for the media, which have direct effects on their economic position and are a good example of cooperation between media and relevant authorities, through public engagement of the media representatives in the drafting of proposed legislation. **The fifth and last article is the Document of the Council of Europe**, which contains the list of 27 fundamental principles that can serve as **indicators for the evaluation of the media situation** in the Member States, but for us also to assess how far or close we are to European standards in the field of freedom of expression and media freedoms.

The Review and the Publication available [here](#)

3. Public presentation of ANEM first Monitoring Publication at round table in Belgrade – Round table “Monitoring of Serbian Media Scene”, organized by ANEM, was held in Belgrade on September 8th 2009, with support of USAID and IREX Serbia. The reason for this public meeting was the presentation of printed edition of the first ANEM identically-named Publication, as well as hitherto Monitoring Reports. Following open and constructive debate about media situation in Serbia today, between numerous representatives of all interested parties, confirmed the necessity for urgent adoption of strategy for media sector development, which should be result of wider social consensus. Debate has also showed that monitoring of media scene is an important instrument for achieving of this goal, as it indicates what is missing or what should be revised in media legislation or practice in order to create more favorable media environment for progress of this sector.

Report on this round table is available [here](#)

4. Third Report on legal monitoring of Serbian media scene, shortly – With this Monitoring News Letter, ANEM announces the Third Report on legal monitoring of the media scene in Serbia, which is now being prepared. The Report will refer to August 2009. It will contain the most important information on challenges that media were facing with in this period, identified the problems in the media regulatory framework and practice, as well as other facts relevant for the development of the media and the entire sector. Analysis of the media situation for this period is a crucial part of this Report. More about all, you'll find in the Third monitoring Report, which is expected soon.

5. Selected from ANEM Public Statements - Statement regarding the adopted Amendments to the Law on Public Information and passed Law on National Councils of National Minorities – Multiple harmful effects of these two laws was the subject of the

Second Monitoring Report for July 2009. Despite the fact that all media associations and experts equally and strongly opposed to amendments to the Law on Public Information, the law was still adopted by the Assembly on August 31st, 2009. The passing of the other above law remained almost unnoticed even adopted at the same day and regardless of the fact that it partially goes deep into the field of media and negatively affects it. Therefore, after adoption and expert checking of the final wording of these laws, ANEM considered that it was essential to specify their serious consequences that media suffer most. As a result, the Association ***issued a statement, on September 3rd, 2009, which you can see [here](#)***

By this statement, ANEM has expressed its protest, but at the same time appealed to competent authorities to revise the bad solutions of these laws and by changing them, which ANEM will insist on, prevent further severe endangering of media freedoms.

6. Monitoring activities on the new ANEM website, soon – The new restructured and redesigned ANEM web site, supported by USAID and IREX Serbia, will be launched soon. Legal Monitoring project will have a special section at the home page, containing all the most important information about this project. All interested parties will be able to leave their comments, suggestions and questions regard this and all other ANEM activities.

In the meantime, ANEM invites again all who wish to contribute to the continuation of media reforms to contact ANEM Secretariat at anem@anem.org.rs with their questions or suggestions regarding the monitoring projects and its results.

The follow-up activities, within the project: “Legal Monitoring of Serbian Media Sector and Follow-up Activities”, are conducted by



With the support of USAID and IREX SERBIA



This Monitoring News Letter is made possible by the support of the American People through the United States Agency for International Development (USAID) and IREX. The contents of this News Letter are the sole responsibility of its authors and do not necessarily reflect the views of USAID, IREX or the United States Government.