

Original scientific paper

MEDIA INDEPENDENCE AND HUMAN RIGHTS

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Abstract. *In the modern world of ever-growing possibilities for mass communication, the challenges of the pursuance of the entire corpus of human rights, which is most often marginalised unless mediated by media, and the right to information and to express opinions itself, as a special and specific right, have been intertwined. At the international level and, increasingly, at the national level, contemporary human community endeavours to support a permanent debate on the degree of the pursuance of human rights that is only possible through democratically articulated and independent media that prefer social accountability. Their active involvement in regard to this theme can contribute to a timely diagnosis of the state and an organised, institutional and civil action for the protection of the rights.*

However, there are numerous examples wherein individual/group particular interests overshadow and suppress the common interest. In the sphere of media, not infrequently, the influences of various power centres dominate over the general good as well as over the human rights. The proclaimed media independence, as one of the most significant articulations of the European media policy and regulations and many national media and legal systems, often remains just a normative framework that is not sufficiently implemented in practice. This leaves the door open to a public sphere of selfish, narrow-minded aspirations and requests instead of satisfying the broadest communication needs of citizens and the human rights thereof. Essentially, this Essay sheds light on the significance of the independence of media themselves and regulatory and other bodies in this area through a prism of the European regulatory framework, Serbian media regulations and domestic practice.

Key words: *media, human rights, independence, European regulations, accountability.*

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The media-human rights relation is a complex theme that is also true for its narrower aspect related to media independence and human rights. An interdisciplinary approach is necessary in deliberation of this theme since it belongs to the scientific fields of sociology, communicology, media and political systems, ethics, law and other disciplines. The theme has two important aspects and the consideration of the two makes it possible to round up the whole. On one hand, as a structural framework of mass communication and information, media are directly accountable for the pursuance of a number of the following concrete human rights: right of appraisal, information, expression of opinions and attitudes, free flow of information and other contents of public interest, and on the other hand, they are important promoters of other rights that are not related to media in narrow sense, but their presence in public communication is in the common interest.

The first aspect of the media and human rights relationship grew up historically with the development of social awareness and the strengthening of liberal political thought at the end of the eighteenth century. Although being national, the following two key historical documents have universal value: The first amendment to the USA Constitution 1787 and the French Declaration of the Rights of Man and of the Citizen 1789. They introduce the freedom of speech and free exchange of opinions and expression in "unalienable and sacred rights of man". The following famous paragraphs: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (First Amendment to the USA Constitution, Foundations of Modern Democracy (orig. Temelji moderne demokratije), 1989, p. 121) and "The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law" (Declaration of the Rights of Man and of the Citizen, Article 11, Foundations of Modern Democracy, 1989, p. 138) have become the founding determinations of modern humanity in regulating the public sphere relations. Contemporary international documents, such as the Universal Declaration of Human Rights adopted in the United Nations in 1948 and the European Convention of Human Rights, 1959, also rely upon them. The advancement in the comprehension of these rights is apparent in Article 19 of the Universal Declaration: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." (Universal Declaration of Human Rights, Foundations of Modern Democracy, 1989, p. 189). The European Convention on Human Rights takes one step further introducing the paragraph concerning eventual interference by authorities. "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises." (European Convention on Human Rights, Article 10 paragraph 1). Both latter two documents contain the following formulation "regardless of frontiers", wherein it is clearly acknowledged that the concerned rights are considered to be characteristic to all people and they, therefore, cannot be limited to certain territorial frameworks of national states; and Article 10 of the European Convention highlights with good reason that the aforementioned rights should be pursued "without interference by public authorities".

This means that governments are expected to abstain from influencing public communication that is provided by media and that media contents cannot be censored, forged or deformed in any other manner. Free flow of information means their unimpeded flow through communication channels just as from the information sources to media, so too from media outlets to consumers of their contents.

The imperative of the autonomous position of media, their self-reliance and independence, is explicated sufficiently in the aforementioned formulation. Those societies that trod faster on the road of democratic development had already encountered the detrimental and devastating consequences of the effects of media influenced by some power centres, meaning the state in priority – that is, the public authorities. These experiences have resulted in a consensus on the international setup that media independence is equally important as all other rights related to free communication, imparting and receiving information and opinions. Such standpoint has a theoretical stronghold in many essays. Jurgen Habermas sees media independence as a condition for a better political communication: "Mediated political communication in the public sphere can facilitate deliberative legitimation processes in complex societies only if a self-regulating media system gains independence from its social environments and if anonymous audiences grant a feedback between an informed elite discourse and a responsive civil society." (Habermas, 2007, p. 6).

It is not possible, therefore, to realise the rights in the area of public sphere and communication in authoritative, closed societies wherein media are an extended arm of the authorities, corporate interests, political organisations or military and strategic power centres. But, media independence is not a bit less set as a condition for a healthy society, as well as in regard to the human rights that are not strictly related to media. Besides the right to a free flow of information, opinions and attitudes, this implies their two-way direction: from various sources to an individual and from an individual to the public. Many concrete rights have a direct relationship with media. These are the rights to correction and reply, the protection of children and youth against harmful content, the protection of privacy, the prohibition of hate speech, the presumption of innocence, confidentiality in journalism, free distribution, etc. There are also human rights that are not so closely linked to media houses' activities, but their significance makes them important for mediation in the public sphere. This is another aspect of the media & human rights relation that is not less significant.

Starting from the most important right – the right to live, then the right to the protection against violence, torture, slavery, the right to personal freedom and safety, to fair trial, the right to respect private and family life, home and correspondence, to other human rights included in appropriate international documents, all of them have a better chance for consistent realisation if they are publicly represented and mediated through media. In a society of increased needs and communication possibilities, in abundance of information that are increasingly leading to information jamming, it may easily happen that individual rights are suppressed to the margins of society and that the examples of their violation are not put under the spotlight and processed simply because they are not known. Now more than ever, contemporary society proves the importance of understanding the double character of information having a cognitive and also an active component – that is, that information about some problem, in this case on violation of the rights, incites social action. Thus the society strengthens its defence mechanisms against phenomena that can jeopardise an individual, a group or a community as a whole. It has happened and

is happening that the interests of the sphere of capital, as well as of politics, do not match the interests of people and their rights. Powerful individuals, even in the countries of developed democracy, are known to reach out and exert pressure over media out of their personal interests. The former president of France Valéry Giscard d'Estaing, when in office, accused the daily *Le Monde* of discrediting the judicial system to stop it discussing his acceptance of diamonds from the ruler of a former French colony (Lorimer, 1998, p. 162). Cases of ignoring the obligation to install filters for waste waters or gases without jeopardising the environment, examples of racist behaviour towards people of different skin colour or religious beliefs, family violence or harassment of employees, despite being prohibited by the current adequate laws, remain isolated examples, even though judicially processed, unless media make them their own stories and impart information to the broader public thereof. Conversely, every individual case draws the attention of the public to phenomena that can happen in every environment, which incites social action either as a preventive action or as a disclosure of the existing cases that have not been put under the spotlight sufficiently as not treated by media.

Such action of media is only possible if their professionalism and independence is not jeopardised in any manner. However, there is enough evidence that media whose independence is not jeopardised are not sensibilised enough in regard to the human rights corpus and lack social accountability. Theoretician Denis McQuail observes this problem; however, he states as follows: "The review of the normative principles that the organisation and activities of media should be governed by is still based on the assumption that media are expected to be organised and to behave in the wider public interest or for the good of the society as a whole, no matter if they are designed in accordance with the expectations or not." (McQuail, 1994, p. 95). McQuail believes that media can be forced to a socially accountable behaviour and the pursuance of a kind of "the public will", "so to provide their society with the greatest and long-term benefits". "Although the concept of public interest is vague and controversial, if there is no such assumption on the expected public assignments of media, there is no sense in dealing with social and normative principles" (McQuail, 1994, p. 96). This theoretician, thus, intercedes for social intervention and setting the rules in the media sphere since: "the problem is moved from the general concept of public interest to its interpretation in the context of various practices of public communication" (McQuail, 1994, p. 96).

EUROPEAN REGULATORY FRAMEWORK AND MEDIA INDEPENDENCE

Democratic experience of some European countries has overflowed into media sphere in the last seven decades creating an international regulatory framework, less as a set of binding norms and more as recommendations for good practice and inciting development of individual media systems. The regulations have been created under the auspices of the Council of Europe, the European Parliament and the European Commission, as well as the activities of the European Union concerning radio broadcasting and other institutions and organisations of the European Union. Article 10 of the European Convention on Human Rights served as the basis that was later elaborated into a number of conventions, directives, recommendations and other documents. However, this road was thorny since this experience showed that individual principles and standards were violated in practice despite being agreed with in principle.

One of the proofs is found in the comparison of two documents passed in a 22-year time span that have very similar goals. These are the Declaration on freedom of expres-

sion and information¹ and the Declaration on freedom of political debate in the media². It can be seen from the titles of both Declarations that their intention is the same. Is there any essential difference between the promotion of freedom of expression and freedom of political debate in media? Clearly, it has been the same theme since the French Revolution and if the expression of people does not also include the expression of their political attitudes, it is not free. Starting from the principle of true democracy, the rule of law and respect of human rights, the older Declaration suggests to member countries of the Council of Europe that: "to defend the right of everyone to the exercise of the freedom of expression and information... To promote the free flow of information, thus contributing to international understanding, a better knowledge of convictions and traditions, respect for the diversity of opinions and the mutual enrichment of cultures" (Declaration on the Freedom of expression and Information, III, a, c). After more than two decades, it has become clear that such a standpoint, although clear and unambiguous, is not sufficient and that it is necessary to step up the requests for freedom of expression by explicit mentioning of the right to participate a political debate, the right to criticise, as public office holders so and the states themselves, thus the Council of Europe adopts the Declaration on freedom of political debate in the media. The first of the eight points of this document is titled: Freedom of expression and information through the media, wherein the following is said: "Pluralist democracy and freedom of political debate require that the public is informed about matters of public concern, which includes the right of the media to disseminate negative information and critical opinions concerning political figures and public officials, as well as the right of the public to receive them." (Declaration on freedom of political debate in the media, I). And the remaining point of this act: Freedom to criticise the state or public institutions; Public debate and scrutiny over political figures; Public scrutiny over public officials; Freedom of satire, quite concretely speak about the right of media workers and all citizens to comment the activities of public office holders in a public and critical manner. "The state, the government or any other institution of the executive, legislative or judicial branch may be subject to criticism in the media. Because of their dominant position, these institutions as such should not be protected by criminal law against defamatory or insulting statements." (Declaration on freedom of political debate in the media, II). Understandably, it is emphasised in the text that public office holders still remain protected as individuals as they also have the rights as other citizens; however, as influential persons in public and political life, they can be subject to criticism, scrutiny and also satiric media treatment. Freedom of expression is realised consistently in that manner, or as Stevan Lilić would say: "In contemporary conditions of freedom of public information - as a fundamental human right - includes the right to truth, to a timely and objective information, as well as the right to publicly criticise and ask for explanations regarding concrete actions and acts of the authorities and other public entities" (Lilić, 1998)

Where does the difference in the presence of the same matter in the aforementioned two declarations come from? Undoubtedly, the need to step up and concretise the standpoints and requests directed to the states after many years for a more complete realisation of the right to freedom of speech, inter alia, is conditioned by the occurrence of insufficient or often fully suspended independence of media. In such circumstances, it is not

¹ Adopted by the Committee of Ministers of the Council of Europe on 02.04.1982.

² Adopted by the Committee of Ministers of the Council of Europe on 12.02.2004.

possible to realise the principal determinations and suggestions, even when they are trans-fused in concrete legal norms, especially if the institutions and their officials oppose it. Awareness with regard to it influenced both the alteration of and passing new acts of the united Europe and the engagement of media theoreticians. Habermas states that: "The relative independence of massmedia from the political and the economic systems was a necessary precondition for the rise of what is now called 'media society'" (Habermas, 2007, p. 17). Habermas speaks about "relative independence" that is understandable since if independence is a possibility that someone behaves and acts without the influence of someone else's will, there is no absolute independence since everything is mutually conditioned in a society. However, that does not mean that one cannot aspire to independence in media sphere and that it cannot be standardised, not because of the rights and position of journalists and media themselves, but primarily because of the rights of citizens to know the truth and express their attitudes. As stated by the theoretician Kari Karppinen: "Hardly anyone would disagree with the idea that citizens need to have access to a broad range of political views, cultural expressions and aesthetic experiences in the public sphere." (Karppinen, 2009, p. 27).

Independence is one of the key words of the European regulatory framework in relation to media sphere and it's not that it marks just one of the most important features of media themselves, but also of the regulatory bodies that exist and act in this area nowadays. The concept of independent regulatory body has been introduced in the European media regulations and practice exactly as a need to separate those that intervene in this area, from the classical authorities. This is perhaps the best example of an attempt to embody the idea of the "fourth authority", which originally referred to the print media themselves, and later, with the rise of electronic media, even more to radio and television. The one who may issue a permit for using frequencies as a limited natural resource and who may act with certain binding instructions and issue sanctions, can influence the character and content of a programme. Therefore, it is highly significant that they are independent, autonomous personalities who will thus support the independence of media themselves.

In democratic societies, the recommendations of the European regulatory framework are obeyed and placed in the national legislation concerning both print and electronic media. British theoreticians of media law Tom O'Malley and Clive Soley point out the significance of independent activities of the Press Council in their analysis of the British Freedom of Information Act. "The mechanisms within the framework of the law are formulated so to promote high standards and freedom of information. The independent Press Council would be appointed according to a procedure determined to maximise its independence and representative nature" (O'Malley and Soley, 2000, p. 187).

The activities of electronic media are more scrutinised by the regulators because print media are deregulated more extensively than electronic media world wide. Therefore, Europe in its media politics insists on equalisation of attitudes in regard to regulation of radio broadcasting, in the previous meaning of this word and in the new age of revolutionary technological changes. Thereafter, the Recommendation no. R (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector is very important³. In the introductory part of this document, it is highlighted that one of the reasons for its passing is: "... the importance for democratic societies of the existence of a

³ Adopted by the Committee of Ministers of the Council of Europe on 20.12.2000.

wide range of independent and autonomous means of communication, making it possible to reflect the diversity of ideas and opinions, as set out in the Declaration on freedom of expression and information of 29 April 1982 (Recommendation no. R(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector, introduction, paragraph 4). Here we have yet another recalling to the already mentioned Declaration, which proves that it was necessary to support its goals with more recent documents, which sharpen the attitudes and envisage more efficient solutions. Apparently, the Recommendation defines the existence of independent media as one of the preconditions for development of democratic societies. Such an attitude is, indeed, one of the first standards of democratic world, in this case the European media policy, which speaks on the necessity of "distancing the entire media system from the impact of authorities, politics and other power centres" (Veljanovski, 2009, p. 32).

The Recommendation no. R(2000)23 recommends that the governments of member states: "establish, if they have not already done so, independent regulatory authorities for the broadcasting sector" (Recommendation no. R(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector, 23, a). In the Appendix to the Recommendation, the guidelines and the procedure by which the composition of regulatory bodies should be appointed. "The rules governing regulatory authorities for the broadcasting sector, especially their membership, are the key element of their independence. Therefore, they should be defined so as to protect them against any interference, in particular by political forces or economic interests." (Recommendation no. R(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector, II, 3). Further on in the text, the establishment of specific rules in regard to incompatibilities of functions is insisted on in order to avoid that: "- regulatory authorities are under the influence of political power; - members of regulatory authorities exercise functions or hold interests in enterprises or other organisations in the media or related sectors, which might lead to a conflict of interest ..." (Recommendation no. R(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector, II, 4).

From the standpoint of media independence, the European regulatory framework pays special attention to the position and functions of public broadcasting - that is, public services. The documents that speak about it were generally written during the nineties, thus creating the benchmarks that should also serve in the transition countries since they predominantly opted to transform their once state radio-television services into public services. Although the European documents do not speak about it in that manner, it was necessary to designate a public broadcasting activities template for the former-socialist countries that used to be in the hands of state-and-party ideologists before the fall of the Berlin Wall.

The first important document on this issue was the Prague Resolution (1994) wherein the public services independence occupies the most important position. This determination was supported by the Resolution of the European Parliament (1996) and the Amsterdam Treaty (1997). Yet, the most detailed document that elaborates this request is the Recommendation no. R(96)10 on the guarantee of the independence of public service broadcasting⁴. Therein, it is recalled: "that the independence of the media, including broadcasting, is essential for the functioning of a democratic society" and it stresses the

⁴ Adopted by the Committee of Ministers of the Council of Europe on 11.09.1996.

importance "which it attaches to respect for media independence, especially by governments" (Recommendation no. R(96)10, introduction, paragraphs 3 and 4). The document recommends the governments: "to include in their domestic law or in instruments governing public service broadcasting organisations provisions guaranteeing their independence..." (Recommendation no. R (96) 10, a). In order to avoid arbitrariness in the interpretation of this paragraph, the Appendix to the Recommendation itemises what is implied thereof. The following should be assured: "their editorial independence and institutional autonomy, especially in areas such as: programme schedules; the conception and production of programmes; the editing and presentation of news and current affairs programmes; the organisation of the activities of the service; recruitment, employment and staff management within the service; the purchase, hire, sale and use of goods and services; the management of financial resources; the preparation and execution of the budget; the negotiation, preparation and signature of legal acts relating to the operation of the service; the representation of the service in legal proceedings as well as with respect to third parties. (Recommendation no. R(96)10, Appendix, I). Hence, nothing is left out. Along with all other principles on the basis of which the programme functions of this type of media are modelled, these recommendations are sufficient for establishing the media organisation of a public service. Understandably, this requires the consent of those who work in media and of those who make political decisions, as well as a clear need of the public for a media model of the public service.

MEDIA INDEPENDENCE AND HUMAN RIGHTS - SERBIAN EXPERIENCE

The fact that some countries are in transition, as Serbia is, provides the media theoreticians with a basic indicator, when redefining the media systems classification, to enter a concept of a media system in transition (Veljanovski, 2009). The reconstruction of the media system in Serbia began by the end of 2000 when a group of legal and media experts initiated the preparation of new laws: the Law on Broadcasting and the Public Information Law. These laws, adopted in 2002 and 2003, with all deficiencies that can be observed, introduced the European spirit and standards into our media legislation and marked the discontinuity with the laws from the previous times, as the nineties so the earlier. To date, they have been the two most important, in the narrower sense, media laws, along with the others that have provisions on media, such as the Law on Advertising, the Law on Free Access to Information of Public Importance, the Law on Electronic Communication and others.

The independence of media and regulatory bodies, as well as the free flow of information and expression of opinions and attitudes are adequately treated in these laws in line with the European standards and experience. However, for years, some alterations of the laws, particularly the Law on Broadcasting, have reduced the democratic capacity of our media regulations, and the practice has shown that some provisions have not been implemented.

The Law on Broadcasting introduced the regulatory body that was to operate independently and in general interest. The Republic Broadcasting Agency (RRA) was given jurisdiction in line with the European principles and recommendations. However, since the very beginning of the establishment of this body, when three members of its Council were selected according to an unlawful procedure, the work of RRA has been burdened with circumstances that question its entire independence, therefore, its entire work. The

manner of allocation of permits for using frequencies, non-pronouncing measures to broadcasters when they jeopardise public interest, and a complete non-implementation of the provisions of the law on illegal media concentration are the reasons for critical reviews that also contain the attitude on a suspended independence of this body. Such conclusions are also contained in the report of the governmental Anti-Corruption Council that states huge pressures on media and their independence, and in particular speaks on the regulatory agency. "The Republic Broadcasting Agency (RRA) has a significant responsibility for today's state of the media scene in Serbia, for which it can be said that it has never been really independent, rather it has worked under constant influence of the political parties... Thus, instead of defending the transparency of media ownership, the RRA is most responsible for the creation of an atmosphere of clandestine interests in electronic media, because the appropriate mechanisms for the prevention of illegal media concentration in media space are exactly in the hands of the members of the RRA Council."⁵ There are quite a few decisions of this body that show that the RRA has not acted autonomously, and some of them are mentioned in the said report. The Decision on revoking the licence of BK Television out of political reasons was not changed regardless of having been annulled by the Supreme Court of Serbia. Following loud political claims for regular broadcast of the Serbian National Assembly sessions live, the RRA issued a binding instruction that the Radio Television of Serbia (RTS) is obliged to broadcast the sessions. The Constitutional Court annulled this instruction later; however, the fact remains that the regulatory body gave in to political pressures, that is true for the RTS as well, which broadcasts the sessions despite the instruction has been annulled and that it has no enough space in its programmes for educational, children and other contents that are its legal obligation. At a point of time, four out of nine members of the RRA Council used to be connected in a radio station, Radio Index, which is a reason enough to doubt its objectivity. The RRA Council has not pronounced a public reprimand to media that explicitly violated legal provisions, among which the most distinctive example is Radio Fokus that first permanently promoted the Serbian Radical Party and, after its split, the Serbian Progressive Party. In the programme of this media outlet, there have been examples of explicit violations of human rights, most frequently in a form of hate speech or an unequal treatment of political partakers. All this speaks about an insufficient independence of the regulatory body in the area of broadcasting with substantial consequences on the work of media and their effect in public sphere.

The RTS, as a former state media outlet that is being transformed into a public service, also functions on the basis of the provisions of the law that stipulate the obligations and independence of this media organisation. From the viewpoint of the pursuance of human rights, the following information is interesting that despite the legal provisions according to which the public services are obliged to have a programme in the language of the minority communities that live in Serbia, there is only one programme in Roma language in the RTS' programmes on Radio Belgrade One. The provisions of the law are wrongly interpreted and concluded that the programmes in minority languages are responsibility of the Radio and Television of Vojvodina because many ethnic communities live in this province although it has never been formulated in that way. The fact that several minority communities live on

⁵ Anti-Corruption Council: Report on Pressures on and Control of Media in Serbia, 19. 09. 2011, p. 39.

the territory of Serbia, beyond this province, who have the right to be informed in their own language through the public service has been overlooked.

Speaking about the public service, it is also possible to state the insufficient independence, which also jeopardises human rights. One could have observed the favouring of one political option over another in the pre-election campaign of the general elections 2012, when a series of items on pseudo-events wherein the former President of the state and the President of the strongest party of the governing coalition appeared, were broadcast in the Dnevnik 2 prime news programme. It is not pointless to remark that the RTS charged the promotional slots to the parties. As reported by the daily Politika, the prices ranged from 3,300 to 16,500 RSD a second on the RTS I and from 2,800 to 4,000 RSD a second on the RTS II (Politika, 04. 05. 2012), despite the provision of the Broadcasting Law on the basis of which a public service should provide advertising slots free of charge in a pre-election period. The Law says that: "... public broadcasting service carriers shall: Provide during election campaigns free-of-charge and balanced broadcasts of promotions of political parties, coalitions and candidates for federal, republican, provincial or local elections, whose candidacies have been accepted, whereas these broadcasters may not broadcast a paid election promotion and, pursuant to their general by-laws, may refuse to broadcast programmes and propaganda spots if these do not serve the election campaign." (Broadcasting Act, 2002, Article 78 point 6).

In the latest research titled *Serbian Media Freedoms in European Mirror*⁶, that was published by legal and media experts within the framework of the common action of four domestic media organisations and one international, freedom of expression, freedom of information and freedom of media have been measured on the basis of 27 indicators of the Council of Europe. It is established that only four out of 27 European standards have been implemented in Serbia and there have been drastic discrepancies in relation to the European standards in the area of media economy and independence of political influences, as well as labour and social rights and safety of journalists.⁷ Interestingly, as stated in the report of this research „there is a solid legal support for the majority of the European standards, however, they are not fully implemented in practice“⁸ proving the thesis that media law in Serbia are largely based on the European experiences and principles during the transition period; however, there is no sufficient consent with these principles in the ruling circles, even when they are a part of the domestic regulations.

Media independence that implies both independence of the media themselves and of the regulatory bodies is not at an exceptional level in Serbia, which has a bad reflection upon the respect of human rights in the sphere of media. To reach a higher degree of social accountability of media and media system as a whole, thereby to a more efficient pursuance of the human rights, is only possible with higher respect of standards of the contemporary world, by their implementation in legislation and consistent application in practice.

⁶ The Serbian Media Freedom in European Mirror research was organised by: Civil Rights Defenders, ANEM, NUNS, NDNV and Lokal pres.

⁷ Ditto, abridged version.

⁸ Ditto.

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MEDIJSKA NEZAVISNOST I LJUDSKA PRAVA

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U savremenom svetu sve većih mogućnosti masovnog komuniciranja, prepliću se izazovi ostvarivanja celokupnog korpusa ljudskih prava, koji je najčešće marginalizovan ako nije medijski posredovan, i samog prava na obaveštenost i izražavanje mišljenja kao posebnog, specifičnog prava. Savremena ljudska zajednica na međunarodnom, i u sve većem broju slučajeva, na nacionalnom nivou nastoji da podrži permanentnu debatu o stepenu ostvarivanja ljudskih prava koja je moguća samo kroz demokratski artikulisane i nezavisne medije koji preferiraju društvenu odgovornost. Njihov aktivan odnos prema ovoj temi može da doprinese pravovremenom dijagnosticiranju stanja i organizovanoj institucionalnoj i građanskoj akciji u zaštiti prava. Mnogo je primera, međutim, da, pojedinačni ili grupni, partikularni interesi zasenjuju i potiskuju opšti interes. U sferi medija, neretko, uticaji raznih centara moći, nadvladavaju nad opštim dobrom pa i nad ljudskim pravima. Proklamovana medijska nezavisnost, kao jedna od najznačajnijih artikulacija evropske medijske politike i regulative i mnogih nacionalnih medijskih i pravnih sistema, često ostaje samo normativni okvir koji u praksi nije dovoljno realizovan. Time je otvoren put ka javnoj sferi sebičnih, uskogrudih zalaganja i zahteva umesto zadovoljavanja najširih komunikacionih potreba građana pa time i ljudskih prava. Suština ovog rada je osvetljavanje značaja nezavisnosti kako samih medija tako i regulatornih i drugih organa u ovoj oblasti, kroz prizmu evropskog regulatornog okvira, medijske regulative Srbije i domaće prakse.

Ključne reči: *mediji, ljudska prava, nezavisnost, evropska regulativa, odgovornost.*