

### III MONITORING OF THE PROCESS OF ADOPTION OF NEW LEGISLATION

The Parliament of the Republic of Serbia did not hold any sessions in September. Here we will point out only the Law on Amendments to the Criminal Code, which was adopted on August 31<sup>st</sup>, but came into effect on September 11<sup>th</sup>, 2009.

#### 1. The Law on Amendments to the Criminal Code

The Law on Amendments to the Criminal Code has increased fines for around one third of criminal offenses provided for by the Criminal Code. In this way, the legislative authorities actually pressure the courts to make their penal policy stricter, which was recently judged to be unacceptably lenient. What is particularly important for the media is that, on one hand, media professions or, as stipulated by the Law – "professions of importance for public information" – are considered to be activities of public importance. Certain criminal offenses committed against persons in professions of public importance are more severely sanctioned. For example, a murder of a journalist is considered a first-degree murder, while serious bodily injury inflicted to a journalist is treated like the most serious form of this offense (it was equalized with serious bodily harm inflicted to a juvenile person or pregnant woman). The situation is similar with endangering the personal security or threats, which are currently offenses prosecuted ex-officio even if aimed at one journalist. According to the previous Code, this was the case only when the threat in question threatened the security of a larger number of persons.

On the other hand, there are several new criminal offenses that may primarily pertain to reporting on court proceedings, i.e. offenses that restrict to a certain extent the freedom of expression when reporting from court proceedings. The Law considers making statements to the media, while a particular court case is underway and pending a final judgment, as "unlawful public commenting" allegedly aimed at breaching the presumption of innocence or the independence of the court. The penalties for this criminal offense include a jail sentence of up to six months or a fine.

Since the European Convention for Protection of Human Rights and Fundamental Freedoms considers the protection of the reputation and rights of others, as well as the maintaining of the authority and impartiality of the judiciary, as legitimate grounds for restricting freedom of expression, the said restrictions are not controversial. However, they impose the need for education of journalists about the permitted modes for reporting of court proceedings.