WORKING CONDITIONS FOR JOURNALISTS AND OTHER MEDIA WORKERS IN SERBIA

IS THERE LIFE AT THE BOTTOM?
South-East European Partnership for Media Development

SEE Partnership for Media Development is implemented by a consortium of media organizations from Albania, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bulgaria, Romania. Media professionals from Kosovo and Turkey will also be involved.

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IS THERE LIFE AT THE BOTTOM?

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INTRODUCTION

The research documents the social statute of journalists in Serbia, given the allegedly vulnerable employment (weak labour rights, weak implementation of existing legislation, weak trade unions or alternative defence mechanisms, weak associative powers, economically weak employers, vulnerable to political pressures, ailing economies, shifting business models); Media Center Belgrade carried out a survey on working conditions for journalists in the period of August - November 2014 as part of the regional project “South-East European Partnership for Media Development”.

The objective of the survey is to provide an overview of the journalists’ working conditions in Serbia, indicate what media professionals consider the biggest problems in this regard and identify possible solutions. Semi-structured interviews and analysis of documents, primarily laws, earlier reports on the media situation and - to a lesser extent - media content, were used in the survey. Twenty interviews were made with journalists, editors, directors, media owners, representatives of journalists’ associations and trade unions, as well as lawyers.

Six out of eight respondents asked for anonymity, which is relevant for the status of press freedom; journalists do not feel free to express their views.

I. FRAMEWORK CONDITIONS FOR EMPLOYMENT AND THE WORKING CONDITIONS FOR JOURNALISTS

MEDIA LANDSCAPE IN SERBIA

The media system in Serbia is undergoing a transformation; a package of media laws was adopted in August 2014. The state must withdraw almost its entire direct media funding by July 2015. Meanwhile, the situation is getting worse each day in spite of the country’s unquestionable orientation towards the EU integration.

The media sector is not transparent enough, and has been under a strong political influence. Over the past couple of months there have been some claims of censorship, classified as a “worrying trend” by the Organisation for Cooperation and Security in Europe. In its annual Progress Report on Serbia, the European Commission wrote that the “blurred legislation in the media sphere, state control/ownership of public media, shady ownership structure and strong economic dependence of independent media, and soft pressure coming both from political and non-political elites, led to the creation of a creeping ‘self-censorship’ in Serbian media’. Furthermore, there are journalists that continue to face physical and verbal attacks, while some of them live under 24-hour police protection as they face threats due to the results of their investigative work”.

Even though freedom of the press is protected under Serbia’s constitution and its legal system, the media operate in a highly

2 http://www.iwmf.org/brankica-stankovic/
politicized environment while journalists continuously face physical and verbal attacks, according to the last year’s Freedom House report. Notwithstanding the constitutional protection, there have been 18 attacks on journalists so far in 2014, nine of which were physical assaults according to the Independent Journalist Association of Serbia’s (IJAS) database. Three journalists had been killed in the past twenty years and the culprits have never been discovered.

According to the Serbian Business Registers Agency’s data of May 2010, there are 1329 media outlets operating in Serbia (209 online media, 720 printed edition media, 237 radio stations and programs, 20 news agencies, 130 TV stations and programs, 13 other public editions).

There is no relevant source regarding the sold copies. The new Media Law prescribes something that is called Media Register, obliging all printed media editions to submit information about the sold copies. According to the Partner Research Solution agency, the average number of sold copies per day ranges from 50,000 to 100,000 copies. They estimate that the total number of all sold printed media amounts to approximately 500,000 copies. ABC company (Audit Bureau of Circulations) started working in Serbia in 2006; to this day it faces the problem of publishers’ exaggerating of the total number of sold copies.

Publishers lie about the numbers of sold copies in an attempt to get advertising attention. The precondition for auditing the problematic data is that the publisher is an ABC member, and some publishers refuse to join. According to last year’s research by the Partner Agency among Serbia’s printed media, Blic sold the most copies (147,000), Kurir comes second (122,000) and Vecernje Novosti third (119,000).

The advertising market in Serbia is one of the most underdeveloped in Europe, ranging from €155 to €175 million over the last few years. For years the state has been the strongest stakeholder, with 25% of the market share. There is only around €140,000 allocated for each media, which is only 0.5% of the national GDP while the desired percentage for the EU countries is 1% of the GDP.

AGB Nielsen Agency provides us with a detailed account. Since 2009 revenue has declined by 22%. At the same time in the rest of Europe the decline was 7.2%. Television occupies the largest portion of the overall amount with 56%; 21% goes to the print media, while billboards and other kind of advertising take 10.6% of the share. Radio stations come last with only as much as 5% of the share.

Again, there are no relevant figures about the number of employed journalists. The last census, dating from 2011, shows that there are 53,281 unemployed working in the field of information and communication. This represents 2.31% of economically active population out of which 32,647 are men and 20,634 women. It includes not just the ones working in the media sphere, but also those involved in publishing activities, cinematography, television production, sound recording and publishing, broadcasting, telecommunications, computer programming, consulting, and activities related to IT services.

Rough estimates show that 15,000 to 20,000 people work in the media sphere.

**OWNERSHIP TRANSPARENCY**

The Serbian Parliament adopted three new media-related laws, enforced on August 13, 2014: the Law on Public Information and Media, the Law on Electronic Media, and the Law on Public Media Services. The crucial aspect of these laws is ensuring transparency of the media publishers/service providers, which is to be achieved by establishing the new Media Registry and maintained by the Business Registers Agency (within six months from the date of this law’s enforcement). This Registry will contain, inter alia, precise information about the ownership structure for the media publishers/service providers, as well as relevant data on potential amounts of state aid received by the relevant media publisher/service provider.

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5. www.anem.rs/sr/medijskaScena/uFokusu/story/15645/Propaganda+ioglasi%C5%A1avanje+u+medijima+html
RULES AGAINST MONOPOLIES

Article 6 of the new Media Law reads that “in order to enable citizens to form their own opinions of occurrences, events and persons, the versatility of sources of information and media content shall be provided. In order to protect competition and diversity of ideas and opinions, any form of monopoly in the field of public information is forbidden. No one shall have the monopoly over the publication of information, ideas and opinions in a public medium. No one shall have the monopoly over the establishment or distribution of the media.”

So far, there have been no examples of any illegal activity in this field because the field itself was not supported by strong legislation. For the first time ownership concentration was mentioned by the Public Broadcasting Act, but only in the sphere of electronic media so as to prevent a predominant influence on the public opinion.

The Anticorruption Council has undergone a massive research and produced a report titled “Report on pressures on and control of media in Serbia” which analyzes a large corpus of data, mostly unavailable or little publicly known, that portrays the existence of corruption and clientelism in the media.

Out of 30 major media analyzed9 (12 daily and seven weekly newspapers, 6 TV and 5 radio stations), 18 have non-transparent ownership. This is mostly achieved through offshoreing with a clear intention to conceal the true owners. The Council’s attempts to identify the ownership structure resemble true detective stories: the national broadcasters such as TV Prva, B92, Radio Index and Radio Roadstar, and print media such as VecernjeNovosti and Pres, have as their owners companies registered in Cyprus, while TV Avala and the weekly Standard have unknown owners in Austria. Having offshore companies in the ownership structure means that “these companies are usually used as a shell and have no classical infrastructure in the country of origin. The owner is sometimes a person in Serbia, and sometimes the owner of the company in Cyprus is hidden inside an established network of companies registered in other parts of the world” (p. 6).

And so, according to the Council, out of eleven radio and television broadcasters with a national license, nine of which have non-transparent ownership, a logical question emerges: how can the media publish objective and truthful information if their greatest concern is how to conceal their true owners?

JOURNALISM FACULTIES

Even with a devastating media system and without a clear perspective of finding a job in the media sphere hundreds of students still graduate Serbian journalism faculties each year.

Here is an overview of the figures regarding the journalism graduates in the last five years:

Faculty of Political Science, Belgrade.

<table>
<thead>
<tr>
<th>Year</th>
<th>Graduated Students</th>
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<tbody>
<tr>
<td>2010/11</td>
<td>193</td>
</tr>
<tr>
<td>2011/12</td>
<td>162</td>
</tr>
<tr>
<td>2012/13</td>
<td>158</td>
</tr>
<tr>
<td>2013/14</td>
<td>122</td>
</tr>
</tbody>
</table>

Faculty of Philosophy, Nis

<table>
<thead>
<tr>
<th>Year</th>
<th>Graduated Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/11</td>
<td>55</td>
</tr>
<tr>
<td>2011/12</td>
<td>40</td>
</tr>
<tr>
<td>2012/13</td>
<td>34</td>
</tr>
<tr>
<td>2013/14</td>
<td>37</td>
</tr>
</tbody>
</table>

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Faculty of Culture and Media (Megatrend), Belgrade
The administration did not want to share the statistical data, it is apparently classified.

Faculty of Human Sciences, Novi Pazar.
This institution does not exist anymore due to lack of public interest. In the several years of their existence, only 10 students graduated.

Faculty of Philosophy, Novi Sad.

Since 2008 till 2014 there are 440 graduated students
Faculty For Media and Communications, Singidunum, Belgrade
2010/2011 86 diplomiranih
2011/2012 143 diplomiranih
2012/2013 147 diplomiranih
2013/2014 174 diplomiranih

Faculty of Management (Media management) - unavailable information

Academy of Fine Art, Belgrade (Media and Art Production management)
2010/2011 45 graduated students
2011/2012 70 graduated students
2012/2013 38 graduated students
2013/2014 38 graduated students

Media owners do not pay much attention to education. According to a National Employment Service, 1,149 people are registered as unemployed in the media field. 624 of them – media professionals in general, not only journalists - have higher journalistic education.

MECHANISMS OF MEDIA SELF-REGULATION

The only self-regulatory body, the Press Council, launched as late as 2009, covers only the print media. It was founded by the Association of Press Publishers and Electronic Media, Association of Independent Local Media named “Lokalpres”, Independent Journalists’ Association of Serbia and Journalists’ Association of Serbia, but it only started operating at the end of 2011. Until now, there are 70 print and online media members of the Council. Nevertheless, we can say that the first self-regulating effort was the adoption of a common code of professional conduct in 2006. The Council has no influence over employment because it is out of its jurisdiction. The Council has organized a complaints committee, which evaluates the public’s complaints regarding the text, photographs, and other content of print media, web sites, web portals and news agencies.

LEGAL FRAMEWORK OF THE JOURNALISTIC PROFESSION

There is no legal framework under which the fourth estate could be defined and no mandatory government association bringing together the workers in the field. Also, there are no “occupational standards” provided by law, describing the skills a journalist should master.

THE FRAMEWORK CONDITIONS IN THE LABOR LEGISLATION

With the new Media Law, Serbia has also adopted a new labour law, one heavily opposed by the trade unions. Dragan Milanovic, from the Independent Trade Union, says that labor rights are much more restrictive than they used to be and are not in accordance with the European labor legislation.
The new legislation allows collective bargaining but without the possibility of having a general collective agreement because there is no representative union of employers”, claims Milanovic. In order to be representative an Employers’ union has to represent at least 50% of the total people employed in the Serbian media.

Sasa Mirkovic, assistant to the Culture and Media Minister and a former director of B92 radio and TV claims the opposite: “the unions are almost invisible. They are not relevant at all. Union leaders are self-satisfied; they are not recognized as representatives of the media workers. When they do represent them, they do it for formal reasons without taking practical move.”

As noted in the research titled “Profession at the crossroads – Journalism at the threshold of Information Society,” only one third of the surveyed workers are union members.

According to the new labor legislation, the existing contracts on all levels terminate at the end of January 2015 (?), six months after the Parliament adopted the legislation. Milanovic says that unions will try to negotiate a new one, or to change the existing legislation.

Only public television employees are still covered by collective agreement, but their mandate ends in January 2015(?) as well. Collective contracts do influence the individual contracts because once the collective agreement is signed, it is applicable to every individual contract. That is not the case of the general collective agreement, which is only applicable to the contracts of union members. Since there is no general collective agreement, the existing one covers even the contract of those who are not union members, Milanovic explains. Under the law regulating the social dialogue, the Economic and Social Committee consists of three parties: the state, the trade unions and the employers’ representatives. The difficulty comes from the fact that the trade unions claim there is no employers’ union entitled to represent his category.

The most common type of contract is a regular work contract, if one is employed full time. If not, then there is the authors’ rights contract or the service contract. It is not a type of contract that normally causes issues, or at least not the parts stated in the contract, but everything that is practiced outside of it”. Research from 2009 on labor rights among media professionals shows that 31% of employees received money for their work without paying taxes. Journalists are willing to sign the minimum wage contract and receive the rest “under the table”.

Usually there are no specific provisions in the journalists’ labor contracts with journalists (i.e. conscience clause; legal protection offered by employers, requirements for respecting the ethical standards) because those specific provisions are regulated by the Information Law (Kruna Savovic, legal representative of the Independent Journalist Association of Serbia).

Journalists enjoy some preferential treatments such as reduced fares, but only when they are members of a journalist association. There is no official data about salaries in the media. According to the research “Profession at the crossroads – Journalism at the threshold of Information Society,” half of the surveyed have less than the average salary (€150 to €400). The average salary in Serbia is around €400, but the problem is not just the low average salaries. Very often these salaries are not paid at all. One third of the surveyed said that their salary is late, for some of them even more than a year.

Taxation is shared between employer and employee. In a regular work contract:

- Pension Fund: 14% paid by employer and 12% by employee
- Health Fund: 5, 15% each
- Unemployment insurance: 0, 75%
- Salary tax: 10% by employer

For author’s right contracts or service contracts, in case of people who do not have other employment, therefore do not pay any taxes:

- Pension fund: 20% by author
- Health Fund: 26% by author

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10 http://www.fpn.bg.ac.rs/wp-content/uploads/2011/07/Profesija-na-Raskr%C5%A1%C4%87u.pdf
11 NUNS (2009), Izveštaj: “Radna ( i druga) prava medijskih profesionalaca u Srbiji”, NUNS uz podršku IREX i USAID: Beograd
12 http://www.fpn.bg.ac.rs/wp-content/uploads/2011/07/Profesija-na-Raskr%C5%A1%C4%87u.pdf
Salary tax: 10.3 % by employer

According to Dragan Milanovic and Kruna Savovic, contracts do not have any clauses that stimulate journalists.

The Media Law forbids any kind of discrimination. Very often discrimination is not obvious; however, it exists especially in terms of payment. Women’s work is once again heavily undervalued; moreover, in case of pregnancy, though not explicitly stated in the contract, women often get dismissed. There is also the so called “political” discrimination (when the employer and the employee are members of different parties). Ethnicity seems to be less of a reason for discrimination nowadays.

According to the Association’s member D-base, IJAS has 3286 members and almost 70 % of them are not regularly employed. This does not mean that they are all freelancers, but irregular employment is definitely the primary characteristic of freelancers. Most of them are forced to look for a steady job outside their trade, instead of being underpaid in their area of expertise.

**BLOGGERS**

Most bloggers do not earn any money, even though there are some very profitable examples such as the case of the blog: [http://www.zorannah.com/](http://www.zorannah.com/). The author of this blog earns between €1,000 and €5,000 a month. If and when they do earn money, their income seems very transparent. High visibility and the topics they write about sometimes earn them offers for writing outside of their preferred genre (like in the case of Amitz Dulniker and Branislava Antovic).

Branislava Antovichas one of the best fashion blogs and Amitz Dulniker is one of the most controversial blogger.

Blogs are not covered by legislation since bloggers do not have to register. They are not legally responsible for their work, which cannot be subject to a legal suit.

**LEGAL GUARANTEES FOR THE PROTECTION OF THE INTELLECTUAL PROPERTY**

“There is a Copyright Law stating that the employer is the exclusive owner of an article, a photograph or any other authors’ work for the first five years”, says for our report Kruna Savovic, legal representative of the Independent Journalist Association of Serbia. Most of the cases that end up in court are initiated because the employers or the publishers continue to use the work beyond the period stipulated by the law and sometimes the work is used by third parties such as agency users. Materials downloaded from the Internet are used without the author’s permission or without paying any fees.

According to Kruna Savovic the problem was legally addressed especially in the case of misuse of photographs. “After the initial difficulties with finding a way to deal with it, the judiciary was quite successful in solving these issues”. A photographer, Dragan Kujundzic, says that the biggest problem is the Appellate Court where cases stay up to 14 months without any investigation into the actual misdemeanor. Kruna Savovic claims that the court usually takes around a year to close a case.

New media opened various possibilities for profit but had a weak impact on labor markets. Instead, blogs became ID cards, or a kind of CV, and potentially provide opportunities for some other profitable activities (as is the case with Branislava Antovic, Amitz Dulniker). Their influence on revenue level is also minor whereas it increased certain obligations for the journalists working in traditional media (such as multi-tasking – the same story is presented as an article and as a video or audio story). Journalists we spoke to claim that new media are a good tool against censorship. A potentially troublesome aspect of the new media is that they imply mass production where quantity so often gives way to quality. Journalists have less and less time for researching more deeply into a story. The fact that six out of eight surveyed journalists asked for anonymity is relevant with regard to the status of press freedom; journalists do not feel free to express their views.

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GRANTING STATE AID / DIRECT OR INDIRECT SUBSIDIES FOR MEDIA

State-owned media still exist, but the state must cease any media funding by July 2015. The state directly finances public services and the rest of state-owned media (81 nonprivatized local and regional media) including the state news agency Tanjug, which receives some €2 million annually. This undermines competition and jeopardizes the position of privately-owned news agencies Fonet and BETA. Also large amounts of money are spent for advertising through various forms of subsidies and even through contracts with state institutions and companies. This is how the state can control the media indirectly.

“The withdrawal of the state from the media was planned before, but not implemented. The new law stipulates a deadline for privatizations, but also prescribes what happens if deadlines are not respected. The media outlets will be offered for free to the employees and, if they refuse, the respective media outlet will be removed from the register and will be shut down”, says Sasa Mirkovic.

Public broadcasters will be financed from the budget until 2016 and after that will receive money from a tax paid by the citizens. According to current data, 81 media outlets should be privatized by July 1, 2015. Only projects that promote the public interest will be financed by the state. However, the details (the value of the tax, how it will be collected, what will happen if the collected amount is not sufficient, the authority / criteria which define ‘public interest’ and qualify a project for funding) are still unknown.

II. THE MOST PROBLEMATIC ASPECTS OF THE MEDIA LABOR MARKET IN THE COUNTRY, DEFINED AS SUCH BY THE JOURNALISTS THEMSELVES

The most problematic aspects in the media are lack of money, low salaries, the domination of tabloid content, political and financial pressures, lack of journalistic education, financial monopoly, to name but a few. In a poor society and with more than 1,300 media outlets it is logical that the financial aspect is the most problematic one. Running for profit resulted in a situation where media are selling their audience to the advertisers and not the content to the audience.

In each case, the problem was experienced directly. For some of them it was problematic to write critically about the leading party, or Montenegrin Prime Minister. Ljiljana Stojanovic, editor of Jugpress website, said that their website got hacked because of their criticism.

If your reporting is not suitable then you are excluded from the list of journalists that are invited to press conferences. One of our surveyed journalists mentioned that she received her April’s salary in November.

Indirectly, most of them know about political pressure in B92. During the former Government and during the presidential mandate of Boris Tadic, journalists would receive notes from his secretary. Now the Prime Minister calls them himself.

All of them claim that the problem is a systemic one. There is no will to solve those problems, which is a crucial condition for political control. Journalists and journalists associations have no solidarity and no strength to change the way things are. The journalists’ professional associations do not cooperate. Financial control, domination of tabloid content are common problems for many postsocialist and countries in transition. This problem has existed in Serbian journalism for more than a decade.
III. APPROPRIATE MEASURES/GOOD PRACTICES FOR SOLVING THE PROBLEMS

There is no association which could represent the owners and the owners don’t recognize the existing unions as representative. The state is expected to solve the problems, but the state is supposed to stay away from the media because its involvement may be potentially harmful to the freedom of speech and freedom of the press. “It is a fine and delicate line but when you are sure about the basic democratic principles within the society then you are sure where that line is. It was stated by European Convention for human rights and by the European Court for Human Rights,” said Vesna Marjanovic, president of Parliamentary Commissions for Media).

Only one of the interviewee reported to have met a good practice in dealing with the aforementioned problems. Young journalists who start working in this large media corporation have a chance to cover different topics themselves and then they can choose which area they would like to cover.

Most of the interviewees were not aware of how the problem has been solved in other countries. Tomislav Markovic thinks that readers’ donations might be a solution for some of them. Also their hope goes to the developing of new media, which – in their opinion – brings more freedom of speech and more opportunities for new contracts.

IV. HOW DOES JOINING EU AFFECT THE EMPLOYMENT OF JOURNALISTS?

Formally, legal harmonization did bring some improvement. The EU Parliamentary delegation has discussed the problems with the Serbian Parliamentary Delegation but Serbia is in a constant political crisis. Vesna Marjanovic thinks that improving the media sector is not in the EU focus right now. EU is focused more on political problems such as negotiations between Belgrade and Pristina.

There is a problem with freedom of speech and with working condition even within EU, Marjanovic noticed. The cases of Hungary, Croatia, Bulgaria show that Brussels neither has the instruments of pressure nor any interest in building them, says one of the interviewees. The good thing about the harmonization is that it opened new possibilities for young journalists and new funds are available, but the problem is the lack of IT literacy.

Most of the interviewees believe that the end of the privatization process could at least reduce the number of media outlets but, eventually, it will be up to Serbian journalists who are weak, with little self-confidence and underpaid. Employers haven’t changed anything to harmonize their business with the EU practice, rather they did quite the opposite because things are getting worse.

Do the international media companies practice the same employment policies in their home countries and in the SEE countries they operate?

There is nothing like acquis communautaire in the media field and they [the international media companies] do not have to follow standards and employment policies from their own countries, says Sasa Mirkovic. International media apply local standards. The same goes for transparency and accountability.

National journalists’ and media owners’ associations are connected with their counterparts in EU, but they the latter don’t understand the specific needs and the situation in Serbia (Sasa Mirkovic).

CONCLUSIONS AND RECOMMENDATIONS

✎ It is necessary to rebuild strong journalist union. The existing few lack organizational capacity and credibility. They are unable to give full protection to the journalists and all media employees.
✎ It is necessary to work with students and faculties to prepare them for the market to avoid problems journalists have
now and to ensure that they know exactly what are their labor rights.

 Self-organization at a micro level is recommended. Journalists should be aware of their role and significance in the public sphere. Self organizing on micro level, inside of their redaction could protect them as a journalists working in a public interest.

 It is necessary to draw a clear line between media and the state and the state interest in media field.

 A system of continuous evaluation inside of media is recommended. Such a system could act as a self regulation mechanism within the media outlets, thus protecting the employees from further dismissal. This evaluation system should determine the level of salaries.

 A special media department inside the court system is necessary. This would speed up their work and well educated judges will understand all media specificity.

 The journalists must be aware of their own responsibility and of their own strength. Therefore it is necessary to restore their dignity.

 The lack of solidarity makes the journalists situation even more difficult. Strengthening solidarity is crucial.
The current report is part of a series of similar works produced from June 2014 to March 2015.

The authors of the country reports are:
- Ilda Londo – Albania
- Radenko Udovičić – Bosnia-Herzegovina
- Marina Tuneva and Slavco Milenkovski - Macedonia
- Marijana Camovic - Montenegro
- Dejan Kozul - Serbia.

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Working conditions for journalists and other media workers in Serbia

Is there a life at the bottom?