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PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI

LEGAL MONITORING OF SERBIAN MEDIA SCENE

Monitoring Novosti 3 / Monitoring News Letter 3

Ovo je *treći broj Monitoring Novosti*, kojima ANEM promoviše aktivnosti na realizaciji projekta „Pravni monitoring medijske scene u Srbiji i prateće promotivne aktivnosti“, čiju su implementaciju omogućili USAID i IREX Srbija. O samom projektu, vidite [ovde](#)

Za treći broj Monitoring Novosti, izdvajamo:

1. Treći Izveštaj o pravnom monitoringu medijske scene u Srbiji – Pravni monitoring medijske scene u Srbiji vrši tim advokata i saradnika kancelarije „Živković&Samardžić“, u saradnji sa ANEMom, počev od maja 2009. Monitoringom su obuhvaćena sva najvažnija pitanja medijskog sektora: ostvarivanje slobode izražavanja i slobode medija; medijski regulatorni okvir; aktivnosti nadležnih organa, od uticaja na položaj medija; sprovođenje procesa privatizacije i digitalizacije, ali i sve ostalo što utiče na stanje u medijskom sektoru. Monitoring tim podnosi redovne mesečne izveštaje o sprovedenom monitoringu, koji se mogu naći na web sajtu ANEMA.

Prvi Izveštaj je obuhvatio period Maj - Jun 2009. Podsećamo Vas na njegov sadržaj ovde

Drugi Izveštaj se odnosio na mesec Jul 2009.g, a možete ga ponovo pogledati ovde

Treći Izveštaj o pravnom monitoringu, koga ovde predstavljamo, odnosi se **na mesec Avgust 2009. godine.**

Prikaz Izveštaja – Navodimo najvažnije iz sadržaja ovog Izveštaja:

U oblasti **slobode izražavanja** i u posmatranom periodu je bilo različitih vidova ugrožavanja ove slobode. Ipak, zabeležena je nešto energičnija akcija tužilaštva i policije povodom pretnji upućenih novinaru, možda i zbog činjenice da je isto lice pretilo i jednom narodnom poslaniku. Činjenica da RRA još ne izdaje dozvole za kablovsko emitovanje programa je problem koji je postao vidljiv i u jednom slučaju zabrane kablovske distribucije programa emiteru od strane kablovskog distributera. U sudskoj praksi je zabeleženo donošenje presude u korist novinara, ali i interesantna promena stava jednog suda o sopstvenoj nadležnosti u novom slučaju, koji ima isti činjenični osnov kao i raniji predmet po kojem je taj sud postupao.

Sprovedenim monitoringom u oblasti **implementacije zakona**, posebno su zabeležene aktivnosti nadležne organizacije RRA, kada je reč o primeni Zakona o radiodifuziji. Kroz Pregled aktivnosti Službe Poverenika za informacije od javnog značaja i zaštitu podataka o ličnosti za mesec avgust 2009, vidljivi su i dalje postojeći problemi kada je reč o implementaciji Zakona o zaštiti podataka o ličnosti.

Promene u oblasti **usvajanja novih zakona**, takođe su bile predmet monitoringa u posmatranom periodu. Posebno važan za medije je bio skupštinski Dan za glasanje, 31. avgust, kojim je završeno jedanaesto vanredno zasedanje Parlamenta u ovoj godini. Tog dana su usvojene sporne izmene Zakona o javnom informisanju i donet je Zakon o nacionalnim savetima nacionalnih manjina, i pored jasno izraženog protivljenja svih medijskih organizacija. Donošenje ovih zakona je značajno pogoršalo regulatorni okvir za medije. U

Izveštaju su posebno obrađeni i predlog Zakona o tajnosti podataka, kao i Nacrt Zakona o nedozvoljenom objedinjavanju i javnosti medijskog vlasništva, s obzirom da oba mogu biti od uticaja na rad medija.

Monitoring rada **regulatornih tela, državnih organa i kolektivnih organizacija za zaštitu autorskog i srodnih prava**, obuhvatio je i u ovom periodu praćenje rada svih nadležnih organa i organizacija, koji svojim aktivnostima utiču na kvalitet okruženja za razvoj medija. Izveštaj je, između ostalog, pokazao i dalje prisutan problem radiodifuzne „piraterije“, potrebu za daljim razjašnjavanjem procesa digitalizacije samim emiterima, ali je pitanje implementacije Vladinih interventnih mera za pomoć medijima u uslovima ekonomske krize, akutni problem medijskog sektora, koji doprinosi daljem propadanju medija. Vlada je neobezbeđivanjem ostvarivanja, odnosno nedovoljnim ostvarivanjem tih mera, dovela u pitanje i značaj i smisao svojih mera, ali i iskrenost namere da pomogne medijima, posebno imajući u vidu donošenje spornih zakona, na predlog Vlade.

Tranzicioni medijski procesi, **procesi privatizacije i digitalizacije**, zbog njihovog izuzetnog značaja za medije, nalažu posebno praćenje. Proces digitalizacije ne pokazuje potrebnu dinamiku napretka. Čini se da je, nakon donošenja početnih akata, zastao i ostavio prostor za slobodno tumačenje i delovanje Javnog servisa mimo usvojenih planova i standarda, ali i propisa. Privatizacija medija i dalje nije rešena, niti nadležni pokazuju ozbiljne namere za to, a od toga u velikoj meri zavisi i normalno funkcionisanje medijskog tržišta.

Zaključak ovog Izveštaja, predstavlja najbitniji deo ovog Izveštaja. Njime je data ocena stanja u medijima u Srbiji za posmatrani period, kao rezultat ekspertske analize svih podataka, prikupljenih pravnim monitoringom najvažnijih aspekata medijske scene.

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

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

2. U izradi je i Četvrti Izveštaj o pravnom monitoringu medijske scene u Srbiji - ANEM najavljuje četvrti Izveštaj o pravnom monitoringu medijske scene u Srbiji, za mesec Septembar. Stručni tim koji sprovodi monitoring i ovog meseca je pažljivo pratio sve promene koje se tiču medijskog sektora i u svom Izveštaju će ih profesionalno obraditi. Podaci prikupljeni monitoringom, njihova stručna analiza i mišljenje o stanju u medijima u Srbiji za taj period, biće dostupni široj javnosti i ovog puta. Deleći rezultate monitoringa sa drugima, ANEM želi da doprinese daljem razvoju celog sektora, tako što će i predstavnicima sektora i nadležnim organima pomoći da pravilnije sagledaju šta koči razvoj medijskog sektora i šta je potrebno uraditi da bi se ti problemi prevazišli. Ovaj izveštaj je u pripremi i biće dostupan na ANEMovom sajtu uskoro.

3. Novi sajt ANEMa na staroj web adresi! Lakše do željenih informacija o Monitoring aktivnostima! – Od danas je dostupan restruktuiran i redizajniran web sajt ANEMa, kako članicama, tako i svim partnerima, saradnicima i ostalim zainteresovanim posetiocima sajta! Unapređenje sajta ANEMa su omogućili USAID i IREX Srbija. Ovakav sajt obezbeđuje veću vidljivost i bolji pregled ANEMovih aktivnosti, kao i lakši pristup posetilaca svim informacijama koje sajt nudi. Imajući u vidu važnost Monitoring projekta, njemu je dat poseban značaj i mesto na naslovnoj strani ANEM web sajta. Ovaj projekat ima izdvojenu sekciju, odmah vidljivu u srednjem delu naslovne strane, gde se na jednom mestu mogu naći sve najvažnije informacije o aktivnostima na implementaciji projekta. Zainteresovani mogu da daju svoje komentare, sugestije i postavljaju pitanja u vezi sa ovim, ali i sa svim drugim informacijama koje im sajt ANEMa pruža. Posetite naš sajt!

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.

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This is the *third issue of the Monitoring News Letter* that promotes the implementing activities of the ANEM project "Legal Monitoring of Serbian Media Scene", supported by USAID and IREX Serbia. More about the project [here](#)

Highlights from the Third issue of Monitoring Newsletter:

1. The Third Report on legal monitoring of Serbian media scene – Legal monitoring of Serbian media scene is being conducted by the expert team of lawyers and associates of the Law Office "Zivkovic&Samardzic", in cooperation with ANEM, since May 2009. The monitoring includes all key issues of the media sector: freedom of expression and freedom of media; media regulatory framework; work of the competent bodies relevant for the position of media; implementation of processes of privatization and digitalization, as well as all important issues that affect the situation in the media sector. The monitoring team submits regular monthly reports on conducted legal monitoring, which are available on ANEM web site.

[The First Report covered the period May-June 2009. We remind you of its contents here](#)

[The Second Report covered the July of 2009. You can see it again here](#)

The Third Report presented here *refers to August 2009.*

Report review – here are the highlights of this Report:

In the reporting period, there were various violations recorded in the field of **freedom of expression**. However, more energetic action of the prosecution and police is recognized regarding the threats to journalists. Perhaps it was like that due to the fact that the same person had threatened a member of the Serbian Parliament too. The fact that the RBA do not issue licenses for cable broadcasting is a problem that became also evident in one case of refusing cable distribution of a program to a broadcaster by cable distributor. Monitoring of the judiciary practice recorded the ruling in favor of journalist, but also an interesting case that the court has changed the approach to the question of its own competence in the new case, with the same factual grounds as the earlier one by which the court acted.

In the field of **law implementation**, as for the Broadcasting Law, the activities of the RBA have been specifically observed. Through the Review of the Activities of the Commissioner for Information of Public Importance and Personal Data Protection for August 2009, the problems are still visible when it comes to implementation of the Law on the Protection of Personal Data.

Changes in the **adoption of new laws** were also subject to monitoring in the period observed. Especially important for the media was the Parliamentary Voting Day, on August 31st 2009, which marked the end of eleventh extraordinary session of the Parliament in this year. That day, the problematic amendments to the Law on Public Information were adopted and the Law on National Councils of National Minorities passed, despite the clearly expressed opposition of all media organizations. Adoption of these laws has significantly worsened the media regulatory framework. The Report particularly analyzed the Draft Law on Data Secrecy and the Draft Law on Illegal Media Concentration and Transparency of Media Ownership, considering that both could be of influence on the work of the media.

Monitoring of **work of regulatory bodies, state authorities and collective societies for the protection of copyright and related rights** included the activities of all relevant competent bodies whose activities affect the quality of the environment for media development. The Report, among the other things, showed that the problem of „pirate broadcasting“ is still present, also the need for further clarification of the process of digitalization to broadcasters. However the problem of implementation of the Government's emergency measures to help the media in conditions of economic crisis is the acute problem of the media sector, which contributes to further deterioration of media. By the failure to implementation of these measures, precisely their insufficient realization, the Government is bringing into question the importance and the purpose of its measures, but also the sincerity of its intention to help media, particularly considering the adoption of the disputed laws proposed by the Government itself.

Media transition processes, the **processes of privatization and digitalization**, due to their great importance for the media, require special monitoring. Digitalization process has not shown the necessary dynamics of progress. It seems that, after passing of the initial acts, it has been stopped and left the space for freely interpretation and acting of the Public Broadcasting Service contrary to adopted plans and standards, as well as regulations. Privatization of the media is still not resolved, nor do the competent bodies show serious intent to do so, which mostly affect the regular functioning of the media market.

The Conclusion of this Report is the most important part of the monitoring Report. It provides the assessment of the media situation in Serbia in the reporting period, as a result of the expert analysis of all data collected by legal monitoring of the most important aspects of the media scene.

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

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

2. Fourth Report on Legal Monitoring of Serbian Media Scene is being prepared–

ANEM announces its Fourth Report on the legal monitoring of the Serbian media scene in Serbia, for the month of September 2009. The monitoring expert team has carefully monitored all the changes regarding media sector, which will be professionally processed in their Report. Data collected by monitoring, their expert analysis and opinion on the media situation in Serbia for this period will be also available to the wider public, as the previous ones. Sharing the results of monitoring with others, ANEM strives to contribute to the further development of the entire sector by helping representatives of the sector and competent authorities to understand what slows the progress and what has to be done to overcome the problems. This Report is being prepared and will be available on ANEM website soon.

3. New ANEM web site at the old address! Easy access to desired information on monitoring activities! –

As of today, a new, redesigned and restructured website of the Association is available to members and all partners, associates and visitors of the sight. The development of ANEM web site is made possible by USAID and IREX Serbia. This site ensures more visibility and better review of ANEM activities, as well as easier access of visitors to all information that site provides. Considering the importance of Monitoring Project, it merits a special attention and a particular place at the homepage of ANEM web site. This project has a separate section, visible in the middle of the homepage, where all important information about this project could be found in one place. All interested visitors can leave their comments, suggestions and questions about this and all other information that ANEM site offers. Visit our web site!

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



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