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PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI

LEGAL MONITORING OF SERBIAN MEDIA SCENE

ANEM Monitoring Novosti 22 / ANEM Monitoring Newsletter 22

NA WEB SAJTU ANEMA JE OBJAVLJEN
DVADESET DRUGI MONITORING IZVEŠTAJ!
(za maj 2011.)

Kratak rezime Dvadeset drugog Monitoring Izveštaja:

Prema nalazu monitoring tima:

- napadi i različiti pritisci na novinare i medije su nastavljeni, kao što je nastavljena i praksa sudova da neadekvatno kažnjavaju učinioce tih napada. Tako se i preventivne zakonske odredbe i kaznena politika, kako u regulativi, tako i u praksi, pokazuju kao nedovoljno efikasno sredstvo za sprečavanje povreda slobode izražavanja i slobode medija.
- Ponavlja se i problem u primeni propisa od strane nadležnih organa – od totalnog ignorisanja zakonskih obaveza, kao u slučaju Zakona o slobodnom pristupu informacijama od javnog značaja, do kašnjenja sa njihovim ispunjenjem, kao u slučaju izbora članova Saveta RRA, što je dovelo u pitanje funkcionisanje ovog regulatornog tela. Za emitere, poseban problem predstavlja sporost u radu Komisije za autorsko i srodna prava, zbog čega i nakon godinu i po dana od usvajanja novog zakona, plaćaju kolektivnim organizacijama naknadu po staroj, nesrazmernoj i nepravičnoj tarifi, koja nije utvrđena sporazumno.
- Najdrastičniji primeri ozbiljnog kašnjenja ili neispunjavanja obaveza vlasti, koji imaju dalekosežne i teške posledice za medijski sektor, jesu u oblasti procesa digitalizacije i privatizacije. Pripreme za digitalnu tranziciju televizije toliko kasne da je sada već gotovo izvesno da do 4. aprila 2012. godine Srbija neće potpuno preći na digitalno zemaljsko emitovanje TV programa, čime se i benefiti digitalizacije za sve zainteresovane strane odlažu. Privatizacija medija, ni 4 godine od isteka zakonskog roka, nije završena, a nadležni organi se uopšte ne bave sistemskim rešenjem ovog pitanja, zbog čega i dalje ne funkcioniše medijsko tržište. Državna pomoć, tako, za mnoge medije postaje glavni izvor sredstava, što otvara mogućnost različitih uticaja na njihovu uređivačku politiku, kako na neprivatizovane, tako i na privatne medije, zbog nepostojanja uređenog sistema u ovoj oblasti.
- Medijski pravni okvir, za koga se svi slažu da ima ozbiljne nedostatke, nije menjan u ovom periodu. Mali pozitivan korak u ovoj oblasti jeste nastavak rada na donošenju Medijske strategije, do koga je došlo zahvaljujući upornosti i zalaganju koalicije od 5 medijskih udruženja (ANEM, NUNS, UNS, NDNV, Lokal pres). Nakon višemesečnog odugovlačenja od strane vlasti, na osnovu potpisanog Protokola o saradnji između resornog Ministarstva i 6 medijskih udruženja, Nacrt će izraditi radna grupa eksperata, od kojih apsolutnu većinu čine stručnjaci koje su predložila medijska udruženja.

U Dvadeset drugom Monitoring Izveštaju su i činjenice i argumenti za ovakav nalaz stručnog monitoring tima. Izveštaj je, osim na ANEMovom web sajtu, dostupan i ovde.

ANEM

Sve Monitoring Izveštaje stručnog tima, Monitoring Publikacije i izveštaje sa okruglih stolova posvećenih medijskoj situaciji u Srbiji možete pročitati na web sajtu ANEMa, na naslovnoj strani, u okviru rubrike Monitoring medijske scene u Srbiji. Posetite naše monitoring strane i pošaljite svoje komentare, pitanja i sugestije!

Unapređenje ANEMovog web sajta www.anem.org.rs omogućili su USAID i IREX Srbija

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Dvadeset treći Monitoring Izveštaj, za jun 2011, biće dostupan na našem sajtu u julu 2011. O njegovom objavljivanju ćemo vas obavestiti sledećim Monitoring Novostima!

English version

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TWENTY-SECOND MONITORING REPORT
(for May 2011)
IS RELEASED ON ANEM WEBSITE!

A brief summary of the Twenty-second Monitoring Report:

According to the findings of the monitoring team:

- Attacks and various pressures on journalists and media have continued, much like the practice of courts to inadequately punish the perpetrators of those attacks. Hence, preventive legal provisions and penal policies, both in legislation and in practice, are proving to be insufficiently effective means to prevent the violation of freedom of expression and media freedom.
- The problem in the application of regulations by the authorities is still present – from total ignoring of their legal obligations, as in the case of the Law on Free Access to Information of Public Importance, to delay in their execution, as in the case of election of members of the RBA Council, which led the functioning of this regulatory body into question. The slow work of the Commission for Copyright and Related Rights creates the specific problem to broadcasters, as they, after a year and a half since the adoption of new legislation, are paying to collective organizations a fee under the old, unfair and disproportional tariff that has not been determined by mutual agreement.
- The most drastic examples of serious delay, or authorities' failure to meet the obligations, which have far-reaching and serious consequences for the media sector, are the processes of digitalization and privatization. The preparations for the digital transition of television are so behind schedule that it has become more than obvious that Serbia will not completely switch to digital terrestrial broadcasting of TV program by April 4, 2012. This will also drastically put off the benefits of digitalization for all interested parties. Even 4 years after the legal deadline, the privatization of the media is still not completed, while the authorities are not dealing with the systematic solution of the issue, hampering the functioning of the media market as a result. This way, the state aid becomes a major source of funding for many media, thus raising the possibility of different impacts on their editorial policies, both on non-privatized and the private media, due to the absence of a regulated system in this area.
- The media legal framework, generally seen as having serious shortcomings, has not undergone any changes during this period. A small positive step in this area is the continued work on the adoption of the Media Strategy, which occurred due to the persistence and dedication of the coalition of five media associations (ANEM, IJAS, JAS, IJAV, Local Press). After months of delays by the government, the Draft of the Strategy will be produced, on the basis of the signed Protocol on Cooperation between the respective Ministry and 6 media associations, by a working group of experts, the absolute majority of them being proposed by media associations.

The Twenty-second Monitoring Report brings both the facts and arguments for the above findings of the expert monitoring team. Besides ANEM website, the Report is also available here.

You can find all Monitoring Reports of the expert team, Monitoring Publications and reports on round tables dedicated to the media situation in Serbia, on the ANEM website homepage, in the section Monitoring of the Media Scene. Visit our monitoring pages and send us your questions, comments and suggestions!

The development of ANEM website www.anem.org.rs was supported by USAID and IREX Serbia

The Twenty-third Monitoring Report for June 2011 will be available on our website in July. More details on the Report will be provided in the next issue of ANEM Monitoring Newsletter!