

PERCEPTION STUDY



**Journalists' experience and views
on judicial transparency in Serbia**

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Belgrade, 2022

**FREE
PRESS
UNLIMITED**



Impressum

Title

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Editor:

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Publisher:

Independent Journalists' Association of Serbia

Project:

Strengthening Media Freedom in Bosnia Herzegovina, North Macedonia and Serbia

Translation:

Anica Milenkovic

Graphic design

Babette Hillhorst

Disclaimer

This research is part of the regional project "Strengthening Media Freedom in Bosnia and Herzegovina, North Macedonia and Serbia" that is funded by the Kingdom of the Netherlands and implemented by the Netherlands Helsinki Committee and Free Press Unlimited in partnership with the Independent Journalists' Association of Serbia. The views, opinions, findings, and conclusions or recommendations expressed in this research are strictly those of the author(s). They do not necessarily reflect the views of the Kingdom of the Netherlands nor that of the organisations implementing the project or that of their local partner.

Belgrade, 2022

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Introduction

This study presents the findings from the research conducted among journalists from various media outlets in Serbia, who either regularly report about the work of judicial institutions or have certain experience and perceptions about the role of the judiciary. The main objective of this research was to gain insight and provide recommendations on how to facilitate as well as to improve the dialogue and cooperation between journalists and judicial authorities that will lead to benefit the public interest in Serbia.

Chapter 1 briefly explains the methodology, followed by a review of relevant literature in Chapter 2. The research findings are presented in Chapter 3 and chapter 4 contains the conclusions. Finally, Chapter 5 sets out recommendations for improving cooperation between journalists and judicial authorities.

The study is part of the regional research project commissioned by the Dutch organisation Free Press Unlimited and coordinated by the Skopje based RESIS Institute in three Western Balkan countries: Bosnia Herzegovina, North Macedonia and Serbia. Local partners in this research are the Association of BH Journalists, the Association of Journalists Macedonia and the Independent Association of Journalists Serbia. Each journalists' association, under the guidance of the RESIS Institute, engaged independent national experts to collect data, interpret the findings and write the national study reports.

The research study was produced within the framework of the multi annual regional project "Strengthening Media Freedom in Bosnia and Herzegovina, North Macedonia and Serbia" which is funded with the support of the MATRA Rule of Law Programme of the Netherlands Ministry of Foreign Affairs and implemented by a consortium of partners consisting of the Netherlands Helsinki Committee (NHC) and Free Press Unlimited (FPU) in cooperation with six regional partners in the Western Balkans that include both journalists' associations and judicial academies.

We are grateful to the journalists and newsroom staff who took part in this research and thus contributed to a better understanding of this important social topic.

1. Methodological framework

In accordance with the findings from the literature review, the objectives of the research are defined as follows:

- 1) explore journalists' understanding, perception and experience of their work with the judiciary, the transparency of the judiciary and the manner of communication when delivering information to journalists and to the broader public;
- 2) explore journalists' views and perceptions of the role of the judiciary in protecting media freedom;
- 3) determine the deficiencies in journalists' knowledge of the basic principles and standards in reporting on court proceedings and the judiciary in general, as prescribed in international documents and professional codes of ethics;
- 4) define priority issues and points of action to improve the existing relationship between journalists and the judiciary.

The research strategy for gathering primary data consisted of three sequential phases, (1) qualitative, (2) quantitative and (3) qualitative, conducted from June to December 2021. In all three phases, special attention was paid to research ethics in order to preserve the anonymity of respondents and to keep the gathered personal data of journalists confidential. This chapter briefly explains all phases of the research.

○ Qualitative (semi-structured) interviews

In the first phase, researchers from three countries conducted preliminary in-depth interviews with the 4 or 5 participating journalists with the most experience in reporting on judicial institutions. The main purpose of this phase was to gain a deeper insight into the topic and to create an informed basis for the next (quantitative) phase.

○ Online survey

Based on the findings of the preliminary in-depth interviews, a structured questionnaire for conducting an online survey was designed. An independent research company, Valicon, with headquarters in Bosnia and Herzegovina, was chosen to conduct the research in all three countries.

A purposive sample of journalists for the online survey was designed through the following steps: (1) a list was composed of the media that have informative newsrooms, according to several defined criteria (type of media, level of coverage, relevance, orientation in editorial policy, etc.), so that it represents the country's media landscape; (2) secondly, in communication with the chosen media's editors-in-chief, journalists from two categories were identified, namely those who primarily report on the judiciary and those who report and comment on other topics (political and economic controversies, corruption, etc.) but occasionally report on the work of the judiciary; (3) the third step consisted of composing lists of journalists who had been sued for libel and/or who had been victims of attacks or violence; (4) the research agency sent e-mails to all journalists identified in the previous steps, inviting them to take part in the online survey; and (5) several reminders were sent to newsrooms and journalists with the aim of increasing the response rate.

In total, 94 journalists from different media in Serbia responded to the survey. These media included two public service broadcasters, one private television station with national coverage, three cable television companies, two public radio stations, three regional television stations, three daily and two weekly print media with national distribution and 12 online media. It should be noted that certain media, despite receiving several invitation letters and phone calls from the research agency and journalists' associations, did not respond to the request to participate in the survey. Hence, the results do not reflect those media that did not take part in the research, although conclusions may be drawn about the media population and journalists who did participate in the survey.

Of the 94 journalists (50 female, 44 male) who participated in the survey, most (71%) have been involved in journalism for over 10 years, 18% for 6 to 10 years, 6% for 2 to 5 years and 4% for less than one year. In terms of education, 17 of the journalists surveyed have a secondary education, and 77 have a tertiary education.

None of the journalists surveyed works exclusively on topics related to the judicial system; such specialisation is almost non-existent in Serbian journalism. Nor are there any journalists who deal with any other topic exclusively. Ninety percent of the respondents work on other topics (politics, economics, corruption, etc.), and within those topics, they occasionally report on the judicial system. Only nine of the journalists (10%) work primarily on topics related to the judicial system, but they also report on other topics. This data shows that there are technically no journalists in Serbia who specialise in any topic, including the judiciary. This is important to keep in mind when interpreting the answers given by the interviewed journalists about their experience with judicial institutions and their attitudes and perceptions about the justice system – the results primarily refer to the category of journalists who occasionally report on the justice system.

Focus group interviews

Based on a preliminary analysis of the data from the survey, a guide for group discussions with journalists was developed. The purpose of the third qualitative phase was to gather additional qualitative data that would offer context and deeper understanding and would consolidate the findings from the survey. A total of three group discussions were held with a sample of 13 journalists, of whom 10 were female and 3 were male. Most journalists were from online media, a total of 8, two from print media, two from public service and 1 from television.

Methodological constraints

Finally, we must point out that this research study has some limitations. First, due to the COVID-19 pandemic and complexity of the task, face-to-face surveys could not be conducted, which would have been the most effective type of survey for achieving the maximum response rate and therefore for achieving results most representative of the entire journalist community. Although the online survey did provide relevant data, some media and journalists did not respond, despite several invitations to take part. It is not clear whether this unwillingness or resistance of some journalists to participate in research on this important social topic stems from them being overburdened with work or from their conformity or the polarisation in the journalist community itself.

Second, this research focuses only on the experience and perception of the journalist community, not on what the representatives of the judiciary know or think about the topic. This aspect is partly resolved through Chapter 1 of this study which discusses previous research on the topic. Despite these limitations, the results of this specific research study may serve as a basis for a future cycle of research on the topic, which could offer deeper insights into the positions, attitudes and experiences of judges, prosecutors and other representatives of the judiciary.

2. Literature review on the subject of judicial transparency in Serbia

The judicial power ensures the rule of law and the protection of human rights. The media ensure the citizens' right to be informed about matters of general interest and about court proceedings ensuring the public's access to information. The way in which the information is reported must not have an adverse effect on the rules of procedure, and it must respect citizens' rights to privacy, the protection of minors and the respect for the presumption of innocence.

To successfully perform their functions in society, the media and courts should act as partners. In practice, however, they are not partners. They do not understand each other, and their cooperation is not at a sufficient level, which deepens the gap in mutual communication and leads to the deterioration of their relations. Consequently, the public is insufficiently informed and trust in the judiciary declines.

Review of available literature

In recent years, the highest-ranking judicial institutions have adopted communication strategies to improve communication with the media.

The High Judicial Council (HJC) adopted the ***Communication Strategy of the High Judicial Council and Courts***¹ in November 2018, with validity until 2022. The strategy recognizes well the problems in communication with the media. Some of the key findings are that the HJC and the courts do not have a strategic approach to communication, do not conduct proactive communication with the public and are very passive when it comes to internet communication. Also, the existing communication system in the judiciary is unsustainable in the context of achieving the desired results. The Strategy envisages measures aimed at solving the identified problems and strives to develop new guidelines for the realization of its goals. However, according to the information that the Independent Journalists' Association of Serbia obtained from the High Judicial Council, the Commission for the Implementation of the Strategy has not been formed so far, and the action plan for the implementation of the Strategy was adopted only for 2019. Even though certain trainings for spokespersons were conducted, and the Network of Court Spokespersons in Serbia and the Guide for Court Spokespersons were developed, this did not go far.

The Republic Public Prosecutor's Office (RPPO) and the State Prosecutorial Council (SPC)² adopted the ***Communication Strategy of the Prosecutors' Office for the period from 2015 to 2020***. This strategy also identifies the lack of a strategic approach to communications, insufficient training of employees, fear of negative media reporting and information leaks. The strategy envisages various activities and ways to improve communication with the media. However, RPPO and SPC have not adopted a new Communication Strategy and the implementation of the previous one has not been analysed yet, considering the findings from this research and other research on the same topic, it can be concluded that communication is not at a satisfactory level.

The text below presents the most significant findings regarding the views of judicial authorities on their cooperation with the media and the views of journalists on their cooperation with representatives of the judiciary, which are based on a review of the literature.

1 Communication Strategy of the High Judicial Council and Courts https://vss.sud.rs/sites/default/files/attachments/Комуникациона%20стратегија%20Високог%20савета%20судства%20и%20судова_новембар%202018.pdf

2 Communication Strategy of the Prosecutors' Office: <http://www.rjt.gov.rs/sr/informacije-o-radu/propisi-i-obrasci>

Journalists and representatives of the judiciary - reasons for mistrust and lack of understanding

In the judges' view, journalists should not be trusted, and their interest in judicial proceedings is focused only on trials where, due to the identity of the parties or other participants in the proceedings, there is a possibility of publishing sensationalist news.³ A generally accepted opinion among judges is that journalists' reporting is mostly incompetent, inaccurate and lacking objectivity, which jeopardises the status of judges, courts and the trial proceedings.⁴ They also think that unprofessional and untruthful reporting puts pressure on the work of judges.

Most judges do not want to be identified in public by both their first and last names, because they think that judges should represent the personification of the institution. They believe that the way they are portrayed in the media is inappropriate, as journalists do not aim to show the competence and professionalism of the judges but are instead motivated by attracting public attention. Hence, judges refrain from communicating with journalists and do not want to appear in public. However, this does not mean that judges oppose that court proceedings being transparent and known to the public. In practice, if the court has a public relations (PR) officer responsible for communication with journalists, the judge is not obliged to personally give information on a case but is obliged to provide the media with the necessary information that is allowed to be presented at a given stage of the procedure.

Journalists consider the judges as well as the courts to be unwilling to provide the needed information concerning court proceedings. Although trials are most often public and journalists may follow them, they rarely do so, because they are overburdened with work and do not have time to attend. To gather information relevant to the proceedings they are interested in, journalists call judges to obtain a statement or an interview. Sometimes the entire media article is based on sentences spoken over the phone or it happens that a fake interview is published, which leads to the fact that only journalists who enjoy the absolute trust of judges get the information they need. If the court issues a press release accessible to all media, most journalists want extra information so that they can publish exclusive news.

Press releases from courts often do not meet media requirements: they are too long and written in a language that is exceedingly technical and unintelligible to ordinary citizens. Even if they lack the necessary legal knowledge, journalists shorten the text and modify the wording in an effort to make it understandable to readers, and by doing so, according to judges, they make mistakes.⁵ Thus, inaccurate news, or details that must not be published during a particular phase of the proceedings, are often published.

In summary, the situation reveals a lack of understanding about journalists on the part of the judges and vice versa. As information has previously appeared in the media that is either untrue or not meant for publication, judges refuse to communicate with representatives of the media. At the same time, not many journalists understand how the judicial system works as there are fewer specialised court reporters than there were in the past,⁶ which leads to more frequent errors in reporting. This greater frequency of errors results in even greater inaccessibility of the courts and less understanding between the two sides.

There is consensus on both sides (journalists and judges) that courts should become much more transparent in their work and cooperate more effectively with journalists so as to fulfil their role of strengthening media freedom and enabling citizens to perceive their work objectively.⁷

3 Judges' Association of Serbia, "The relationship between judges and the public"; the results of the survey conducted among judges in 2017 were listed on page 33. https://www.sudije.rs/Dokumenta/Publikacije/odnos_sudova_i_javnosti.pdf

4 Ibid., page 35

5 Ibid., page 34

6 Ibid., page 42

7 Jugpress, "Courts need to be more transparent, and journalists more professional", 21 June 2019. <https://jugpress.com/sudovi-moraju-bitи-transparentnij-novinari-profesionalni/>

Role of the judiciary in strengthening media freedom and the safety of journalists

Journalists and the media have been facing difficult reporting conditions for years, and during the state of emergency during the COVID-19 pandemic, their working conditions have further deteriorated. During this period, additional restrictions were introduced for the free and unhindered work of the media and journalists and journalists' access to information of public importance became more restricted.⁸ The situation with the safety of journalists, which has already been a cause for growing concern, has further deteriorated in 2020 due to the state of emergency and the July protests in Belgrade.⁹ Records¹⁰ show that the number of cases of attacks on journalists is growing. Journalists are described as enemies of the state and mercenaries.¹¹ The analysis of reported cases of crimes against journalists shows that most of them end in the dismissal of criminal charges, and the sanctions imposed in criminal judgements are mild.¹²

The media in general, and primarily those who deal with investigative journalism, are under pressure by filing lawsuits with extremely high compensation claims, so-called strategic procedures against public participation in Serbia (Strategic Lawsuits Against Public Participation - SLAPP), which exhaust the media. In addition to financial exhaustion, journalists are additionally burdened because they have to spend a long time preparing for court proceedings, which themselves usually take a long time.

The analysis of court cases on trial from 2017 to 2019 before the High Court of Belgrade, the only court in Serbia with jurisdiction over the so-called media lawsuits for compensation for non-pecuniary damage, has shown that the court practice in such lawsuits is consistent. However, the amounts awarded as compensations shows that there is no adequate satisfaction for those that sue the media in order to protect their individual rights. This raises the question of whether such awarded amounts of damages serve a purpose or encourage journalists, editors and publishers, who are sued to continue unprofessional reporting. Moreover, the average length of the proceedings in these cases (two years), which are urgent under law, is not conducive to protecting the rights of plaintiffs or defendants.¹³

Due to all the above, it can be concluded that journalists do not have the necessary protection in practicing their profession in civil and criminal proceedings. Also, there is no clear political will to provide the media with freedom of expression and free information.¹⁴ At the same time, unprofessional media are encouraged by low penalties to continue to do so.

Media's respect for ethical standards in the work of courts

Reports of the Press Council, as well as other analyses on the observance of professional ethical standards in the media, show poor knowledge and respect for these standards in the media. The latest report on media monitoring of the Press Council for the period from 1 July to 31 December 2021 indicates an increase in the number of violations of the Code. The parts of the Code related to the presumption of innocence and respect for the culture and ethics of public speech are most often violated.¹⁵

8 Djuric, Filipovic Stevanovic, Vasic-Nikolic, "Freedom of expression and media pluralism during state of emergency", Independent Journalists' Association of Serbia, Belgrade, 2020. <https://nuns.rs/media/2021/02/freedom-of-expression-and-media-pluralism-during-state-of-emergency-WEB-compressed.pdf>

9 Regarding measures against the coronavirus, the Serbian government again announced in early July the possibility of introducing restrictive measures in the form of a ban on movement and curfew, which provoked violent protests from July 7 to 9 on the streets of Belgrade and several major cities in Serbia.

10 Database of the Independent Journalists' Association of Serbia: <http://www.bazenuns.rs/srpski/napadi-na-novinare>

11 Media Freedom and Safety of Journalists in Serbia, Freedom of the Media Quick Response, Mission Report 26 April 2021, p. 6 <https://www.ecpmf.eu/wp-content/uploads/2021/05/Mission-Report-Serbia-SERB.pdf>

12 Radovic, Relja; Petrovic-Skero, Vida; Jovanovic, Natasa; Savovic, Kruna, Protection of freedom of speech in the judicial system of Serbia, Slavko Curuvija Foundation, Belgrade, 2021, pp. 77-129. <https://www.slavkocuruvijafondacija.rs/istrazivanje-scf-i-cepris-a-retke-presude-za-pretnje-i-napade-na-novinare-predugji-medijski-sporovi/>

13 Ibid, pp. 27-76

14 Media Freedom and Safety of Journalists in Serbia, Freedom of the Media Quick Response, Mission Report 26 April 2021.

15 Press Council, Report on monitoring compliance with the Code of Journalists of Serbia in daily newspapers in the period from 1 July to 31 December 2021 <https://savetzastampu.rs/lat/wp-content/uploads/2022/02/IZVESTAJ-O-MONITORINGU-POSTOVANJA-KODEKSA-NOVINARA-SRBIJE-U-DNEVNIM-NOVINAMA-U-PERIODU-OD-1.-JULA-DO-31.-DECEMBRA-2021.-GODINE.pdf>

Similar results have been obtained by other researchers¹⁶ who point to numerous examples of violations of the presumption of innocence and violations of the right to privacy. They also point out that public institutions also participate in publishing personal data and violating the presumption of innocence, and that mostly interlocutors from the police appear as named and unnamed sources, but also sources from the prosecutor's office, defence attorneys and sources from the health centres.

Tabloids, despite judgments obliging them to pay compensation, continue to write in the same manner: without regard for the truth, without respecting the ethical standards of journalism, and without respecting the presumption of innocence, the rights of children and the right to privacy.¹⁷ Although prosecutors succeed in proceedings initiated against them, these media continue to report in the same manner. The inadequate speed of trials reduces the effect of success in trials, and compensation is small compared to the profits of tabloids. It is tabloid media that are awarded money from the state budget, even though they violate the Serbian Journalists' Code of Ethics.¹⁸

Education of journalists and representatives of the judiciary

The **Guidelines on Safeguarding Privacy in the Media**, which contain a compilation of Council of Europe and European Court of Human Rights standards as well as a list of references relevant to the work of courts and the media, were translated into Serbian and published in 2020¹⁹ as an addition to the existing standards of journalism.²⁰ These guidelines should provide journalists with additional support in observing the appropriate standards.

Journalists are not well acquainted with certain concepts and stages in the procedures when reporting on court proceedings and judiciary, and they do not know enough about the specifics of the procedure in the so-called media disputes that are held under the provisions of the Law on Public Information and Media.²¹ Useful handbooks for journalists on these topics have been written in previous years, but there are inaccuracies in them due to frequent legal amendments. A very good assistance in the work of journalists in the region is provided by a handbook designed to support journalists in Serbia, Macedonia, Albania, Bosnia and Herzegovina and Kosovo, especially for criminal proceedings.

In the past few years, certain trainings have been conducted both for journalists by certain associations in relation to reporting on court proceedings, and for judges and prosecutors in general on the importance of freedom of expression and freedom of the media. However, practice shows that this is not enough.

16 Dr Jelena Kleut and Uros Mislenovic, Protection of privacy and presumption of innocence in the media, Partners for Democratic Change, Belgrade, 2016, <https://www.partners-serbia.org/public/documentations/Zastita-privatnosti-i-prepostavke-nevinosti-u-medijima.pdf>

17 Nevena Bogdanovic, "Regardless of punishments, Serbian media continue with untruths", Radio Free Europe, 4 September 2019. <https://www.slobodnaevropa.org/a/kazne-za-neistine-mediji-srbija/30145937.html>

18 Ibid.

19 Guidelines on Safeguarding Privacy in the Media. They include a compilation of Council of Europe and European Court of Human Rights standards as well as a list of references relevant to the work of courts and the media. <https://rm.coe.int/guidelines-on-safeguarding-privacy-in-the-media-additions-after-adopti/16808d05a0>

20 Serbian Journalists' Code of Ethics, https://savetzastampu.rs/en/wp-content/uploads/2020/11/Serbian_Journalists_Code_of_Ethics.pdf

21 Milic Veljko, Media freedoms and justice - Handbook for journalists, Independent Association of Journalists of Vojvodina, Novi Sad, 2019. <https://bezbedninovinari.rs/static/themes/bezbedni-novinari/documents/Medijske%20slobode%20i%20pravosudje%20-%20KON2.pdf>

3. Research findings

This chapter presents the results of the research, conducted according to the following research questions:

- What are the specific experiences of journalists during communication with judicial institutions and reporting on their work (problems with access to court files, most frequently used sources of information, difficulties in reporting from public hearings, etc.)?
- What are the perceptions of journalists on the transparency of judicial institutions and the quality of their communication with journalists and the public?
- What are the knowledge and attitudes of journalists towards reporting on the work of courts and court proceedings?
- How do journalists see the role of the judiciary in preserving media freedom and the safety of journalists in Serbia?
- Wherever relevant, the views and opinions of journalists who primarily work on topics related to the justice system and journalists who occasionally, among other things, report on the justice system are presented. Also, where relevant, the results were presented according to the type of media in which the journalists work.

3.1 Journalists' experience with the court system

Access to court decisions and other documents

At the beginning of the research, more experienced journalists noted various problems during in-depth interviews, which were then checked through questions asked to journalists in Serbia in an online survey. The problems that arise when journalists try to gain access to decisions and other information and documents related to the work of the prosecutor's office and courts have been identified.

Table 1: Problems faced by journalists in gaining access to decisions and documents related to the work of prosecutor's offices and courts

	Always or frequently	Sometimes or rarely	Never	Don't know / Can't assess
The procedure for obtaining case materials is arduous and slow	64%	17%	1%	18%
Owing to their personal relations, some journalists acquire exclusive information on court cases	67%	19%	2%	12%
Judges and court officials distrust journalists	49%	36%	1%	14%
It is difficult to access public prosecutors' indictments	52%	24%	3%	20%
Courts do not publish judgments on their websites	45%	30%	1%	24%
Spokespersons or judges tasked with communicating are not available to journalists	47%	39%	5%	9%

The biggest problem journalists face is obtaining case materials and providing information to selected journalists. As many as 64% of the journalists surveyed stated that they always or frequently have problems with arduous or slow procedures for obtaining court decisions or documents they need for reporting. Sixty-seven percent of those questioned stated that it is always or frequently a problem that some journalists acquire exclusive information on court cases by relying on personal contacts within judicial institutions. More than half of those interviewed (52%) always or frequently have difficulties in accessing documents from public prosecutors' offices, while 49% think that communicating with representatives of the judiciary is problematic because of the latter's distrust of journalists. Insufficient availability of spokespersons or judges tasked with communication was identified as a somewhat lesser problem in accessing information and decisions (47%), and 45% of journalists think that there is a problem with judgments not being published on courts' web pages.

The participants in the focus groups were unanimous in their judgment that both the representatives of the media and the holders of judicial office, judges and prosecutors are burdened by mutual distrust and lack of understanding, which is one of the fundamental problems in their work. The greatest problem identified is the speed with which data can be obtained. Journalists can frequently obtain the required data, indictments, transcripts and judgments under the Law on Free Access to Information of Public Importance by providing detailed reasons for the public interest in the matter. The data is received within 15 days, which may be too long for news reporting, especially for daily newspapers. It was also mentioned that, when a politically involved person participates in proceedings, data is always obtained with more difficulty. This refers particularly to prosecutors' offices, which do not want to forward the requested data even after the intervention of the Commissioner on Information of Public Importance.

In general, journalists follow the same, well-known cases, and reporting that is motivated by "general prevention", (i.e., the effect of criminal punishment on the public for the purpose of preventing the perpetration of criminal offences) is lacking. Most participants think that certain media enjoy a "privileged position" and have the opportunity to obtain information and documents faster than others. In their opinion, "media is aligned as pro-regime and pro-opposition", and so "journalists from the media that is closer to the government get better information either from insiders or from PRs". A general assessment is that "the provision of information is selective".

"It so happens that a journalist who was in court, upon arriving in the newsroom, finds out that another journalist who was not in court has already published information from the trial. The machineries of tabloids and the government seem to be working together, yet nothing is being done and there is no will on the part of the institutions to change that."

Most participants think that there is no communication with court presidents and judges, who avoid communicating with journalists of any media. Journalists have most court-related contact with spokespersons (PR officers) who "do not communicate freely" and are often not even available. Some courts have very good, communicative and proactive PR officers. The quality of their work depends on their personal engagement. The PR role is most commonly given to judicial assistants who are insufficiently trained for that type of work and are afraid of journalists. Communication is confined to technical information, and press releases contain provisions of the law formulated in legal parlance that is unintelligible to citizens and often to journalists. One participant in the focus group said that "courts and prosecutors' offices must be aware of the necessity and importance of quality reporting" should contribute to it by hiring professional PR officers.

Most respondents stated that neither they nor their editors did anything concrete to establish trust and improve communication with judges, prosecutors and PR officers.

Sources of information on court cases

The table below shows the answers of journalists sorted by the sources of information they use in reporting.

Table 2: Types of sources used by all surveyed journalists who mainly or occasionally cover the judiciary in reporting on court cases

Type of source	Never		Rarely		Sometimes		Frequently		Always		Don't know	
Court web pages	7	7%	9	10%	33	35%	33	35%	5	5%	7	7%
Prosecutor's office web pages	12	13%	18	19%	26	28%	24	26%	7	7%	7	7%
Public hearings	15	16%	13	14%	22	23%	24	26%	13	14%	7	7%
Court materials	9	10%	20	21%	24	26%	30	32%	5	5%	6	6%
Court spokespersons (PR officers)	6	6%	16	17%	32	34%	26	28%	8	9%	6	6%
Judges	24	26%	30	32%	18	19%	13	14%	1	1%	8	9%
Court presidents	36	38%	26	28%	18	19%	6	6%	0	0%	8	9%
Prosecutors	16	17%	19	20%	33	35%	16	17%	1	1%	9	10%
Attorneys	4	4%	8	9%	18	19%	44	47%	15	16%	5	5%
Families of the accused	18	19%	22	23%	31	33%	13	14%	2	2%	8	9%
Media articles	2	2%	5	5%	21	22%	47	50%	13	14%	6	6%
Personal contacts in courts	22	23%	24	26%	17	18%	21	22%	1	1%	9	10%
Independent experts	7	7%	10	11%	28	30%	27	29%	14	15%	8	9%

The total answers received from all journalists indicate that the most frequently used sources of information are: media articles (always and frequently 64%) and attorneys (always and frequently 63%), independent experts (always and frequently 44%), court websites (always and frequently 42%), public hearings (always and frequently 40%), and finally court spokespersons and court materials (for both categories always and frequently 37%), and all other sources. On the other hand, it is clear that the least used sources are: prosecutors, judges and court presidents.

In interpreting the answers obtained, it should again be borne in mind that the dominant category in the survey is journalists (85) who only occasionally report on the judiciary in their daily work. It is understandable, therefore, that their responses regarding the use of information sources somewhat differ from the group of 9 journalists who regularly cover the judiciary. A significant difference was found in the use of public hearings as a source: 25% of those who only occasionally report on the judiciary sometimes use this source, whereas 7 out of 9 journalists who mainly follow the judiciary often use this source. Thirty-six percent of those who only occasionally report on the judiciary are occasional users of court web pages as a source of information, and 28% of this group sometimes use the web pages of prosecutors' offices. Within the same group of journalists, 26% occasionally use court materials, while 32% do so frequently. Information from spokespersons is used sometimes by 33% of the respondents, and the same percentage of respondents rarely use direct contact with judges. It is notable that as many

as 41% of the respondents said that they never contacted court presidents, who are authorised to give permissible information. Thirty-five percent of the journalists sometimes used prosecutors as a source of information, and 32% sometimes relied on statements from the families of the accused. Attorneys are a frequent source of information for 46% of the surveyed journalists, independent experts for 31%, and media articles for 52%. Twenty-seven percent of the journalists surveyed mentioned that they rarely used personal contacts in courts as a source of information, and only one respondent stated that they have always used this source.

As for indirect sources, 47% of the journalists surveyed frequently contact attorneys, 14% frequently contact families of the accused and 29% frequently contact independent experts. Media articles are frequently consulted by around 50% of the journalists. They often complain that the web pages of courts and prosecutors' offices are not updated regularly enough. Thirty-five percent frequently use court web pages, compared to 26% for the web pages of prosecutors' offices.

The percent shown in Table 2 confirmed claims from the journalists in the focus groups that "courts and prosecutors' offices do not upload, or at least do not update, data on trials, court decisions and relevant information on their web pages". Journalists think that this would be of great help in reporting from trials in cases of great public interest. They are of the opinion that, instead of them having to contact the prosecutor's office multiple times to obtain copies of or permission to view the indictment, the prosecutor's office should customarily publish "at least the dispositive part of the indictment" on its website. Such was the previous practice of the War Crimes Prosecutor's Office, which regularly posted entire indictments, but that practice no longer exists. Some courts regularly publish judgments on their websites, and the respondents think that it would be useful for the court's PR officer to notify journalists or the media when of such publications. During the discussion, many journalists pointed out that, when anonymising court decisions, courts "strike out in black" a large amount of data that is not meant to be anonymised and that the court decision is thus rendered useless for journalists, with the text having lost all sense. The respondents also mentioned the long wait for permission to view archived materials. Even after such permission is given, however, the materials are incomplete, damaged, or not there at all.

It was also stated that attending hearings would be the most effective way of acquiring information for many journalists if the newsrooms had sufficient capacity to delegate certain journalists to follow trials. As this is not the case in most newsrooms, however, the main hearing, which can span several days, weeks, and sometimes even months, is usually followed by many journalists, one at a time. Usually, however, only the commencement of trials and the delivery of judgments are attended. The respondents said that, sometimes, in accordance with the schedule of newsroom duties, some of their colleagues come to court not knowing what they are about to follow, who the accused is or who the injured party is. Some newsrooms function in such a manner that "there is no need for the journalists to know things"; the only need is for them to create sensationalist news.

Many of the journalists said that, because of the inaccessibility of prosecutors and judges, attorneys are often the only correspondents and sources of information, especially in the investigation phase. A problem arises, however, when journalists have to verify the data thus obtained through courts, prosecutors' offices or their PR officers. Very often, the data received, owing to the duration of this fact-checking, loses its significance. Sometimes, therefore, editors insist on publishing an article without verifying the information. Only experienced journalists have the courage to refuse to turn in an article without fact-checking.

The general opinion is that, among the members of the judiciary, prosecutors and their deputies have changed the most in terms of their openness and are less willing than ever to communicate with journalists. This has also been acknowledged by those prosecutors who had until recently been open to cooperation. One respondent said that "the case is being discussed by the President and the Minister of Police, but never by the prosecutor. It is as if someone were putting their paw on communication and on the release of information."

Journalists' difficulties in reporting from trials

On average, over 30% of the 94 respondents stated that they do not report from trials and therefore do not know what difficulties exist in this process. Twelve percent of all the surveyed journalists mentioned that during trials they never face the problem of judges treating journalists with distrust or disrespect. This response was given by 22% of the journalists who mainly deal with the judiciary and 11% of those who occasionally deal with the judiciary. This problem always and frequently was encountered by 26% of all the journalists, with almost the same percentage from both groups of journalists. The fact that almost a quarter of respondents had these problems demonstrates that these challenges must be resolved through dialogue between judges and journalists.

Thirty-eight percent of all the respondents think that the fact that judges do not advise them on clear rules of reporting prior to each trial always and frequently represents an obstacle to their work. This obstacle was especially pointed out by journalists who mostly deal with the judiciary (67% of them frequently and 33% always face this problem).

Out of all the respondents, 51% declared that always and frequently represents an obstacle to their work the fact that judges only unwillingly communicate with and help journalists to improve their reporting. This finding demonstrates the mutual lack of understanding between these two professions. Judges are limited by law in commenting on ongoing cases. Furthermore, the mistrust caused by unprofessional reporting of certain media leads judges to refuse to give any explanations to journalists, who often misuse some of the information.

The question of access to transcripts and important information is regulated by the Law on Access to Information of Public Importance, which stipulates the deadlines by which the interested party must be provided with access to information. For journalists, these deadlines are always and frequently unacceptably distant. As many as 41% of the journalists said that they always and frequently encounter such difficulties.

Journalists are obliged to leave their equipment outside the courtroom, which poses a greater problem to some than to others, depending on the type of media for which they report.

Table 3: *The percentage of journalists who were denied the right to bring their equipment (laptop, tablet, camera, mobile phone, etc.) into courtrooms according to the type of media*

Journalists are obliged to leave their equipment outside the courtroom	Type of media			
	TV	Radio	Newspaper	Online
Never encountered the problem	7%	0%	5%	8%
Rarely	4%	20%	0%	11%
Sometimes	0%	0%	10%	8%
Frequently	25%	20%	14%	24%
Always have difficulties	36%	0%	38%	16%
Don't know - don't report from trials	29%	60%	33%	32%

The journalists who encountered this problem the most were TV journalists. Seven percent of them said that they never face this difficulty and 4% rarely, while 36% said that they always have this difficulty. Of the surveyed journalists who report for radio, 20% stated that this was rarely a difficulty in their work and 20% said it was frequently a difficulty.

Regarding the journalists reporting for newspapers, 14% said that they frequently encounter this problem, and 38% stated that they always have such difficulties. Only 5% of them never faced this problem.

Among the journalists reporting for online media, 8% said that they never and 8% that they sometimes face this problem, while 24% of them deem this a frequent difficulty in their work.

The size of courtrooms in Serbian courts is a frequent obstacle for journalists who are following a trial. As many as 41% of the respondents stated that this is a common difficulty in reporting.

A third of the respondents (33%) who mainly report on the judiciary said that they have frequently had problems in reporting from court since the beginning of the COVID-19 pandemic, and most of the journalists thought that it was an excuse for the judges not to allow them access to the court.

Journalists from the focus groups said that "the problem of misunderstanding between the media and the judiciary has never been bigger - the difference is in the way of thinking and appears to be irreconcilable". Journalists with more experience in reporting on the judiciary say that communication between journalists and the judiciary was more open around ten years ago. Now, however, representatives of the judiciary are reluctant to talk to journalists: "It is unthinkable for a journalist to go to a judge and ask them something - the Palace of Justice was not alienated from the public before". The journalists think that sensationalist reporting is one of the reasons for the inaccessibility of courts. They hold the view that "when society changes, the media will also change", along with reporting.

The problem is compounded by the fact that in the courtroom they do not have the right to record (video or audio), take photographs or use their mobile phones. Owing to their inability to record, they paraphrase statements from the participants in the proceedings, which reduces the accuracy of the reporting. Breaking news cannot be reported to the newsroom, because their mobile phones are returned to them only upon leaving the court, and copies of court transcripts take days, sometimes weeks, to be obtained, which is all incompatible with the nature of journalism. TV journalists have particular problems with the prohibition of recording or the impossibility of obtaining courtroom camera recordings. Sometimes for several years, they have to illustrate their trial reports with the same video or photograph of the accused entering the courtroom. Judges do not advise journalists on the rules in the courtroom prior to each trial, which is also a problem.

Trials that are expected by judges to attract the media are often scheduled in small courtrooms. The judicial guards decide who may enter, creating a negative atmosphere, and the direct following and gathering of information for reporting is hindered. At times, judges do not allow all interested journalists to enter the courtroom because of the coronavirus, even now when such rules do not apply; it appears that it is being done on purpose.

The respondents voiced serious concerns that some guards send information from trials to the media by phone and that no one prevents that.

All the participants in groups agreed that journalists should be familiar with basic court terminology when reporting from the court so that violations of the presumption of innocence and of privacy are avoided. They also all agreed that the court PR officer must have initiative and expertise. The participants also added that PR officers should not be a judge or a judicial assistant with obligations pertaining to their assigned cases; it should be someone who is always available. The reduced proactivity of the PR officer or even complete absence affects the quality of reporting on the judiciary, whether done by journalists "working on judicial topics only three hours per month, or most of their time, and especially for investigative journalism".

3.2 Journalists' views and perceptions about transparency and communication with the judicial institutions

Opinions of journalists on the motivation of judicial institutions to communicate with journalists

The surveyed journalists, who mainly or occasionally deal with the judiciary, gave their assessments on whether the judicial institutions are motivated to give public statements and effectively communicate with journalists.

Table 4: Opinions of all surveyed journalists on the communication of judicial institutions with journalists

Statement	I completely disagree		I partly disagree		I neither agree nor disagree		I partly agree		I absolutely agree	
	I ²²	II ²³	I	II	I	II	I	II	I	II
Judicial institutions (JIs) do not put effort into improving cooperation with the media and journalists	0%	2%	0%	6%	11%	14%	56%	44%	33%	34%
JIs meet basic preconditions for open and transparent communication	33%	18%	44%	27%	0%	14%	22%	34%	0%	7%
JIs are not proactive in providing information to journalists	0%	2%	0%	5%	0%	7%	56%	36%	44%	49%
Judges and courts lack integrity and independence from political actors, which makes them unmotivated to engage with the media	0%	1%	0%	2%	22%	13%	22%	27%	56%	56%
Judges and courts lack integrity and independence from business interests, which makes them unmotivated to engage with the media	0%	2%	0%	8%	44%	21%	22%	31%	33%	38%
Judges and courts do not know how to communicate effectively with the media, which makes them non-transparent	0%	2%	22%	8%	11%	18%	22%	42%	44%	29%
Judges are personally exposed to political pressure, which discourages them from cooperating with the media	0%	2%	0%	4%	22%	21%	22%	27%	56%	46%
The judiciary is more open and transparent today than it was 5 years ago	33%	36%	11%	18%	22%	31%	22%	11%	11%	5%
Courts lack communication staff, which makes them insufficiently transparent	22%	4%	11%	9%	0%	22%	33%	33%	33%	32%

22 I - Journalists who mainly deal with the judiciary

23 II - Journalists who occasionally deal with the judiciary

Journalists believe that there is not enough openness and desire of the representatives of the judiciary to improve communication. Of the total number of respondents, 79% agreed (completely and partly) that judicial institutions do not try to improve cooperation with the media and journalists, while 81% of journalists agreed that judicial institutions are not proactive in providing information to journalists. Only 39% of journalists completely and partly agreed that the institutions meet the basic requirements for open and transparent communication, and only 17% of journalists agreed (completely and partly) that today the judiciary is much more open and transparent than 5 years ago. There is an interesting difference of opinion regarding the statement that the institutions meet the basic conditions for open and transparent communication, namely, only 22% of those who mainly deal with the judiciary and 41% who deal with the judiciary occasionally, completely and partly agreed with that statement.

Most of the surveyed journalists (83%) completely and partly agreed that judges and courts lack integrity and independence from political actors, which results in their insufficient engagement with the media. While 71% of journalists agreed (completely and partly) that judges lack knowledge on how to communicate effectively with the media, resulting in insufficient court transparency. The majority of surveyed journalists (74%) absolutely and partly agree that judges are personally exposed to political pressure, which affects their insufficient cooperation with the media.

It is also notable that 33% of each group of journalists partly agrees with the position that courts lack the necessary staff responsible for communicating with the media.

Journalists' assessment of the openness of judicial institutions to communication with the media

Table 5 presents the responses from the journalists regarding the openness of judicial institutions towards the media.

Table 5: Journalists' assessment of the openness of judicial institutions toward journalists

Judicial representative	Not open	Rarely open	Sometimes open	Frequently open	Always open	Don't know
Spokespersons	0%	18%	32%	27%	7%	16%
Judges	6%	44%	23%	3%	0%	23%
Prosecutors	13%	28%	32%	12%	1%	15%
Court presidents	10%	37%	17%	4%	1%	31%
Members of the High Judicial Council and the State Prosecutorial Council	12%	28%	17%	5%	0%	38%

Out of a total of 94 journalists surveyed, 67% stated that judges are rarely and sometimes open to communication with journalists, while only 3% of journalists stated that they are often open. It is a worrying trend that 78% of journalists who mainly deal with the judiciary stated that judges are rarely ready to communicate.

The openness of prosecutors did not receive a more positive assessment. Of the total respondents, 60% stated that prosecutors are rarely and sometimes open to communication. Among journalists who occasionally cover the judiciary, 13% believe that they have never been open to communication, and 59% that they are rarely and sometimes open to communication.

The survey results show that, when divided into three age groups, the journalists older than 46 years have a somewhat better experience in communicating with both judges and prosecutors. This finding could be explained by a greater trust developed through cooperating over time. Nevertheless, most of the journalists over 46 years old also said that the holders of judicial office are rarely or sometimes open towards journalists.

There is a similar opinion about communication with court presidents, 54% of all journalists stated that they are rarely and sometimes open to communication. Of the journalists who mostly follow the judiciary, 44% stated that presidents are sometimes open. The same assessment was given by 14% of journalists who occasionally deal with the judiciary, which is three times less.

The journalists' assessment of the communicativeness of members of the High Judicial Council and the State Prosecutorial Council is almost the same as for holders of judicial office. The members are rarely called to give statements in connection to specific court cases, but rather to comment on the work of the judiciary in general. It is therefore unclear why they avoid answering calls from journalists.

The most concerning finding is that only 7% of the journalists consider the spokespersons of judicial institutions to be always available and open to communication. Given that the primary task of spokespersons should be to communicate with representatives of the media, the fact that 50% of the respondents deem PR officers to be only rarely or sometimes open to communication shows that they are not carrying out their function to the necessary extent.

The general attitude of the journalists is that "in the event of decreased political influence on the judiciary, and with the election of prosecutors and court presidents who have more integrity, the openness in communication would be better". They are unanimous in holding the position that communication with journalists does not exist to the extent necessary, which is detrimental to the work of both professions. Judges remain, for the most part, inaccessible to journalists.

All participants in the focus groups consider it a common occurrence that representatives of the judiciary responsible for communicating with journalists as well as other holders of judicial office are not proactive in their relationship with the media and journalists. They agree that even PR services that are most open to communication do not communicate via email, through their websites or by Viber group to give important "notices on events that are in the focus of public attention".

The journalists think that a clear system of action within the competent institutions must be provided to improve the communication and transparency of the judiciary. They advocate for holding regular press conferences, informative briefings and joint meetings of judges and journalists to improve cooperation and make it possible for journalists to establish personal contact with judges. In addition, they think that the web portals of courts should offer information that is of greater quality and that is up to date. Most of the journalists pointed out that the "case course portal"²⁴ was a nice idea, but it did not materialise as it was supposed to.

A large number of focus group participants cited the spokespersons of the Belgrade Appellate Court and the Higher Court, the Basic and Higher Courts of Nis as examples of good communication. Some journalists pointed out that "in smaller cities, PR officials are also judges, but they do not have time for the PR role and do not perform it." The contact details posted on the websites are of no use, because they are not up to date. The general attitude of the journalists is that the lack of transparency of the judiciary is partly a result of the now "tightly closed Ministry of Justice and the police", who do not realise that "the information they are being asked for should be given for the public good", not for journalists.

²⁴ Link to the web portal of the judiciary in Serbia: <https://portal.sud.rs/sr/tok-predmeta>

One of the surveyed female journalists offered the example of a very open interview given by the Italian Supreme Prosecutor, who, when asked how he so openly talks about the cases, responded: "... if it isn't me who's talking; then it's the mafia who is talking."

Provision of communication services by judicial institutions

Of the total number of journalists surveyed, 58% stated that institutions rarely and sometimes publish a summary of the decision. A small percentage of journalists, about 7% of them, think that this is done often, while 65% of the total number of respondents rarely and sometimes publish information about decisions on the websites of judicial institutions.

The results are less favourable when it comes to press conferences, as many as 32% of all journalists say that press conferences are never held, while 52% say that these are held rarely and sometimes. Such different statements show that the courts in Serbia do not act in the same way regarding this type of communication. Therefore, citizens do not have access to the information that the media should provide them, which they should receive from the courts.

When it comes to briefings with journalists, as many as 36% of the respondents said that briefings are never held, while 42% said that they are held rarely and sometimes. No one gave the answer "frequently" or "always".

Forty-five percent of the journalists said that direct talks with judges, presidents and prosecutors are never organised, while 36% stated that they are held rarely or sometimes. Moreover, the survey results reveal that many judicial institutions very seldom use this method of communication.

Most of the respondents (65%) said that press releases are issued rarely or sometimes, while 50% provided the same answer (rarely or sometimes) for maintaining communication through email. The situation in regard to maintaining communication through applications (Skype, Zoom, Viber, etc.) is even more concerning. Forty-three percent of journalists answered that they had never communicated in this way. It is worrying that 15% of journalists stated that they are never allowed to communicate directly with the spokesperson and judges by phone, while 48% of respondents stated that this happens rare and sometimes. According to 51% of respondents, the decisions of judicial institutions are never published on social networks.

The survey analysed the quality and usefulness of all these services and tools provided by judicial institutions. The results showed that they are not sufficiently applied in practice, and so most of the journalists gave them a "poor" assessment (in the range of excellent, good, fair, poor and very poor).

Journalists' assessment of the press services of certain judicial institutions

In the survey, the journalists graded the press services of courts and prosecutors' offices at all levels and of all types, including the Constitutional Court. The results show that none of the courts and prosecutors' offices, not even the Constitutional Court, have a satisfactory level of openness. Most of the surveyed journalists said that the press services of all types of courts, prosecutors' offices and the Constitutional Court can be designated as seldom or sometimes open. From 0% to a maximum of 25% of the surveyed journalists said that the press services of all institutions are always or often open. Twenty-five percent of surveyed journalists think that basic courts are always or often open, and 22% think the same about basic public prosecutors' offices. Also, 21% of respondents assessed the Misdemeanour Court as always and often open.

3.3 Journalists' knowledge about the principles of reporting and the work of the judiciary

Journalists' assessment of their own knowledge of reporting on the work of the judiciary, court proceedings and trainings on reporting on these topics

It is important to establish the journalists' opinions of their own knowledge of the judiciary in terms of the organisation of the work, the function of the judiciary and the rules and limitations regarding reporting on court proceedings, especially criminal proceedings, which are most often the focus of public attention. It is also important to determine the journalists' views on the adherence to ethical principles in this kind of reporting.

Table 6: Assessment results for all 94 surveyed journalists regarding their own knowledge of reporting on court proceedings

Specific knowledge in reporting on court proceedings	Level of knowledge of all surveyed journalists						
	Very weak	Weak	Satisfactory	Good	Excellent	Don't know	
Organisation and function of the judiciary	4%	9%	31%	30%	19%		7%
Rules of reporting on court proceedings	4%	13%	35%	28%	13%		7%
Knowledge of the rules of criminal procedure	5%	17%	32%	35%	4%		6%
Protection of human rights in the proceedings	4%	6%	30%	30%	22%		7%
Use of legal terminology	3%	12%	38%	31%	10%		6%
Ethical principles of reporting	3%	7%	27%	33%	22%		7%

Forty-nine percent of all surveyed journalists said that they have a good and excellent level of knowledge about the organization and functioning of the judiciary. Also, 41% have a good and excellent level of knowledge about the rules of reporting on court proceedings, while 39% of them also assessed their knowledge of the rules of criminal procedure as good and excellent. The surveyed journalists rated the knowledge on ethical principles of reporting the best, 55% rated the knowledge as good or excellent. Forty-one percent of the surveyed journalists rated their knowledge of legal terminology as good and excellent. Fewer journalists who occasionally report on the judiciary think that their level of knowledge is excellent and good (37%), while 66% of journalists who mainly deal with such reporting think that their level of knowledge is excellent and good.

The journalists' assessments were divided according to the media they work for. The assessment of journalists on the knowledge of reporting in court proceedings (as in Table 6), depending on which media they report on, shows that the journalists who report for the radio gave the lowest score of their knowledge. Journalists who work for newspapers marked their knowledge of this type of reporting at the highest mark.

It is notable that 90% of the surveyed journalists did not attend any education or training. Only 8% attended one or two training sessions in the last five years, and only 2% have had more than three education or training sessions. Of those who attended one or more trainings, all stated that the trainings were organized by non-governmental organizations, 69% stated that the training was organized by an international organization, and less than 20% stated that the training was organized by a judicial institution and a higher education institution; while 94% of respondents answered that the training was not organized by the media house where they work. Journalists working in radio did not attend the trainings.

Of the journalists who attended education or training sessions, the largest percentage went to training on honest and accurate writing, without sensationalism (56%). The same percentage attended trainings on the case law of the European Court of Human Rights, and to a lesser extent on rules and restrictions in covering various phases of criminal investigation, prosecution and trial, as well as the role of courts in protecting public rights to justice and security (50% each). The least number of journalists attended trainings on court proceedings and terminology used in the justice system (13%).

Most journalists in focus groups are of the opinion that there is no more specialized journalism, that newsrooms have been reduced in size and that "everything is done online". There are two separate problems, insufficient knowledge and sensationalism, which can be combined in one person (journalist). One of the focus group participants pointed out that: "the front pages clearly show the influence of current politics, and the media should not represent anyone's interest."

Journalists from focus groups pointed out that their colleagues do not know the basic legal concepts and do not respect moral and ethical standards.

Examples of the opinions expressed in the focus groups include the following: "There is no responsibility anymore - colleagues who are out in the field do not know basic things, such as the difference between prison and detention, a suspect or an accused." There is no professional responsibility: "indictments and verdicts are being written by the media during the entire trial." The opinion of the journalists is that "the way of reporting and cover pages of the newspapers on domestic violence and abuse of children" and that there is an increasing number of violations of the rights of children. Children are the most vulnerable group, and journalists should be taking special care of them. It is necessary to "strengthen the role of the Press Council and introduce stricter control". More help should be given to young journalists, "so they don't become only carriers of voice recorders". Another respondent said, "Journalism is something one learns, but the problem is not only with knowledge, but with the subject of reporting, with the moral principles that have to be observed." The journalists' opinion is that "there are more and more unprofessional media and journalists".

Opinions of journalists on professionalism and ethics

The tables below present the journalists' agreement or disagreement with particular statements. The responses are provided collectively and according to whether the journalists mainly follow topics relating to the judiciary or do so occasionally.

Table 7: Journalists should always adhere to the code of professional ethics

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	2%	0%	2%
I partly disagree	4%	0%	5%
I neither agree nor disagree	3%	0%	4%
I partly agree	12%	22%	11%
I absolutely agree	78%	78%	78%
I don't know	1%	0%	1%

Seventy-eight percent of all the surveyed journalists agree with the statement that a journalist should always adhere to the code of professional ethics, regardless of situation or context, while 12% partly agree. The majority of journalists (81%) who report for newspapers expressed absolute agreement with the position, whereas 8% of journalists who report for online media partly disagreed with this position.

Table 8: What is ethical in journalism depends on a specific situation

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	56%	44%	58%
I partly disagree	15%	22%	14%
I neither agree nor disagree	6%	11%	6%
I partly agree	17%	11%	18%
I absolutely agree	2%	0%	2%
I don't know	3%	11%	2%

Table 9: What is ethical in journalism depends on personal judgement

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	77%	67%	78%
I partly disagree	13%	22%	12%
I neither agree nor disagree	5%	0%	6%
I partly agree	5%	11%	5%
I absolutely agree	0%	0%	0%
I don't know	0%	0%	0%

Seventy-one percent of the total number of surveyed journalists completely and partly disagreed with the statement that "what is ethical in journalism depends on a specific situation", while 90% of journalists completely and partly disagreed with the statement "what is ethical in journalism depends on the personal judgment". Sixty-one percent of journalists working for television completely disagreed with the statement that what is ethical in journalism depends on the specific situation and 82% of television journalists that it depends on personal judgment. Eighty-one percent of them completely and partly disagreed with the statement that it is acceptable to reject moral standards in emergency circumstances, while 4% of all surveyed journalists completely agreed, and 11% of journalists who mostly deal with reporting on justice.

Table 10: Paying people for confidential data '

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	74%	89%	73%
Justified in certain situations	16%	11%	16%
Always justified	1%	0%	1%
I don't know	9%	0%	9%

Seventy-four percent of all the journalists surveyed said that it was never justified to pay for confidential data, when reporting on an important story. The figure was 89% for the journalists who mainly report on the judiciary. Fourteen percent of the journalists working for newspapers said that it is acceptable in certain situations.

Table 11: Unauthorised use of confidential business or state documents

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	24%	22%	25%
Justified in certain situations	62%	67%	61%
Always justified	5%	0%	6%
I don't know	9%	11%	8%

As many as 62% of all the respondents consider it justified in certain situations to publish confidential state or business documents without authorisation (when reporting on important topics), while 5% consider it always justified. Theft of official documents is considered always unjustified by 76% of all the respondents, but 17% consider it justified in certain situations.

Table 12: Impersonation for the purpose of investigating a story

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	57%	67%	56%
Justified in certain situations	34%	22%	35%
Always justified	0%	0%	0%
I don't know	9%	11%	8%

Table 13: Pressuring those who are reluctant to provide information for newspaper reporting

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	64%	67%	64%
Justified in certain situations	29%	33%	28%
Always justified	2%	0%	2%
I don't know	5%	0%	6%

Impersonation is considered unjustified by 57% of all the respondents, and 64% consider it unjustified to apply pressure on sources who are not willing to give information. Thirty-four percent of all respondents consider impersonation justified in certain situations, and 29% think applying pressure to sources is justified in certain situations.

Table 14: Use of personal documents (letters, photographs) without authorisation

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	77%	78%	76%
Justified in certain situations	18%	11%	19%
Always justified	0%	0%	0%
I don't know	5%	11%	5%

Table 15: Use of hidden microphones or cameras

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	56%	78%	54%
Justified in certain situations	37%	22%	39%
Always justified	0%	0%	0%
I don't know	6%	0%	7%

The use of personal documents without authorisation is deemed unjustified by 77% of all respondents, and 56% consider the use of hidden microphones and cameras to be unjustified. Most of the journalists who mainly follow the judiciary consider both practices to be always unjustified. However, there is a noticeable difference in opinion about the use of hidden microphones, while 78% of those who mostly follow the judiciary think that this is always unjustified, the same is considered by 54% of those who occasionally report about the judiciary.

Table 16: Publishing stories with unverified content

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	89%	89%	89%
Justified in certain situations	9%	11%	8%
Always justified	0%	0%	0%
I don't know	2%	0%	2%

Of all the respondents, 89% consider publishing stories with unverified content unjustified, while 9% consider it justified in certain situations. It is notable that the journalists who mainly report on the judiciary and those who report on it only occasionally have the same view on this matter.

Table 17: Altering statements made by sources

	All respondents	Mainly judiciary	Occasionally judiciary
Always unjustified	94%	89%	94%
Justified in certain situations	4%	0%	5%
Always justified	0%	0%	0%
I don't know	2%	11%	1%

When reporting on important topics, 94% of journalists surveyed believe that it is unjustified to alter the statement of the source, 98% consider it unjustified to accept money from the source and 89% of journalists consider it unjustified to change photos.

3.4 Journalists' perception of the role of the judiciary in protecting media freedom and the safety of journalists

How journalists see the role of the judiciary in ensuring media freedom and the safety of journalists in Serbia

The survey results show that most journalists do not think the judiciary plays a positive role in ensuring media freedom and the safety of journalists in Serbia. Table 18 presents the journalists' responses collectively and separately for those who mainly follow the judiciary and for those who are occasionally following such topics.

Table 18: *The judiciary sides more with the system and with politics than with journalists*

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	4%	11%	4%
I partly disagree	2%	0%	2%
I neither agree nor disagree	10%	22%	8%
I partly agree	29%	22%	29%
I absolutely agree	54%	44%	55%
I don't know	1%	0%	1%

The majority of surveyed journalists (83%) completely and partly agree with the statement that the judiciary sides more with the system and with politics than with journalists. Eleven percent of journalists who mainly deal with the judiciary disagreed with this, as did 4% of those who occasionally deal with the judiciary.

Table 19: *Journalists are sufficiently protected because threats to and attacks on them are efficiently investigated and punished*

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	65%	56%	66%
I partly disagree	17%	22%	16%
I neither agree nor disagree	9%	11%	8%
I partly agree	4%	11%	4%
I absolutely agree	3%	0%	4%
I don't know	2%	0%	2%

A high number of the 94 interviewed journalists completely and partly disagree (82%) that they are sufficiently protected because threats to and attacks on them are effectively investigated and sanctioned. Eleven percent of journalists who mainly deal with the judiciary partly agreed with this statement.

Table 20: Many online threats to journalists are not taken seriously by the judiciary

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	3%	0%	4%
I partly disagree	5%	0%	6%
I neither agree nor disagree	5%	22%	4%
I partly agree	21%	44%	19%
I absolutely agree	63%	33%	66%
I don't know	2%	0%	2%

Regarding online threats, 84% of the surveyed journalists believe, completely and partly, that they are not taken seriously. On the same problem, only 85% of journalists who occasionally deal with the judiciary completely and partly agree that these threats are not taken seriously, while 10% of them completely and partly disagree.

Table 21: The Ministry of Interior and the prosecution contribute to the non-investigation and non-punishment of serious threats to and attacks on journalists

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	7%	11%	7%
I partly disagree	2%	11%	1%
I neither agree nor disagree	13%	33%	11%
I partly agree	28%	11%	29%
I absolutely agree	45%	33%	46%
I don't know	5%	0%	6%

The majority of surveyed journalists (73%) completely and partly agreed that the Ministry of Interior and the prosecution contribute to the fact that serious threats and attacks on journalists are not investigated or punished.

Table 22: *The prevalent opinion is that perpetrators who threaten to and attack journalists would be punished*

	All respondents	Mainly judiciary	Occasionally judiciary
I completely disagree	56%	56%	56%
I partly disagree	17%	22%	16%
I neither agree nor disagree	9%	22%	7%
I partly agree	14%	0%	15%
I absolutely agree	1%	0%	1%
I don't know	3%	0%	4%

Of the total number of respondents, 73% completely and partly disagree with the statement that perpetrators who threaten or attack journalists will be punished. In a similar percentage, both categories of journalists completely and partly disagree with that, namely, 72% of journalists who occasionally deal with the judiciary and 78% of those who mainly deal with this topic.

The general opinion among the respondents is that journalists have a growing "sense of being unprotected and feel the absence of personal safety". The journalists in focus groups think that there is no adequate criminal protection, and that the prosecution is not efficient enough. The journalists pointed out that inconveniences and threats also happen in front of the representatives of the competent authorities, but that they do not react. One of the journalists from the focus groups said: "When they endure threats in front of the courtroom, the judicial guards don't react; judges allow mess and chaos in the courtroom; journalists are being intimidated, and judges don't react."

Also, some journalists pointed out that there is no protection on the other side. There is no protection from the reaction of the editor if the journalist confronts editorial policy, which makes journalists even more vulnerable and subject to pressures.

The journalists in focus groups said that the time in which we live is characterised by the "unsolved murders of journalists and proceedings that take too long." They said that someone who thinks differently is the target of a tabloid attack - smearing campaign. Critically oriented journalists themselves are exposed to this.

Conclusions

Over the last several decades, Serbia has seen very frequent legislative changes, in line with the country's obligation as a candidate for European Union membership to introduce European standards into its system, in particular those deriving from the case law of the European Court of Human Rights and implementation of those standards before national courts. Hence, the judiciary and the media must be acquainted with all Council of Europe recommendations for reporting in a clear and acceptable manner. This requirement calls for closer cooperation between the judiciary and the media, with a clear understanding and efforts to fulfil obligations from both sides.

One of the preconditions for securing public information without violating other rights is for judges and courts to create conditions for quality and truthful media reporting, with the aim of protecting the public interest.²⁵

In the newsrooms included in the research, there are no journalists who specialize exclusively in covering the work of courts and prosecutor's offices, while there are a few of those who mostly deal with the judiciary, among other topics. The burden of journalists with other tasks to a greater or lesser extent makes it impossible for them to follow the trials on a regular basis and thus obtain the desired information in the most direct way. For the same reasons, journalists do not follow trials continuously and it often happens that reporters from the same process change due to the distribution of tasks in the newsroom, without previously having enough knowledge to cover this topic and/or enough information about the dispute itself.

The respondents also emphasised the need for change in the procedures for obtaining court decisions and documents required for reporting on court cases and in access to documents in public prosecutors' offices. These procedures are very slow, and the documents, when finally obtained by journalists, often are incomplete.

The research showed that now judges and courts do not provide technical conditions for the work of journalists, that they are inadequate both because of the size of courtrooms and because of the rules that courts impose on journalists (that they cannot bring their equipment into the courtroom or because judges fail to introduce journalists to the rules of reporting before each trial). Hence, one of the solutions is the need for the court to provide trials without violating the right to privacy and harassment of participants, and journalists must be provided with the necessary conditions for reporting and the ability to communicate with media newsrooms.

When reporting, journalists most often use lawyers, independent experts and media articles as sources. Less use is made of direct sources, attendance at hearings, case files, and trial records that take longer to obtain.

There is a major problem in communication with the judiciary, insufficient access to spokespersons, court presidents and prosecutors.

25 Media Freedom and Justice - Handbook for Journalists, edited by Nedim Sejdinovic, Independent Journalists' Association of Vojvodina, Novi Sad, 2019. <http://bezbedninovinari.rs/static/themes/bezbedni-novinari/documents/Medijske%20slobode%20i%20pravosudje%20-%20KON1.pdf>

Research has shown that they do not make sufficient use of communication methods, such as publishing summaries of court decisions and information on decisions on the websites of judicial institutions. At the same time, other forms of communication are missing, such as press conferences, briefings, direct talks with judges, presidents and prosecutors. Communication through applications, communication by e-mail, notifications via social networks is rare. It is worrying that no court, prosecutor's office, or even the Constitutional Court has a satisfactory level of openness.

The insufficient effort by institutions to efficiently provide the media with accurate information hinders the timely, professional and accurate reporting on the work of the judiciary. Consequently, the judiciary is insufficiently transparent, which again hinders the dissemination of timely and truthful information to the public.

Judges and prosecutors avoid contact with the media and treat them with distrust or disrespect because, as the journalists themselves admitted, the reporting on the judiciary is done unprofessionally, especially by the tabloid media.

Likewise, the journalists themselves do not have great trust in judges. The prevalent perception by the journalists is that the judiciary does not have a positive role in ensuring media freedom and the safety of journalists. They think that threats to and attacks on journalists are not properly investigated and the perpetrators are not punished to a necessary degree, and the journalists particularly mentioned the significant contribution of the Ministry of Interior and the prosecution to these unfavourable trends. At the same time, the journalists believe that judges are influenced by some political actors and that they often endure pressure, which is an additional reason for them not to communicate with the media.

The perception of the journalists is that judicial institutions and judges do not put effort into improving cooperation with the media and journalists and that judges do not know how to communicate adequately with journalists. They also reported that spokespersons do not possess the necessary openness in cooperation and that it is necessary to professionalise their work. If this were done, the current difficulties in accessing transcripts and important information would easily be resolved.

A concerning finding is that some of the journalists consider it occasionally justified to pay for information, use documents without authorisation, falsely represent themselves or apply pressure on sources for the purpose of reporting. This position demonstrates a lack of an ethical approach to principles of communicating within the judiciary. To do their work professionally, journalists and judges, as well as other persons dealing with freedom of speech and protection of the privacy of citizens, must be familiar with ethical standards, especially with regard to privacy.

Journalists must be familiar with types of courts and their competencies, judicial procedures and especially the limitations or exclusion of the public in legally stipulated proceedings (e.g., family law proceedings or certain phases of criminal proceedings). They should also be trained in how to report on court proceedings without violating the presumption of innocence. Media coverage of criminal events can interfere with the proper functioning of the criminal justice system if it is done unprofessionally and illegally, which leads to citizens not getting an objective but distorted image of crime.

Research has shown that few journalists have the necessary procedural knowledge to properly report on all stages of criminal proceedings. However, journalists are interested in acquiring this knowledge.

Research has shown that spokespersons do not have the necessary openness in cooperation and communication. The need for the development of training programs, rules and practical instructions for the quality work of spokespersons in the judiciary has been recognized. Professional, quality spokespersons can solve many problems in the relationship between journalists and the court and help them in reporting from the court, resolving professional dilemmas and improving relations with judges.²⁶ It is very important to establish permanent channels of exchange of opinions and mutual education and greater professionalism in order to overcome the described difficulties.

Good communication between courts and the media is necessary to enable the media to report on trials in an objective and transparent manner and at the same time to protect the rights of litigants. This applies in particular to the protection of the presumption of innocence, the right to privacy, the rights of the child and the right to a fair trial.²⁷ This is necessary in order to restore the citizens' trust in both the judicial system and the journalistic vocation in a contemporary society.

26 Blog of Judge Majic, "Court and media - How to improve the picture", interview with special guest Olga Kavran (Kavran has worked as a spokesperson for the Prosecutor in the ICTY for 13 years). <https://misamajic.com/2017/02/20/sud-i-mediji-kako-popraviti-sliku-podcast/>

27 Ilic, A., "Media, crime and courts", Official Gazette, ed. 2018.; <https://www.knjizaroman.rs/knjige/knjiga-mediji-kriminalitet-i-sudovi-autor-aleksandra-ilic-70580>

Recommendations

The presented findings in this report lead to the following recommendations:

- It is necessary to work on continued communication between holders of judicial office, journalists and spokespersons.
- All judicial institutions and institutions influencing the functioning of the media should jointly contribute to overcoming all difficulties in understanding between representatives of the judiciary and the media.
- A designated area and technical equipment should be provided in court buildings to allow journalists to report from the courts. Courts that allow trials to be followed via a video screen should provide the video screen in a room close to the courtroom.
- It would be beneficial to have clear rules on reporting from courtrooms published on court web pages, making them easily accessible to media representatives. Courts could likewise provide journalists with provisions of procedural laws.
- More work is needed to help judicial institutions use all tools of communication in their relations with the media.
- Each judicial institution should have a systematised position for a professional spokesperson, who must be readily available to media representatives.
- State institutions, civil society organisations and professional associations should actively facilitate the continuous education and training of journalists, prosecutors and judges.
- More work is needed on the continuous specialisation of journalists who report on criminal cases.
- It is necessary to continue the implementation of the existing Communication Strategy of the High Judicial Council and the Courts and adopt the new Communication Strategy of the Prosecutors' Office. In accordance with the Strategies, it is also necessary to adopt Action Plans for the realization of envisaged activities and goals.

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