



REPUBLIC OF SERBIA  
COMMISSIONER FOR  
PROTECTION OF EQUALITY



COMMISSIONER  
FOR PROTECTION OF EQUALITY

RESEARCH:

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# MEDIA AND DISCRIMINATION IN SERBIA

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**MEDIA AND DISCRIMINATION  
IN SERBIA**



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# INTRODUCTION

**T**he Republic of Serbia adopted the Law on the Prohibition of Discrimination in March 2009 by which the institution of the Commissionaire for the Protection of Equality was established as an independent regulatory body which has a wide mandate in the area of the promotion of equality and anti-discrimination.

The Commissionaire for the Protection of Equality's Office receives and considers claims regarding discrimination and provides an opinion and recommendations in concrete cases; provides information to the complainant on his/her rights and possibilities of initiating a court procedure or other type of protection measure including the reconciliation procedure; files complaints for protection from discrimination, on behalf of but with the approval of the discriminated person, if another case has not been conducted or validly finalised before the court on the same matter; files offence reports against the discrimination act prohibited by the antidiscrimination regulations; submits annual and special reports to the Parliament on the situation in the equality protection field; warns the public about the most common, typical and severe cases of discrimination; monitors the enforcement of the law and other regulations, initiates the adoption of or ammendements to such regulations with the aim of making them more enforceable and improving protection against discrimination and provides an opinion on the provisions of the law and other regulations in regard to the fight against discrimination; establishes and maintains cooperation with bodies in charge of equality and human rights protection on the territories of the Autonomous Province and local self-governments; and recommends equality measures to state bodies and other institutions.

The procedure carried out by the Commissionaire is free of charge and accessible to all citizens. Unlike the Ombudsman who controls state bodies legality and

regularity, the Commissionaire has the legal right to conduct research and provide recommendations not only to state bodies, and institutions but to private ones as well-individuals and legal entities.

At the time the first Commissionaire for the Protection of Equality was appointed, in May 2010, the majority of citizens were not familiar with the institution of the Commissionaire at all, while the public was not aware of its authority or jurisdiction. In the beginning, the Commissionaire had to make occasional media statements in order to explain its role to the public. Numerous media outlets published the Commissionaire's interviews in the first two months in which the primary focus was placed on the role and field of jurisdiction of the newly elected body as well as on the way it operates. However, this institution is completely new and unknown to Serbia. It has had a decisive impact on the way media report on this topic and its function.

According to the analyses of the up-to-date press clippings, the majority of journalists reported about the Commissionaire in either a neutral or positive way. Still, most of them reported very briefly and usually only on specific occasions (marking the International Days on Women Rights, on Roma rights etc); they rarely provided comprehensive Commissionaire's statements on the significance of prevention of discrimination and of the equality issue in our environment.

Given the broad scope of the Commissionaire's work as well as the unfortunately widespread discrimination in Serbia, the Commissionaire has sent press releases to the print and electronic media outlets trying to point out the cases of discrimination in various fields of social life, reminding the public of the necessity to respect differences among people and of the importance of tolerance, which are both imperative for a society's development. She made appeals to the relevant authorities to provide all citizens, without discrimination or restrictions, with the possibility to exercise their human rights and liberties.

After the initial contacts with the media, which were mostly interested in general information on the Commissionaire's role and her authorities, the

communication with the media has continued focusing above all on specific, concrete cases of discrimination.

The media have been focused generally on employment discrimination, the position of the Roma, and discrimination against the disabled and the LGBT population. There are far fewer cases of research initiated by a journalist who would notice a discrimination case and develop a story on it. The initial point for any report was primarily some case which had already occurred, therefore an incident. Only a few outlets monitor discrimination cases as part of their permanent media policy.

There is one more fact which has to be pointed out when assessing the cooperation of the Commissionaire's Office with the media: not only is the Commissionaire's role new, but the ways discrimination is carried out are very subtle and sometimes very indirect. For example, various state bodies occasionally implement measures to support this or that goal whereby, consciously or not, they violate a certain segment of equality. Namely, while some of these incentives can be justified and verified, certain segments of these measures are legally unjustified and place legal entities in unequal position. Those cases require subtle interpretation and differentiation of measures which are justified and verified from the ones which are encouraging at first glance, but are in fact limiting and restricting the rights of a certain group of citizens. Noting and understanding such cases requires great sensitivity of the part of both the public and the media, which can be achieved only through their continuing education on these issues.

It is important to note that these topics were also reported on in the past by the media or sectors from the so called social area or by those dealing with social policy. Therefore discrimination against the Roma, disabled persons or the LGBT population were much more present in the media than "more general" issues, such as for example discrimination against women, a topic which is not covered by any traditional media sector, or cases of discrimination in banking provisions or the treatment of sportsmen or women i.e. their work entitlements – topics to

which the journalists from these areas usually do not pay any attention. There is a distinct lack of sensitivity to such aspects.

There are other reasons for the complexity of the relationship between the Commissionaire and the media. Along with the very important role of pointing out discrimination, some media outlets are generating prejudices, and have thus become the focus of the Commissionaire's attention. The number of cases in which certain media have spread discrimination is not insignificant. For example, the text from one daily entitled "Sneza, your buttocks are the best!" is an obvious case of discrimination against women in the media, in this case against a women politician as it concerned one Minister. This kind of articles support an attitude according to which female politicians are simply degraded to certain body part, in a way which is never applied when their media report on a male politician. The goal of the article is not to raise an interest for responsibility, capability or results achieved by women politician. She is instead degraded to an object. At the same time the article sends a message to all women - their place is not on the public scene and they will not be assessed based on their professional achievements.

Part of the confusion stems from the fact that certain media which were reporting on various aspects of discrimination were not fully acquainted with the specific field of the Commissionaire's authority as well as with what distinguishes her jurisdiction from that of other independent bodies (above all of Ombudsman Sasa Jankovic), the Ministry for Labour and Social Issues, the Department for Gender Equality and other state institutions dealing with the protection of equality.

Having in mind the legal regulations which limit the Commissionaire's work, the media are often not clear about - how the Commissionaire can react in concrete cases.

The current assessment of the media attitude toward discrimination as well as the relationship between the Commissionaire and the media is in line with the



results of some previous studies<sup>1</sup> conducted on the same topic. Namely, all of these studies and analyses of the discrimination issue and inequality in Serbia have shown that the media play an important role in promoting social values.

On the other side, a certain number of media outlets and journalists have little or no knowledge of discrimination. Therefore they are not aware of the numerous and complex issues related to discrimination issues, such as the legal and institutional framework which regulates this field. Also, they do not have sufficient knowledge of their own roles and obligations or of the ethical and professional code which demands non biased and neutral reporting. There is an abundance of examples of this kind of reporting in which certain members of minority and sensitive groups (the LGBT population, the Roma, women) have been presented in a biased and stereotyped manner. By doing so, the media have contributed to the forming of negative social attitudes and in some cases have even inspired hatred and violence toward some social groups.

At the same time, due to the lack of knowledge and undeveloped sensitivity for discrimination issues, the media have not always fulfilled their legal obligations when reporting on the Commissionaire's statements, reports and recommendations or they have reported in an inconsistent, imprecise way. This further complicates the Commissionaire's work and leads to the increased confusion of the wider public regarding the way the Commissionaire is to react on discrimination cases.

All of the aforementioned factors based on the current relations between the Commissionaire, media and the public outline the need for thorough, more detailed research into the overall attitudes of editors, journalists and the media. It would be the first research into the media stand on discrimination not only in Serbia, but in the whole region. The survey should provide an overview of the

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<sup>1</sup> Strategic Marketing research: "Public opinion on discrimination and inequality in Serbia" (2010.) <http://www.undp.org.rs/download/Javno%20mnenje%20o%20diskriminaciji%20u%20Srbiji%20oktobar%202010.pdf> and "Prejudice should be removed – homophobia in Serbia 2010." - Research and analyses of the public opinion by the Gay Straight Alliance. <http://www.gsa.org.rs/izvestaji/Istrazivanje-Predrasude-Na-Videlo-2010-GSA.pdf>

environment in which discrimination is widespread, which has partly been assessed by surveys on marginalized groups and media reporting. They haven't encompassed the respondents' perception of the issue, challenges, knowledge and the media's capacity to inform the public and to report on such an important segment of our daily lives.

The goals of the survey are numerous: to identify those fields in which errors in media reporting often occur, as well as those which generate the greatest dilemmas regarding the reporting and/or conveying a person's or group's statement by which the equality rules have been violated. At the same time, this survey should provide answers as to how cooperation between the Commissionaire and the media might be improved as well as ways to further develop and enhance that cooperation.

In order to carry out research into the media stand on these topics, a two part questionnaire has been compiled (disclosure questionnaire and open questions for the focus group) with the aim of finding out how much the media know about the institution of the Commissionaire, their possibilities (in terms of editorial policy and media space dedicated to these topics) and their awareness of the widespread problem of discrimination in society. The goal of the survey was also to ascertain, using some of the examples from the Commissionaire's work, how sensitive journalists are in relation to certain types of discrimination. Some of the questions ask the journalists to state whether they would be willing to report on marginalized groups on their own. The survey will also show if the journalists themselves have experienced discrimination in their own working environment.

The first part of the survey consists of a questionnaire with disclosed answers and of three groups of questions which include the following:

- 1) The first group of questions refer to how much the journalists know about the Commissionaire, her status, the legal framework of her work, her authorities and the legally envisaged modalities of her reactions to discrimination, as well as the bodies to which she submits reports on her

work. Finally, they were asked to name the Commissionaire and to state whether they have ever sought information about her work on the Commissionaire's Office website.

- 2) The second group comprised questions as to whether gender equality exists in their media, if their media outlet possesses any written or unwritten code for reporting on disabled persons, members of national minorities, members of sexual minorities and on the usage of gender neutral terms and on female professions. The journalists were then asked whether members of marginalized groups should be employed in their media outlets, and whether there is an interest or understanding in their media of gender inequality, disabled persons, the Roma population and other national minorities, sexual minorities, HIV positive persons, violence against women and foster parents. The journalists were also asked if the topic of discrimination in all of the mentioned groups was sufficiently present in their media.
- 3) The third set of questions dealt with the Commissionaire's practical work in order to assess their personal sensitivity to discrimination issues. The questions referred to daily examples of discrimination to which citizens are subjected when applying for work, considering that some of the set criteria are discriminatory in nature; of discriminatory conditions set by certain banks when applying for loans; and discrimination in business communication. The journalists were asked about their personal views on whether the media should pay particular attention to gender equality, whether they should report on discrimination against women, on the LGBT population, on disabled persons, on the violation of national minorities' rights as well as on whether they would take a statement from a member of a marginalized group. The journalists were asked to assess their own knowledge of discrimination and to provide an opinion on which group is discriminated against the most. As one of the tests, the journalists were asked whether the Pride Parade should be held in Serbia annually – this particular question caused severe divisions not only in the field of

politics, the media and the public, but also provoked offensive notes, humiliation, atmosphere of fear, hatred speech against the LGBT population by some public figures and by some media.

The second part of the survey was carried out through focus groups and open questions where journalists were asked to provide detailed answers to a series of questions regarding discrimination and their personal experiences in their work with the Commissionaire. This section included those journalists who do not have any experience working with the Commissionaire but whose line of work consists of either reporting on or editing articles pertaining to some sort of discrimination in society or who have had one or more examples of reporting on these topics and or contacting the Commissionaire, or those who have been writing or reporting on different sorts of human rights issues for a longer period of time. The focus group included editors and journalists from both print and electronic media as well as freelancers from the key national and local media (with a large circulation or public).

The survey was conducted between 20 December 2011 and 20 January 2012. It was sent to media outlets with the request that the questionnaire should be completed by all editors and journalists dealing with discrimination issues. Considering that the Commissionaire's scope of work is extremely wide, the survey included editors and journalists who are specialists in certain areas ranging from the economy to politics; print and electronic media and news agencies in Serbia, Belgrade and other smaller towns. 160 editors and journalists submitted completed questionnaires. This included 59.38% of editors and journalists from the electronic media, 37.5% from the print media and 3.12% from news agencies. 1.88% of freelance journalists submitted their responses. When sorted according to regional presentation, there were 61.25% from Belgrade and 38.75% from other towns in Serbia. Based on the age structure, 12.25% were aged between 20 and 30, 53.13% between 30 and 40.25% between 40 and 50 and 9.37 % aged 50+. The survey encompassed 32.5% editors and 65.62% journalists.

The focus group included 40 editors and journalists. The survey was conducted between 20 January 2012 and 1 February 2012. The sample included 14 (35%) editors and journalists who had never contacted the Commissionaire, 8 (20%) editors and journalists who had contacted her once or more and 18 (45%) editors and journalists who regularly report on discrimination issues.

# QUESTIONNAIRE

## General questions:

### The type of the media:

Electronic (radio/TV/Internet)	Print (daily, weekly, monthly)	News agencies
59,38% (95)	37,50% (60)	3,12% (5)

### Location: Where is the headquarters of your media outlet?

Belgrade	Other town in Serbia
61,25% (98)	38,75% (62)

### Gender:

Male	Female
24,38% (39)	75,62%(121)

### The age group:

20-30	30-40	40-50	50+
12,50% (20)	53,13% (83)	25% (40)	9,37% (15)

### Your position in the media:

Editor	Journalist	Free-lance reporter (without employment at the media outlet)
32,50% (52)	65,62% (105)	1,88% (3)

Proportionally more electronic media representatives than the print media representatives took part in the survey. It is caused by the fact that electronic media cover TV, radio and internet and all of them are reporting on discrimination in their informative programs. Print media on the other side are presented by dailies as the number of weeklies and monthly editions is rather insignificant. The number of news agencies representatives is smaller due to the fact that only three news agencies function in Serbia and that they do not cover discrimination topic as much.

Having in mind that the media are concentrated mostly in Belgrade and that there is a trend of closing down the media at the local level (which is ongoing process), the survey has encompassed proportionally the media located in Belgrade or those which have correspondents in Belgrade's or local media outlets. The masculine and feminine gender of the participants also closely mirrors the situation on the ground with growing number of women. The age groups and their participation in the sample also adequately represent the editorial boards with dominating group being between 30 and 40. Still, it was very important to comprise all age groups having in mind that we are interested in their views on discrimination. We believe that more detailed analyses of their stands based on the age group cannot be made as the samples are too small.

The editors represent one third of the sample, while the journalists stand for two thirds which reflects the structure of creators of the editorial policy and the media representatives who are writing reports on discrimination, whether on the Commissionaire's work or on discrimination generally. The number of free-lancers is not significant because there is almost equal number of part-time journalists and free-lancers in Serbia, meaning that free-lancers mostly communicate the stand of the media they are hired by.

## QUESTIONS ON THE COMMISSIONAIRE

### 1.1. The Commissionaire for the Protection of Equality is:

1.	Independent, autonomous specialized state institution	89,38% (143)
2.	State authority functioning under the auspices of the Ministry for Human and Minority Rights, Public Administration and Local Self-Government	3,12% (5)
3.	Authority functioning as a part of the Department for Gender Equality	7,5% (12)
4.	Does not know, not responded	/

### 1.2. Functioning of the Commissionaire is regulated by:

1.	The Law on the Prohibition of Discrimination	90,63% (145)
2.	The Law on the Sexual Equality	3,12% (5)
3.	The Law on Gender Equality	6,25% (10)
4.	Does not know, not responded	/

### 1.3. The Commissionaire for the Protection of Equality deals with:

1.	Prevention of all forms, types and cases of discrimination, protection of equality of all persons in all fields of social relations	89,38% (143)
2.	Regulation of gender equality issues with the aim of eliminating discrimination against women, improvement of their position	8,13% (13)
3.	Protection of women, national minorities and the LGBT population	1,87% (3)
4.	Does not know, not responded	/



**1.4. The Commissionaire for the Protection of Equality acts:**

1.	Each time when she/he notices discrimination case	51,88% (83)
2.	Upon complaint regarding discrimination against a person or group of persons	42,50% (68)
3.	Depends on the case, based on the Commissionaire's assessment	5,62% (9)
4.	Does not know, not responded	/

**1.5. The authorities of the Commissionaire for the Protection of Equality are the following (put an x next to each appropriate answer):**

1.	To react in the official capacity on all cases of discrimination	76,87% (123)
2.	To receive and consider complaints regarding discrimination	80% (128)
3.	To provide an opinion and recommendations in specific cases of discrimination	61,25% (98)
4.	To set measures	21,88% (35)
5.	To control the work of state bodies	6,25% (10)
6.	To warn the public about severe cases of discrimination	75% (120)
7.	Does not know, not responded	/

**1.6. In legal terms the Commissionaire for the Protection of Equality is entitled to:**

1.	To file complaints regarding the protection from discrimination, with the approval of discriminated person	89,37% (143)
2.	To file charges against the discrimination acts	33,12% (53)
3.	To fine those who did not act upon the Commissionaire's recommendation	8,13 (13)
4.	Does not know, not responded	/

**1.7 The Commissionaire for the Protection of Equality submits the Report on her work to :**

1.	The National Assembly	86,25% (138)
2.	The relevant Ministry	8,13% (13)
3.	The European Commission for Human Rights	5% (8)
4.	Does not know, not responded	0,62% (1)

**1.8 What is the name of the Commissionaire for the Protection of Equality?**

1.	Nevena Petrušić	89,38% (143)
2.	No response, incorrect	10,62% (17)

**1.9. Have you ever sought information from the following website [www.ravnopravnost.gov.rs](http://www.ravnopravnost.gov.rs)?**

1.	Yes	54,37% (87)
2.	No	45,63% (73)
3.	Does not know, not responded	/

The Institution of the Commissionaire for the Protection of Equality and Commissionaire Nevena Petrusic are well-known to the participants. Almost 90% of them are familiar with the fact that the Commissionaire is an independent, autonomous and specialized state body established in accordance with the Law on the Prohibition of Discrimination.

Still, around 10% of the participants believe that the Commissionaire's Office falls under the auspices of the Ministry for Human and Minority Rights, Public

Administration and Local Self- Government (3,12%) or of the Department for Gender Equality of the Ministry of Labor (7,5%). In a similar way, around 10% think that the Commissionaire's scope of work is regulated in accordance with the Law on sexual equality and/or on the Law on gender equality, instead on the Law on the Prohibition of Discrimination. In addition, 8,12% believe that the Commissionaire submits her reports to the relevant Ministry.

All of the aforementioned show that small, but not insignificant number of the media representatives believes that the Commissionaire's work falls under the auspices of the Ministry for Human and Minority Rights or of the Ministry for Labor and Social Policy. It is not hard to explain the root of this confusion as those two ministries also deal with human and minority rights, protection of persons with disability and gender equality. Both ministries have workplace inspections which are covering similar topics as the Commissionaire, although in a different way.

At the same time, around 10% of the surveyed participants believe that the Commissionaire is in charge of only a few segments of discrimination, such as setting up gender equality issue (8,13%), protection of women (1,87%), of national minorities and of the LGBT population. They are not aware that the Commissionaire covers all discrimination segments, against all people, in all fields of social relations.

However, the majority of respondents (89,38%) is well acquainted with the scope of work of this state body dealing with prevention of all types, sorts and cases of discrimination, equality protection of physical and legal entities in all segments of social life, monitoring the implementation of regulations on the prohibition of discrimination and the improvement of equality protection.

On the other hand, as the results show, the majority of editors and journalists believe that the Commissionaire is entitled to much more authority than is actually envisaged by the law. Most of them believe that the Commissionaire's task is to react each time when she observes discrimination case (51, 88%) and

that it falls under her professional duty (76,87%). Additionally, one fifth of the respondents believe that the Commissionaire has the power to control the work of state bodies (21,88%).

In fact, the authority of the Commissionaire for the Protection of Equality is narrowed down by the law. The Commissionaire for the Protection of Equality is competent to carry out the procedure based on a complaint in cases of discrimination against an individual or a group of persons connected by the same personal characteristic. The Commissioner shall receive and review complaints of discrimination, provide opinions and recommendations in specific cases of discrimination, and stipulate measures in accordance with the law. In addition, the Commissioner shall provide information to the complainant on his or her rights and the possibility of initiating a court procedure or another protection measure, including the reconciliation procedure. The Commissioner is also authorized to file complaints for protection from discrimination, with approval of the discriminated person if discrimination concerns particular individual. The Commissioner shall also file charges on account of discrimination act prohibited by the antidiscrimination regulations.

The awareness of the editors and journalists of the Commissionaire's jurisdiction vary. Between three and four fifths of the respondents know that the Commissionaire receives and considers complaints regarding the discrimination acts (80%), issues opinions and recommendations in specific cases of discrimination (61,25%) and warns the public about severe cases of discrimination (75%).

It is indicative that only 42, 5% of the respondents "accept" that the Commissionaire shall teak steps concerning a complaint in cases of discrimination against an individual or a group of persons and not each time when she observes case of discrimination. It is also indicative that the respondents believe the Commissionaire to be able to fine those who did not obey the Commissionaire's recommendation (8,13%). The Commissionaire's authority

to warn the public of the most frequent, typical and severe cases of discrimination has been recognized by the majority of respondents (75% ).

Broadly speaking, one may say that editors and journalists could roughly be divided in two groups: one which is perceiving the Commissionaire as an independent body, as new institution inspired by the European legislation, to which they dedicate much more power than the law envisages and another group, smaller than the first, which perceives the Commissionaire as yet another governmental body in charge of human rights and violation of these rights.

The answer provided by 8% of the respondents who believe that the Commissionaire for the Protection of Equality submits the report on her work to the European Commission for Human Right may be interpreted in the context of the media's perception of independent bodies - as an institution inspired by the EU legislation framework. Domestic public perceive the European Commission for Human Rights and the European Court for Human Rights, based in Strasbourg, as very powerful. The European Court for Human Rights has actually been addressed frequently by the Serbian citizens who file suits against Serbia due to a violation of human rights including different forms of discrimination.

## **QUESTIONS ON THE MEDIA**

### **2.1. Do you believe that gender equality exists in your media outlet?**

1) In terms of equal remuneration of men and women

1.	Yes	153 (95,63%)
2.	No	7 (4,37%)
3.	Does not know, not responded	/

## 2) In terms of carrier advancement of men and women

1.	Yes	143 (89,38%)
2.	No	17 (10,62%)
3.	Does not know, not responded	/

When asked about gender equality in their media outlets, a fewer number of respondents said that discrimination against female journalists or gender differences in their media outlets might be related to the carrier advancement (10,62%) and to the remuneration process (4,32%). These results correspond to the ones from the ground. The Independent Association of Journalists of Serbia (NUNS) occasionally publishes the media reports or the Round tables reports, (mostly organized either by that Association or by an NGO). In one of these reports, it has been stated that the NUNS' Women section of the media, carried out an informal meeting with women engaged in the media in Novi Sad, Zrenjanin, Sombor, Krusevac Novi Pazar, Kragujevac and Belgrade. Around 70 women attended the meeting and it was "concluded that they had noticed certain form of discrimination in their editorial offices, but they had associated it to, above all, traditional society which has no wish to change". The report stated that the interviewed women "emphasized that men usually hold the leading positions", that there is "misuse of women in editors' positions" as well as discrimination "in terms of freedom to choose sectors in editorial offices" (3 July 2007, daily Danas).

There is an article on the NUNS website taken from daily Vecernje Novosti (5 May 2007) which says that "although many women are employed by the media they are hardly part of the story or they are invisible since their professions are stated in the masculine gender form. The website conveys the result of the Journalists' Women Network survey, according to which women employed by the media "as the biggest problems of their profession cite the following: stress, insecurity of the job, low wages". They have also talked about "different forms of

discrimination: men are better paid and often hold the leading positions.” In another article on the NUNS website, women journalists from the Kraljevo media say “that there is considerable difference whether a woman is working in Belgrade’s media or in a local media outlet.” Women in Belgrade are not privileged, but they are at the source of information and of jobs”, said one of the participants of the informal meeting with women from the Kraljevo media, held on 28 April 2007.

Relatively small number of participants which have pointed out discrimination on the ground of gender in the media can be interpreted in several ways: first, by the fact that there is growing number of women in the media and that it surpasses the number of men, (although there is no statistics to support that), partly because it is not well paid profession; second, by the fact that there has been more women from Belgrade’s media participating in our survey and that they are holding more leading positions and third by the assessment that a position of women has improved with the improvement of legislation, with the engagement of the journalists associations, of women editors and journalists as well as of NGO sector in the fight against gender discrimination, which partly covers gender equality issues and employment rights of editors and journalists.

**2.2. Does your media outlet possess written or unwritten code for reporting on:**

1) Disabled persons

1.	Yes	117 (73,13%)
2.	No	42 (26,25%)
3.	Does not know, not responded	1 (0,62%)

2) National minorities

1.	Yes	113 (70,63%)
2.	No	47 (29,37%)
3.	Does not know, not responded	/

### 3) Sexual minorities

1.	Yes	100 (62,50%)
2.	No	55 (34,38%)
3.	Does not know, not responded	5 (3,12%)

### 4) The use of gender neutral terms and the feminine gender for a profession

1.	Yes	92 (57,50%)
2.	No	63 (39,38%)
3.	Does not know, not responded	5 (3,12%)

More than one third of editors and journalists (i.e. between one third and two fifths) believe that there is no written or unwritten code for reporting on disabled persons, members of national and sexual minorities and on the use of gender neutral terms and the feminine gender for professions in their media.

The Code of Journalists of Serbia (written) was jointly adopted by the Association of Journalists of Serbia and the Independent Association of Journalists of Serbia in 2006 and is implemented by all editorial offices. Journalists in Serbia are usually affiliated to one of the associations.

The Code of Journalists envisages that editors and journalists abide by the following professional principles such as:

1.) The Code preamble states the obligations of a journalist to follow professional and ethical principles as envisaged by the code and to resist the pressures which make them violate it. Both, editors and publishers are responsible for the implementation of the code.

2) The section “Responsibility of a journalist” states that “a journalist must oppose anyone who violates human rights or enforces any sort of discrimination,



hatred speech or incites violence”, that a journalist “is forbidden to use inappropriate, disturbing, pornographic and other contents which might be damaging to children”, that a journalist “is obliged to respect and protect the rights and dignity of children, victims of crime, persons with disability and other disadvantaged groups.

3) The section “the attention of journalists” states that “a journalist must be aware of the danger of discrimination which might be spread by the media and will do everything in her/his power to avoid discrimination on the grounds of race, gender, age, sexual orientation, language, religious affiliation, political and other opinion, national or social affiliation”.

The language of the code does not use gender neutral terms for professions (for journalists, for example), nor does it regulate this issue.

Two associations, the Association of Independent Local Media “Local press” and the Association of Press Publishers and Electronic Media established the Press Council in 2009 with the aim of:

- (a) Monitoring whether the Code of Journalists of Serbia is respected in the media and offers solutions to the complaints of an individual and institutions regarding specific media content.
- (b) Providing mediation between disadvantaged individuals, institutions and editorial offices and making public warnings in cases when a violation of the ethical standards set out by the Code of Journalists has been confirmed.
- (c) Providing education for proceedings in accordance with the Code of Journalists and the promotion of journalists respect.
- (d) Publishing opinions and decisions in the print media and on the Press Council website.

The formation of this body was also motivated by the frequent occurrence of discrimination against national and sexual minorities, women and children etc.

There are other, informal codes, such as that Code for gender-sensitive media reporting, which has been signed by dozen of Belgrade and local media outlets. There are no envisaged consequences for the violation of these codes. A significant number of respondents believe that this issue is of less importance or that it should be rejected.

Alongside the written codes, there are also unwritten rules of conduct in the majority of editorial offices which imply methods of reporting on discriminated groups. These unwritten codes mainly derive from the editorial policy of the media and thus from the way the topic has been approached as well as from the vocabulary used in the reporting. Based on the answers to the other topics in the survey, it may be indirectly concluded that the media outlets surveyed display a different sensitivity toward certain discrimination issues and that some topics have priority over others. Some topics, such as the Pride Parade, provoke very opposite views. The way the media write about the Parade issue is not the same as the way they report on sexual minorities because the Parade has gained special treatment through the way the Serbian elite, representatives of the state, of political parties, respectful individuals and the wider public talk about it.

### **2.3. Do you think your media outlet should employ:**

#### 1) Disabled person

1.	Yes	96,88% (155)
2.	No	0,62% (1)
3.	Does not know, not responded	2,50% (4)

#### 2) National minority member

1.	Yes	96,88% (155)
2.	No	0,62% (1)
3.	Does not know, not responded	2,50% (4)

### 3) Member of the LGBT population

1.	Yes	96,88% (155)
2.	No	0,62% (1)
3.	Does not know, not responded	2,50% (4)

### 4) HIV positive person

1.	Yes	93,75% (150)
2.	No	3,75% (6)
3.	Does not know, not responded	2,50% (4)

## **2.4 Do you think there is an interest/ understanding in your media outlet for inequality of the following:**

### 1) Genders

1.	Yes	89,38% (143)
2.	No	9,37% (15)
3.	Does not know, not responded	1,25% (2)

### 2) Disabled persons

1.	Yes	93,76% (150)
2.	No	3,12% (5)
3.	Does not know, not responded	3,12% (5)

### 3) The Roma and other national minorities

1.	Yes	95,63% (153)
2.	No	3,12% (5)
3.	Does not know, not responded	1,25% (2)

#### 4) Sexual minorities

1.	Yes	85,63% (137)
2.	No	11,25% (18)
3.	Does not know, not responded	3,12% (5)

#### 5) HIV positive persons

1.	Yes	81,25% (130)
2.	No	12,50% (20)
3.	Does not know, not responded	6,25% (10)

#### 6) Violence against women

1.	Yes	87,50% (140)
2.	No	9,38% (15)
3.	Does not know, not responded	3,12% (5)

#### 7) Men and women foster parents

1.	Yes	85,63%(137)
2.	No	11,25% (18)
3.	Does not know, not responded	3,12% (5)

The respondents believe that their media outlets express considerable interest/understanding of the topics related to inequality of the Roma and national minorities (95,63%), disabled population (95,76%), women (89,38%) and violence against women (87,5). The least interest is shown for inequality of sexual minorities (85,63%) women and men foster parents (85,63%) and HIV positive persons (81,25%). These results mostly correspond with other answers within the survey in which they have been asked if certain issues of discrimination had been sufficiently reported on in their media outlet and which groups of citizens are discriminated against the most.

## 2.5 Do you think that your media outlet sufficiently covers issues of discrimination against?

### 1) Gender issues

1.	Yes	67,50% (108)
2.	No	32,50% (52)
3.	Does not know, not responded	/

### 2) Disabled population

1.	Yes	73,75% (113)
2.	No	21,88% (35)
3.	Does not know, not responded	4,37% (12)

### 3) The Roma and other national minorities

1.	Yes	76,88% (123)
2.	No	18,75% (70)
3.	Does not know, not responded	4,37% (7)

### 4) Sexual minorities

1.	Yes	67,50% (108)
2.	No	32,50% (52)
3.	Does not know, not responded	/

### 5) HIV positive

1.	Yes	64,38%(103)
2.	No	34,37% (55)
3.	Does not know, not responded	1,25% (2)

## 6) Violence against women and children

1.	Yes	73,75% (118)
2.	No	21,88% (35)
3.	Does not know, not responded	4,37% (7)

## 7) Men and women foster parents

1.	Yes	56,25% (90)
2.	No	42,50% (68)
3.	Does not know, not responded	1,25% (2)

The majority of respondents does not believe that their media is paying enough attention to foster parenting (42,5%), discrimination against HIV positive persons (34,37%), sexual minorities (32,5%) and gender issues (32,5%). Around two thirds (21,88%) of the participants think that the issues of discrimination against the disabled have not been given sufficient attention while less than one fifth of them (18,75%) believe that the issues of discrimination against the Roma and other national minorities are not sufficiently covered by their media.

If we compare the answers provided to two questions: “Do you believe that there is an interest/understanding in your media of inequality issues” and “Do you believe that your media is sufficiently covering discrimination issues (against certain groups)” with other answers provided by the questionnaire and the focus group, we will find that the reason for insufficiently covered topics is not a lack of interest by the editors but a lack of the media space given to these forms of discrimination.

The conclusion aforementioned is even more obvious given the editors’ and journalists stand according to which there is never enough reporting on discrimination since it is omnipresent (as stated by the participants in the survey on the last question and by several members of the focus group).

The respondents' views are in line with the Commissionaire's reports. In her recommendation to the Government of Serbia to adopt the National Strategy on the fight against discrimination, dated October 2011, the Commissionaire outlined the growing number of complaints concerning all sorts of discrimination. The most common among them refer to discrimination on the grounds of national affiliation (17%), sexual orientation (16%), disability (7,29%), political or trade unions affiliation (4,8%), on the grounds of multiple discrimination (4,2%), gender, age and other personal characteristics.

The complaints outline discrimination in various aspects of social life, the dominant being discrimination in the field of labor and employment (33,4%), the public life (15,8%), the judiciary (9,7%), functioning of state bodies (8,2%), field of services (6,1%), pension insurance (3,6%) and education. The recommendation stated that "it is extremely worrying that the majority of complaints pertain to discrimination committed by state bodies (41%) and by institutions (17,6%), while the complaints against the employers comprise around 19%, and against individuals around 14%".

## **PERSONAL QUESTIONS**

(put an x next to appropriate response)

### **3.1. Do you believe that an employer has the right to, during the hiring process, specify the following?**

#### 1) Gender

1.	Yes	6,25% (10)
2.	No	66,88% (107)
3.	In certain cases	23,75% (38)
4.	Does not know, not responded	3,12% (5)

## 2) The age

1.	Yes	3,12% (5)
2.	No	62,50% (100)
3.	In certain cases	33,13% (53)
4.	Does not know, not responded	1,25% (2)

## 3) Seek a candidate's photograph

1.	Yes	8% (13)
2.	No	47% (75)
3.	In certain cases	42,50% (68)
4.	Does not know, not responded	2,50% (4)

### 3.2. Do you think an employer is entitled to ask if :

#### 1) An employee is HIV positive person

1.	Yes	15,63% (25)
2.	No	43,75% (70)
3.	In certain cases	33,12% (55)
4.	Does not know, not responded	7,5% (12)

#### 2) A female candidate plans to start a family

1.	Yes	3,12% (5)
2.	No	86,25% (138)
3.	In certain cases	6,25% (10)
4.	Does not know, not responded	4,38% (7)



3) An employee would refrain from declaring his/hers sexual orientation in case he/she is a member of the LGBT population

1.	Yes	12,5% (20)
2.	No	76,90% (123)
3.	In certain cases	5% (8)
4.	Does not know, not responded	5,60% (9)

Discrimination in the field of labor and employment represent one of the most important issues regarding to which the institution of the Commissionaire plays a significant role by raising awareness on sorts and types of discrimination. Sometimes discrimination is very noticeable, for example in conditioning women to give up on family if they want to keep or get the job, but it can also be very subtle and even acceptable at first glance. Such discrimination can be seen during the hiring process of a female candidate but neither public nor the media are sensitive enough to recognize it.

It is a very delicate issue as the state itself (in its employment measures) envisages certain incentives for specific categories of population, such as employment of youth under 30 or older than 45. It financially stimulates employers for hiring these categories of citizens, which many unemployed, not included in the age group, deem as discrimination.

The Law on the Prohibition of Discrimination, article 2 states precisely that the terms “discrimination” and “discriminatory treatment” shall be used to designate any unwarranted discrimination or unequal treatment, that is to say, omission (exclusion, limitation or preferential treatment) in relation to individuals or groups, as well as members of their families or persons close to them, be it overt or covert, on the grounds of race, skin colour, ancestors, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, financial position, birth, genetic characteristics, health, disability, marital and family status, previous convictions, age,

appearance, membership in political, trade union and other organisations and other real or presumed personal characteristics (hereinafter referred to as: personal characteristics);

Article 6 determines closely the term “direct discrimination” which shall occur if an individual or a group of persons, on the grounds of his/her or their personal characteristics, in the same or a similar situation, are placed or have been placed or might be placed in a less favourable position through any act, action or omission.

Article 7 states that indirect discrimination shall occur if an individual or a group of individuals, on account of his/her or their personal characteristics, is placed in a less favourable position through an act, action or omission that is apparently based on the principle of equality and the prohibition of discrimination, unless it is justified by a lawful objective and the means of achieving that objective are appropriate and necessary.

Discrimination in the field of labor and employment is present when an employed person or a person seeking a job is exposed to unequal treatment or is deprived of some right due to a certain personal characteristic: gender, age, language, national affiliation, pregnancy, health status, marital status, religion, political belief, financial status, family obligations and any other personal characteristics.

The prohibition of discrimination in the field of labor and employment does not relate only to fulltime employed persons, but to all those part time workers (occasional or temporary, hired by the students’ cooperation etc), as well as to all others seeking a job.

Therefore, discrimination in the field of labor and employment exists only if unequal treatment is provoked by a certain personal characteristic(s).

Article 16 of the Law on the Prohibition of Discrimination stipulates that different treatment, exclusion or giving priority on account of the specific character of a job, for which an individual's personal characteristic constitutes a genuine and decisive precondition for performing the said job, if the objective to be achieved is justified, shall not be considered to constitute discrimination, nor shall undertaking protective measures towards certain categories of persons referred to in paragraph 2 of this Article (women, pregnant women, women who have recently given birth, parents, underage persons, disabled persons and the like) be considered to constitute discrimination.

The Commissionaire has been addressed on various occasion by complainants who had deemed to be discriminated against during their employment procedure on the grounds of their sexual orientation, age and national affiliation. The media occasionally report on these cases, but from their answers provided in the survey it is obvious that their stands are quite divided as to whether an employer has the right to ask a candidate for specific information during the hiring procedure.

One third of the respondents think that an employer has the right to request a specific gender of an employee, if not in all cases than "in some cases" while around 60% of the respondents believe that an employer should not do that. The high percentage emphasizes the fact that the media are not sufficiently informed on all sorts of discrimination in the field of labor and employment, or on discrimination on the grounds of gender.

The respondents are absolutely polarized as to whether an employer has the right to insist on knowing if an employee is HIV positive person. Around 50% of the participants believe that an employer can always (15,63% ) or in certain cases (33,12%) ask an employee to inform him/her on employee's health status, while 43,75% denies employer that right. Additionally 7,5 % of the respondents say that either "they do not know" or would not provide an answer at all. Actually this kind of answer is commonly provided regarding the practical cases of discrimination. Article 27 of the Law on the Prohibition of Discrimination forbids discrimination against an individual or a group of persons on the grounds of

his/her health status and to discriminate against their family members. There has been considerable reporting on HIV positive children who had been expelled from school or had been taught in separate classrooms as requested by the school board or other children's parents.

It is extremely important for the media to become more sensitive in their coverage and reporting on discrimination against HIV infected persons since Serbia's population is highly intolerant toward persons who are HIV positive. This attitude stems from a lack of knowledge about the illness itself and the ways it can be transferred. According to the survey conducted by the Institute for Public Health "Dr. Milan Jovanovic –Batut", as much as 89% of the citizens would never accept to live with HIV infected person and one in three respondents believe that HIV positive person should be sacked from work even if he/she performs his/her duty professionally. The similar results are received regarding the hepatitis persons.<sup>2</sup>

Around 12,5 % representatives of the media outlets think that an employer is entitled to ask an employee to refrain from declaring his/her sexual orientation in an obvious way if they are members of the LGBT population and another 5% believe that an employer can ask that "in certain cases", while 5,6% does not know or has not stated their view. The journalists' dilemma expressed by one fifth of the respondents mirrors the disparity in Serbia between the legal provisions and situation on the ground.

Article 21 of the Law on the Prohibition of Discrimination states that sexual orientation is a private matter and no one can be called to publicly declare it. Everyone shall have the right to declare his/her sexual orientation and discriminatory treatment on account of such a declaration shall be forbidden.

The majority of citizens in Serbia are highly intolerable toward the LGBT population. Prejudices are still very present. The majority see homosexuality as an illness and a state which is dangerous to society. Similar stands are

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<sup>2</sup> "Recommendation to the *Government* of Serbia to adopt the National Strategy for fight against discrimination", October 2011.

incorporated in the education books. The social distance toward the LGBT population is so high that half of the people would reject their family members if they were homosexuals. Nevertheless, most of those with negative attitudes toward the LGBT population do not support violence against them and believe that the perpetrator should be punished in the same way as anyone who commits an act of violence against any other person would be<sup>3</sup>

### **3.3 Do you find it appropriate if banks set the upper age limit in order to provide its services to a client (for example 65 years old)?**

1.	Yes	6,25% (10)
2.	No	66,88% (107)
3.	In certain cases	23,75% (38)
4.	Does not know, not responded	3,12% (5)

In October 2011 the National Bank of Serbia requested other banks not to set age criteria when providing loans or other banking services. The National Bank of Serbia made the request following the Commissionaire’s recommendation. Acting upon citizens’ complaints in regard to banking services provided to physical entities, the Commissionaire for the Protection of Equality noticed that most of the banks in Serbia set the client’s age as a condition for providing banking services (current account, loans etc). Namely, banks often stipulate that a certain service can be used by a client „until they are 70“or „not older than 67 at the moment of the final installment payment“. By setting *the upper age limit as a condition to be able to use bank services*, banks indirectly discriminate against citizens on the grounds of their personal characteristics – i.e. age, not allowing a specific group of people (older than the prescribed limit) to use such services. The Law on the Prohibition of Discrimination says that an act of discrimination is any unwarranted discrimination or unequal treatment, that is to say, omission (exclusion, limitation or preferential treatment) in relation to individuals or

<sup>3</sup> Ibid

groups, as well as members of their families or persons close to them, be it overt or covert, including on the grounds of age, while article 23 forbids any discrimination on the grounds of age.

The Commissionaire for the Protection of Equality has stated in her explanation that she does not deny the right of a bank to review a client's credit capability and to make risk assessment analyses in each individual case, as banks have a legitimate interest based on the law to secure a certain profit by placing funds, which includes adequate assessment of the credit risk when approving a service. The Commissionaire has stated, however, that this does not allow the banks to deprive a whole group of citizens of access to banking services based solely on their personal characteristics, in this case their age. Each banking service must be accessible to all citizens under equal conditions but banks do have the authority to assess in individual cases whether a client is eligible for a certain service.

Before the Commissionaire's reaction, the media reported on this type of discrimination occasionally without questioning the right of banks to assess a client's age limit. This kind of topic is usually covered by editors or journalists in the economic departments who are not in a position to notice or who lack the sensitivity to detect such a type of discrimination.

The survey has illustrated different opinion of the media representatives on this topic although numerous media outlets have reported on the Commissionaire's recommendation and consequently on the National Bank of Serbia's decision. One third believe that banks are fully eligible (6,25%) or "in some cases" (23,75%) to set the age limit when approving certain bank services.

### **3.4. Do you approve the use of the masculine noun in writing legal provisions?**

1.	Yes	26,88% (43)
2.	No	48,75% (78)
3.	In certain cases	20,62% (33)
4.	Does not know, not responded	3,75% (6)

### **3.5. Do you think it is important to insist on the female or male noun for a profession when reporting?**

1.	It is important as it is in accordance with gender equality	50% (80)
2.	It is not that important as a person's name tell us enough about gender	28,13% (45)
3.	It is an imposed value of modern days	18,75% (30)
4.	Does not know, not responded	3,12 (5)

The issue of the Serbian language gender sensitivity and the need to introduce gender- sensitive language causes the greatest disparities not only in the media but in the whole society.

There have been a series of initiatives and recommendations by the scholars to set gender equality in the field of language. There has been no decision made in this respect at the state level and the linguists still debate how language can be made gender-sensitive at all points. Different state bodies apply different criteria. The Commissionaire made a recommendation in November 2011, based on the European legislation as well as on domestic legislation and various initiatives, to the Headquarters of the Serbian Army and to the Ministry of Defense of the Republic of Serbia to consider undertaking all necessary measures with the aim of introducing gender specific titles of the Army ranks and not to use the terms which differentiate woman in official address on the grounds of marital and family status (to be applied in the new Army regulations and directions for conducting obligation deriving from these rules). She also recommended

undertaking all necessary measures in their power “with the aim of making conditions for gender-sensitive language to be used in official communication, in accordance with the principle of gender equality”.

The Commissionaire also made a recommendation to the Parliament’s Legal Board in April 2011, in accordance with the Law on the Prohibition of Discrimination, to change provisions of article 43 of the Unique methodological rules for drafting regulations by changing article 43 to include the feminine gender and to undertake measures in order to make conditions for the gender distinguished language to be used, in accordance with the gender equality principle. Namely, article 43 reads: „*The terms are used in the masculine gender, unless the nature of things does not require otherwise.*“In the Commissionaire’s opinion, this kind of rule is discriminatory and in opposition to the international standards which apply to non discriminatory use of language. In her recommendation, the Commissionaire emphasized as well the importance of the use of gender neutral terms and of the feminine gender forms. In the explanation it is stated that “a language has fundamental role in forming social identity of an individual and has significant impact on forming social stands. The key aspect of gender equality is proper use of language, which equally reflects and treats with equal value and dignity the presence, equal status and the role of women and men in society. It represents a valuable tool for factual gender equality.”

The code for gender-sensitive media reporting has been applied in Serbia since 2005. It is a result of the project “Women can do it in the media”, conducted in Serbia with the assistance of the Norwegian people’s help. The aim of the Code is to improve gender equality through the change of the media image of women, through increased media interest for the gender equality issues and setting equal conditions for journalists’ advancement in their carriers.

Thirty six media entities signed the code up to 2009, including both electronic and press media, covering 15 different towns in Serbia. They were later joined by the Association of Independent Electronic Media of Serbia. Several NGOs were monitoring the reporting on the code in the local media. Nevertheless, it is a non binding code.



As there are no binding rules, the media create their own. The parallel forms of nouns expressing female and male professions are more in use which confirms that the media awareness of respect of gender equality is growing. Still, when asked if they support the use of the masculine gender in drafting legal regulations, 47,5% agrees with it always (26,88%) or in some cases (20,62%). The same type of division among the respondents can be seen concerning the feminine gender form used for a profession. Half of the respondents considers that the equal use of the masculine and feminine forms for a profession is very important as “it is in accordance with gender equality” (50%). 28,13% believes it is not so important as , in their view, one can have an idea about a person based on that person’s name. 18, 75 % of editors and journalists believe this idea to be only an “imposed value of modern days”.

The debate on gender-sensitive language is still ongoing in Serbia and scholars remain divided in their views, understanding, and even in the approach to how language should be studied. At the same time, the role of language is increasingly considered as a tool for gender equality. The practice in former Yugoslav Republics is different: in Slovenia, the policy of gender equality prescribes a formatted and standardized lexical fund. Croatia and Bosnia equally use both noun forms.

The only “Guide for the media” in Serbia is aforementioned Commissionaire’s recommendations and the informal code.

**3.6. How important it is to report on discrimination against women in today’s world:**

a)	It is extremely important because women are often discriminated against during hiring procedure, at work, as victims of violence...	89,38% (143)
b)	Partly important as women cannot have full equality with men	7,50% (12)
c)	Women already have enough rights based on the law	1,87% (3)
d)	Does not know, not responded	1,25% (2)

**3.7. How important it is to report on a violation against the LGBT population's rights:**

a)	Very important, as it reveals the level of equality in our society	75% (120)
b)	Partly because it concerns only a smaller group of people	11,25% (18)
c)	This problems has been given artificial importance, there are more important issues	11,25% (18)
d)	Does not know, not responded	2,50% (4)

**3.8. How important it is to report on a violation against disabled persons' right:**

a)	It is very important because they are deprived of many rights	96,88% (155)
b)	Partly since it concerns only a smaller group of people	1,87% (3)
c)	It has been exaggerated. We can adopt everything to their needs	/
d)	Does not know, not responded	1,25% (2)

**3.9. How important it is to report on a violation against national minorities rights:**

a)	It is very important because national minorities have to enjoy the same rights as citizens of Serbia	89,38% (143)
b)	Partly, because Serbs as minority do not enjoy all rights in other countries	5% (8)
c)	National minorities have enough rights, approved by the law and there are no problems in that respect	5% (8)
d)	Does not know, not responded	0,62% (1)

The majority of editors and journalists see their reporting on discrimination issues as a contribution to the establishment of civil values in society, therefore as

a contribution to the whole society not only to disadvantaged groups. Almost nine tenths of journalists (89,93%) believe that the reporting on discrimination against women at work and women in family and discrimination against national minorities (89,3%) is extremely important. Smaller percentage of the participants emphasize the importance of the reporting on discrimination against the LGBT population (75%) “as it reflects the level of equality in our society”. The exemptions are also worth consideration: 11,2% of the respondents believe that the LGBT population’ issue is ”given unworthy importance as there are other very important problems”; another 11,2% think that although to a degree it is important to report on the LGBT population “they represent only a small group of citizens”. The result also corresponds very well with the divided opinion of the media on the Pride Parade organization.

The survey also demonstrate that, to a lesser extent the media representatives find that the principle of reciprocity should be applied as the main criteria regarding national minorities rights: they should be given just as much rights as their home countries provide to the Serbian national minority or other national minorities or they believe that minorities are sufficiently protected by the existing laws.

Still, the percentage of these kinds of answers is rather small (in both cases 5%). If we consider all the results from this segment, we will find that the majority of respondents believe the legal provisions not to be sufficient to provide protection from discrimination.

### **3.10. Would you do a report on:**

1) Disabled person

1.	Yes	98,75% (158)
2.	No	/
3.	Does not know, not responded	1,25% (2)

## 2) Member of national minority

1.	Yes	98,75% (158)
2.	No	/
3.	Does not know, not responded	1,25% (2)

## 3) The LGBT population member

1.	Yes	98,75% (158)
2.	No	/
3.	Does not know, not responded	1,25% (2)

## 4) HIV positive

1.	Yes	98,75% (158)
2.	No	/
3.	Does not know, not responded	1,25% (2)

### **3.11. How would you rate your personal knowledge on discrimination, on the scale from 1 to 5 (1 –the least and 5- excellent knowledge on discrimination issues):**

1-2	0% (0)
2 -3	33,12% (53)
3 -4	53,13% (85)
5	11,25% (18)
Does not know, not responded	2,5% (4)

Half of the respondents assess their knowledge on discrimination with the grade 3-4, while another third assess it to be between 2 and 3. Only 11, 25% of editors and journalists believe to be on the top of the issue. The results of this survey and

of the focus groups bring us to a conclusion that some participants have overestimated themselves while some have been quite realistic. The results show us where the biggest media entities dilemma is and which areas they require professional guidance with.

### **3.12. Do you think the Pride Parade should be held annually?**

1.	Yes	42,50% (68)
2.	No	26,90% (43)
3.	I do not know	23,76% (38)
4.	No reply	6,84% (11)

The Pride Parade has for years been very complex issue in Serbia. It has been debated not only in the context of the LGBT population rights, but in a far wider context of values and stands in society. It has been treated as a security issue at the same time (whether the police can provide security to it's citizens) and as a political issue having in mind that many political players make statements on the LGBT population.

The European Commission (EC) expressed deep regret on 3<sup>rd</sup> October 2011 due to the Government's of Serbia decision to ban the Pride Parade, previously set for 2<sup>nd</sup> October in Belgrade and condemned threatening statement by the extremist groups aimed at the Pride Parade organizers. The European Commission urged the Serbian authorities to "do everything in their power to ensure full respect for freedom of assembly and expression, and to make all future peaceful gatherings possible".

The Commission's statement reads that "the European Commission severely condemns intimidations and threats made by the extremists groups to the organizers of the Pride Parade, which has prevented the citizens of Serbia to enjoy their rights guaranteed by the Constitution and the laws against

discrimination". The Ministry of Interior of Serbia banned all public gatherings planned for 1<sup>th</sup> and 2<sup>nd</sup> October.

Commissionaire Nevena Petrusic made three public statements regarding the Pride Parade, on 23<sup>th</sup> September 2011, on 30<sup>th</sup> September 2011 when the ban was introduced and on 1<sup>th</sup> October 2011 regarding the announcement of two rallies, one of the rightist groups and another of the LGBT population supporters.

In a statement dated 23<sup>th</sup> September the Commissionaire states that "the atmosphere of fear and violence as well as the announcement of violence against the LGBT population ahead of the Pride Parade, show how homophobic Serbian society is and how much more needs to be done in order to make the public realize that respect of human rights, including the right to peaceful gathering, is not only the LGBT population's priority but also that of all citizens of Serbia" and adds that "the authorities should prove to be ready and capable of protecting these rights which should be enjoyed by each individual in this country." She also assessed that "the Pride Parade ban due to the high security risk, directly reveal the high level of homophobia still present in Serbia" and that "the atmosphere of fear, violence threats and numerous severe cases of discrimination which are prohibited by the law and therefore punishable, reached (...) its peak and achieved its purpose with this decision." She further stated that "inability and unwillingness of the state to protect basic human rights, including the right for peaceful gathering and freedom of the speech, which are guaranteed by the Constitution, indicates the lack of progress made in all these years to promote the rule of law and culture of peace and tolerance" and concluded that "everyone in Serbia should be worried due to the quantity of hatred, intolerance and violence toward one minority group, our citizens, as even tomorrow it can be turned against any of us."

On this occasion but even before (when it was certain that the negative atmosphere ahead of the Parade is being made) the Commissionaire provided full support to each member of the LGBT population. She condemned the frequent

physical and verbal attacks on the LGBT population, open expression of hatred and intolerance and denial of their right to peaceful gathering. She also condemned a statement of the president of the United Serbia, Dragan Markovic, who is the Mayor of Jagodina and MP in the Serbian Parliament at the same time, which equates homosexuality with an illness and denies sexual minorities the right to peaceful gathering.

On the International Day Against Homophobia – 17<sup>th</sup> May and on the Pride Day for the LGBT population – 28<sup>th</sup> June, the Commissionaire reminded that the LGBT population’s fight for their human rights is still ongoing in Serbia “as sexual minorities are still exposed to daily discrimination, 10 years after their first attempt to hold the Pride Parade”.

It is very noticeable in the survey that the participants are quite divided regarding this issue. Around two fifths of the editors and journalists (42,5%) supported the idea of holding the Pride Parade annually, 26,9% was against it and 23,6% of the respondents, which is very indicative, said they were not sure whether the Parade should be held annually or not. The same kind of attitude was expressed by some politicians and public figures who have said that “they are in favour of guaranteeing the LGBT population their rights”, but that they do not support “the unnecessary parading”, “increasing of tensions” and “jeopardizing the overall security of citizens”.

At the same time this is one of three questions to which the most respondents did not reply - 6,84%. Total of 7,5% of the participants has chosen the answer “I do not know” or has not replied to the question “Do you think that an employer has a certain right to request an employee to inform him/her whether he/she is HIV positive”, while 6,25% of the respondents has not replied to or has chosen the option “do not know” as to whether there is an interest in their editorial offices for reporting on discrimination against HIV positive persons.

**3.13. In your opinion, which groups in our country are discriminated against the most? (range it from 1 to 6, 1 being the most discriminated and 6 the least discriminated)**

a) Women

a)	1	3,12% (5)
b)	2	9,38% (15)
c)	3	15% (24)
d)	4	20% (32)
e)	5	32,50% (52)
f)	6	14,38% (23)
g)	Does not know/no reply	5,62% (9)

b) The disabled

a)	1	26,88% (43)
b)	2	25% (40)
c)	3	12,50% (20)
d)	4	17,50% (28)
e)	5	12,50 (20)
f)	6	0% (0)
g)	Does not know/no reply	5,62% (9)

c) The Roma

a)	1	21,88% (35)
b)	2	12,5% (20)
c)	3	23,75% (38)
d)	4	17,50% (28)
e)	5	15,62% (25)
f)	6	1,87% (3)
g)	Does not know/no reply	6,88% (11)



#### d) The LGBT population

a)	1	17,50% (28)
b)	2	23,12% (37)
c)	3	20,63% (33)
d)	4	17,50% (28)
e)	5	12,50% (20)
f)	6	5% (8)
g)	Does not know/no reply	3,75% (6)

#### e) HIV positive

a)	1	20,63% (33)
b)	2	20% (32)
c)	3	20,63% (33)
d)	4	18,75% (30)
e)	5	5% (8)
f)	6	9,37% (15)
g)	Does not know/no reply	5,62% (9)

The media representatives have been asked to range from 1 to 6 certain groups based on the level of threat (the first ranked stands for the most threatened and the sixth for the least threatened) and/or to name other group they find endangered. The replies should be taken informatively, as many participants would rank all the groups in the first category or would fit everyone in either the first or the second group.

Broadly speaking, disabled persons are ranked as the most discriminated against and they have been placed in the first and the second place, followed by the LGBT population, the Roma and HIV positive and women.

The media representatives name other groups which have not been offered by the survey as discriminated against, such as young and old and poor, poor only, refugees, certain national minorities, pregnant women, single mothers, politically indecisive, unemployed and persons with special needs.

In that respect the list is quite indicative as it is obvious that the media see considerable number of people to be discriminated against. This kind of list fully reflects the findings on sorts of discrimination and its range which the Commissionaire has submitted to the Government of Serbia as a request to adopt the National Strategy for the Fight against Discrimination.

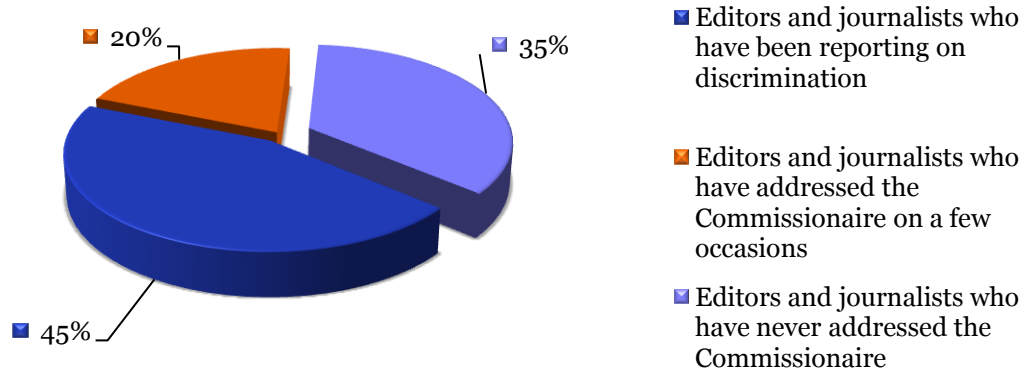
## **THE RESULTS OF THE ANALYSES OF THE FOCUS GROUPS ANSWERS**

The following media representatives were included in two focus groups:

- 1) Editors and journalists who have been reporting on discrimination for years, who regularly cooperate with the Professional Service and the Commissionaire itself and have been well acquainted with the work and activities of the state and independent institutions dealing with discrimination issues. (45%)
- 2) Editors and journalists who have addressed the Commissionaire on a few occasions but have contacted either the Ombudsman or the Commissionaire when writing a report on discrimination (20%)
- 3) Editors and journalists who have never addressed the Commissionaire, but have used the data from the Commissionaire's website or have dealt with discrimination daily within their line of work (35%),



### Reporting on discrimination

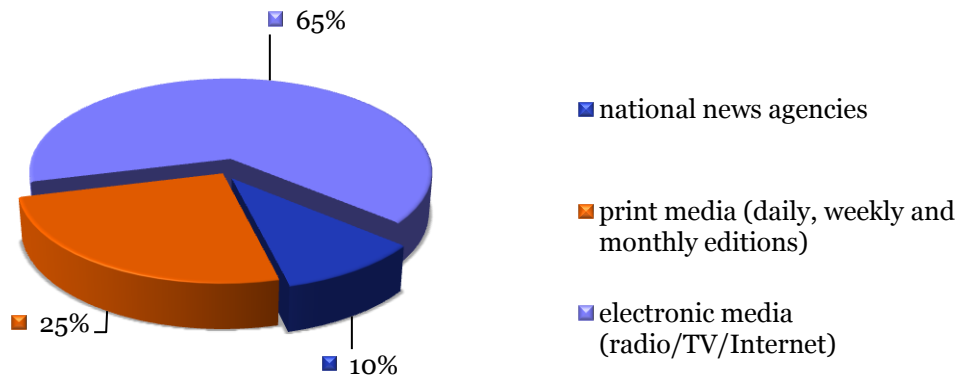


The focus groups included:

- a) 65% representatives of the electronic media (radio/TV/Internet),
- b) 25% representatives of the print media (daily, weekly and monthly editions)
- c) 10% representatives of the national news agencies



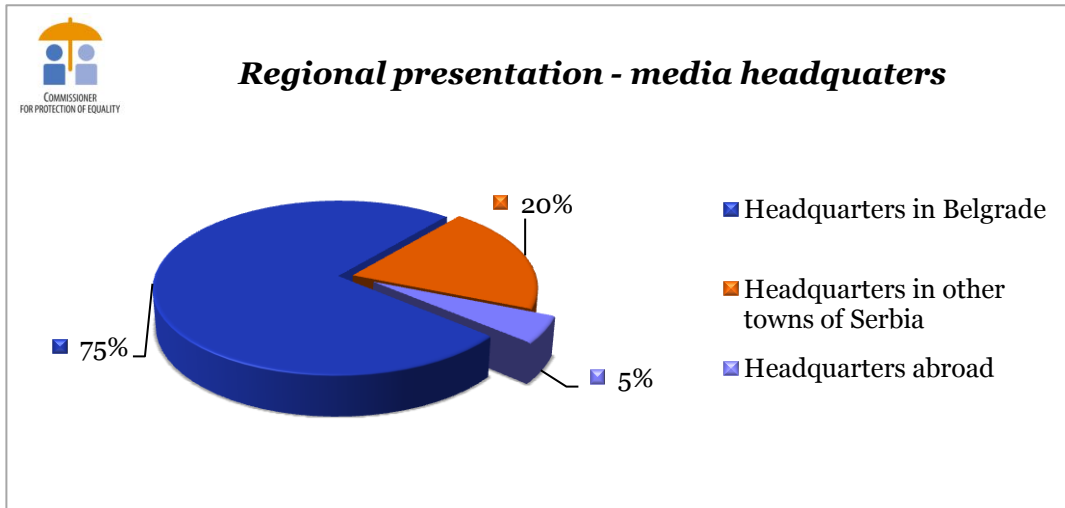
### The focus groups included



Note: free-lance journalists are continually writing for certain media outlets and therefore included in the overall sum here.

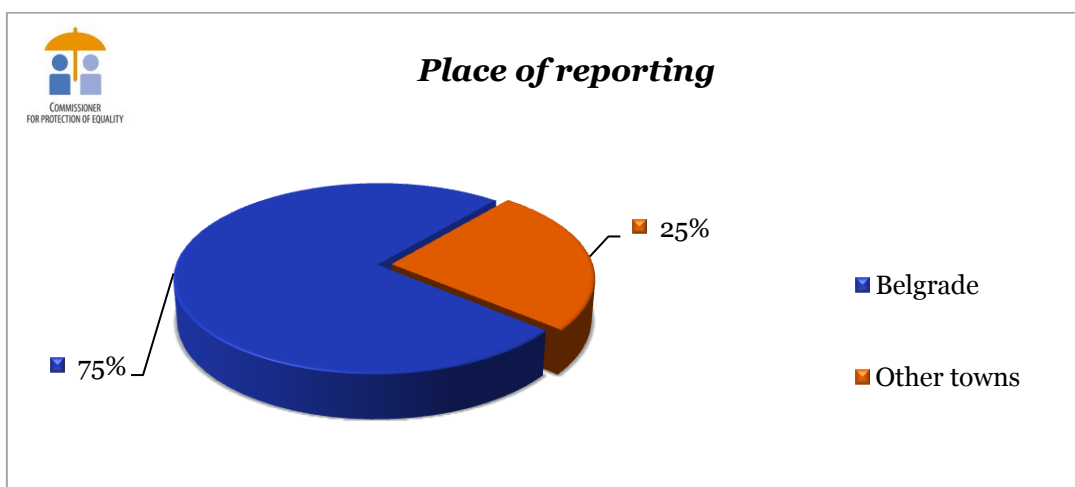
Sorted by regional presentation:

- 1) 75% media has its headquarters in Belgrade
- 2) 20% media has its headquarters in other towns of Serbia
- 3) 5% media has its headquarters abroad



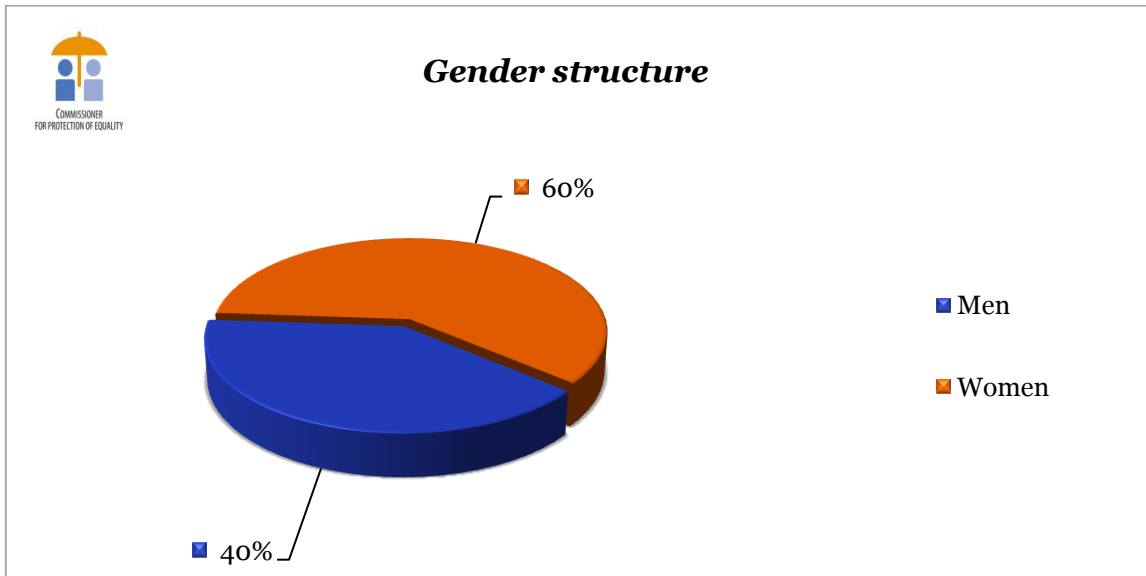
Sorted by the place of reporting:

- a) 75% Editors and journalists report from Belgrade whether their media outlet is based in Belgrade or they report for the media based abroad and/or for the media outlets based in other towns in Serbia
- b) 25% Editors and journalists reporter from other towns (the percentage includes those media which are based in Belgrade but have their bureaus in other towns of Serbia)



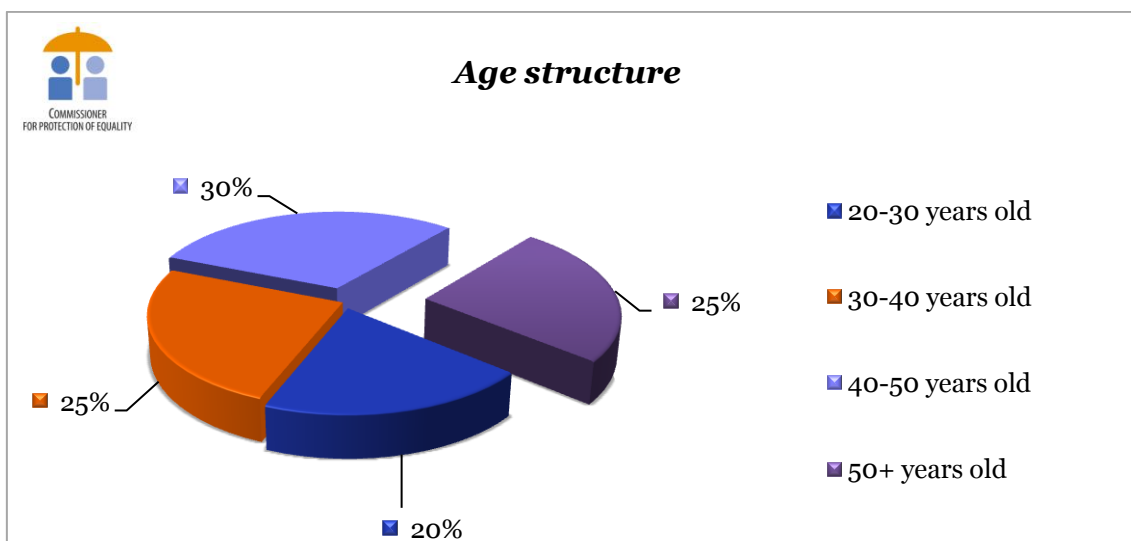
Sorted by gender:

- 1) 40% men
- 2) 60% women



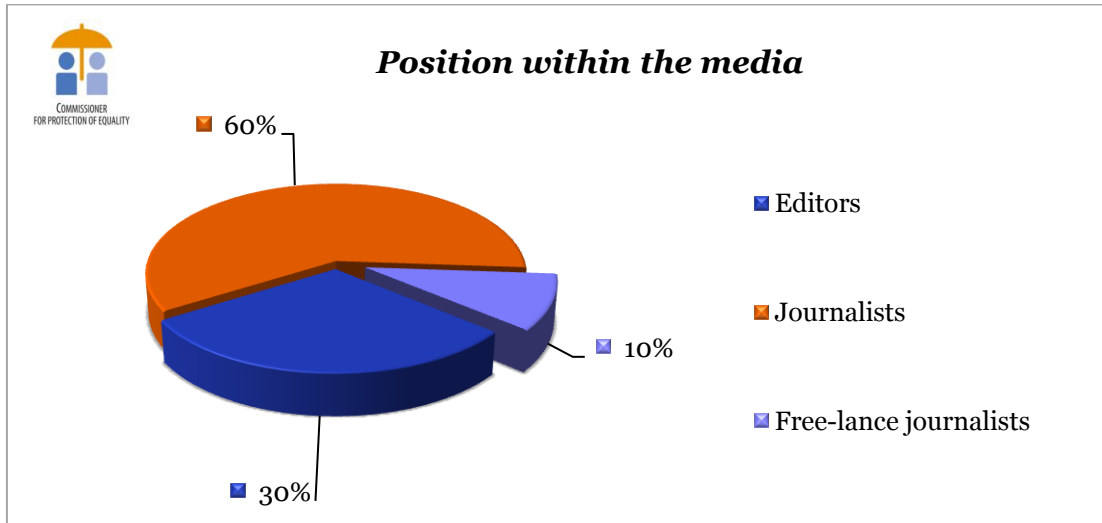
Sorted by the age structure:

- 1) 20-30 years old - 20%
- 2) 30-40 years old - 25%
- 3) 40-50 years old - 30%
- 4) 50+ years old - 25%



Sorted by the position within the media:

- a) 30% editors
- b) 60% journalists
- c) 10% free-lance journalists



### **1. When have you addressed the Commissionaire for the protection of Equality?**

Editors and journalists have mainly addressed the Commissionaire for the Protection of Equality to ask about a case of discrimination against children, disabled persons, women, members of the LGBT population, older people and racist attacks.

Individually, the greatest number of requests for the Commissionaire’s comment has been requested regarding the Pride Parade, which is to be expected given that each year the Parade provokes opposing comments and reactions from members of the political establishment, certain state officials (the police above all), public figures, members of the LGBT population and militant groups and “produces” the most examples of discrimination.

Other than the statement of the Bishop Amfilohije Radovic, which the Commissionaire assessed as discriminatory, there was another example of discriminatory behavior. The article titled “Doctor for gay people”, published by the daily ALO on 16 September 2010, provides a statement by Dr Miroљub Petrović, Head of the Institute for Natural Medicine: “homosexuality (...) is a serious psychological disturbance which is caused by unsuccessful upbringing, an unhealthy way of life, and the use of narcotics”. He then states that “these individuals are actually craving for love and are confused by false values” and adds that “the most horrific cases of sexual abuse and murders represent an inevitable part of a life style which the members of the gay population are dragged into.” Commissionaire Nevena Petrusic has received a complaint in regard to the above text. The Commissionaire has ascertained that the ideas and stands deriving from the text represent hatred speech, and has recommended that Dr.Petrović make a public apology to all homosexual citizens in Serbia, to bear the costs of publishing the apology in the same daily- „Alo“, to make his view together with her recommendation public on the Institute’s website and to refrain in the future from giving statements, and spreading ideas, stands and information which provoke discrimination. At the same time the recommendation was also sent to the Editor in Chief of daily “Alo” asking him/her to publish the opinion within 15 days and to do everything in his/her power to avoid any further publication of information, stands or ideas which provoke discrimination, hatred or violence, on the grounds of an individual’s personal characteristics.

Having in mind that both the Head of the Institute and the Editor in Chief failed to act upon the recommendation, the Commissionaire for the Protection of Equality made a public statement, in accordance with the Law on the Prohibition of Discrimination.

The media representatives have addressed the Commissionaire regarding the additional contribution to St. Sava Temple, the analyses of the schoolbooks which contained some paragraphs with examples of gender inequality and the comprehensive researches into human rights position in Serbia.

The participants of the focus groups have also made reports on the institution of the Commissionaire and her scope of work and thus have taken statements or have made interviews with the Commissionaire.

**2. Have you been satisfied with the information provided by the Commissionaire?**

All participants of the focus groups who had had one or more contacts with the Office of the Commissionaire emphasized how satisfied they were with the work of the Commissionaire as well as with the Professional Service's work. The participants outlined "the fast reactions of the Office and easiness to establish the contact", "understanding of the needs of daily journalism shown by the Commissionaire and the Professional Service", "fast reactions and kindness", "clarity and precision in replies" and the fact that the Head of the Office of the Commissionaire, thanks to whom the majority of contacts with the media has been realized, is a former journalist with a long carrier and "deep understanding of the media needs". Some of the participants of the focus group, who have not contacted the Commissionaire, used the Office's website and consider it "easy to search through and well organized".

**3. Have you used the Commissionaire Office' website so far and if so have you been satisfied with its clarity and information provided?**

Out of 40 participants of the focus group, half used the website, 6 never used it while ten used the website data. The journalists employed by the dailies frequently use the Commissionaire's press releases which they receive through news agencies, following which they seek a statement either from the Commissionaire or her professional team. Those journalists who are not burdened with the daily rush and have more time to prepare their reports, use the



website more often and journalists, who are writing on discrimination issues for a longer period of time, regularly visit the Commissionaire's website.

The analyses of the work of local journalists confirm that they are using the website data more habitually due to the following reasons: they are not subscribed to news agencies and therefore they need to download the Commissionaire's statement from the website or in case they need an additional information for their report, they use the website in order to find or quote the Commissionaire's opinion on certain cases of discrimination. Less often they make a phone call to the Office of the Commissionaire partly due to the limited financial resources.

When considering the flaws, the journalists, above all, mention a lack of statistics in terms of the number of cases to which the Commissionaire has reacted and the numeric expression of the type of reactions.

**4. While preparing the report have you used information sourced from another state body dealing with discrimination or from the Ombudsman and the Commissionaire for Information of Public Importance and Personal Data Protection?**

Answers to this question were quite different and showed which segments of cooperation between the Commissionaire and the media may be improved.

Two thirds of the focus groups participants used data and statements provided by state bodies, independent institutions and the Commissionaire at the same time or by one or more of them but not by the Commissionaire's solely. Among those who have used all sources, half of the participants believe that they are managing well in terms of differentiating the legal regulations and the scope of work of each of the institutions, while the other half thinks that there is confusion in perception (by both journalists and the public) regarding the division of authorities between the Ombudsman and the Commissionaire or between the Commissionaire and state bodies dealing with gender equality. The confusion is

additionally caused by the fact that sometimes all three independent bodies make a statement on a specific case of discrimination.

The participants believe that the authorities of the Ombudsman and of the Commissionaire should be more clearly divided. They state, however, that there is no “mutual accusations and that the relations between them are quite fair”.

The journalists also say that “the Ombudsman is more present in the media and acts as a person who feels a need to provide statement on all sorts of issues”, while the Commissionaire is less present, she acts only when she feels she should react”, which makes her “more credible, primarily due to her enviable carrier” (regular professor at the Law University in Nis). Therefore she does not “leave the impression of being a state official”. When all the answers concerning the relationship between the Commissionaire and the media are summed up, one has the impression that journalists strongly believe that the Commissionaire should be more present in the public and should sometimes initiate an event which would outline discrimination in a practical way and provide solutions to overcome it and/or to promote equality.

They have provided an example. In cases in which the Ombudsman’s and the Commissionaire’s duties overlap, journalists tend to take the Ombudsman’s statement rather than the Commissionaire’s as he is always available and they need a prompt reaction”. Almost constant Ombudsman’s presence and occasional Commissionaire’s absence (from the media) contribute to the overall feeling of confusion in regard to the authority of two independent bodies.

The journalists further believe that the majority of citizens are still insufficiently informed on the Commissionaire’s scope of work and her ability to assist them. “Since all of them are taking care of the citizen’s protection, the area of their work is not clearly divided. The journalists can manage somehow, as, at least, we know who to ask for clarification. I believe, however, that the citizens are quite confused not knowing who is in charge of what and therefore often deciding not to address either”. In addition, “all complainants see themselves primarily as

citizens and consequently as a victim”. In other words, the citizens feel or believe to be deprived of their rights, but they are less capable of relating it to specific category stipulated by the law. For example, women often believe to be discriminated against at work or during the hiring procedure but would rather interpret it from the perspective of the violation of an employee’ rights than from the gender equality standpoint.

Both, results of the questionnaire and analyses of the focus groups’ participants emphasize the need to explain clearly the Commissionaire’s authority and scope of work to the media and thus indirectly to the public.

The same can be applied to the range of measures which the Commissionaire can enforce in case of discrimination as well as to the additional measures which can be used by the citizens if the initial Commissionaire’s reaction fails to provide results.

**5. Do you find that the media outlet, you are employed by, sufficiently reports on discrimination issues in Serbia?**

The majority of journalists from the focus group believe that their media outlets often report on topics related to discrimination. Some believe that actually reporting on discrimination issues distinguishes them from the others in a positive sense and see themselves as pioneers in reporting on the violation of human rights and on discrimination against marginalized groups.

A few say that their media outlet “deals with discrimination in Serbia insufficiently, since there are considerable types of discrimination which are not tackled at all”. “We deal with all forms of discrimination, but mostly when there is some rationale for it’, like for example, we write about the LGBT population ahead and after the Pride Parade or when a member of that population has been attacked, or about HIV persons around 1 December, about violation of women rights when we receive an information on some case”. To put it briefly, the public

pays attention to discrimination issues after an incident occurred, i.e. when certain circumstances provoke the public interest for some form of discrimination, or when a European or a world Day for protection of minority's rights is to be marked.

Therefore the journalists often confirm that their media outlets report on discrimination against the Roma, women, disabled persons and the LGBT population. The articles and reports on the LGBT population are less present according to the media representatives from the focus groups since they rarely appear in the media and "rarely talk about their problems in the public". The exemption is the Pride Parade. There are two more issues which are gaining some attention: the state's violation of the rights and discrimination against national and religious minorities and the state's violation of the rights and discrimination against specific groups, like the Roma.

When faced with brutal cases of the violation of someone's rights, with extreme ways of discrimination and with powerless victims, the journalists find themselves on the other side of the "barricades" in respect to the state institutions and NGO community. They make their own priorities in relation to citizens' fight for their rights. "We have reported considerably in the past few years on discrimination against the Roma, disabled people and the gay community, but I firmly believe that we do not write enough about discrimination against women who have been abused, economically deprived, sexually abused, who are afraid to use tear gas when attacked, who cannot apply for work until they become mother of five, and then they are too old as only young women can be employed", says one media representative. In his opinion, it is caused by the fact that the organizations dealing with gender equality pay much more attention to "banal ways of discrimination, as is insisting on the feminine gender form", rather than on essential problems of women discriminated against". The results of the questionnaire also show certain animosity of journalists for the "feminine grammatical gender "and the feminine gender form for some words. The topic has not been explored in details within the focus group, but given some random answers it might be concluded that the negative attitude toward gender neutral

vocabulary and the feminine form of words derives from the fact that it's only of secondary importance to journalists. Their focus is on the violation of women's rights. In other words, journalists do not have inherent negative stand for the feminine gender forms but they consider it less painful and less important in comparison to the family violence or employee's rights.

## **6. Which groups are in your view discriminated against the most in our country?**

Considering that questions 5 and 6 are closely related, the same groups of citizens will be present in this part as well. The answers are somehow more colourful and different as the journalists have been asked to assess the groups based on their own experience and not on the topics they usually report on. The journalists' decision to write about something generally depends on an incident i.e. whether some form of discrimination has become known to public. It's simply not the case with other or most cases of discrimination as they often remain disclosed.

The answers also outline the reasons for discrimination which are embedded in society, in its stereotypes and prejudices, in the current solution or non-solution to discrimination issues by the state institutions. The overall scope of the problem and its range, as shown by the participants of the focus group, are not completely covered by the Commissionaire's job description. Nevertheless the participants emphasize the obstacles (various in type and sort) which the Commissionaire has to face through her work including the efforts to raise awareness of the need to eliminate discrimination in society and to improve equality of all.

The answers by the focus group correspond to the answers provided by the questionnaire. Children and elders who are poor are usually seen as the most endangered group. One of the participants says that the most discriminated against are "the Roma, especially children, as by birth they have been deemed to be marginalised in Serbia. They are often sent to street to earn money and they

do not attend school. Society does not have any solution to provide them with social and health protection, which was the case in the 80-s or to make their parents send them to school on a daily basis”. “What makes it even worse is the fact that today’s kids in Serbia are being brought up to think of the Roma population as different and to avoid them. We need to do more as society in order to accept the Roma as equal to other citizens.”

As the most forceful example of discrimination against the Roma by the state, the journalists mention the relocation of the “cardboard settlement” out of New Belgrade.

According to the journalists, prejudices and intolerance are widely spread in our society and it is almost impossible to define one group as the most vulnerable: “the LGBT (detested), the Roma (marginalised), women (discriminated), the disabled (invisible), the elders neglected, especially if we are talking about the poor elderly people”, says one the participants of the focus group. According to journalists young people, above all young non-employed people, employed in a private sector and women victims of the family violence are not in a better position at all. “Our society”, says one member of the focus group “is full of prejudices toward anything which is “different” than the average.”

Marginalised groups are facing different forms of discrimination and very often their treatment envisaged by the law suggests and causes their position in society. “It specially applies to the Roma who are having hard time if they want to obtain the IDs, on disabled persons who are deprived of equal conditions during the enrolment in schools or during the hiring processes. One of the reasons for unequal treatment of the disabled is a simple failure to respect the legal obligation which has envisaged the removal of the architectural barriers”, says one of the participants.

Still, many participants believe that HIV infected persons are in the worst position “since they have been discriminated against by employers, family, doctors and the general public”.

One new sort of discrimination, not sufficiently explored, emerged from this analysis. It concerns maltreatment of disabled person by its own family”.

The “treatment” of the LGBT population is especially emphasized, in the context of the state authorities’ refusal to provide support for the Pride Parade due to threats from rightist groups.

## **7. What has motivated you to report on any form of discrimination?**

The answers provided in this segment are in line with the previous studies<sup>4</sup> which had stated that the media play extremely important role in reporting on cases of discrimination. At the same time journalists are not aware that their obligation to report on it derives from their legal obligation to report in a professional way. Although there is no legal binding framework for journalists, UNS and NUNS (the Association of Journalists of Serbia and the Association of Independent Journalists of Serbia) have adopted the Code of Journalists of Serbia, recommended by the Press Council. It comprises the following:

“A journalist must oppose anyone who violates human rights or enforces any form of discrimination, hatred speech and incites violence... A journalist must be aware of the danger represented in the spread of discrimination by the media and will do everything in his/her power to avoid discrimination on the grounds of, among others, race, gender, age, sexual orientation, language, political and other views, national or social background.” This kind of obligation, as an initial point, was mentioned by only a few media representatives within the focus group.

The initial point for the reporting in many cases was some actual event which had occurred. Therefore it proved once more that although the media report on

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<sup>4</sup> Strategic marketing “The public opinion on discrimination and inequality in Serbia” (2009.) page 26.and, "Prejudices should be seen – homophobia in Serbia 2010” Research and analyses of the public opinion of the LGBT population’ discrimination at work. The Gay Strait alliance with CESID assistance, page 30

discrimination considerably, they do not cover the topic continually but mostly on ad hoc basis.

Only a few journalists have confirmed that their decision to write about discrimination derived from the aforementioned editorial policy. They rather name personal reasons such as: "personal sensitivity to unfairness", "pity", "personal contacts with persons discriminated against", "personal and professional sensitivity to the persons who are 'different', based on any criteria", "sorrow, empathy, anger and vulnerability" and "personal and professional fight for human rights", "society's indifference toward certain cases" followed by "writing of other media outlets", "reactions of persons discriminated against and their appeals for support" and "published appeals and messages by the Commissionaire".

One of the participants says that "discrimination is widely spread so that one cannot encompass all its forms" and "that there are many grounds for discrimination that there is no need to search for an initial point". The comments alike result from the questionnaire in which the media representatives have been asked to range the vulnerability of different groups in society, where 1 stands for the most vulnerable and 6 for the least vulnerable. The majority of participants have placed all proposed marginalised groups in the first or in the first and the second place, since they believe them to be extremely vulnerable.

Finally, the motivation of a journalist derives from "his/hers wish to make a difference, to make an influence on the public opinion regarding an issue and to provoke change for the people he/she is reporting on."



## **8. What kind of assistance by the Commissionaire/ the Professional Service/ website/ would be the most valuable to you?**

Answers to this question clearly state that ways of communication between the Commissionaire and the media must be diversified, adaptable to complex journalist schedules, whether they are working in electronic, print media or in the media outlet with “slow motion schedule” (being in a position to set aside more time for one report ).

Fast, precise and concrete answer by both, the Commissionaire and her officers is the most important element for the journalists working in electronic or daily print media. The same elements have been assessed as the most important in the up to date communication between the media and the Commissionaire.

According to three fourths of the participants, workshops and occasional meetings (e.g. working breakfast) would represent an efficient way to exchange ideas. Informal gatherings with the Commissionaire and her team during which the journalists may exchange opinions on a topic which is not in the public focus at that moment are seen as the most preferable way of communication.

The participants would like to see the Commissionaire’s presentation on a specific case of discrimination and to be alerted about certain examples which might be interesting for them, to which the public does not pay attention.

The journalists also think that it would be quite useful if the Commissionaire and her team would provide them with an example of an extreme case of discrimination in Serbia and if the Commissionaire would participate more in the activities with the aim to raise awareness of tolerance.

It has been observed that journalists, particularly those coming from other towns in Serbia, recognize the need to attend workshops or seminars in order to gain explanation about the Commissionaire’s authorities and the way she is entitled to react. They would also like to learn more about the differences between the way

the Commissionaire and other independent bodies operate. The journalists would appreciate manuals which would include the answers to most common dilemmas regarding the functioning of the Commissionaire. They would also welcome occasional newsletters with information regarding the regional and European activities, with reviews of media reports and announcements of the important events and dates related to antidiscrimination and to the rights of marginalised groups in society.

**9. Have you experienced any threats or other inconveniences during preparation of the report or following its publication /broadcasting?**

At first glance, the answers by the focus group participants indicate that there has been almost no pressure on the media during reporting on different sorts of discrimination. Out of 40 participants, 30 (or 75%) did not experience problems or suffered pressure, while 10 (or 15%) say they were exposed to some pressure or other type of inconveniences.

Those journalists who consider to have suffered some pressure often assess them as “a minor pressure and inconvenience” ranging from offensive comments on the media website to phone calls by “extremists”. These extremists are convinced that the media outlet pays more attention to the hunger of the Roma children than of the Serbian children”, or that they are more supportive of the gay rights “than of the rights of the “normal people”.

The majority of the media representatives which were exposed to pressure consider it as a minor issue in comparison to “some other pressures they have been exposed to while writing about other topics, such as politics”. They also assess it as “common pressure which they do not take into account any more” and as “regular part of their work rather than pressure”, which shows that the level of tolerance among journalists has significantly risen. Only one of the participants said that following a broadcast of a report on discrimination “pressure has been



# CONCLUSION

The prevention of discrimination and recognition of equality in society are some of the most important priorities incorporated in many relevant documents of the Republic of Serbia. Therefore, Serbia has adopted the highest international and European standards in this field and is making an effort to respect and implement them. In the previous period, the national antidiscrimination normative was finalized and the most important provisions of the universal and regional agreements from this field were integrated in the current legal solutions. The appointment of the Commissionaire for the Protection of the Equality in May 2010 represented the establishment of an autonomous and independent national institution which plays the key role in prevention of discrimination and improvement of the protection of equality.

In spite of certain improvements, almost all forms of discrimination against citizens are present and growing<sup>5</sup> There are practical examples to confirm it<sup>6</sup>, while the survey's results show that Serbia's population is quite aware of the widespread and different forms of discrimination above all against national minorities and the poor. Some have been victims of discrimination themselves on the grounds of gender, age, poverty or disability. A significant number of respondents at the same time show a high level of intolerance toward disadvantaged groups, either national minorities, the LGBT population, HIV positive or hepatitis positive persons.

Considerable number of participants thinks that the state is inefficiently dealing with discrimination issues and is insufficiently informing the public of its activities. They believe that the fight against discrimination should be one of the state's priorities.

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<sup>5</sup> Recommendation to the Government to adopt the National Strategy for the fight against discrimination

<sup>6</sup> <http://www.ravnopravnost.gov.rs/files/Redovan%20godisnji%20izvestaj%202010.pdf>.

Numerous complaints which have been submitted to the Commissionaire, as well as the reports by certain state bodies and civil society organizations provide the best insight into the range of discrimination.

The role of the media in informing the public on the tasks and authorities of the Commissionaire as well as on the way she performs and acts upon complaints is significant. Still the relationship between the media and the Commissionaire is not definite whatsoever. The aforementioned researches<sup>7</sup> and analyses of discrimination issues and inequality in Serbia have showed that the media play an important role in promotion of social values and understandings. On the other hand, certain number of the media outlets and journalists are not aware of all, multiple and complex issues related to discrimination, such as the legal and institutional framework which regulate these issues.

All these findings have shown the need for a thorough media research into the knowledge, capacity and awareness of equality and antidiscrimination issues.

The first research into the media stand on discrimination not only in Serbia, but in the whole region has dealt with identifying those fields in which errors in media reporting often occur as well as with those which generate the greatest dilemmas regarding the reporting, conveying a person's or group's statement by which the equality rules had been violated. Likewise, this survey should have provided answers as to how the cooperation between the journalists and the Commissionaire might be improved as well as how to further develop and enhance that cooperation.

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<sup>7</sup> Strategic marketing "The public opinion on discrimination and inequality in Serbia" (2009.) and, "Prejudices should be seen – homophobia in Serbia 2010" Research and analyses of the public opinion of the LGBT population' discrimination at work. The Gay Strait alliance with CESID assistance



# KEY FINDINGS

**G**eneral level of information is good, the Commissionaire’s legal capacity overstated. The Institution of the Commissionaire for the Protection of Equality and Commissionaire Nevena Petrusic are well known to the surveyed editors and journalists.

Almost 90% of the surveyed media representatives know that the Commissionaire for the Protection of Equality is an independent, autonomous and specialized state body formed in accordance with the Law on the Prohibition of Discrimination. Far less participants believe that the Commissionaire operates under the auspices of the Ministry for Human and Minority Rights, Public Administration and Local Self-Government or of the Ministry for Labor and Social Policy.

As shown by the survey – most editors and journalists believe that the Commissionaire’s authority is much wider than it is envisaged by the law. Namely, the majority believe that the task of the Commissionaire is to react on each case of discrimination and that it falls under her job description to react in all cases of discrimination. Additionally, one fifth believes that the Commissionaire is authorized to control state bodies’ functioning.

It is rather indicative that less than a half “accepts” that the Commissionaire should react regarding a complaint on discrimination against an individual or a group of persons and not in all cases of discrimination. In contrast to this, one of the most recognized roles of the Commissionaire, which she uses regularly, is her authority to warn the public on the most common, typical and severe cases of discrimination.

Figuratively speaking, with certain caution, one might conclude that editors and journalists could be divided into two groups: one which is perceiving the Commissionaire as an independent body, inspired by the European legislation, to which they affiliate much more power than she actually has and the other – smaller which is perceiving the Commissionaire as one of state bodies in charge of human rights and violation of these rights.

**The media show an interest for discrimination issues, but usually after an incident has occurred.** The media show the greatest interest/understanding for inequality against the Roma and national minorities, disabled persons, women and violence against women.

The majority of surveyed editors and journalists believe that the issue of foster parents' rights, discrimination against HIV positive persons, sexual minorities and gender issues are insufficiently covered.

The representatives of the media find that disabled persons, the LGBT population, the Roma and HIV positive persons and women are the most discriminated against. Editors and journalists also name other groups which have not been on the list, such as young, elderly poor or the poor generally, refugees, certain national minorities, pregnant women, single mothers, politically indecisive, unemployed and persons with special needs.

Therefore, the list has been quite indicative as the media representatives obviously feel that the range of discriminated citizens is wide. The list fully mirrors the findings of the Commissionaire regarding the disparity and forms of discrimination which she has submitted as a recommendation to the Government of Serbia for adoption of the National Strategy for the Fight Against Discrimination.

The majority of journalists in the focus group believe that their media often cover topics related to discrimination and that it distinguishes them from the others considering the attention they are paying to discrimination. Nevertheless, the



attention is given to discrimination issues following an incident or when the circumstances impose the public interest for some sort of discrimination or on the occasion of marking the World Day or European Day of human rights of some minority group. The responses provided to this question reflect the previous surveys<sup>8</sup> which have stated that the media play extremely important role in reporting on cases of discrimination but equally that they are not aware that their obligation to report on these cases stems from their legal obligation to report in a professional way. This kind of obligation, as an initial motive, was mentioned in the focus group only by a few.

**The media representatives believe that the fight for equality of disadvantaged groups is not important only for those groups, but for the well being of the whole society. The Pride Parade is an exemption.**

The vast majority of editors and journalists understand that the reporting on discrimination represents a contribution to civil values in society but still they give priority to one group over others. The fight for equality of women, disabled persons and national minorities is seen as “generally important” while around 10% of the respondents believe that the reporting on discrimination against the LGBT population is “imposed, as there are many more severe problems ” and that it concerns only “a smaller group of citizens”.

The Pride Parade has been for some years in Serbia very complex issue which had been discussed not only in the context of the LGBT population’s rights but in the broader context of values in society. At the same time, it has been treated as a security issue (given the role of the police to guarantee security to its citizens) and as a political issue considering that many political players have provided statements on the LGBT population’ treatment when it is suitable for their political speech.

It has come to our attention that the participants have been quit divided regarding this issue. Less than half of them believe that the Parade should be held annually while the rest of them have either been against it or have chosen the

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<sup>8</sup> Ibid

option “do not know”. In a way, this stand represents an echo of the publicly made statements by the politicians and some public figures who have said that “they are in favor of the LGBT population’ rights”, or that they do not support “unnecessary showing off”, “increasing of tensions” and “jeopardizing general security of the citizens”.

**The media are still not sensitive enough to recognize sophisticated examples of discrimination.** In vacancy announcements, there are occasionally some discriminatory conditions for certain groups of citizens, (for example an employer is looking only for persons younger than 35 or is expressing preferences to hire one sex over the other although personal characteristics are not crucial for the job performance). It also happens that some state’s decisions provide an incentive/privilege/favor to certain groups of citizens which at the same time deem as discriminatory to other group of citizens (a decision to provide allowance to women victims of violence if they were staying in the “Safe House” leads to a situation in which the whole group of women, also victims of a violence, who were not staying in the “Safe House” shall be deprived of financial assistance). Editors and journalists are not always capable of recognizing these differences and reacting appropriately. Sometimes the media do report on these cases but their answers to questions such as whether an employer has a certain right to ask a candidate for specific data or to request a certain type of behavior reveal quite divided views.

The surveyed media representatives have polarized stands on the right of an employer to insist on knowing whether an employee is HIV positive. Improved sensitivity of the media for reporting on discrimination against HIV positive persons is very important since Serbia’s population tend to show high level of intolerance which stems from a lack of knowledge about the disease and the ways it can be transferred.

At the same time, the journalists’ dilemma, present in almost one fifth of the respondents, concerning the LGBT population treatment, reflects the discrepancy in Serbia between the legal provisions and the situation on the ground. They

believe that an employer can ask an employee to refrain from declaring his/hers sexual orientation if that person is not heterosexual.

**The majority of respondents assess their own knowledge as good, but not sufficient.** Half of the respondents believe that his/hers knowledge should be rated from 3 to 4, and another third of them think they can be rated between 2 and 3. Only one tenth of the participants find that they fully comprehend the field, i.e. have rated themselves with the highest grade - 5. The results of the survey and of the focus groups lead to a conclusion that the respondents have been realistic when assessing themselves but at the same time reveal the key dilemmas of the media representatives in respect to hidden forms of discrimination and consequently that they need professional guidance with it.

The results of the survey and of the focus groups match and fulfill each other. Out of two thirds of the focus group participants which have used the state institutions', independent institutions' and the Commissionaire's data and statements, half of them believe that they do not have problem differentiating the legal provisions from the scope of work and duties of each individual office. The other half find that there is confusion (by journalists and by the public) regarding the jurisdiction of the Ombudsman and the Commissionaire or for example, regarding the authorities of the Commissionaire and state bodies which are dealing with gender equality. Even more confusion is caused by the fact that sometimes all three bodies provide statements or press releases on the same case of discrimination.

According to the journalists, the majority of citizens are still not sufficiently informed about the Commissionaire's scope of work and authority she can apply to assist them. The results of the questionnaire and the findings based on the focus groups analyses show that there is a need to explain the Commissionaire's authority and scope of work to the media and thus to the public.

**A fewer number of the surveyed media representatives believe that there is no gender equality in editorial offices.** The results on the media

representatives' gender equality indicate that smaller number of respondents believe that women have been discriminated against in relation to their career advancement and payment remuneration. These results correspond to the ones by the Independent Association of Journalists of Serbia although we are talking about smaller percentages (around or below 10%) which can be interpreted in several ways: first, there is an increasing number of women in the media and they are by far outnumbering men, although there are no specific data on that. It is partly due to the fact that journalism is not well paid. Second, there have been more respondents from Belgrade where more women hold higher ranked positions and third a position of women is slowly improving with the development of legislation and engagement of the journalists associations, editors, journalists and NGO sector in the fight against gender discrimination.

**Two thirds of the media have either written or unwritten code for reporting on disadvantaged groups, but still there are examples of the code's violation.** Editorial offices implement the written Code of Journalists which was jointly adopted by the Association of Journalists of Serbia (UNS) and the Independent Association of Journalist of Serbia (NUNS) in 2006. Most journalists affiliate with one of them. The Code envisages that editors and journalists abide by certain professional principles, among which is a provision according to which “a journalist must oppose anyone who violates human rights or enforces any form of discrimination, hatred speech or incites violence”. The Press Council is in charge of monitoring whether the code's rules have been respected. The Council was established as a reaction to the frequent occurrences of discrimination against national and sexual minorities, women, children etc in the media.

**The participants' views on gender-sensitive language are polarized.** The media tend to form their own rules as there are no compulsory ones. One may notice the more frequent use of both forms of nouns to express male or female professions, which confirms that there is an increase of conscious respect for gender equality in the media. Still the key reason to reject the consistent use of gender-sensitive language by the media is the feeling that there are more

drastic examples of discrimination against women in Serbia which makes the use of masculine nouns and writing legal provisions in masculine form less important.

**The media are exposed to pressures when reporting on discrimination issues but they are insignificant in comparison to other types of pressures.** Editors and journalists in the focus groups have experienced almost no pressure (two thirds) when reporting on different types of discrimination, while 15% have stated they had suffered pressure or other inconveniences. Those journalists who believe that they have experienced pressure assess them “as minor pressure and inconveniences” such as offensive comments on the media website or a phone call. The majority of the media representatives which have been exposed to pressure believe that these pressures have been insignificant “compared to the pressure they had been exposed to when reporting on other topics, above all politically sensitive issues” and that it has been “common pressure to which they have become resistant”. They find it to be common part of their job, which show that journalists’ tolerance to pressure is extremely high.

**The communication between the Commissionaire and the media has been fine, but the possibilities provided by the website have not been fully used.** Editors and journalists have addressed the Commissionaire mostly in relation to her reaction to discrimination against children, disabled persons, women, the LGBT population, older people or racisms. Individually, the greatest number of requests for the Commissionaire’s reaction has been sought regarding the Pride Parade. It is quite expected given that each year the event causes opposing comments and reactions from members of the political establishment and certain state offices (the police above all), public figures, members of the LGBT population and militant groups. It “provokes” the most examples of discrimination.

All focus group participants who had been in contact with the Commissionaire’s Office once or more have emphasized the satisfaction with her work and with

professional services provided. All of them have outlined “a prompt reaction and easily made first contact”. Some participants, who have not addressed the Commissionaire, used the website and find it “easy to search through and well organized”.

The journalists employed by the local media often use the website to find and quote the Commissionaire’s view on a certain case of discrimination. As it’s negative side they mention a lack of statistical data i.e. the number of cases to which the Commissionaire has reacted and numerical expression of these reactions.

**There is considerable space to improve the cooperation between the Commissionaire and the media.** There is no doubt that the media need assistance in order to improve their coverage of discrimination and the following areas should be focused on: providing an explanation of the legal provisions regarding the Commissionaire’s position and her operational possibilities, gaining an understanding of the sophisticated forms of discrimination and how different institutions and independent institutions can react, raising media awareness of their professional obligation to react to discrimination and to contribute to equality in society in terms of pointing out cases of discrimination and prompt and professional reaction by the Commissionaire and her office to media requests.

The ways of communication must be diversified, dispersed and adapted to journalist’s daily schedules whether they work in electronic or print media or as free - lancers and therefore have more time to prepare their articles.

Workshops and occasional working breakfast have been assessed as the best way of communication. Workshops should focus on clarifying dilemmas regarding the legislation and providing examples of case studies while working breakfast should be an informal gathering with the Commissionaire and her team, during which the journalists could share their views on the topics which are not in focus at that moment. Good examples might be to talk on the Commissionaire’s cases

and to outline other examples of discrimination which are not as present in the public.

The Commissionaire is expected to raise her voice more often, to talk more with the public on cases of discrimination and to participate or to organize events, manifestations and promotions which will draw the public attention to disadvantaged groups or to discrimination examples.

