
Author: Dejan Mavrović

Fighting discrimination in Serbia: role of the Media

Non-discrimination as a core value of the EU

The European Union has developed broad anti-discrimination policy which is included in the Treaties and enacted through the EU law. Notion of fight against the discrimination in any form is one of the main principles the values of the EU are based on and it is genuine concern of the EU as a whole. Member states have to implement all of the anti-discrimination regulations that are laid in the Treaties or Commission directives and in that way it is ensured that discrimination will be treated in the same way within the whole EU. Fight against the discrimination is important when it comes to the protection of human rights and it is closely connected to one of the four freedoms of the EU – free movement of people. Republic of Serbia, as a candidate member state, has to show that it has developed strategy and proper mechanisms to fight discrimination and that is following the EU standards.

Role of the Media in fight against the discrimination

Republic of Serbia has adopted highest international and EU standards in the field of fight against discrimination. However, in spite of all the positive institutional and legislative action that has been done, question of discrimination in Serbia is still an issue. Almost all of the types of discrimination are still present and spread in society and that is why Media can have a big role in information and education of the citizens about the (non) discrimination. Media can be a great source of information as well and creator of collective consciousness and public opinion by promoting certain social attitudes and values. Moreover, Media has a great function and responsibility in prevention of the hate speech, discrimination and lies – which is a part of the ethic code of the profession. It appears as both ‘mirror of the society’ and the (re) constructor of the reality and it can be important when

Summary

The media in Serbia is still not conscious that they play very important role in the fight against the discrimination and that there is a legal obligation to report on discrimination in a professional manner. In that way Media is denying citizens of one of the crucial means of learning what discrimination is and how they can best fight it. Purpose of this paper is to present policy recommendations which could contribute to reporting about the discrimination in a Clear, Precautionary and Justiciable manner. Clear in a way that they can provide clarity about the notion of discrimination and ways to prevent it. Secondly, in order to prevent cases of discrimination in Media, precautionary education and training is needed. Finally, system needs to be justiciable to ensure that every discriminatory behavior in Media is sanctioned properly.

it comes to fight against discrimination (Ferin Cunha et al, p. 4).

What is the problem?

Commissioner and Media

The Commissioner for the Protection of Equality is a fairly new Institution in Serbia. When first Commissioner was elected in 2010. there was little knowledge about the competences and the role (s)he has to perform and therefore Media had the initial function of introducing Commissioner to the public. However, according to the report ‘Media and Discrimination in Serbia’, the function of the Commissioner was also new to the representatives of the Media which had an impact on the reports about it. The majority of the initial reports, although made in a positive manner, were short and done only on the specific occasions (e.g. International Woman’s day) which somewhat reduced the importance and commitment of the Commissioner

Views expressed in this policy brief represent views of the author(s) and are not views of either Belgrade Open School or the Scholarships: Open Society Foundations.

to the fight against discrimination. Moreover, reporting of the Media has reduced only to specific cases of discrimination – mostly when some incident occurs (Andonov 2012, pp. 6-7). According to research study, two trends can be found in the way Serbian media reports on the Commissioner. There is one group of journalists that perceives Commissioner as an independent body, as an EU law-inspired institution. That group of journalists gives Commissioner more competences than (s)he actually has, due to their lack of knowledge about the institution. The other group, on the other hand, perceives the Commissioner as “just one of the Government bodies” which deals with monitoring human rights and violations of those rights (Andonov 2012, p. 67).

Reporting of Media

Media has been reporting about the discrimination only when some incident occurs and discrimination already happens, only very small number have continuous praxis of covering cases about discrimination. Focuses of the coverage are mainly cases of discrimination connected with employment, LGBT population, Roma people and person with disabilities. This lack of continuous and specific reporting has led to the omission of other cases of discrimination (e.g. discrimination in banking sector). There is little or no investigative journalism directed to the problem of discrimination in Serbia, articles are very short and are general in nature without any deeper analysis (Andonov 2012, pp. 7-9). Most of the newspaper articles/television reports still cover discrimination cases but only on the occasion of incidents in which members of these groups were victims. Moreover, they are using inappropriate terminology (sometimes even not hiding the victim's name) and elements of sensationalism are present. Covered topics are still not written in the purpose of pointing to a certain problem in a society or covering a theme and rising awareness among the readers/viewers, but instead they are written in a sensationalist manner. Finally, it seems that representatives of the Media are still not capable of distinguishing direct and indirect forms of discrimination and react in the proper manner (Andonov 2012, pp. 68-70). Findings of a research made in Serbia about the perception of the citizens regarding the discrimination somewhat support the claim that Media is of great importance for fight against the discrimination. In the research, citizens think that Media can have an impact on reducing the discrimination – right after the Government and political parties which are on the top when it comes to the institutions that can influence the fight against the discrimination (CeSID 2013, p. 38).

Discrimination in Media

Representatives of the Media can sometimes be discriminators themselves. In research about public opinion about discrimination, citizens see representatives

of the Media as one of the top institutions that are discriminating instead of fighting against it (CeSID 2013, p. 37). There is apparent contradictory stance when it comes to Media - on the one hand, it is believed that they contribute to the improvement of social climate and teach people in Serbia about diversity. On the other hand, it is considered that their sensationalist media coverage may further reinforce stigmatization and discrimination (GSA 2010, p. 40). It is not rare occasion that Commissioner investigates cases of discrimination in Media. The problem is that many of journalists do not have enough knowledge about what discrimination is and which forms it can take so they are in most cases unaware of the discrimination in their reports. However, there are cases where Media spreads intentionally stereotypes and hatred and it that way it contributes to creating of negative picture about some social or minority group in the society. Often Media is not aware about legal responsibilities they have when it comes to the neutral reporting or reporting about the recommendations and opinions of the Commissioner which makes their reports imprecise and inconsistent (Andonov 2012, pp. 8-10). For this purpose Associations of Journalists in Serbia have adopted joint Code of Ethics which regulates the reporting and professional duties of journalists. Implementation of this Code is left to editors and publishers who can *decide on their own* when there is a breach of regulations and act correspondingly. In the same Code it is stated that “*journalists must oppose all those who violate human rights or promote any kind of discrimination, hate speech and inciting violence*” (Code of Ethics 2015, p. 15). The Press Council was founded in 2009. with a role to monitor the compliance with the Code of Ethics and receive complaints about its possible breaches. Council brings together *most* of the publishers, owners of print and online media and professional journalists (The Press Council 2009). Problem with both, the Code and the Council, is that the sanction for not complying to the regulations is in the worst case scenario public reprimand which ‘has’ to be published in the Media that violated the Code and there are no further sanctions for not doing so. Similar body exists for TV and radio journalism – Republic Broadcasting Agency with its own Code of Conduct for Broadcasters which regulates reporting and prohibits discrimination. The main difference is that the Agency is a state body regulated with the Broadcasting Law which enables it to take measures such as public reprimand, fines and temporary or permanent revocation of broadcasting licenses if the Code of Conduct was violated – while the Press Council can only issue a public reprimand.

Towards more efficient reporting

When we consider the importance of the role that Media plays in the formation of public opinion and

education of the citizens, proper reporting about the discrimination becomes even more important. Therefore it is necessary that representatives of the Media become more aware of role they have. Unfortunately, there is no simple policy recommendation which can improve Media reporting about discrimination, however, following recommendations do need to be taken into account:

1. There are many doubts among the journalists about the notion of discrimination and therefore it is necessary to offer **help of the experts** to provide them with necessary information about more sophisticated ways of discrimination. This can be done through seminars or workshops organized yearly by the Commissioner's Office or experts hired for this purpose. These activities would have for an aim to provide journalists with the knowledge about ways how to determine and fight discrimination. Alongside with the Commissioner, The Press Council should organize workshops aimed to educate journalists how to report in compliance with the Code of Ethics especially with regards to fight against discrimination. These activities should not be organized only for journalists, but also for editors and publishers because they have the final saying whether something is going to be published or not.
2. Aforementioned can be achieved by **further explanation of the competencies of Commissioner for the Protection of Equality** and in that way educating the Media (and public through Media) about the importance of the institution. Similarly as in previous recommendation, Office of Commissioner can organize seminars for those who are interested and are reporting about the cases of discrimination so they can become more familiar with the work of Institution. Good example was Conference held in November 2015. 'Serbia on the road towards equality and tolerance' organized by the Commissioner which dealt with the topic of media and discrimination. For the first time, Commissioner awarded journalists Annual Media Awards for Tolerance for best reporting about it and in that way acknowledged and supported their contribution to the fight against discrimination. However, this conference was organized for specific occasion – International Day of Tolerance and it should be yearly practice where it is discussed about the progress and role that Media has in fight against the discrimination.
3. **Quarterly meetings initiated by the Commissioner** can further improve the communication within them and contribute to more efficient reporting.

Commissioner should be 'louder' and show up in Media more often to speak about the topics that are important for fight against the discrimination. These meetings should become a practice where they can discuss about current problems concerning the discrimination in Serbia and they can serve as a forum for planning further joint actions. Both of the parties should work on developing the 'culture of mutual cooperation' where they can directly discuss about current problems and challenges when it comes to discrimination and work as a team.

4. There should be a **section in reporting focused on the issue of discrimination** which should cover continuously about it, not incidentally. As seen above, journalists could be trained to cover the problem using more investigative and responsible approach so the public can be educated and informed through media about the importance of the issue and ways to fight against it.
5. Journalists should **follow the Code of Ethics more strictly**, so unprofessional journalism can be avoided and discrimination in Media tackled. Journalists have the responsibility and obligation to report in neutral way and according to the standards and disrespect of the rules should be sanctioned. Media should contribute to raising consciousness of the equality in society by pointing out to cases of discrimination and not by encouraging it. As mentioned, only consequence of not following the Code is a public warning and loss of reputation which has cases of discrimination in the certain Media as the end result. This could be tackled by imposing stricter sanctions for such a behavior. Good example is set by the Ofcom (Independent regulator and competition authority for the UK communications industries) who has a power to issue a fine, suspend or revoke the license for serious and/or repeated or deliberate offences (Frost 2011, pp. 297-300). Republic Broadcasting Agency has similar competencies but it is not independent body and its mandate is defined by law which can be seen as a problem for the 'neutrality and independence' of Media. Press Council unfortunately does not have such competences and the problem non-compliance of the Media was seen as a big challenge by the Council itself. There is a room for improvement and Council has already developed and started educational strategy to encourage better cooperation from Media which started giving positive results (Speller 2015, pp. 62-64). Finally, as a last resort, Press Council can change its statute and introduce other types of sanctions so it can ensure greater compliance with the rules laid down in the Code if editors and publishers accept it.

All of the recommendations could contribute to reporting about the discrimination in a way that is: **Clear.** In a current system there is too much discretion and lack of clear definition and agreed measurements - these recommendations can provide some clarity about the notion of discrimination and ways to prevent it in society and among journalists. **Precautionary.** Representatives of the Media should have knowledge about the types of discrimination so they could

recognize it and report about it. When Media fails to point out a problem or even encourage discrimination, society gets an incorrect message which can lead to promotion of wrong values and social attitudes. **Justiciable.** To ensure that neutral, ethical reporting becomes a standard and that every violation of the principles laid down in the Code of Ethics is sanctioned correspondingly.

References

- Andonov, Antigona, ed. (2012), Research: Media and Discrimination in Serbia, Commissioner for the Protection of Equality CeSID; UNDP; Commissioner for the Protection of Equality (2013), Report on public opinion research: The citizens' attitudes towards discrimination in Serbia, retrieved from <http://www.ravnopravnost.gov.rs/sr/istra%C5%BEivanja/istra%C5%BEivanje-javnog-mnenja-odnos-gra%C4%91ana-prema-diskriminaciji-u-srbiji> (accessed on 16. November 2015)
- Cunha, Isabel Ferin, et al (2007), Media and discrimination: an exploratory study on the Portuguese case, Biblioteca On-line de Ciências da Comunicação, retrieved from <http://www.bocc.ubi.pt/pag/ferin-isabel-media-and-discrimination.pdf> (accessed on 5. November 2015)
- Frost, Chris (2011), Journalism Ethics and Regulation (Longman Practical Journalism), III edition, Routledge
- Gay Straight Alliance; CeSID (2010), Prejudices Exposed: Homophobia in Serbia 2010, retrieved from: <http://www.gsa.org.rs/izvestaji/Istrazivanje-Predrasude-Na-Videlo-2010-GSA.pdf> (accessed on 16. November 2015)
- Speller, Catherine (2015), A needs-assessment of the media councils in South East Europe, retrieved from: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/assessment_media_councils_south_east_europe_1.pdf (accessed on 16. November 2015)
- The Press Council (2009), About us, retrieved from <http://www.savetzastampu.rs/english/about-us> (accessed on 12. November 2015)
- The Press Council a) (2015), Code of Ethics of Journalists of Serbia, retrieved from http://www.savetzastampu.rs/doc/Kodeks_novinara_Srbije.pdf (accessed on 12. November 2015)