

II MONITORING OF THE IMPLEMENTATION OF EXISTING LAWS

1. Public Information Law

1.1. The implementation of the Public Information Law has partly been elaborated on in the section about freedom of expression.

2. Law on Local Self-Government

On June 14, 2011, the Ministry of Culture, Media and Information Society of the Republic of Serbia and the Ministry for Human and Minority Rights, Public Administration and Local Self-Government of the Republic of Serbia released their recommendations for local self-government units (LSGU) regarding the allocation of budget funds for the system of public information. The aim of these recommendations is to improve the realization of LSGU's powers to manage public information of local interest and ensure the conditions for public information in Serbian language and the language of ethnic minorities used on the territory of the municipality, in accordance with Article 20, paragraph 1, subparagraph 34) of the Law on Local Self-Government. Under these recommendations, part of the budget for these purposes shall be allocated under non-discriminatory conditions, on open competitions. ANEM, NUNS and Local Press, at whose initiative the recommendations were adopted in the first place, said in a joint statement that the text of the recommendations was in itself a step in the good direction, albeit a modest and insufficient one. The key problem of that text was the fact that the recommendations, on top of being non-binding by nature, were further devalued, since they applied not to all budget allocations for public information from local budgets, but only to the share of these allocations that is not pre-determined. Such concept has left the door open for the media to be funded outside of open competitions – as it was already the case – and outside of clear and pre-determined criteria, in unclear proceedings, which in turn lead to further decline of free market competition and support for obedient media and those controlled by local government, the statement said.

The expectations from the long-prepared recommendations for the financing of media were high. Unfortunately, by replacing one single word from the text proposed by the media associations, these recommendations were completely devalued. The associations namely

insisted on having the total budget of local self-governments for funding the media – including the budget allocated for the funding of non-privatized local public media – allocated in a transparent procedure, on open competitions for the co-financing projects providing information, namely media content of local relevance in Serbian language and languages of ethnic minorities used on the territory of the local self-government in question. In the text adopted by the ministries, the phrase “total funds” was replaced by “part of the funds”. Hence, the government has again avoided to provide a level playing field for the business of both private and state-owned media. The second major difference between the final text and the one proposed by the association was observed in the part of the recommendations pertaining to the commissions that would decide about the allocation of funds. The associations insisted on independent commissions, while according to the ministries’ proposal, these commissions will include representatives of local governments. In view of all this, we may already conclude that the recommendations for the financing of media, in the form adopted by the ministries and received by the municipalities, have failed the expectations. It is obvious that the government avoided to make any substantial changes in the model of financing and opted to keep in place the mechanisms guaranteeing the control and influence of local oligarchies on non-privatized public media companies.

3. Law on Free Access to Information of Public Importance

On June 8, 2011, the Commissioner for Free Access to Information of Public Importance and Personal Data Protection issued a press release, expressing his concern over the high and increasing number of requests for the protection of the right to free access to information of public importance he was receiving from journalists, the media and the citizens. In 2009, the number of registered cases with the Commissioner, related to free access to information, was 1865. A year later, in 2010, that number increased by 55% to 2898. Finally, in the first five months of 2011, more than 1700 cases were registered, which could lead to a total number of 4000 by the end of the current year, if such trend should continue. Flooded by such a number of requests, the Commissioner is unable to proceed within the legally set deadlines. All this, in the Commissioner’s view, reflects serious problems that exist in the communication between the authorities and the citizens. A particular concern, he said, was the fact that the bulk of the complaints relates to the denial of access to information about various forms of expenditure of public money and public resources.