



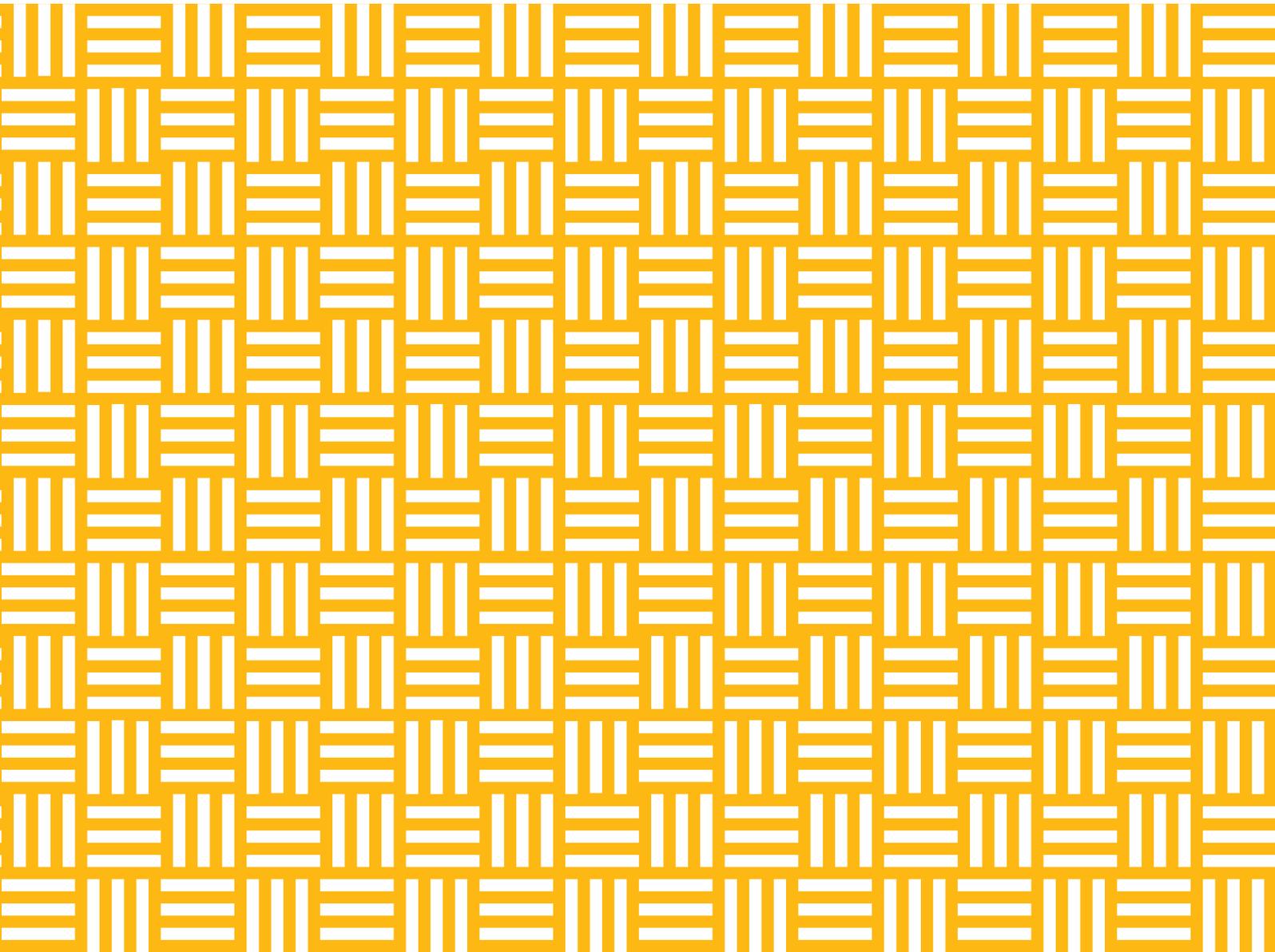
Western Balkans
Regional Platform for
Advocating Media Freedom and
Journalists' Safety



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Indicators on the level of media freedom and journalists' safety in the Western Balkans

SUMMARY OF FINDINGS



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Indicators on the level of media freedoms and journalists' safety in the Western Balkans – Summary of findings

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Comparative analysis

Snezana Trpevska
and Igor Micevski

Introduction

Over the last decade, media freedoms in the Western Balkan countries have deteriorated. Political and business elites exercise various forms of direct and indirect pressures against critical media and journalists. Therefore, freedom of expression became one of the top priorities in the enlargement strategy of the European Commission which developed a long term (2014—2020) assistance approach to support the achievement of political goals in the fields of freedom of expression and media integrity¹. Three overarching areas addressed by the EC strategic approach in this field are: (1) the enabling environment for free expression and media; (2) strengthening journalists' and media professionals' organisations as the key drivers of the needed change and (3) helping media outlets improve their internal governance, thus making them more resilient against external pressures and restoring audience's confidence in them.

Journalists' associations (JAs) from the Western Balkan countries (Bosnia and Herzegovina, Macedonia, Montenegro, Kosovo and Serbia), with the support of the European

¹ DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020. Available at: http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf

Commission², have been developing a cross-country mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional levels. For that purpose, a set of comparable data are collected by researchers nominated by each national JA, on the basis of a common research methodology. The collected data have been analysed and interpreted in five research reports at national level which will serve the national JAs as baseline assessments on media freedoms and journalists safety in their countries.

The three groups of indicators on the level of media freedom and journalists' safety were proposed on the basis of a thorough analysis of a range of methodologies and guidelines developed by renowned international and European organisations³. However, while proposing the key indicators for the Western Balkan countries, the specific socio-political context in these countries and the specific perspective of the local JAs were taken into consideration.

This comparative analysis incorporates the most relevant findings presented in the national research reports and identifies the key common problems and issues that need coordinated positions and advocacy actions by the national JAs.

A. Legal Protection of Media and Journalists' Freedoms

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?

The right to freedom of expression and information, including access to the Internet, is guaranteed by the respective constitutions and media legislation of the five countries. However, there is a general concern that the implementation of the legal guarantees is poor and that in the last several years declining tendencies jeopardise the democratic function of media and journalism in the region.

In the past several years, there were frequent changes in media legislation in some of the Balkan countries which were not executed in a transparent and inclusive manner. Professional journalists and media organisations were not sufficiently involved in drafting the laws and their critical comments and proposals were rarely taken into consideration.

Although Internet freedom is guaranteed with the general legislation, there were attempts by state authorities in the region to adopt targeted legislation or to seek blocking, filtering or takedown of Internet content.

The regulatory bodies in the five countries are generally perceived either as controlled by political parties in power, or as weak and still not sufficiently efficient in enforcing legislation and protecting freedom of expression and media independence. The appointment of their board members is widely considered to be politicised.

State advertising in the media has been abused by some governments for maintaining continuous political influence over the media. The most common problem in all countries is the lack of transparent criteria for allocation of funds from the state budget.

There are several models of subsidies aimed for encouraging pluralism of content in the media. While the original intention of the legislators seemed to be encouraging content diversity, in practice the allocation of these funds has been frequently selective, biased and abused by the authorities to influence the editorial policy.

The autonomy and independence of the PSBs is guaranteed in the legislation, but in practice it is not efficient-

2 *Western Balkan's Regional Platform for advocating media freedom and journalists' safety project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organisations.*

3 *Council of Europe: Indicators for Media in a Democracy; UNESCO: Media Development Indicators (MDI) and Journalists' Safety Indicators: National level; USAID – IREX: Media Sustainability Index; Freedom House: Freedom of the Press Survey; BBC World Service Trust: African Media Development Initiative; Committee to protect Journalists: Violence against journalists; Reporters without Borders: World Press Freedom Index.*

Table 1: How influential is the threat of defamation law on the work of journalists?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Extremely influential	12.6	3.0	32.0	18.5	48.3
Very influential	15.0	29.0	12.0	25.9	31.4
Somewhat influential	12.6	13.0	28.0	18.5	12.6
Little influential	12.6	18.0	8.0	14.8	1.0
Not influential	23.4	6.0	14.0	18.5	0.0
Not relevant to their work	2.8	6.0	0.0	0.0	6.0
Don't know	16.2	0.0	4.0	3.7	1.0
Refused to answer	1.8	25.0	2.0	0.0	0.0

Table 2: Have you ever been refused the right to report from certain places or events on the ground of not having accreditation issued by the authorities or on other grounds?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Yes	42.3	44.0	60.7	42.6	26.1
No	50.5	32.0	35.7	48.1	73.9
Don't know	7.2	4.0	3.6	3.7	0.0
Refused to answer	0.0	19.0	0.0	5.6	0.0

ly implemented. The funding frameworks still do not provide for independent and stable functioning of the public service broadcasters in the region. The supervisory bodies do not represent the society at large and do not protect sufficiently the public interest.

A.2 Do Defamation Laws cause a 'chilling effect' among journalists?

In all five countries, the legal framework on defamation is aligned with Council of Europe and OSCE standards. Defamation is decriminalised everywhere but there is a general assessment that the chilling effect of the new laws is substantial due to large penalties.

The number of lawsuits initiated against journalists by state officials was quite high in the past three years. There are cases when justice is administered in a way that is politically motivated against select journalists. The courts still fail to sufficiently recognize the self-regulatory bodies.

Significant percentage of the journalists who participated in the regional survey feel discouraged to investigate and to write critically due to the chilling effect of defamation laws. It seems that the threat of defamation lawsuit has the most powerful chilling effect on the journalists from BiH (79.73%), then Kosovo (44%) and Montenegro (44%), while in Macedonia (32%) and Serbia (27.6%) the

percentages are slightly lower. However, it has to be noted that in these countries the journalists who did respond to this question is quite high (in Macedonia 25%, in Serbia 18%).

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

Protection of political pluralism in the media in the non-election period is incorporated in the national media laws as a general principle. Regulators are explicitly authorised to monitor and protect pluralism only during election campaigns.

In most of the countries opposition political parties and candidates do not have fair and equal access to the media both in the non-election period and during election campaigns.

Table 3: Have you ever been refused by public authorities in acquiring access to public information?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
I have never required access to public information	25.2	29.0	7.1	22.2	43.0
I have required access to public information and I have never been refused	20.7	6.0	10.7	31.5	33.3
I have required access to public information and I have been refused	42.3	28.0	78.6	37.0	23.2
Don't know	8.2	7.0	0.0	3.7	0.5
Refused to answer	3.6	29.0	3.6	5.6	0.0

A.4 Is freedom of journalists' work and association guaranteed and implemented in practice?

The journalists in the region do not need licenses issued by the state. The national JAs issue accreditations and determine the basic professional principles in their codes of conduct. Certain initiatives for introducing licences appeared in Macedonia and Montenegro, but were refused. However, journalists are frequently prevented by authorities from reporting on certain events on the grounds of not having accreditation.

There are journalists' associations in all five countries, but many journalists are not their members. Pressures are especially exerted over strong and critical associations and their leaders.

Journalists are not motivated to organise in trade unions because they have a fear of being fired from their job. The pressures over the trade union leaders are very serious and they are directed predominantly by media owners and governments.

Self-regulatory bodies in some of the countries are the newest forms of independent organisations which gather publishers, media owners and journalists associations. So far, they have achieved significant and positive results, but they are still vulnerable and subject to political and other types of pressures.

A.5 What is the level of legal protection of journalists' sources?

The confidentiality of journalists' sources is guaranteed by the legislation. However, in some countries there were several attempts by the authorities to disclose

journalists' sources without a court order or without justification.

Examples of such cases: news portal Indeksonline in Kosovo; news portal Teleprompter in Serbia; news portal Klix in BiH; the cases of the journalist Koprivica and the daily newspaper Dan in Montenegro; the case of the journalist Kezarovski in Macedonia.

In 2013 journalist Tomislav Kezarovski from Macedonia received a four and a half year sentence, for allegedly revealing the identity of a protected witness in 2008. On 16 January 2015, the Skopje Court of Appeal confirmed the sentence for Kezarovski and reduced it to two years.

A.6 What is the level of protection for the right of access to information?

Access to official documents and information is legally guaranteed in all countries, but their provisions are not very helpful for journalists. There are no specific provisions which oblige the public institutions to provide information to journalists within shorter deadlines.

The survey conducted with journalists from all countries showed that a significant number of them do submit requests to the public institutions, but their requests are very often refused. In addition, some institutions usually wait to provide the required information until the last day of the determined deadline.

Most of the journalists think that state institutions in their countries are not sufficiently transparent. The least transparent institution is the government, followed by political parties and politicians in general. Parliaments seem to be the most transparent and open to journalists.

B. Journalists' position in the newsroom, professional ethics and level of censorship

B.1 Are journalists' freedoms restricted by their financial position?

There is an absence of accurate statistical data concerning the number and the exercise of labour rights by journalist in the regions. Research conducted by independent organisations indicates that poor social and financial status of journalists is a common feature.

Without exception, the poor status of journalists brings into motion a chain of dependencies upon other power actors. This in turn restricts journalists' freedom of expression and hinders pursuit of topics of public importance. The chain of clientelistic dependencies is not a particular feature of the media sectors in these states – it is a result of the wider relations of the political system and the political culture.

The precarious nature of journalism as a profession is present in all cases. Many journalists in the private media work overtime and during holidays without compensation. Often they are engaged in marketing activities. The employers can terminate journalists' contracts any time. Customarily journalists have no protection.

Most journalists in the project's survey stated that their economic and social position has deteriorated in the past few years.

B.2. What is the level of editorial independence from media owners and managing bodies in private media organisations?

Even though most private media organisation have complied with respective country's legal requirements concerning occupational specification and systematisation, the adoption of internal acts that would regulate the demarcation of the position of media owners from the managerial staff, as well as from the news production staff, are lacking.

It is prevalent that newsrooms in the region have not adopted their own specific codes of ethics, but are reli-

ant on the minimal and general codes provided by journalists' self-regulatory organisations.

The owners, program directors and editors in chief are the key actors in deciding whether to publish certain information. Most frequent direct forms of pressure on journalists are low salaries, threats of being made redundant, mobbing, overtime, etc.

B.3. What is the level of journalistic editorial independence in the PSB?

There is a low level of editorial independence in the PSBs in the region, despite the fact that internal and external pressures have been applied on political establishments to construct independent public service media.

Most PSBs in the region have adopted their own Codes of Ethics and have clear statutory provisions on independence. In reality this does not translate into actual independence. Government officials regularly influence the PSBs' editorial policies through management, but there are also direct pressures from the public officials in high office.

In some cases high level officials in the government threatened PSB journalists' job security if they did not report along the 'desired' lines.

B.4 What is the level of journalistic editorial independence in the non-profit sector?

Fully fledged not-for-profit media are relatively new phenomenon in the region. The Internet not-for-profit sector is thriving and proliferating, even though in terms of organisation it is underdeveloped.

Most of the not-for-profit media are in fact small projects implemented by existing local NGOs and the working conditions are far better than in traditional media. However, there are not-for-profit media that exist in a grey zone with respect to workers' rights.

There are different forms of pressure over the journalists working in news portals who are critical of the Government. They are often attacked by pro-governmental media as "foreign mercenaries" because they are financed by donations.

Table 4: How influential is censorship on journalists' work?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Extremely influential	10.8	19.0	10.0	16.7	51.2
Very influential	12.6	19.0	18.0	13.0	31.4
Somewhat influential	18.0	15.0	30.0	24.1	14.5
Little influential	18.0	16.0	12.0	13.0	0.5
Not influential	38.7	9.0	28.0	33.3	0.5

Table 5: How much freedom do journalists have in selecting stories (1) and in deciding which aspects of the stories (2) should be emphasized?

%	Serbia		Macedonia		Kosovo		Montenegro		BiH	
	1	2	1	2	1	2	1	2	1	2
Complete freedom	27.9	31.6	21.0	32.0	32.0	38.0	22.2	29.6	25.1	58.9
A great deal of freedom	29.7	31.6	36.0	39.0	28.0	14.0	35.2	31.5	29.5	31.4
Some freedom	31.6	30.6	24.0	16.0	32.0	44.0	35.2	31.5	16.4	4.8
Little freedom	7.2	5.4	11.0	4.0	8.0	2.0	5.6	5.6	6.3	1.4
No freedom at all	1.8	1.8	3.0	3.0	0.0	0.0	1.9	1.9	14.5	2.5
Don't know	0.0	0.0	0.0	0.0	0.0	2.0	0.0	0.0	6.8	1.0
Refused to answer	1.8	0.0	6.0	6.0	0.0	0.0	0.0	0.0	1.4	0.0

Table 6: The level of influence different individuals have on journalists' work: (1) extremely and very influential and (2) somewhat influential.

%	Serbia		Macedonia		Kosovo		Montenegro		BiH	
	1	2	1	2	1	2	1	2	1	2
Editorial board and supervisors	39.6	36.9	25.0	28.0	34.0	50.0	38.9	44.4	92.3	4.8
The managers of news organisations	26.1	22.5	24.0	16.0	14.0	30.0	27.8	35.2	70.5	7.7
The owners of news organisations	20.7	21.6	29.0	10.0	22.0	20.0	27.8	27.8	74.9	17.4
Government officials	12.6	13.5	25.0	21.0	4.0	10.0	7.5	20.4	41.1	48.3
Politicians	15.3	17.1	21.0	26.0	6.0	8.0	3.8	16.7	44.9	48.3
Business people	6.3	16.2	16.0	22.0	0.0	4.0	7.4	11.1	18.9	40.1

B.5 How much freedom do journalists have in the news production process?

Censorship and self-censorship are widespread amongst journalists in the region. Journalists' response to the extent to which censorship directly influences their daily work do not confirm this conclusion for each individual country. When combining these data with the responses to other questions in the survey and with the information gathered from qualitative interviews, it can be concluded that censorship is not always directly exerted on journalists, but rather through a complex and invisible net of interconnections of many different factors. It seems rather that self-censorship (and not open censorship) is the major problem for journalism in the region and it can be exerted through many different types of long-term pressures.

Asked about their opinion on the level of freedom they have in their daily working practices (Table 5), journalists from all countries report relatively greater individual freedom, comparing to what they claim in general. For example, in each country more than a half of the journalists interviewed state that they have complete or great deal of freedom while selecting stories on which they work or in deciding which aspects of the stories should be emphasised.

On the other hand, when asked about the level of influence of different individuals on their daily work (Table 6), it seems that the individuals who are closer to the journalists have much more influence on their reporting than those with whom they do not have regular contact. Thus, it appears that editors have the greatest (and probably most direct) influence on the journalists' work, then managers and owners of news organisations, while the government officials, politicians and business people have less (or probably indirect) influence on journalists' reporting.

C. Journalists' safety

C.1 Safety and Impunity Statistics

Respective states' institutions are not interested in gathering and analysing data concerning verbal or physical assaults on journalists, editors or other media organisations' staff. The independent journalists associations in

the respective countries are often the only entities that are gathering the data.

However associations neither have the knowledge nor the technical tools to engage in consistent and comprehensive data gathering. Consequently the data concerning safety and threats to journalists do not allow for a consistent and comprehensive analysis.

On the basis of this partial data, the trend of verbal attacks on journalists is on the rise in Macedonia and Serbia. In all countries a slight increase in the cases of physical attacks has been noted in 2015. Although in the past four years there have been no reported cases of incontrovertible murders of journalists, nevertheless there are a few cases of unclear circumstances surrounding the deaths of journalists.

C.2 Do state institutions and political actors undertake responsibility for protection of journalists?

Political systems and cultures in the countries of the region are such that taking political responsibility is not considered a virtue. Rather, there are tendencies by which the instances of violence and pressure against journalists are covered up or are very low on the list of priorities. This in turn creates a culture of impunity and has a chilling effect on journalists.

Specific policies in support of the protection of journalists almost do not exist. Only few positive initiatives were identified in BiH and Serbia. In BiH, the Ministry for Human Rights adopted the Activity Plan for human rights protection, in which one chapter is dedicated to protection of media freedom and journalists' rights, especially in cases of physical attacks and pressures. Also, the Ministry of Justice drafted amendments to Criminal Law to protect journalists who are victims of attacks. In Serbia, drafting of a Memorandum on measures to raise security levels related to journalist safety has been initiated by the Ministry of Internal Affairs, the Republican Public Prosecution and journalists' associations.

There are no developed state mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists. Reliable data on attacks and threats to journalists are not published.

Few positive examples are detected in some countries: in Kosovo, the Police have just started preparing a list of threats and attacks against journalists. In Montenegro, State Public Prosecution and Police administration mon-

itor and keep certain records. In Serbia, Instructions on the evidence of crimes against journalists and attacks on Internet sites were adopted in 2015 and their implementation has already started, while the Independent Journalists' Associations of Serbia (NUNS) maintains an online database of publically known attacks against journalists since 2008. In BiH, there is only the Free Media Help Line which is established by the BH Journalists Association.

The attacks on the safety of journalists are seldom recognised by government institutions as a breach of freedom of expression, human rights law and criminal law. With some exceptions, public officials rarely give explicit statements in which they condemn attacks on journalists. In cases when that is done, it is mostly declarative, because measures are not undertaken to investigate and find the actual perpetrators.

There are almost no documents adopted by state institutions which provide guidelines to military and police prohibiting harassment, intimidation or physical attacks on journalists. In BiH, there are two guidelines for police officers on how to behave towards journalists, adopted 15 years ago and in Serbia, drafting of a Memorandum on measures to raise security levels related to journalist safety by respective institutions and JAs is considered an attempt in this direction.

In all countries the cooperation between the state institutions with the journalists' organisations (on journalists' safety issues) are almost non-existent. To certain extent, the only positive example is BiH, where good cooperation exists between the Commission for Human Rights of the Parliament, Ministry of Human Rights and the Regulatory Agency for Communication.

In all countries, there are no appropriate control mechanisms over the bodies which are authorised to apply electronic surveillance. There were several cases of electronic surveillance of journalists detected in BiH, Montenegro, Serbia and Macedonia, but the most serious example is the one from Macedonia, where the main opposition party published that more than 100 journalists have been subject of illegal surveillance in the last four years.

C.3 Do the criminal and civil justice systems deals effectively with threats and acts of violence against journalists?

States' criminal and civil justice systems are often uninterested in solving the recorded cases of threat or violence towards journalists, editors or media workers. This

lack of interest is not the result of the lack of capacity of these institutions. Rather it comes from the fact that they serve private interest so that in effect they have been "privatised".

There are almost no specific institutions/units dedicated to investigation, prosecution, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity. In Montenegro, there is a Commission for monitoring the activities of the competent authorities in investigation of old and recent cases of threats and violence against journalists, murders of journalists and attacks on media property. In Serbia, there is a the Commission for the Investigation of Murders of Journalists.

No special procedures are established that can deal appropriately with attacks on female journalists, neither are adequate resources provided to cover investigations into threats and acts of violence against all journalists. The only positive example is from BiH where efficient investigation was undertaken by the Police and Prosecutors Office in Sarajevo in the cases of Lejla Colak (death threats) and Borka Rudic (verbal threats and hate speech) in July and August 2016.

Measures of protection for journalists who were subject to threats to their physical safety are provided only in some cases, but the biggest problem is that the states do not undertake measures to remove the actual threats or to find the perpetrators. In Serbia, the Independent Journalists' Association of Serbia (NUNS) has information that four journalists are living under 24/7 police protection. In Macedonia, there was a case when the Deputy Prime Minister physically attacked a journalist in a public space, which was recorded and published, but the relevant institutions never undertook any measures.

The investigations of crimes against journalists, including intimidation and threats are not investigated promptly and efficiently. The court procedures are very slow. Only certain number of criminal cases were investigated and resolved. Masterminds aren't known for any of the high profile case, and a most perpetrators have never been discovered.

There are no sufficient and appropriate forms of training and capacity building for the police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists' safety.

Bosnia and Herzegovina

Rea Adilagic

Project goals and Research Methodology

This report presents the findings of the research conducted within the regional project Western Balkan's Regional Platform for advocating media freedom and journalists' safety⁴, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The main objective of the research study was to provide base-line assessment and evidence on the level of media freedoms and journalists' safety which will be further used in a regional mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional levels.

The research study was implemented by a regional research team composed of a lead researcher⁵ and five researchers at country level nominated by the national journalists' associations. The research in Bosnia and Herzegovina was conducted by Rea Adilagic on the basis of a common methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis.

4 The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organisations

5 The research team was headed by Dr Snezana Tpevska, expert in media law and research methodology.

Qualitative Documents Analysis(QDA): research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).

Qualitative interviews – 15 interviews (journalists, lawyers, media experts, representatives of public institutions or NGO's).

Survey with 207 journalists⁶ from different media organisations on the basis of a structured questionnaire developed within the Worlds of Journalism Study⁷.

Official statistics requested from public institutions or collected from available websites or from other published sources..

Indicators A: Legal protection of media and journalists' freedoms

Legislation of Bosnia and Herzegovina guarantees the highest level of human rights and freedoms, including the right to freedom of expression. The only thing not expressly regulated by a special law in Bosnia and Herzegovina is the right to access the Internet, but the rights guaranteed by the legal documents of Bosnia and Herzegovina include to the Internet as well. The main problem in Bosnia and Herzegovina is not the lack of legislation, but inadequate implementation thereof. Statistics show that the situation in the media in general is at a worse level today than it was in previous years. (Section A1)

The process of making media and other laws relevant for the media was generally transparent. It is estimated that some aspects of the functioning of the Internet portals should be additionally regulated. However, the freedom of expression on the internet can be compromised by the fact that the Law on public order and peace of

Republika Srpska defines the internet as a public place, so that all individuals, including journalists, who cause damage to someone by defamation, insult or similar actions, may face fines. Communications Regulatory Agency (CRA) is the body which, among other things, issues licenses for radio and television broadcasting and imposes sanctions for the media in cases where they do not comply with the law and regulations of the regulatory body. The work of the regulatory agency is generally perceived as fair and non-discriminatory, but also insufficiently effective. (Section A1)

The big problem is the lack of transparency in the funding of the media and the lack of clear rules on the basis of which national authorities should allocate the budget among different media outlets. This leads to unequal and non-transparent financing. (Section A1)

Minority peoples in Bosnia and Herzegovina are guaranteed media content on their respective PBS at least once a week. Due to lack of funding, this guarantee exists on paper only. (Section A1)

All public broadcasters in Bosnia and Herzegovina for years have been coping with difficult financial situation due to the lack of an effective and stable system of collection of the ration and television fee. Under political pressures all three public broadcasters give preference to the national and political interests over the interests of the public, thus bringing into question the role of public broadcasting service as an independent and professional media. (Section A1)

Although Bosnia and Herzegovina was the first country in the region to decriminalise defamation, the judiciary on average receives as many as 300 libel suits a year. The law is largely in line with European laws on defamation and relevant case-law, however, it still has visible flaws, most notable of which is disparity of case law in the Federation of Bosnia and Herzegovina and Republika Srpska and the lack of provisions to regulate defamation in the on-line space. Fear of libel suits and the effect of self-censorship among journalists is a major problem for freedom of expression in Bosnia and Herzegovina. (Section A2)

Although the media laws stipulate the obligation to respect and encourage pluralism of political ideas, the situation is different in practice. The division of BiH society and strong political influence on the media largely prevent pluralism in the media. All media in Bosnia and Herzegovina, regardless of whether they are private or public, are under the influence of some political party. This effect is particularly noticeable during the election campaigns. The journalists report according to the instructions of their management and owners, based on their political and material interests, giving preference to one while negating other parties, not disclosing to

6 The survey was conducted on a purposive quota sample of 207 journalists from different types of media in Bosnia and Herzegovina, at national, regional / cantonal levels. Of the total number of respondents, 66 journalists were from public broadcasters, 38 from private radio and TV stations, 44 from the private print media, 42 from private Internet portals, and 17 from news agencies. It is important to note that, even though the quota sample does not allow for drawing general conclusions for the entire journalistic population in BiH, the resulting attitudes nevertheless provide a good basis for understanding the current situation in terms of media and journalistic freedoms.

7 Available at: <http://www.worldsofjournalism.org/>

the public all relevant information and creating competition atmosphere or, at best, they are seemingly neutral in their reporting. (Section A3)

Journalistic profession is not subject to any specific licensing other than operating licenses that are issued to individual journalists by the media for which they work. Free-lancers however face the problems. Since they are not employed with any particular media, which would issue them an accreditation, they are experiencing many problems when reporting on various events. (Section A4)

Legally speaking, the journalists have the right and duty not to disclose the identity of those who provide them information in confidence. However, this only applies to laws on defamation. Other laws, especially criminal laws, do not address the issue of whether confidentiality of the journalists' sources may be violated in criminal proceedings, if so in what situations, who is making decision and to whom the identity is to be revealed in such a case. An exception is the provision in the Code of Criminal Procedure stipulating that, in order to protect the source, a journalist cannot be summoned to testify as a witness. (Section A5)

Progress has been made in the area of ensuring the right of access to official documents and information by the adoption of the Free Access to Information Act (FOIA) at the state level. Unlike entity and Brcko District laws, FOIA at the state level stipulates fines, which can reach up to BAM 15,000, for public figures who withhold information. In practice, under disguise of "privacy protection" and "data confidentiality" some try to hide the activities of public officials related to their public function or associated with criminal groups. Protection of confidential data is governed by the state level Law on Confidential Data. This law is completely contrary to the Freedom of Access to Information Act, because it does not allow nor does it consider any requests for information that are subject to the Law, even when information sought is not entirely confidential. (Section A6)

Public institutions in Bosnia and Herzegovina are not sufficiently transparent. According to respondents, the highest level of transparency is demonstrated by parliaments (state and entity). 92% of respondents claim that the parliaments are completely or largely transparent. The respondents were also satisfied with the transparency level of the police. 91% of respondents claim that the police are completely or largely transparent. The least transparent appear to be the governments and politicians. (Section A6)

Indicators B: Journalists' position in the newsrooms, professional ethics and level of censorship

Laws in Bosnia and Herzegovina governing labour rights in their text contain a number of provisions that should provide an effective protection of human rights and freedoms. However, in reality these laws are not implemented and as a result the fundamental rights of employees are being violated on a daily basis. When it comes to the protection of these rights, the lack of labour laws at the state level is a significant drawback. Such a law would stipulate the basic rules in this area, as well as accompanying instruments to ensure the enforcement of this law by both the administrative and judicial authorities. One of the common problems in the exercise of labour rights is the division of responsibilities between the entity and cantonal inspections. Namely, the trade unions and workers often do not know whom to turn to. A large number of journalists work without the appropriate employment contract and their other rights are often violated: the duration of the holiday, payment of contributions, payment of overtime and so on. (Section B1)

In Bosnia and Herzegovina there is no journalists' union. There are other unions which the journalists can join. The unions are formed at the levels of the Entities and Brcko District. What's missing is the state level union, which would allow all journalists in Bosnia and Herzegovina to act together. In private media the unions usually do not exist. The main reason for this is the fear and distrust of workers in the real strength of labour unions. (Section B1)

In a small number of private media in Bosnia and Herzegovina there are internal rules that should ensure the editorial independence from the owners and management. These rules are not effective in protecting journalistic independence or protecting journalists from the pressures by management, governing bodies and political actors outside of the media. What are missing are provisions that protect journalists when they refuse an engagement that is not in accordance with professional standards and ethics of journalism. Private media usually do not have their own specific codes of ethics of the Professional reporting; instead they are subject to the general code of ethics. (Section B2)

In public media, there is an official division between editorial and managerial and governing bodies. According to these codes, protection of journalistic independence is formally one of the main principles. According to interviewed respondents, journalists are exposed to large pressure and influences from various subjects, both outside and within the media on a daily basis. (Section B3)

The survey showed that most influence on the work of journalists comes from the competent and senior editors, even 76%. The least influence on the work of journalists is made by the colleagues from their own or other media outlet, less than 1%. 48% of respondents said that government officials partly influence their work, while 44% claimed that politicians are those who partly influence their work. A small number of the respondents, less than 1%, claimed that politicians do not affect the work of journalists.

Indicators C: Journalists' safety

According to statistics, journalists in Bosnia and Herzegovina often face various forms of assaults. From 2013 until mid-2016, there were 67 threats and 15 physical assaults on journalists recorded. In its laws the State does not recognise journalists as a separate category that requires protection. The assault against a journalist is treated as an assault against any other individual in the country. There are initiatives of the Ministry of Human Rights and the Ministry of Justice for more effective protection of journalists. During the 1992-1995 war in Bosnia and Herzegovina, 45 journalists were killed. Yet none of these cases has been prosecuted. (Section C1)

The number of backlog cases indicates that public officials, politicians and others do not attach sufficient importance to attacks on journalists and media outlets, and accordingly the necessary actions are not implemented effectively. (Section C2)

In general, journalists are dissatisfied with the efficiency of the criminal justice system. The assault against a journalist is treated as an assault against any other individual in the country, and it does not constitute a separate category. Court proceedings are very lengthy and only 28% of respondents believe that the judiciary is transparent, while only 4% believe in the transparent work of the Government. (Section C3)

General Recommendations

The concept of on-line media should be legally defined to explicitly specify the rights and obligations of on-line media, define the responsible persons in the on-line media and their rights and obligations.

All the government institutions should be required to proactively disclose information concerning the financing of the media.

In the budget for the financing of the media the state should anticipate the share for financing the programmes in minority languages.

Training of judges aimed at more effective implementation of the law on defamation and provision of legal assistance to media outlets should be organised.

The possibility of filing complaints to the Press Council and CRA prior to initiating libel suits before the courts should be promoted.

Criteria and timelines for assessment of emotional distress should be determined.

Case law in addressing cases of defamation in the Federation of Bosnia and Herzegovina and Republika Srpska should be harmonised.

Private media should commit to professional reporting and equal treatment of all political subjects.

Amendments to the laws that include penalties for public bodies and individuals in such bodies who fail to comply with the Free Access to Information Act should be adopted.

At the legislative level, the Law on classified information should be harmonised with the text of the Free Access to Information Act in order to prevent automatic denial of access to information based on the reference to former law.

The issue of violation of the principle of the confidentiality of journalists' sources in criminal proceedings should be legally regulated.

Systematic and regular surveys and analysis of working conditions of journalists, and the degree of compliance with the labour rights of employees in the media should be legally regulated.

All media should adopt an internal code, whereby they are to clearly separate the editorial board from the management and steering bodies.

The media legislation should introduce the provisions that protect journalists who refuse to publish the text that is contrary to the moral principles of journalism.

A new provision in the entity criminal codes, according to which an assault against journalists or in relation to their professional activity would be treated as an assault against an official person should be introduced.

Macedonia

Besim Nebiu, Naser Selmani
and Dragan Sekulovski

Project goals and Research Methodology

This report presents the findings of the research conducted within the regional project "Western Balkan's Regional Platform for advocating media freedom and journalists' safety"⁸, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The main objective of the research study was to provide base-line assessment and evidence on the level of media freedom and journalists' safety which will be further used in a regional mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional level.

The research study was conducted by a regional research team composed of a lead researcher⁹ and five researchers at country level nominated by the national journalists' associations. The research in Macedonia was conducted by Besim Nebiu, coordinator within the project, Naser Selmani, President of AJM and Dragan Sekulovski, Executive Director of AJM, on the basis of a common Methodology for all five countries. A set of

⁸ The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organizations.

⁹ The research team was headed by Dr Snezana Tpevska, expert in media law and research methodology.

different qualitative and quantitative methods were employed for data collection and analysis:

- Qualitative Documents Analysis (QDA) of: research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews with 11 individuals (journalists, lawyers, media experts, representatives of public institutions or NGO's).
- Survey with 69 journalists¹⁰ from different media organisations on the basis of a structured questionnaire developed within the Worlds of Journalism Study¹¹.
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

This executive summary presents the key finding and conclusions of the research, as well as, summarizes the key policy recommendations. The research shows that the situation with media in the Republic of Macedonia is poor, and has been getting worse over the past years. The government, have been using all available instruments to limit the freedom of speech and control the media. This conclusion was drawn from the findings arising from the following three groups of indicators: A (legislation and implementation), B (professional, economic and social situation of journalists) and C (government treatment of violence and attacks against journalists). In respect to all the above-mentioned aspects the report finds that:

Media legislation in Macedonia fails to meet the European standards

Part of the Law on Audio and Audio-visual Media Services that covers the position and functions of the media regulatory body and public broadcaster is not aligned with the recommendations of the Council of Europe, which

insist on attaining political independent and sustainable source of financing. In the case of Macedonia, these key objectives have not been reached. The Agency of Audio and Audio-visual Media Services (AAVMS)¹² and PBS are heavily politicized and politicized and have no sustainable source of funding.

The last amendments made to the Electoral Code did not address these key remarks. Instead of de-politicization and de-politicized of the media regulator and the public broadcaster, the government and the opposition in August 2016 reached an agreement that further politicization and politicized these key institutions of the media system. Within AAVMS an ad hock body was formed. This ad hock body, composed of representatives of the political parties, is responsible for monitoring broadcast media and sanctioning unprofessional reporting when detected, one hundred days before the general elections.

The fines for media are high and disproportionate. The last changes made to the Law of media, the Law of audio and audio-visual media services (LAAVMS) as well as the Electoral Code, which were in favour of creating conditions for fair and free elections, there is halving the fines for media on all grounds, both in terms of respecting the working conditions of media, and in terms of how media is reporting on the election campaign. The fines are reduced, but they must not be equal for all media. They should rather should vary depending on the type of media to whom they belong and their financial power. For an example, the fine of EUR 4.000,00 for unbalanced reporting during election campaign for national TV stations with terrestrial concession is negligible compared to print and online financial portals which are financially much more fragile.

The Government policy does not provide a favourable environment for well-functioning media

Journalists are being detained, violence against journalists is being tolerated, and public money is being used for corrupt media. Through these practices, the government significantly and systematically limits the freedom of the media and causes self-censorship among journalists. Such bad practises include:

- Imprisonment of journalists: In the last three years, two journalists have been imprisoned

¹⁰ The survey was conducted on a purposive quota sample of 69 journalists from different media at local, regional and national level. It is important to note that, although, the quota sample does not allow for generalization of the findings for the entire journalistic population in Macedonia, the obtained views from the sample, however, provide a good basis for consideration of the situation in regards to media and press freedoms.

¹¹ Available at: <http://www.worldsofjournalism.org/>

¹² For better perspicuity in some parts of the text the abbreviation "AAVMU" "the Agency" are used interchangeably.

(Kezarovski was sentenced to four and a half years in prison for revealing the identity of a protected witness, but the sentence was reduced to two years in January 2015. Bozinovski has been in detention for six months over allegations of espionage and blackmail).

- The failure to undertake measures to sanction attacks against journalists: There is a visible and open policy of impunity for attacks against journalists. None of the 35 cases of attacks that have occurred over the past three years, has been processed and none of the perpetrators sanctioned.
- Use of public funds to corrupt media: The government continuously and systematically misuses public funds to corrupt private media, through so-called “government campaigns”. The government becomes one of the biggest advertisers in media, disturbing the media market and threatening the independence of media. According to the AAVMS, in 2013¹³ the media market was around 20 million, during the same year through “promotional campaign”¹⁴ the government has spent over 7 million euros. Also, since 2014, the government spends about one million euros annually to subsidize the domestic production of national private broadcasters. Government advertising and subsidy provision for domestic production is not transparent and is based on vague criteria. In this manner, the government grants special treatment to pro-government media at the expense of those that are being critical. Also, the local governments are financing media through municipal budgets, as a means to exercise influence on the editorial policy of media.
- The number of lawsuits against journalists has decreased, after decriminalization of defamation in the year 2012. In comparison to the previous period, as a result of the decriminalization of libel, court practice has improved. Though, this conclusion is not valid under conditions when the journalist is being sued by high government officials
- The report also finds that economic and social pressure is widely used to restrict free journalism. Only about half of the journalists in Macedonia have full-time employment contracts and social benefits, while the other half have incomes lower than the Macedonian average monthly income. Journalists work in difficult working conditions, and are being pressured by both media owners (within the newsroom) and

state institutions (outside of them). Most journalists believe that their socio-economic status is worse than before.

- From the report it can also be concluded that access to public information is difficult, very slow and discriminatory. The government institutions, the Parliament, the Government and other public institutions are not transparent.

Strategic Goals

This report finds that the following key strategic goals, for stable and continuous improvement of the media situation in Macedonia, ensure:

- Increased level of security of journalists
- Complete independence of media industry from political and party authorities.
- Complete independence of the regulatory body from the influence and interference of political parties, media industry and other centres of influence.
- Institutional and editorial autonomy of the PBS.
- Increased transparency of public institutions.
- Sanctioning of hate speech and discrimination in mainstream media.

Recommended Actions

To achieve this, concrete actions need to be carried out by state and political actors in the upcoming period. These actions are:

1. Changes in the media legislation

- Ban on all types of “state advertisements” in the commercial electronic media. At the same time the Law should set forth a precise definition of “public campaign”. Additionally, the law should determine the conditions under which public campaigns shall be broadcast in the Public Broadcaster.
- Ban of all types of partisan-political advertisement in the media, within and outside of electoral period.

¹³ AVMU, 2014, page 32, http://www.avmu.mk/images/Analiza_na_pazarot_za_2013.pdf.

¹⁴ Влада на РМ, 2014, <http://vlada.mk/node/9241>

- Changes of the decision-making structure and the way in which members of the AAVMS are proposed and elected, in order to ensure that this body becomes depoliticized, i.e. free of political party influence.
- Changes in legal framework regarding the composition and capacity of the Program Council of MRT (The Public Broadcaster) in order to ensure de-polarization of this institution and the strengthening of the ties between the Public Broadcaster and the civil society in Macedonia.
- Changes of the financial framework and the model of financing MRT uses, with the aim of ensuring its long-term sustainability, editorial independence and institutional autonomy.
- Changes of the way MRT Editorial staff is being appointed.
- Ensuring that the Program Council of MRT members are appointed in an open public procurement process.
- Abolishment of the so-called “cultural quota” for domestic production of programmatic content of TV stations on national level.
- Introduce legal sanctions for “hate speech” or “incitement of violence” (article 48 of LAAVMS) according to positive practices from European countries and in accordance with Article 10 of ECHR.

2. Changes in the composition of the Regulatory Body and Program Council of MTV

Shortly after the above-mentioned legislative changes, it is necessary to appoint new members of the Council of the AAVMS and the Programme Council of MTV, through an emergency procedure. The new composition of the Programming Council should be responsible for reviewing the realization of MTV’s program functions, while insuring that is in line with the public interest. Also, it should be authorized to call upon newsrooms and the management of MTV to be guided by public interest.

3. Addressing and processing violence and intimidation against journalists

The Government, Ministry of Interior and the Judiciary system should show political will, institutional capacity, and to perform their legally prescribed mandate to undertake all measures for protection of journalists and ur-

gently investigate and solve all cases and incidents that have been reported, thus sending a message that the safety and security of journalists is important. By doing so, they will send a clear message to the public, that violence against journalist is unacceptable and will not be tolerated.

4. Improving access to public information and increasing public institutions’ transparency

The Government, ministries, the Parliament, Judiciary and other public institutions, including the AAVMS and the MRT, should enable prompt, fair and equal access to public information for all media outlets in the country, in an open non-discriminatory and fair treatment, without giving privilege to certain media.

Key institutions and their role in implementing the above-mentioned guidelines and recommendations:

- Ministry of Information and Society and Public Administration – should initiate the legislative process for amendments of the legislation, as described above.
- Parliament of RM – should adopt the legislative changes of LAAVMS in urgent procedure; Also, it should appoint (elect) new members of the AAVMS and Programmatic Council of MTV in urgent procedure. In order to do so, the parliamentary committees should organize public consultation with civil society.
- AAVMS – the input and collaboration of the professional service of the AAVMS should be of a key interest.
- MRTV – representatives of MTV, especially the programmatic staff should be included in the process.

Montenegro

Marijana Camovic

Project goals and Research Methodology

This report presents the findings of the research conducted within the regional project Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety¹⁵, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The main objective of the research study was to provide base-line assessment and evidence on the level of media freedoms and journalists' safety which will be further used in a regional mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional level.

The research study was implemented by a regional research team composed of a lead researcher¹⁶ and five researchers at country level nominated by the national journalists' associations or trade unions. The research in Montenegro was conducted by Marijana Camovic, national researcher, on the basis of a common Methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis:

¹⁵ The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to Regional Thematic Networks of Civil Society Organisations.

¹⁶ The research team was headed by Dr Snezana Tpevska, expert in media law and research methodology.

- Qualitative Documents Analysis (QDA) of: research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases etc.) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews with 12 individuals (journalists, lawyers, media experts, representatives of public institutions or NGOs).
- Survey with 54 journalists from different media organisations¹⁷ on the basis of a structured questionnaire developed within the Worlds of Journalism Study (WJS)¹⁸.
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

Indicators A: Legal protection of media and journalists' freedoms

Montenegrin media scene would appear to be a lot more decent if the laws relating to the media were applied. Although partly obsolete, the media laws still provide good guarantees for press and media. During the summer 2016, there were attempts to amend these laws by political will, without public debate or consultation with media experts. However, although the decision was a part of the pre-election political agreement between the government and the opposition, it was not implemented. Experts believe that it is not good to impose political will, since it will not improve the situation in the media (A1 section).

The Agency for Electronic Media is formally separated from political or public figures influence by the law which defines it as an independent regulator the leadership of which is elected by Montenegrin Parliament, but it is not publicly perceived as an independent entity. It is believed that the Agency has not been immune to the influence of politics, which is huge in Montenegro. It is also criticised for not being proactive – it does not re-

act on its own initiative, but only when it is forced by other interested parties.

Advertising funded from the state and local budgets is not transparent enough. The exact amount of money allocated for that purpose is unknown, since this kind of information is not publicised. It is estimated that the government exerts undue influence on the media by financing media outlets favourable to the government.

The Public Broadcaster Service's (PBS) leading editors were dismissed under political pressure by part of the opposition, thus reducing the influence of the ruling party, which had earlier been accused of making the PBS its own broadcasting service. The public broadcaster Radio and Television of Montenegro (RTCG) is funded from the state budget, but these funds are insufficient for its normal functioning. So the new financing modalities are being sought.

Part of the PBS programme is broadcasted in languages of minority peoples and communities.

By writing their debts off, the government helped electronic media (A1 section). The Law on Public Broadcasting Services and the RTCG Statute stipulate institutional autonomy and editorial independence of the public broadcaster.

Even five years after defamation was decriminalised, there is no common position whether that was a good idea and if the Montenegrin society was ready for that step, although in some cases draconian sentences for defamation had been imposed. Those who believe defamation should be criminalised again claim that civil litigation does not provide adequate satisfaction. There are no statistics on the number of slander cases or on the number of cases brought before the court. Journalists do not feel comfortable when investigating organised crime and high-level corruption. Only 18.5% of the interviewed journalists do not worry about whether they will be sued for defamation (A2 section).

There are numerous media outlets in Montenegro, but there is also the issue of lack of uniform and balanced media reporting, since the media display their biases openly, supporting either the government or the opposition (A3 section).

Political pluralism in the media during election campaigns is regulated by law. Political parties and coalitions shall be equally presented. Before each election the Parliament shall form a special committee to monitor the application of those provisions. The Agency, as a regulator, has no additional pre-election obligations. Experts agree that political parties do not have equal access to the media since each media outlet has its favourites.

¹⁷ The survey was conducted on a purposive sample of 54 journalists from different types of media in Montenegro, at the national and local levels. Of the total number of respondents, 10 journalists are from daily newspapers, 1 from weekly magazines, 22 from TV stations, 16 from radio stations, 1 from news agency, 2 from news portals and 2 from news portals which are online editions of print and broadcast media outlets. The survey was conducted in May-June 2016.

¹⁸ Available at: <http://www.worldsofjournalism.org/>

Montenegrin journalists do not need licenses to practice. However, according to the survey results (A4 section) Montenegrin journalists are often prevented from covering certain events or getting press credentials. There are media associations in the country, but they are not sufficiently active, so 80% of respondents said that they did not belong to any association. When it comes to the trade unions, the situation is slightly better and 56% of the interviewed journalists are members of a union. However, it is more difficult for the unions to survive due to the pressures.

Setting up self-regulatory bodies is not regulated by law and media outlets become members of these bodies voluntarily. The Media Council for Self-Regulation brings together 19 media outlets, but it does not include some of the leading media that are critical of the authorities. These outlets have their internal ombudsmen.

Protection of sources of information is guaranteed by the Law on Media, which is good, but the law does not sufficiently specify the issue. There were several cases when judges and prosecutors asked the journalists to disclose their sources (A5 section).

The Law on Free Access to Information is not used enough. The institutions often violate it and this segment depends on political will. In 2015, the journalists submitted only 35 such requests (A6 section). The interviewed journalists and editors assessed major institutions as partially transparent.

Indicators B: Journalists' position in the newsrooms, professional ethics and censorship level

There is no official data on the total number of journalists in Montenegro. An OSCE researches showed that there were about 800 of them in 2014. It was also found that three quarters of journalists in Montenegro have permanent work contracts and they mostly work for the Public Broadcasting Service. Number of media employees is constantly decreasing due to frequent layoffs in the media, but a lot of them, particularly journalists, also leave the profession and usually find new jobs in the PR sector.

The average salary is below the national average, which has been confirmed by the survey according to which 24% of respondents earn between €400 and €500, 20% of them earn between €500 and €600, whereas almost 15% of the respondents earn €300–€400. Editors have twice higher salaries than journalists. Even

83% of respondents agree that the economic position of journalists has been significantly or partially weakened in the past five years, whereas a quarter of them believe that there has been a large increase in the average working hours of journalists. Overtime work is much more prevalent in the print and private media (B1 section).

The survey has also showed that employers have excessive expectations since journalists are required to cover various topics and do not have chance to improve themselves in one area. As many as 67% of respondents have confirmed that. A quarter of respondents believe that the credibility of journalism has been greatly undermined, and only 28% of respondents have noted that there is certain increase in the importance of journalism in society.

Some journalists have pointed out that they were told not to negatively report about the companies that are the largest advertisers in their media outlets and that employers prefer to accept negative articles about politicians than those about the powerful businessmen or their companies (B2 section). They see the large number of outlets fighting for survival at a limited marketing market as the reason for that.

Self-regulatory body does not bring together all the media outlets and there is no uniform self-regulation. Leading media that are perceived as opponents of the ruling party have their own ombudsmen.

Unlike employees in the private media, who have standard employment contracts, the contracts of employees in the PBS contain the ethics code provisions. The independence of journalists and editors is mentioned only in the RTCG Statute (B3 section). The independence of the public broadcaster from the ruling elite always represents a topical issue and it is also mentioned in the European Commission's 2015 Report on Montenegro. According to the general perception, the PBS editorial board is not able to cope with the pressures, but journalists of the broadcaster emphasise that the situation is gradually improving.

There have also been cases of mobbing and isolation (B3 section), as well as obstruction by the management when a journalist published a series of investigative stories on crime and corruption in one of the coastal towns, the protagonist of which was a high-ranking official of the ruling party.

Non-profit media have not been developed in Montenegro (B4 section).

Journalists believe that censorship and self-censorship are commonplace in Montenegrin media and that they represent two main factors restricting media free-

dom. It seems that the subtle censorship, which is imposed through journalists' economic and social dependence on media owners, is more common than direct and open censorship (B5 section). However, journalists' opinions about censorship are quite divided. Thus, more than half of respondents (54%) believe that censorship affects their work to some extent. However 46.3% of respondents say that censorship hardly affects their work. As many as 83% of journalists point out that editors affect their work, whereas only 13% of them feel that editors slightly influence their work.

Indicators C: Journalists' safety

From 2013 until July 2016, the Police Directorate of Montenegro registered 41 cases related to threats/endangering media employees, including attacks on editors, journalists, freelance journalists, photographers, cameramen, as well as attacks on property (C1 section). In its report "Media employees/journalists endangerment risk analysis" from July 2014, the police assessed that the attacks on journalists were very likely to be resolved soon, but it did not happen before this Report is published.

Government officials regularly respond when attacks on journalists or media occur and condemn them, but it seems that these statements are populist and formal, because the situation is hardly changed or not changed at all (C2 section). Representatives of certain media point out that the government officials hold them accountable for the attacks, since they regularly mention the responsibility of the media for the content they publish when they comment on the attacks.

In addition to standard procedures taken by the Police Directorate and the prosecutor's offices when an attack occurs, there is no special monitoring of the attacks on journalists planned. The state has not recognised the need to adequately deal with investigations, prosecution of perpetrators, protection and safety of journalists, or to address the problem of impunity of perpetrators, which is evident in all high-profile cases in Montenegro.

NGO Action for Human Rights (HRA) and the Trade Union of Media of Montenegro (SMCG) advocate for amending the Criminal Code and propose introducing new criminal offenses to prevent and punish attacks on journalists while performing their professional duties. They believe it would contribute to strengthening the awareness that such a social phenomenon is unacceptable and that it must be severely punished.

There is general opinion that the government has not adequately responded to the attacks on journalists and media, since major perpetrators and masterminds have remained unknown.

General recommendations¹⁹:

- Media laws are good, but they are not obeyed. Amending and further alignment with European regulations are certainly needed. Therefore, the SMCG has to be more actively involved in this process and provide concrete proposals.
- In its public appearances, the SMCG must constantly insist on professional work, respect for the Code of Ethics, journalists' education and frequent professional debates.
- Work on the strengthening the SMCG, but also intensify the cooperation with other trade unions in this sector, in order to improve the rights of journalists and media employees.
- Journalists use the Law on Free Access to Information insufficiently. Therefore they should be presented the benefits stipulated by the law and its importance in general. State authorities shall also be advised to meet journalists' requests, ie to respect the law.
- Activities leading to amending the Criminal Code should be continued in terms of introducing new criminal offenses to prevent journalists and punish attacks on media employees while performing their professional duties.
- Work on improving the economic position of journalists, primarily through negotiations on the Branch Collective Agreement.
- Insist on editorial and financial independence of the Public Broadcasting Service, as well as on transparent and legal private media from the state budget.
- Insist on solving a number of unresolved attacks on journalists and media assets in Montenegro.

¹⁹ These general recommendations have been developed based on interviews with members of the SMCG General Board. They represent only the general principles on which the media trade union will develop its own initiatives and activities in lobbying for the improvement of media and journalists' freedoms. Thus the principles will develop, upgrade and become more concrete.

Project goals and Research Methodology

This report presents the findings of the research conducted within the regional project Western Balkan's Regional Platform for advocating media freedom and journalists' safety²⁰, which is implemented by national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The main objective of the research was to provide base-line assessment and evidence on the level of media freedoms and journalists' safety, which will be further used in a regional mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional level.

The research study was implemented by a regional research teams composed of a lead researcher²¹ and five researchers at country level nominated by the national journalists' associations. The research in Kosovo was conducted by Petrit Collaku, on the basis of a common Methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis:

²⁰ The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organisations.

²¹ The research team was headed by Dr Snezana Tpevska, expert in Media Law and research methodology.

- Qualitative Documents Analysis (QDA) of research studies and analysis produced by other research organizations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews with 14 individuals (journalists, lawyers, media experts, representatives of public institutions or NGO's).
- Survey with 50²² journalists from different media organizations on the basis of a structured questionnaire developed within the Worlds of Journalism Study²³.
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

Despite marginal improvements, the overall situation concerning freedom of media and safety of journalists continues to be vulnerable in Kosovo. Journalists continue to be threatened and physically assaulted, while the justice system's approach to handle journalists' cases effectively is still challenging.

Indicators A: Legal Protection of Media and Journalists' Freedoms

The Constitution of Kosovo guarantees freedom of expression and media pluralism. In addition, there are several other legislative acts that regulate the work of journalists and the media. The media legal framework is considered to incorporate the main safeguards and standards protecting freedom of expression, although its implementation in practice remains weak (Section A.1).

Whilst the legislative framework provides guarantees for freedom of expression, media and information, the general assessment of all interviewed journalists and experts is that the implementation of such legal guar-

antees is poor. One of the reasons cited for this, is the justice system's slow response even in cases of threats and physical assault against journalists.

Also, some state institutions have not seen fit to invite AJK in public hearings of the drafting of new regulations dealing with public communication. These instances are particularly significant due to the subject matter of the proposed regulations, yet Kosovo state institutions' lack of transparency has resulted in exclusion of valid contributions to a significant process, not only for journalists, but the public interest as a whole. The AJK recommends to public institutions to provide space for cooperation with the journalistic community when media legislation is in question in future. (Section A.1, page 12).

Public institutions in Kosovo provide the largest amount of advertising revenue for the media. Securing the contracts from public institutions affects the editorial policy of the media. However, the Ministry of Finance was unable to show statistics as to where the institutions have spent more. Still, some ministries reported about their expenses for advertisement in print and online media. (Section A.1, page 14)

The Radio Television of Kosovo (RTK), the public broadcaster, has faced a number of challenges recently. One of them relates to disagreements over its finances, as well as being challenged relating to its use of certain buildings. Further, due to its non confrontational reporting especially on those in government, it is significant that it was publicly criticized for the lack of editorial independence and interference of politics. At the same time, it has also been the target of hand grenade assaults last August, one at the television building and the other one at the house of the Director General. (Section A.1, page 14).

In recent years, Kosovo's legislation made several developments. In particular, it took an important direction to join the rest of the countries in the region by decriminalizing defamation. The 2012 Civil Law Against Defamation and Insult is not considered to provide enhanced protection for the benefit of state officials. The law has not been tested properly by the courts, while many lawsuits are waiting to be processed. (Section A.2)

The approach of the media sector to political parties and providing space in their news programs for them is one of facilitation. Many of the media in the country have covered the activities and attitudes of the various political representatives in their programs, especially in their news editions during the non-election period. In general, reports on media monitoring during election time reveal that the media have covered the campaigns of the political parties and candidates pursuant to the law. (Section A.3)

²² The survey is conducted on a purposive quota sample of 50 journalists from different type of media in Kosovo: 10 journalists from the public broadcaster, 16 from private radio and TV stations, 5 from private print media, 5 from news agencies, 14 from online media. It is important to note that although the quota sample does not allow the drawing of generalisations on the level of the entire population of journalists, the answers received from the survey still provide valuable insights on the current situation with media and journalists' freedoms in Kosovo.

²³ Available at: <http://www.worldsofjournalism.org/>

Journalists in Kosovo do not have to be licensed by the state authorities in order to start their career in journalism. Also, there are no attempts by state authorities to impose licensing or other requirements for print and Internet-based media. (Section A.4). On several occasions, the AJK has been notified of several cases of non-admission of journalists to attend events by government officials, due to previous critical reporting. (page 22)

Also, another important development in the country's legislation is the adoption of the Law on Protection of Journalism Sources. The law was welcomed by the journalist community that aims to protect their work. Sporadic cases are reported when journalists were threatened by state institutions to reveal the source of information. (Section A.5, page 25)

One of the biggest challenges that journalists face is the poor implementation of the Law on Access to Public Documents (Section A.6). Though the government praises itself to allow access to public documents, interviewed and surveyed journalists claim that state institutions do not disclose public documents necessary for their reporting.

Indicators B: Journalists' position in the newsrooms, professional ethics and level of censorship

A further concern that was identified in the research includes the lack of contracts for journalists, who consider that as a direct pressure exerted upon them by media owners. This pressure affects journalists' independence and impartiality. (Section B.1)

Work experience and employment, to an extent, may bridge the gap in providing an insight into the practicalities of the profession. However, there isn't a lot of investment in developing journalists or their skills set. In the survey with journalists it was stated that their salaries range from 200 to 500 euro. (Section B.1)

Journalists also complain of salary delays and in some cases the delay lasts for several months. Not having financial security is of particular concern because journalists may become dependent on owners who in turn misuse them with regard to reporting whether it is choosing reporting perspectives of a story or reporting the story at all.

Lack of media ownership continues to remain problematic, particularly related to some online media. This

pressure has brought journalists in an uncomfortable and unsustainable position, and some of them point out that when operating in such an environment, journalists build an awareness and even self-censorship regarding the type of news story that should be brought to the newsroom that fits the views and objective of the owner (Section B.2).

The public broadcaster has its own code of conduct and it is considered to be very advanced. However, the majority of the interviewed journalists claim that the code is poorly implemented in practice by RTK's journalists and this is due to active political interference directly on the editorial policy. (Section B.3)

The non-profit media comply with the general code of ethics for print and visual media, whilst some have internal codes of conduct. The non-profit sector of media stands better in relation to finances, having in mind that they function solely based on donations. The non-profit sector has been smeared with allegations on questionable financing and sources. (Section B.4)

Journalists say they feel they enjoy greater freedom to suggest topics and less freedom to decide which aspects of a news story should be emphasized or the perspective that a story should encompass. (Section B.5)

Indicators C: Journalists' Safety

The safety of journalists remains a concern and contributing to this is the ineffectiveness of the justice system. The research found out that there are no filtering mechanisms in place in the justice system to deal effectively with cases of threatened or attacked journalists, especially women journalist. (Section C.1)

With regard to any incidents that are reported against journalists and by journalists, the Kosovo police complete their investigation and forward cases to the prosecution. The latter was unable to report how many cases are still under investigation and how many indictments have been issued in the last three years. (Section C.1)

Journalists are likely to be vulnerable victims due to a number of reasons, including who is alleged to be making the threats, as this could be their employer or an individual they are seeking to report on, such as a public official. (Section C.1)

One of the historic cases that remain unresolved and a great challenge for the justice system is its failure to properly investigate, identify and prosecute the perpetrators of the three murdered journalists that have been

killed after the war. A particular concerning element of this case is that the murders of journalists are considered to be politically motivated. (Section C.1)

The investigation begins with the police, the prosecution and extends all the ways to the courts who should focus their efforts to identify those victims who are vulnerable, ensure reports of any crime are properly investigated and matters are dealt with swiftly and without undue delay. As it is well known, justice delayed is justice denied, although of further concern is that the field in which a journalists work may result in a situation becoming volatile very quickly, and an uncoordinated and less than timely approach may result with detrimental consequences for journalists, including loss of life. (Section C.2)

There are some cases that local courts gave rulings for suspended sentences for the perpetrators of threats. In the case of the attempted murder of a journalist in his working place, it took the court on year to reach a verdict, which resulted in the perpetrator being punished to four years in prison. (Section C.3)

Further, it is reported that the rule-of-law in Kosovo does not track the whole chain of actors in attacks, which not only does not result in justice for those victims of crime, it also has a negative impact on perception and potential effectiveness of law enforcement. (Section C.3)

The safety of journalists remains a concern especially due to the unpredictable behaviour of employers and public figures towards journalists, whether it is state officials or business owners, and having an effective justice system is fundamental. As the current situation is far from desirable, it is of utmost importance that Kosovo's justice system takes necessary steps to improve its effectiveness when dealing with threats and attacks against media and journalists and ensure that the whole chains of actors in the attacks are thoroughly investigated. (Section C.3)

Recommendations

Public institutions should actively consider ways to improve implementation of the Law on Access to Public Documents and responses should be provided promptly.

State institutions to deal effectively with cases on threats and attacks against journalists, including considering establishing filtering mechanisms and working closely with journalist's organizations.

Media owners to provide working contracts to employees and respect the labour law. The Labour Inspectorate to ensure that the Labour Law is enforced so that journalists do not become victims of exploitation.

Labour Inspectorate to perform regular inspections at media houses and to issue annual reports on media state related to labour rights of media employees.

Police to treat with priority all cases against journalists including physical assaults, threats, intimidation and blackmail.

Police to ensure that its officers will take part in training and debate on the relations between security forces and media.

Police to ensure that it will investigate thoroughly the cases involving journalists being imposed to risk. Police will ensure that it will investigate the whole chain of the attack.

Prosecution to treat with priority the cases of journalists and to offer processes in place for fast track of cases impending to justice.

Prosecution to ensure that its staff will take part in training and debate on the relations between prosecution and media.

Strengthen the Ombudsman by offering opportunities to increase capacities and continue to engage with media.

The courts to treat with priority the cases against journalists, including physical assaults, threats, intimidation and blackmail.

The courts to create processes in place, such as a database, where all cases of journalists are recorded and archived.

Political parties to restrain the pressure in the work of the public broadcaster, Radio Television of Kosovo.

The Kosovo Assembly to focus on the Radio Television of Kosovo to find a way for long-term financing and to resolve property issues.

The Kosovo Assembly to ensure greater supervision of the work of the public broadcaster, the Radio Television of Kosovo, and adopt a greater role in promoting and scrutinizing the implementation of freedom of expression, media and information

Self-regulatory bodies (IMC and PCK) to continue to engage with media outlets and the public, so that they implement their mandate and contribute to promotion and protection of freedom of expression, media and information.

Serbia

Marija Vukasovic

Project goals and Research Methodology

This report presents the findings of the research conducted within the regional project Western Balkan's Regional Platform for advocating media freedom and journalists' safety²⁴, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia. The main objective of this research study is to provide a baseline assessment and evidence of the level of media freedom and journalists' safety in Serbia, which will be further used in a regional mechanism for monitoring and advocating media freedom and journalists' safety at local, national and regional levels.

The research study was implemented by a regional research team composed of a lead researcher²⁵ and five researchers at country level, nominated by the national journalists' associations. The research in Serbia was conducted by Marija Vukasovic on the basis of a common methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis. These were:

²⁴ The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015 Support to regional thematic networks of Civil Society Organisations.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

²⁵ The research team was headed by Dr Snezana Trpevska, expert in media law and research methodology.

- Qualitative Documents Analysis (QDA) of research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews with 16 individuals (journalists, lawyers, media experts, representatives of public institutions or NGOs).
- Survey²⁶ with 111 journalists from different media organisations on the basis of a structured questionnaire developed under the Worlds of Journalism Study²⁷ project.
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

Indicator A: Legal protection of media and journalists' freedoms

In Serbia, a new set of media laws and the country's constitution introduced basic measures for the protection of freedom of expression and information delivered through the media. Serbia has ratified the major international acts in this area – the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Serbia's constitution guarantees freedom of expression and freedom of the media, prohibits censorship and provides that everyone shall have the freedom to establish media without prior permission.

Journalists and legal experts have agreed that freedom of the media in Serbia is at a very low level, and that it has actually deteriorated since new media laws were introduced in 2014. The current state of media freedom in the country can be attributed to government influence on the media and thus its lack of editorial independence. There is almost no investigative journalism, the level of self-censorship is very high and the media is subjected to commercialisation (Section A1, page 11).

The process of drafting media laws in Serbia was reasonably transparent, as indicated by the fact that the journalists' associations participated in their development. However, the implementation of these laws is a problem, alongside the low level of media self-regulation and the lack of compliance with the industry's ethical standards (Section A1, page 12).

Over the past few years, there were multiple examples of content being blocked or restricted on the Internet. This include the Feketic case in 2014, and that of the Pescanik online portal being shut down in 2015 (Section A1, pages 12 and 13).

One of the major problems singled out is the work of the Regulatory Authority for Electronic Media (REM). Legal experts and journalists have agreed that this body is not sufficiently independent and does not efficiently fulfil its basic legal duties. They additionally deem its work not to be transparent enough, which has resulted in a lack of public confidence in the body.

As a mechanism for the protection of their independence, the mandate of the regulator's members does not coincide with the electoral cycle, but their appointment is still a result of a process of political selection. On the other hand, there is also an issue regarding action taken by the relevant authorities when the REM submits requests for misdemeanour or criminal proceedings to be

²⁶ The survey was conducted on a purposive sample of 111 journalists from different types of media in Serbia, at the national, provincial and local levels. Of the total number of respondents, 21 journalists are from public broadcasters, 40 from private radio and TV stations, 26 from private print media, six from the partially private and partially public media, seven from private internet portals, six from non-profit media and five from news agencies. It is important to note that even though the quota sample does not allow the conclusions to form a generalisation for the whole spectre of journalism in Serbia, obtained attitudes by surveyed journalists still provide a good basis for understanding the current situation in the field of media and journalistic freedoms.

²⁷ Available at: <http://www.worldsofjournalism.org/>

initiated. Of every request submitted to the relevant authorities in 2015, REM had only received a decision on one application regarding an economic offence at the time of writing this report (Section A1, pages 13 and 14).

Regarding the influence of the public sector on the media through paid advertising and marketing, a report by the Anti-Corruption Council stated that there are no public and transparent criteria for the allocation of funds. For four years a representative sample of 124 state bodies, funds, local authorities, public companies and those with a majority of state capital spent more than 60.9 million euros on paid advertising and marketing (Section A1, page 14).

Serbia's Law on Public Information and Media excludes any form of media financing from public funds, other than the co-financing of projects in the field of public information for the realisation of public interest. However, the implementation of the public tenders for co-financing projects of public interest encountered many problems in practice. The most common issue was related to the definition of what is in the public interest. The Law on Public Information and Media contains a comprehensive definition of the public interest, but this term is understood differently depending on the municipality. Also, sanctions for those entities which fail to publish a call for co-financing of projects are not stipulated by the law, and some municipalities take advantage of this inconsistency. Many of the interviewed journalists agree that co-financing of projects is a good idea, but is poorly implemented in practice. The ruling parties in the local municipalities adjust the criteria for the competitions so that funds are allocated to those media which support them. The procedure frequently lacks transparency and the selection committees are often composed of people deemed to be close to the authorities (Section A1, page 15).

The establishment and maintenance of media by national minorities is stipulated by the Law on Protection of Rights and Freedoms of National Minorities. This law also stipulates that the national councils of national minorities can establish institutions in charge of the field of information, with funding provided under the Law on National Councils of National Minorities. The resources for the financing of national councils are to be provided from the state budget of the Republic of Serbia, autonomous province and local governments, as well as from donations and other incomes. Also, the Law on Public Information and Media stipulates that the Republic of Serbia, autonomous province or local governments are to provide this funding through co-financing or other conditions to enable the work of media that publishes information in the languages of national minorities (Section A1, page 16).

Considering that the original plan was to exclude the state from the realm of the media, the approach to financing leads to various problems in the privatisation process. Privatisation in Serbia was poorly implemented, with media sold for little money and a large number of outlets shut down. Vast amounts of money are directed to private media used by local leaders for self-promotion and political propaganda (Section A1, page 16).

The institutional autonomy and editorial independence of public broadcasters in Serbia is guaranteed by the Law on Public Service Broadcasting. This law prescribes that a public service broadcaster is an independent and autonomous legal entity whose main activity enables the realisation of the public interest. Additionally, it stipulates that the Republic of Serbia is obliged to secure stable financing of the public service broadcaster's main activity, and the method of financing should not affect its editorial independence and institutional autonomy. The institutional autonomy and editorial independence of public broadcasters is not necessarily implemented in practice, with low subscription rates resulting in a lack of financial independence. Another problem they face is that the law does not provide clear mechanisms for the control of the public interest (Section A1, page 17).

Serbia has decriminalised defamation while libel remains a criminal act under the Criminal Code. Although decriminalisation of defamation was considered a positive step towards greater media freedom, it did not bring much change. Some of the experts interviewed for this report emphasise that there was a higher number of lawsuits for those seeking damages for this offence when it was listed as a criminal act. However, the only thing that changed with its decriminalisation is that a journalist can no longer be punished with imprisonment if found guilty of defamation and cannot be given a criminal record.

On the other hand, the number of lawsuits initiated against journalists in relation to the publication of information in the media is quite large. Political officials often use their power to influence the course of trials while Serbia's judiciary is commonly seen as being in a poor state. Although the situation with the judiciary is improving, it has still not reached a satisfactory level. Court practice in Serbia is not in accordance with that of the European Court for Human Rights and in some cases justice is delivered in a manner that implies it was politically biased against certain journalists. The courts often do not take into consideration the decision of the Press Council's when deciding their rulings (Section A2, pages 18 and 19).

In the media, political pluralism is guaranteed under the Law on Public Service Broadcasting. This law stipulates that the obligation of the public service broadcaster is to respect and promote pluralism of political, religious and

other ideas, but also cannot serve the interests of individual political parties and must equally represent political parties, coalitions and candidates for the state, provincial, or local elections during campaigning. Media pluralism is guaranteed by the Law on Electronic Media, which prescribes that all media service providers are obliged, during the election campaign, to enable registered political parties, coalitions and candidates representation in the press without discrimination. The Law on the Election of Members of the Parliament stipulates that during election campaigns, the media is obliged to independently and impartially represent all candidates (Section A3, pages 19 and 20).

Legal experts and journalists have agreed that political parties do not have fair and equal access to media, both prior to and during their election campaigning. One of the reasons for this is the fact that media outlets are politically coloured and serve as promotional channels for the particular political parties or tycoons that fund them, especially on the local level. This shows the lack of efficiency of the work of the REM, which is obliged to supervise the work of broadcasters in the Republic of Serbia and ensure that broadcasters equally report on various political actors during elections. The regulatory body has adopted a rulebook regarding specific obligations of media service providers during election campaigns (Section A3, page 20).

In Serbia, there is no licensing of journalists, even though there were some proposals to introduce this in the field of journalism. Experts stressed that any restrictions or conditions regarding entry into journalist profession would represent an attack on freedom of speech and freedom of media (Section A4, page 22).

Journalists join professional associations, but in a small number. Pressure is often applied to these associations, which insist on consistent nation-wide implementation of media reforms, particularly those related to privatisation and co-financing (Section A4, page 22).

The Press Council is one of the rare organisations in Serbia that has shown progress in their work. From January to December 2015, the Press Council's Complaints Commission received 109 complaints. The Commission ruled on 91 appeals, rejected 14 on the basis that they did not meet the formal requirements for consideration, and deemed the Code of Ethics had been violated in 60 cases. In light of this, the Commission delivered public warnings to the media. However, a noticeable problem with the Press Council's rulings is that the "sanctioned" media do not publish the decision of the Complaints Commission or in cases where they do, the ruling is written in a way that is imperceptible for readers (Section A4, pages 22 and 23).

The bigger problem is trade unions, whose authority and influence is limited, and which only a small number of journalists join. None of the unions in operation offer safeguards that would make journalists feel better protected, especially in terms of providing assistance in the field of labour rights (Section A4, page 23).

Despite the negative situation in some areas of media freedom, the situation is better when it comes to the protection of journalists' sources, which is guaranteed by the Law of Public Information and Media and under the Criminal Code. A journalists' right to protect their sources can be limited only in cases where the information refers to a criminal act, or a perpetrator of a criminal act, for which a sentence of at least five years' imprisonment is prescribed by law. Some legal experts state that journalists are not obliged to disclose their source/s just because there is a legally prescribed basis to do so. In order for state interference to be considered justified, it is necessary to have exhausted all other reasonable measures that represent an alternative to discovering the source. In addition, it is necessary to jeopardise a source if a vital interest that outweighs the public interest is threatened, which the source may not have detected (Section A5, pages 23 and 24).

Problems related to the protection of sources often appear in newsrooms where journalists are required to reveal their sources. While more serious cases are rare, one such example is that of the Teleprompter website (Section A5, page 24).

After this case, authorities tried to define the notion of a 'journalist' with the purpose of narrowing the list of people who could potentially enjoy any protection this title provides after revealing information. The broad attitude of journalists' associations is that persons who revealed information of public interest should be protected, regardless of whether they formally work as journalists or are members of the journalists' association (Section A5, pages 24).

The legal rules on access to official documents and information are prescribed under the Law on Free Access to Information of Public Interest. The implementation of this law is on somewhat of a higher level than others that affect the media sphere. The Commissioner for Information of Public Importance and Personal Data Protection is the primary contributor to this law. Journalists often refer to public enterprises and state authorities for information of public importance. Although the situation here is somewhat better, certain authorities – especially public enterprises – often do not want to implement the law and provide information. To circumvent their obligation under the law, they calculatedly pay fines instead of releasing certain information. Also, although the law states that discrimination is prohibited,

information is much more accessible to media who are inclined towards the authorities (Section A6, page 24).

The large number of complaints received by the Commissioner for Information of Public Importance and Personal Data Protection supports the view that the state authorities lack transparency. Journalists are in general agreement that state institutions are either somewhat transparent or not at all (Section A6, pages 25 and 26).

Indicator B: Journalists' positions in newsrooms, professional ethics and level of censorship

Journalists in Serbia are working in difficult conditions. Their salaries are low and are often paid late, while their overall economic position has weakened. On the other hand, the average working hours of journalists have increased, but their credibility has generally decreased. According to an external study, in 2014 the average salary of a journalist in Serbia was 400 euros. In the last quarter of 2015, the average net salary per employee in the public service broadcaster, Radio Television of Serbia (RTS), was 47,886 dinars (400 euros). The results of the survey conducted for the purpose of this report showed that the largest number of journalists earn a net salary of between 300 and 400 euros (Section B1).

Most of the media in Serbia has adopted job classification which separates the positions of directors and editors. However, there is almost no media in Serbia where the relationship between the owner, managers and the newsrooms are clearly separated by a legal act. Most private media in Serbia have not adopted their own ethical codes, but generally comply with that adopted by two national associations – the Independent Journalists' Association of Serbia (NUNS) and the Journalists' Association of Serbia (UNS). Media owners and managers frequently pressure editorial staff and individual journalists with potential layoffs, forcing them to switch to inadequate workplaces, or by proposing such solutions that make them resign on their own. In some cases, mobbing even occurs (Section B2).

The public service broadcasters, Radio Television of Serbia and Radio Television of Vojvodina, don't have their own specific codes of ethical principles of reporting, but only a general code for all employees. Radio Television of Vojvodina has a Code of Ethics, which in essence is a code of conduct for employees. However, the journalistic principles of reporting are not contained in this general code. Statutes of these two public ser-

vice broadcasters stipulate that the editor-in-chief cannot be a holder of public office or function in a political party. Also, editors are required to be independent in their work, but are not so in practice. They come under much pressure, especially from the board of directors (Section B3).

A number of non-profit media, particularly members of the Online Media Association, have already accepted the Journalists' Code of Serbia. It is not known if non-profit media have their own ethical codes. Non-profit media comes under a lot of pressure. Firstly, editors and journalists from the non-profit sector are publicly attacked in media that is close to the government and are faced with allegations of questionable financing, particularly with regard to foreign and international donors. Secondly, they also experience pressure in the form of hacking and having their websites shut down. As a rule, this happens when they publish critical articles about the most prominent individuals in the government (Section B4).

One of the biggest problems that journalists face is self-censorship, stating primarily fear of losing one's job or that good relations with the newsroom could be compromised – possibility of sanctions being imposed on the media in which the journalist works. In the survey conducted for this research, 41.44% of journalists said that censorship had some influence on their work (extremely, very, or to some extent) while 38.74% of journalists responded that censorship does not affect or barely affects (18.2%) their daily work. The most influence that journalists feel comes from their editors, with 76.58% of survey respondents saying they feel some level of pressure in this sense. Of the respondents, 11.71% feel their work is extremely influenced by their editors, 27.93% feel it is very influenced, and 36.94% feel it is partially influenced. Media managers, and, to a somewhat smaller extent, media owners, also appear on the scale also appear high up on the scale of influence (Section B5).

Indicator C: Journalists' safety

The Independent Journalists' Association of Serbia (NUNS) keeps a record of known attacks on journalists from 2008 onwards. According to its data, we can conclude that the number of different types of attacks in past three year is increasing. Journalists have often been exposed to threats made verbally and through letters and social networks, while other forms of pressure are exerted by state and local functionaries, politicians and other potentates that try to influence journalists in various ways. There are also physical assaults and attacks on property. In Serbia, there have been three mur-

ders of journalists during the previous 20 years. These cases remain unresolved with the offenders and those who dictated the murders still not identified or held accountable. Online attacks on web portals and media websites are on the increase and constitute a special category (Section C1).

There is no special policy in Serbia that would ensure the safety of journalists. However, attempts to establish such a policy have been made in the Chapter 23 Action Plan which deals with the judiciary and fundamental rights, in the country's EU accession path and drafting of a Memorandum on measures to raise security levels related to journalist safety by the Ministry of Internal Affairs, the Republic Public Prosecution and journalists' associations. However, there are many problems regarding negotiations for the signing of this document, primarily related to the point 7 which suggests an establishment of a separate body to deal with journalists' safety. For journalists' associations there are many issues to be clarified, including the formation of that body, the election of its members and its mandate. Main problem is the fact that cooperation between state institutions and associations of journalists is not at a satisfactory level (Section C2, page 35).

There are no developed mechanisms for monitoring and reporting about threats and violence against journalists although certain efforts have been made. In December 2015 the Republic Public Prosecutor adopted an Instruction for the appellate, higher and basic public prosecutions to maintain separate records in relation to criminal acts committed against persons performing activities of public interest in the field of information. These records need to refer to the tasks the person performed, the attack on the media website, and state which cases need urgent treatment. All prosecutors' offices are required to submit to the Republic Public Prosecutor's Office quarterly reports with the data contained in separate registers. According to the information we received from the Republic Public Prosecutor, public prosecutors are acting according to the instruction (Section C2, page 35 and 36).

The state has recognised the safety of journalists should be treated with a higher consideration as can be seen from the fact that a commission for considering the facts gathered in investigations dealing with the motives for the murder of journalists was formed, as well as the fact that in the Action Plan for Chapter 23, there is an entire section dealing with freedom of expression and the freedom and pluralism of the media (3.5). However, the prescribed deadlines included in this document have not been respected. On the other hand, public officials rarely make clear statements condemning attacks against journalists (Section C2, page 36).

According to applicable laws on measures of electronic control, such as tracking, intercepting, and listening in aimed not only at journalists, but at other citizens as well, such measures should be implemented only with permission from the court and in cases of reasonable suspicion. So far, there has been no evidence of electronic surveillance being implemented illegally, but the problem is lack of control over authorities. We can only speculate that, in some cases measures were undertaken without legal permission. We can single out the case of the Crime and Corruption Investigation Network (KRIK) and its editor-in-chief Stevan Dojcinovic (Section C2, page 36).

It is apparent that the Serbian criminal and civil justice system is not responding adequately to physical and other attacks on journalists, and this conclusion can be supported with several arguments. There are three unsolved murders of journalists, a large number of attacks on journalists that have not been resolved, very slow procedures of the judicial system when dealing with these attacks and extensive inefficiencies in the procedures of the police and the prosecutor's office (Section C3, page 37).

There are no specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity, with the exception of the Commission for the Investigation of Murders of Journalists. According to some opinions, the Commission has entered the field of state responsibility, hence abolishing the state authorities. According to experts, institutions in Serbia that deal with the protection of journalists should be raised to a level of higher importance (Section C3, page 37).

There are no special procedures that deal with the protection of women from attacks in Serbia, including those made on female journalists. The main problem exists for journalists under 24/7 police protection as, according to legal experts, some remain under this measure for years while the question remains as to what is being done to remove the threat they are under (Section C3, pages 37 and 38). According to information from the Independent Journalists' Association of Serbia (NUNS), four journalists are currently under long-term protection. However, official information about the exact number was not provided as this could potentially risk their safety.

Investigations into crimes against journalists are not conducted quickly, efficiently or independently, and this is evident in the failed investigations into the three murders of journalists that were committed in the past 20 years. Another problem is that the proceedings take too long, and many of them are never concluded. The prosecution of criminal acts is not initiated against all participants of attacks and those who are prosecuted are usually only the direct offenders, while the instigators re-

main unrevealed. The state does not provide enough resources for investigations of threats and violence directed at journalists (Section C3, page 38).

It also seems that there is not enough adequate training for the police, prosecution, lawyers and judges to deal with these crimes. In the last couple of years a number of gatherings for judges, prosecutors, lawyers and media representatives were organised and were effective. Specialised educational events were proposed in the Chapter 23 Action Plan, but these have not yet been implemented (Section C3, page 38).

General recommendations²⁸

The main recommendation is that all measures and mechanism that ensure full implementation of media laws that provide a higher level of media freedom should be applied. In addition, amending legal regulations in order to prevent political and party influence in the election of members to the Council of the Regulatory Authority for Electronic Media (REM) should be done to provide a higher level of independence and efficiency of this body, hence ensuring political pluralism.

Amendments to the laws and by-laws regarding co-financing of media projects in the public interest should be made to improve the process itself and to prevent abuses and violations of the competition procedure. Laws should also be amended to ensure the financial independence of public service broadcasters through taxes/subscriptions without budget subsidies. Responsibility, control of the allocation of resources, competitiveness and higher transparency for the public announcement of state authorities and other holders of public authorities should be advanced.

The case law in Serbia is generally inconsistent, and this includes lawsuits initiated against journalists in connection with the publication of information in the media. This is why it is necessary to harmonise the court practices in Serbia with that of the European Court of Human Rights, introducing mandatory training of judges, workshops and counselling.

Improving cooperation between state institutions and associations of journalists is vital, primarily through the renewal of talks with the Ministry of Interior and the Republic Public Prosecutor on the signing of the Memorandum on measures to raise the security levels related to journalists' safety in accordance with the Chapter 23 Action Plan.

It is necessary to improve the work of Special Prosecution Office for High Tech Crime in cases where threats are made against journalists via social networks, and to quickly and efficiently act upon reports, conduct investigations, initiate the necessary legal proceedings and inform the public about it in cases where websites are shut down or blocked.

Also, it is necessary to concretise the work of the Commission for the Investigation of Murders of Journalists.

²⁸ *These general recommendations are developed on the basis of discussions with representatives of the Independent Association of Journalists of Serbia. They represent only general points on which basis journalists associations in the future can develop their initiatives and lobbying activities for the advancement of media and journalistic freedoms and these recommendation will be expanded, complemented and concretised.*

Overview of Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans

A. Legal protection of Media and Journalists' Freedom

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the mechanisms for financing media in the languages of national minorities?	Such mechanisms do not exist.	There are no mechanisms for financial support of language diversity in the media yet the MRT formally has the obligation to produce content in 7 different languages	There is a good funding scheme supporting the national minorities' media.	There are no such mechanisms for funding private media in languages of national minorities. Yet, RTK includes all minority languages (Serbian, Bosnian, Turkish and Roma) in its scheme. Since June 2013 Serbian minority has its own channel – RTK.	There are media subsidies supporting media in minority languages.

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet? Are the legal guarantees implemented in practice?	It is guaranteed, including access to the Internet. Law on Public Peace and Order in R. Srpska contains restrictive provisions on publication of Internet content (social networks and portals).	It is guaranteed, including access to the Internet, but legal guarantees are not efficiently implemented in practice.	It is guaranteed, including access to the Internet, but the laws are not efficiently implemented in practice.	It is guaranteed, including access to the Internet. Legal guarantees are poorly implemented in practice.	It is guaranteed, including access to the Internet. Legal guarantees are not implemented in practice.
Weather media legislation was developed in a transparent and inclusive process?	In general, the process was inclusive and transparent. Media community had an opportunity to submit amendments.	The process was not sufficiently transparent or inclusive.	Political agreement on changes in media laws made without consultations with media community.	The process was neither transparent nor inclusive.	The process was not sufficiently transparent and inclusive.
Have the state authorities attempted to restrict the right to Internet access or seek to block or filter Internet content?	No separate law on the Internet, but the new Law on Public Peace and Order in R. Srpska contains provisions that sanction 'inappropriate' behaviour on the social networks.	Media Law 2013 was an attempt to regulate online media. The 2015 Law prevents the publishing of phone tapped recordings.	Such cases haven't been registered yet.	No such cases.	There were several cases ('Feketic', news portal Pescanik etc.)
Is the regulatory authority performing its mission and functions in an independent and non-discriminatory manner?	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties. Nomination of members of the Council of the regulatory body is politically motivated.	No, the regulator is under strong party-political influence. Its decisions are biased and selective.	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties.	The regulator is not perceived as independent. Nomination of members is politically motivated.	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties.
Is there a practice of state advertising in the media and is it abused for political influence over their editorial policy?	There are no transparent and clear criteria. The allocation of funds is selective, politically motivated and not transparent. New legislation is in the process of being drafted.	State advertising in the recent years has been largely abused to impose political influence over media. The Government was one of the main advertisers in the media until June 2015 when a moratorium on government campaigns was announced.	Public institutions allocate funds to the media in a selective and non-transparent manner.	Several ministries allocate money directly to online media for advertising. Some are selective.	There are no transparent and clear criteria. The allocation of funds is selective and not transparent.
Are there any types of media subsidies or production of media content of public interest and how is it implemented in practice?	There are no media subsidies. The media community has submitted two initiatives to the Ministry of Communication to establish a special fund for the production of media content of public interest, but they haven't been accepted.	There are funds allocated from the budget for national TV stations for new production in a non-transparent and biased manner.	There is a fund for supporting commercial radio broadcasters, but it's criticized as favouring pro-government broadcasters.	There are no media subsidies.	The funding scheme for programs of public interest is abused at local level for political influence.

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independent and stable functioning? Do the supervisory bodies represent the society at large?	Autonomy and independence is guaranteed by law, but is not implemented in practice due to strong influence of the political parties. The funding framework does not provide for stable functioning. The supervisory bodies do not represent the society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable functioning. The MRT Council does not represent society at large.	Autonomy and independence is guaranteed, but insufficiently implemented. The funding framework is functional but does not provide for stable and independent functioning. The supervisory body does represent society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable and independent functioning. The supervisory body does represent society, but it is politicized.	Autonomy and independence is guaranteed. The funding framework does not provide for stable functioning. The supervisory body does not represent society and is not controlled by it.

A.2 Does Defamation Law cause a 'chilling' effect among journalists?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the defamation laws' provisions overly severe or protective for the benefit of state officials?	Defamation is decriminalized. Current legislation is in line with European laws, but its application in practice is mainly protective benefiting state officials.	Defamation was decriminalized in 2012. The Law on Civil Liability is in place and the court practice is generally good with few negative exceptions.	Defamation is decriminalized. Current provisions are not overly protective of state officials.	Defamation is decriminalized. Current provisions are not overly protective of state officials.	Defamation is decriminalized. Current provisions determine inappropriately large fines.
How many lawsuits have been initiated against journalists by the state officials in the past three years?	Large numbers of lawsuits have been filed against journalists (since 2003 around 100 per year). In September 2016 there were 173 active cases in the courts.	At least 10 cases of sued journalists by public officials/ institutions (fewer cases than in previous years). At the moment there are 35-40 cases against journalists. In 2012 this practice was 10 times higher.	There are no official statistics.	There are 20 ongoing lawsuits against journalists. Out of these, six are initiated by state officials. Additional 9 cases were dismissed in 2012 since defamation and libel have been decriminalized.	Large numbers of lawsuits have been filed against journalists (413 in 2014; 406 in 2015).
Are there examples when other legal provisions were used to "silence" journalists for legitimate criticism or for investigative journalism?	The case of the magazine Slobodna Bosna, which ceased publishing its print edition in December 2015, under the pressure of a large number of defamation lawsuits.	The case of the journalist Kezarovski, who was sued for revealing the name of a "protected" witness. Also, journalist Bozinovski has been indicted for espionage and extortion and has been in detention for the past 6 months.	Such cases have not been registered yet.	No such cases.	Such cases have not been registered so far.

A.2 Does Defamation Law cause a 'chilling' effect among journalists?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed?	The courts are under strong political influence. Similar cases are differently interpreted by courts in different entities. Lawsuits against Federal Television (FTV) are solved in favour of the president of R. Srpska. The fines are not high (app. 2.500 euro), but some media have between 20-50 lawsuits.	The courts are under strong political influence. In the case of the critical weekly Fokus the court imposed large fines on the editor and the journalist. The plaintiff was the Director of Administration for Security and Counter Intelligence.	Lower courts administer the cases quite fairly, while the higher courts are more rigid. Imposed fines are not high.	No such cases.	The courts are under strong political influence. In the case of TV Forum Prijepolje journalists who were threatened by the City Mayor, the appellate court overturned the original verdict and acquitted the mayor in 3 day process.
Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology?	The courts in BiH respect the mediation process between the offended and the media outlet, which is carried out by the Press Council. An initiative to amend the Defamation Law in order to include the mediation process as compulsory before filing a lawsuit started.	The court may take into consideration the decisions of the Council of Media Ethics, however this is not obligatory.	The courts are not obligated to take into consideration the decisions made by the self-regulatory bodies.	The courts do not take into consideration the decisions of the self-regulatory body.	The courts mostly do not take into consideration the decisions of the self-regulatory body.
What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?	79.7% of journalists answered that the threat of defamation is very or extremely influential on their work.	32% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	26% of journalists answered that the threat of defamation is very or extremely influential on their work.

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is political pluralism in the media regulated by media legislation (for the non-election period)?	There is only a general principle for broadcasters, reflect diverse political views and sources of information.	There is only a general principle for broadcasters to reflect diverse political views.	There is only a general principle for broadcasters to reflect diverse political views.	There is only a general principle for broadcasters to reflect diverse political views.	Political pluralism is determined as a general principle for all broadcasters.
Is the regulatory authority obliged to monitor and protect political pluralism?	The regulator is obliged to monitor and protect political pluralism only during the election period.	The regulator is obliged only for the period of the election campaign.	That obligation is not within the jurisdiction of the regulator.	The regulator is obliged only for the period of the election campaign.	The regulator is obliged to supervise the broadcasters and undertake measures for the period of the election campaign.
What are the legal obligations of the media during election campaigns?	The Law on Election in BiH(Chapter 16) and by-laws of PBS. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Code and by-laws. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Code and Law on the PSB. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Law and Independent Media Commission Code of Conduct. Fair and equal access to all political parties, objective, fair and balanced reporting.	Law on electronic media and Rulebook on media coverage. Fair and equal access to political parties, objective, fair and balanced reporting.

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do political parties and candidates have fair and equal access to the media during the non-election period and during the election campaigns?	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties generally receive fair and equal access to media during election campaigns.	Political parties don't have fair and equal access to media in non-election or in election period.

A.4 Is journalistic freedom and association guaranteed and implemented?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do journalists have to be licensed by the state to work?	Journalists do not need a license by any state authorities. There was only one attempt to introduce licenses for journalists in 2005, but it was condemned and not accepted.	Journalists do not need a license by any state authorities, but the Law on Media contains a restrictive definition of a 'journalist'. There are proposals coming from 'pro-governmental' journalists to introduce 'licences' for journalists.	Journalists do not need a license by any state authorities. There are some proposals to introduce 'licences' for journalists, with 'justification' to increase professionalism.	Journalists do not need a license by any state authorities.	Journalists do not need a license by any state authorities. There was only one attempt to introduce licenses for journalists, but it was condemned and not accepted.
Have journalists been refused the right to report from certain places or events?	Several cases are registered: Decision by RS authorities to prevent access to events for BHT (2010) and FTV (2012) journalists; Access refused to the Palace of the RS President for Liljana Kovacevic, Beta news agency since 2012; and to BH TV during 2015. 26% journalists reported that they were refused the right to report from some events because they did not have accreditation.	A major violation happened on 24.12.2012, when the security services expelled the journalists to prevent them from reporting on the ousting of the opposition from the Parliament. Also, journalists were not permitted to report from some court hearings.	43% of the surveyed journalists reported that they were refused to report from some events.	Recent violation was the case of Saranda Ramaj (Koha Ditore). 61% of the surveyed journalists reported that they were refused to report from some events.	42% of the surveyed journalists reported that they were refused to report from some events.

A.4 Is journalistic freedom and association guaranteed and implemented?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are journalists organised in professional associations and if yes how? Are there pressures on their association or individual members?	5 registered associations. Association of BH Journalists works actively. Several cases of political pressure on BHJA and verbal attacks have been reported to their members; BHJA website hacked several times; The Press Council is repeatedly under political and other pressures; in 2014 its office was broken into and damaged; its website was under constant hacker attacks and was completely destroyed on May 3, 2014 (World Press Freedom Day)	AJM is the oldest (since 1946) and largest association, member of IFJ. There is another association (MAN) active since 2013, which is close to the Government. AJM members have been subject to numerous pressures so far. Apart of this, in 2010 with the assistance of AJM journalist union SSNM was established and deals with topics related to social and labour rights of journalists. In 2013 AJM assisted in establishing the Council of Media Ethics which is an active stakeholder in safeguarding professional standards.	There are two journalists' associations, but 80% of the journalists are not members of any association. Media Council for Self-regulation gathers a large number of media, but not the biggest media that are perceived as government opponents. These media have their own ombudsmen. There were no cases of pressures on the journalists' associations.	The main association is the Association of Journalists of Kosovo (AGK). No evidence of pressures. There is also a Press Council, as a self-regulatory body that regulates print and online media.	There are two main associations – Independent Journalists' Association of Serbia (NUNS), Journalists' Association of Serbia (UNS). There is a regional JA, Independent Journalists' Association of Vojvodina and an association mainly consisting of journalists employed in the state owned media. There is also a Press Council, as a self-regulatory body. There are many pressures on journalists' associations.
Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members?	There are trade unions at entity level, in Brcko District and in the PSBs. There are at least seven trade unions which are officially registered in BiH: Independent Union of PSB, Trade union of RTV Gorazde and Trade Union of RTV Una. Some of them report political pressures and pressures from media management.	There is an Independent Association of Journalists and Media Workers. Its leader had been dismissed from the Association for being active in the community and eventually fired from work.	There are several trade unions. The leader of Trade Union of Media of Montenegro had been dismissed from work and later returned by court decision	There is no journalists' trade union of Kosovo.	There are two trade unions: Journalists' Trade Unions of Serbia and Trade Union Independence. They are weak and under pressure mostly from media owners. A third Union exists as part of the Union of Autonomous Trade Unions of Serbia.
Are the journalists free to become members of trade unions? How many journalists are members of the trade unions?	BHJA reports on restrictions for journalists and media professionals to organize in trade unions. It is estimated that only 16% of the media have established TU branches. There is no estimated figure about membership.	There is a union at the PSB. Almost no trade unions in the private media. There are no reliable figures about membership, because some members are 'hiding' due to fear of pressures.	Around two thirds of the journalists are not members of any trade union. Most of the members are from the PSB, while fewer from the private media.	The only union is within the PSB, which organized protests against the PSB management. Their leaders were under pressure.	Most of the journalists feel free to become members, but they are not interested because unions are weak. 78% of the surveyed confirmed they are not members.

A.5 What is the level of legal protection for journalists' sources?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How is the confidentiality of journalists' sources guaranteed by the legislation?	It is guaranteed in the Constitution and in several legal acts, although some issues are not clearly defined.	It is guaranteed in the Constitution and in several legal acts.	It is guaranteed in the Constitution and in the media legislation. Some provisions are not clear enough.	It is guaranteed by the Law on protection of journalists' sources.	It is guaranteed in the Constitution and in several legal acts.
Is confidentiality of journalists' sources respected? Were there examples of ordering the journalists to disclose their sources and was that justified to protect the public interest?	It is generally respected, but there were some cases registered: (1) the news portal Klix from Sarajevo – its equipment was confiscated by the police in December 2014; (2) the case of Zeljko Rajlic, journalist from Banja Luka, who the police threatened to confiscate all equipment.	Generally, it is respected, but the case of Kezarovski showed that journalists can be imprisoned on the basis of other legal provisions.	Several cases of open pressures on journalists to disclose their sources have been registered.	Several cases show that the confidentiality of sources is not respected (e.g. Indeks-online and Blic).	Generally, it is respected. There are only sporadic cases (e.g. the case -Teleprompter).
Were there any sanctions against journalists who refused to disclose the identity of a source?	There were no such cases.	Kezarovski was convicted to a 4.5 year jail sentence. His sentence was reduced to 2.5 years.	There were no such cases.	There were no such cases.	Such cases haven't been registered so far.
Do journalists feel free to seek access to and maintain contacts with sources of information?	49 % of the surveyed journalists stated that they regularly or very often have contacts with their sources.	36% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	67% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	50% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	64% of the surveyed journalists stated that they regularly or very often have contacts with their sources.

A.6 What is the level of legal protection of the right to access of information?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the legal rules on access to official documents and information which are relevant for journalists?	Access is guaranteed. There are no specific provisions relevant for journalists. The BiH courts and other judicial institutions have special procedures for acquiring information from and reporting on certain institution.	Access is guaranteed. No specific provisions relevant for journalists. The implementation is poor.	Access is guaranteed. There are no specific provisions relevant for journalists.	Access is guaranteed. There are no specific provisions relevant for journalists. The implementation is poor.	Access is guaranteed. There is a Commissioner for Information of Public Importance and Personal Data Protection as an independent state body.
Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists?	Journalists in BiH do use legal provisions, but they complain that procedures are very long and deadlines not suitable for them. 27% of the surveyed journalists who submitted requests were refused.	Journalists are not well informed about the rules and rarely use them. Those who requested access were often refused.	Journalists rarely use these provisions. 37% of the surveyed journalists who submitted requests were refused.	78% of the surveyed journalists stated that the institutions refused to provide them with the requested documents.	Journalists in Serbia do use the right to access information. 42% of the journalists stated that they submitted requests but were refused by institutions.

A.6 What is the level of legal protection of the right to access of information?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?	74.4% of the journalists stated that the courts demonstrate some (19.3%), a great deal (26.1%) or complete (29%) transparency.	48% of the journalists stated that the courts show little (24%) or no transparency at all (24%), while 25% think they demonstrate some level of transparency.	44.5% of the journalists stated that the courts show some level (29.6%), a great deal (9.3%) or complete (5.6%) transparency.	48.1% of the journalists stated that the courts show some level of transparency. 37% think the courts are a little transparent and 7.4% think they are not transparent at all.	59.4% of the journalists stated that the courts are a little (37.8%) or not transparent at all (21.6%), while 24.3% think they show some level of transparency.
Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work?	77.8% of the journalists stated that the Parliament demonstrates some (10%), a great deal (73%), or complete (29%) transparency.	31% of the journalists stated that the Parliament shows little (25%) or no transparency at all (6%), while 31% think it shows some level of transparency.	72.2% of the journalists stated that the Parliament shows some (25.9%), a great deal (31.5%) or complete (14.8%) transparency.	44.4% of the journalists stated that the Parliament shows some level of transparency. 22.2% think the Parliament is a great deal transparent and 7.4% think it shows complete transparency.	64.8% of the journalists stated that the Parliament demonstrates some (7.2%), a great deal (14.4%), or complete (43.2%) transparency.
How open are the Government and the respective ministries?	61% of the journalists stated that the Government shows little (29%) or no transparency at all (32%).	46% of the journalists stated that the Government shows little (25%) or no transparency at all (21%), while 21% think it shows some level of transparency.	50% of the journalists stated that the Government shows some level of transparency, while only 16.7% think it shows little or no transparency at all.	48% of the journalists stated that the Government shows little (37%) or no transparency at all (11%), while 40% stated that it shows some level of transparency.	59.4% of the journalists stated that the Government shows little (37.7%) or no transparency at all (21.7%). 24.3% think it shows some level of transparency.

B. Journalists' position in the newsroom, professional ethics and levels of censorship

B.2 What is the level of editorial independence from media owners and managing bodies?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do private media outlets' newsrooms have adopted internal codes of ethics or they comply with a general code of ethics?	Most of the private media do not have internal code but adhere to the general code of ethics.	Private media do not have internal code of ethics. They adhere to the general code of ethics.	Private media haven't adopted internal code of ethics. They adhere to the general code of ethics.	Most of the private media adhere to the Code of ethics of the Press Council.	Most of the private media do not have internal code but adhere to the Journalist's Code of Ethics of the JAs.
What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?	The owners or program directors are key filters in deciding whether to publish or not certain information. Direct forms of pressure: very low salaries, threats of losing one's job, mobbing, frequent overtime work, 'ordered articles' etc.	Direct forms of pressure: threats of losing one's job, physical threats, even threats of dismissal of relatives in public administration.	Owners do not accept critical reporting toward powerful businessman. There is self-censorship among journalists.	The lack of working contracts leads to self-censorship. Late salaries are also another form of indirect pressure on journalists.	The journalists are kept in constant fear of being fired. Mobbing is very frequent. The owners ask from the journalists to work on some topics and to avoid others.

B.1 Is the journalists' economic position abused to restrict their freedom?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many journalists have signed work contracts? Do they have adequate social protection? How high are the journalists' salaries? Are they paid regularly?	There are estimations that between 35%-40% journalists have neither work contracts nor social and health insurance. Those with valid contracts are not sufficiently protected. The situation is worse in the private media. Salaries in the local media range from 200 to 500 euro, in the PSBs the average salary is 700 euro, while in some private media (including international media) it's about 900 euro.	No precise data is available on the number of employed journalists with signed working contracts. Some studies show that about half of the journalists have work contracts with social and employment benefits. 58% of the surveyed journalists earn up to 360 euro.	Around 800 journalists are employed, half of them in the PSB. There are no exact figures about the number of them with signed work contracts. The average journalist salary is 470 euro. Around half of the journalists are paid regularly.	No precise data, but it is known that many journalists have no work contracts. Half of the journalists in the survey stated that their salaries range from 200 to 500 euro. Delays in salary payment are up to several months. Salaries are not paid in full amount.	No precise data on the number of employed journalists with signed work contracts. Very often labour rights of the journalists are not respected. The average journalist salary is 400 euro. Salaries are not paid regularly.
What are the journalists' work conditions? What are the biggest problems they face in the workplace? Do they perceive their position better or worse compared with the previous period?	Precarious work. The employers can terminate the contracts any time and the journalists do not have any legal protection. Most journalists stated that their economic and social position is worse than 2-3 years earlier. In the survey, 74% journalists stated that their economic position decreased a lot.	Precarious work. 77% of the surveyed journalists in 2014 considered their current journalistic engagement insecure. 80% consider that their economic position is worsening.	Precarious work. Many journalists in private media work overtime, covering many different areas. 54% of the surveyed journalists consider that their economic position is worsening.	Precarious work. Journalists work overtime or during holidays without compensation. Half of the surveyed journalists concluded that their economic position is worsening.	Precarious work. Journalists are forced to work on other tasks and to engage in marketing. 76% of the journalists said that their economic position decreased significantly comparing to the previous years.

B.2 What is the level of editorial independence from media owners and managing bodies?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many media outlets have internal organisational structures that keep the newsrooms separate and independent from managers and marketing departments?	The newsrooms in the private media are not separate and independent from managers and marketing departments.	Only the largest media outlets keep the newsrooms separate, but they are influenced by economic and political interests.	Most of the private media do not have an internal structure and newsrooms are not separate from managers and marketing.	The larger media keep the newsrooms separate, but they are still influenced by managers and owners.	Most of the private media do not have an internal structure and newsrooms are not separate from managers and marketing. Many do not even have legal acts.
Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected?	Internal editorial rules do exist in some media but they are not effective. There are no provisions which guarantee the independence of the journalists and their right to reject jobs that are not in accordance with professional standards and ethics.	Very few media have such rules. Even where these exist they are generally not respected.	Very few media have such rules. Even where these exist they are generally not respected.	Very few media have such rules.	It is not known that any of the private media outlets have adopted internal rules on editorial policy.

B.3 What is the level of journalists' editorial independence in the PBS?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Does the PSB have an adopted code of journalists' conduct and editorial independence? Do the journalists comply with this code?	All PSBs have adopted Editorial Principles, but they are mostly not respected in practice. The journalists in the PSBs work under pressures and their work is influenced on a daily basis.	General Code of conduct is not adopted, although this is PSB's obligation according to its Statute. Code of ethics for election periods has been adopted in 2016 with the support of British experts and local stakeholders.	PSB has its ethical code for all employees. Journalists are not mentioned. There is no code of journalists' conduct. PSB editorial independence is a concern.	PSB has its code of conduct. The code is poorly implemented in practice.	RTS and RTV do not have their own specific codes of ethical principles of reporting, but only a general code of conduct for all employees.
Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?	PSBs have adopted internal organizational rules but newsrooms are not independent from the managing and governing bodies.	PSB has internal organizational rules but newsrooms are not independent from the managing bodies.	PSB has its formal organizational rules but newsrooms are not independent from the managing bodies.	PSB has its formal organizational rules but newsrooms are not independent from the managing bodies.	Both PSBs have formal rules to keep the newsrooms separate and independent from the management, but they are not respected in practice.
What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?	There are indirect forms of pressure through the management and Steering Committee. But there are also direct pressures even from the members of the BiH Presidency, BiH Parliament, President of RS, Prime Ministers in both entities and ministries.	Government officials exert influence through the PSB management (Programming Council of MRT).	Government officials influence through the PSB management. Recently there has been a shift by the leading editors of the Public Service, and the situation is partly improved.	Government officials influence through the PSB management.	There are indirect forms of pressure (through the management), but also direct pressures (even from the Prime Minister)
What was the most illustrative example of the pressure exerted by the government over the work of entire newsrooms or individual journalists?	In June 2016 the BiH Parliament did not make a decision on the funding framework for the three PSBs in BiH. RS President Dodik verbally attacked the FTV correspondent from Banja Luka.	Published recordings from the phone tapping scandal revealed that government officials had threatened PSB journalists' job security if they did not report along the 'desired' lines.	The case of the journalist Mirko Boskovic who hasn't been receiving work assignments since he published a series of investigative TV stories on crime and corruption involving one of the municipality presidents in 2015.	In April 2015, 60 journalists and editors wrote a public letter criticising the management and the general director for interference, censorship and mismanagement.	In 2015 Serbian Progressive Party publically attacked the PSB of Serbia for airing an interview with the editor of the daily Danas in which he criticized the Prime Minister.

B.4 What is the level of journalistic editorial independence in the non-profit sector?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code?	There are three non-profit radio stations in BiH. There are also some online news media which are supported by international donors. All of them are using the existing code of practice and Press Code adopted in BiH	There are only three non-profit radio stations aimed for students. There are few online news portals which are established as non-profit media. Professional journalists are employed only in the news portals. They comply with the general code of ethics.	Non-profit media are not developed. There is one community radio. No professional journalists are employed.	Very few non-profit media exist in Kosovo. They comply with general code of ethics of Independent Media Commission (for broadcasting) and of Press Council (for print and online).	Very few non-profit media exist in Serbia. They adhere to the Journalist's Code of Ethics of the JAs.
What are the most common forms of pressure over the non-profit media outlets?	They are sometime referred to as "foreign mercenaries" because they are financed by donations. The other media refuse to publish their investigative stories.	There are forms of pressure over the journalists in the news portals that are critical towards the Government.	No such cases.	They are sometimes referred as "foreign mercenaries" because they receive funds from foreign donors.	They often publicly attacked by the pro-governmental media as "foreign mercenaries" because they receive funds from foreign donors. Some critical news portals are subject to hacking.
What was the most illustrative example of the pressure exerted over the non-profit media?	Brutal verbal attacks, hate speech, harassment and discrimination to CIN female journalists (July 2016). Denial of information, verbal treats as well as threats to journalists from the news portal Zurnal for publishing property records of certain politicians (2014 and July 2016).	No such cases.	No such cases.	The case of Balkan Investigative Reporting Network (BIRN) attacked through smear campaign by the newspaper Infopress.	The case of the Network for investigating crime and corruption (KRIK), which was attacked by the tabloid Informer.

B.5 How much freedom do journalists have in the news production process?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?	54 % of surveyed journalists stated that they have a great deal (29%) or complete (25%) freedom in selecting stories. 59% stated they are free to decide which aspects of a story should be emphasized.	57% of surveyed journalists reported having a great deal (36%) or complete (21%) freedom in selecting stories. Even more journalists (71%) said they are free to decide which aspects of a story should be emphasized.	57% of surveyed journalists reported having great (35%) or complete (22%) freedom in selecting stories. 61,5% of journalists stated that they have a great deal (31,5%) or complete (30%) freedom in deciding which aspects of a story should be emphasized.	62% of surveyed journalists stated that they have a great deal (28%) or complete (32%) freedom in selecting stories. 52% stated they are free to decide which aspects of a story should be emphasized.	58% of the surveyed journalists stated that they have a great deal (30%) or complete (28%) freedom in selecting stories. 62% stated they are free to decide which aspects of a story should be emphasized.

B.5 How much freedom do journalists have in the news production process?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?	64% of surveyed journalists always or very often attend editorial meetings.	48% of surveyed journalists always or very often attend editorial meetings.	73% of surveyed journalists always or very often attend editorial meetings.	86% of surveyed journalists always or very often attend editorial meetings.	62% of surveyed journalists always or very often attend editorial meetings.
What are the journalists' self-perceptions on the extent to which they have been influenced by different sources of influence: editors, managers, owners, political actors, state?	Editors are most influential on journalists' work (77%), then owners (45%), managers (39%), and Government officials (24%).	Editors are most influential on journalists' work (53%), then Government officials (46%), managers (40%) and owners (39%).	Editors are most influential on journalists' work (83%), then managers (63%), owners (56%) and Government officials (28%).	Editors are most influential on journalists' work (50%), then managers (30%), pressure groups (16%), government (10%) and politicians (8%).	Editors are most influential on journalists' work (76%), then managers (49%), owners (42%) and Government officials (26%).
How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?	51% of surveyed journalists stated that censorship has influence on their work.	55% of surveyed journalists stated that censorship has influence on their work.	55% of surveyed journalists stated that censorship has influence on their work.	30% of surveyed journalists stated that censorship is somewhat influential on their work.	41% of the surveyed journalists stated that censorship has influence on their work; however self-censorship is the biggest problem.

C. Journalists' safety

C.1 Safety and Impunity Statistics(3 years back, for murders 15—20 years)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of threats against the lives of journalists and other types of threats.	From 2013 till September 2016: 65 verbal threats and pressures; 21 physical attacks; 7 death threats; 15 mobbing/discrimination; 35 other cases.	Based on the AJM register from 02/06/2011 until present, there are 35 cases of violence towards journalists (death threats, physical violence, destruction of private property, detention etc.)	From 2013 till June 2016 there were 8 verbal threats.	From 2013 until August 2016, Kosovo Police registered 62 cases reported by Kosovo journalists.	From 2013 till June 2016 there were: 69 verbal threats and 32 pressures.
Number of actual attacks. How many journalists have been actually attacked?	From January till September 2016 at least 7 physical attacks.	In total 35 cases are registered.	From 2013 till June 2016 there were: 1 physical attack and 7 attacks to the property.	From 2013 until August 2016 there were: 12 physical attacks and 13 attacks on property.	From 2013 till June 2016 there were: 33 physical attacks and 9 attacks on property.

C.1 Safety and Impunity Statistics(3 years back, for murders 15–20 years)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of murders. How many journalists were murdered in the past 15-20 years?	From 1992 until 1995 – 38 journalists and media professionals were murdered (38 BiH citizens and 7 foreigners). After the war in BiH, there was an assassination attempt on Zeljko Kopanja, the owner of Nezavisne novine from Banja Luka.	Officially, there are no such cases in the last years.	One murder in 2004.	Three murders: 2000, 2001 and 2005.	Three murders: 1994, 1999 and 2001.
Number and types of threats and attacks on media institutions, organisations, media and journalists' associations.	Since 2013 there were 217 attacks on media outlets, media institutions, trade unions, journalists' association and the BiH Press Council.	AJM, the Trade Union, the Council of Media Ethics and other organizations that are critical towards the Government are often subject to attacks. This was noted in EC reports.	Since 2013 there were 4 attacks on media. No data regarding attacks on other organizations.	Since 2014 there were two attacks. In 2015, KOSSEV portal in the north of Kosovo was attacked with gun shots. In 2016, RTK was attacked with a hand grenade.	Since 2014 there were 275 attacks on news portals and with other types of pressures on their journalists and editors.No data regarding attacks on other organizations.

C.2 Do state institutions and political actors take responsibility for the protection of journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the state institutions developed specific policies to support the protection of journalists, offline and online? If yes, is the implementation of such policies assured with sufficient resources and expertise?	Ministry for Human Rights adopted the Action Plan for human rights protection, one chapter is focused on protection of media freedom and journalists' rights, especially in cases of attacks and pressures. Ministry of Justice drafted amendments to Criminal Law to protect journalists who are victims of attacks.	In Macedonia there is a trend of impunity when it comes to the rights of the journalists. State institutions haven't developed any policies or measures for protection of journalists.	There is no developed policy.	There is no developed policy.	There is no developed policy. There were attempts – a draft memorandum on measures to raise security levels related to journalist safety between JAs and relevant institutions.

C.2 Do state institutions and political actors take responsibility for the protection of journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there any mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists? Who monitors and keeps records of attacks and threats? Do the state institutions publish updated data regarding attacks on journalists and impunity? What measures are taken upon the incidents and by whom?	There are no such mechanisms. Free Media Help Line is the unique service for providing free legal and professional help to media and journalists. FMHL shares its data and reviews of cases with all state institution, media, media organizations and international organizations.	There are no such mechanisms. No disciplinary measures, known to AJM, have been taken against any of the perpetrators. Politicians condemn attacks the attacks of journalists extremely rarely.	There are no such mechanisms. The State Public Prosecution and Police administration monitors keep records. So far, data on the number of attacks and measures taken have been published.	There are no such mechanisms. In recent years, Kosovo Police has started to prepare a special list of threats and attacks against journalists. No state institution publishes data regarding attacks on journalists.	There are no developed mechanisms, but certain efforts have been made. In December 2015 an Instruction for gathering evidence of crimes against journalists and attacks on Internet sites was adopted and since implemented. All public prosecution offices quarterly submit evidence to the State Public Prosecution which monitors the implementation and keeps records. As a part of its regular activities IJAS records all reported incidents and conducts follow ups.
Are the attacks on the safety of journalists recognized by the government institutions as a breach of freedom of expression, human rights law and criminal law? Do public officials make clear statements recognising the safety of journalists and condemning attacks upon them?	Not so far. BiH ministries are working on changes in the Criminal Law and on the development of internal procedures for protecting journalists and freedom of expression as a basic human right.	Despite formal and declarative commitments to freedom of the media, the institutions (Ministry of Interior, courts and the prosecutors' office) failed to resolve any of the cases which are registered by AJM in the last 5 years.	Yes. They strongly condemn but only declaratively, because the conditions do not change.	Public officials condemn attacks, but only in serious cases. In general, attacks against journalists are recognized by the government institutions as a breach.	The state has recognized the need for this (Action Plan, Chapter 23, a section is dedicated to freedom of expression, freedom and pluralism of the media), but deadlines are not respected. Public officials rarely give clear statements condemning attacks on journalist.
Are there any documents adopted by the state institutions which provide guidelines to military and police and prohibit harassment, intimidation or physical attacks on journalists?	There are two guidelines for police officers on conduct with journalists, adopted 15 years ago in cooperation with the OSCE mission.	There are no such documents.	There are no such documents.	There are no such documents.	There are no such documents. The draft memorandum on measures to raise security levels related to journalists' safety is considered as an attempt in this direction.
Do the state institutions cooperate with the journalists' organisations on journalists' safety issues? Do the state institutions refrain from endorsing or promoting threats to journalists?	It the past two years, there has been good cooperation with the Parliamentary Commission for Human Rights, Ministry of human rights and the Regulatory Agency for Communication. But, there are no satisfactory public reactions by state institution in case of attacks and violence against journalists.	In general, the cooperation is insufficient. The institutions only formally submit replies to the official requests sent by AJM.	There is no such kind of cooperation.	The cooperation is not on a satisfactory level.	The cooperation is not on a satisfactory level. There is no regular cooperation between JAs and state institutions.

C.2 Do state institutions and political actors take responsibility for the protection of journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
In cases of electronic surveillance, do the state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance of journalists?	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent cases include wiretapping of the Oslobođenje and Dani magazine journalists, upon the order of the former director of the State Security Agency (SIPA) and the case of wiretapping of journalists who were in contact with the former President of BiH Federation and published the transcripts from the conversation with FTV journalist Avdo Avdic.	No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. In 2015 the main opposition party published that more than 100 journalists have been subject of illegal surveillance in the last four years (10% of all journalists in the country). Documents from the phone tapped recordings were given to 15 journalists. On behalf of these journalists, the AJM submitted criminal law suits.	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent case: February 2013 when a group of journalist claimed that they were tracked and their phone conversations eavesdropped.	There is no reliable evidence on such cases. There are no known cases of any electronic surveillance of journalists.	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent case: Network for investigating crime and corruption (KRIK) and its editor Stevan Dojcinovic.

C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity?	There are no such state institutions/units. There is only the Free Media Help Line which is established by the BH Journalists' Association.	There are no such institutions/units.	There are no such institutions. An exemption is the Commission for monitoring the activities of the competent authorities in investigation of old and recent cases of threats and violence against journalists, murders of journalists and attacks on media property.	There are no such institutions.	There are no such institutions. An exemption is the Commission on reviewing the facts related to investigation of the murders of journalists.
Are there special procedures put in place that can deal appropriately with attacks on women, including women journalists?	There are no such procedures. From 2013 until September 2016 FMHL registered 2 cases of death threats, 3 physical attacks and 23 verbal attacks/political pressures on female journalists.	There are no such procedures.	No such procedures.	No such procedures.	No such procedures. There are several cases of attacks on female journalists (4 physical and 22 verbal attacks).

C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do the state agencies provide adequate resources to cover investigations into threats and acts of violence against journalists?	Adequate resources are not provided by the state institutions. Efficient actions and investigation were undertaken by the Police and Prosecutors Office in Sarajevo in the cases of Lejla Colak (death threats) and Borka Rudic (verbal threats and hate speech) in July and August 2016.	The institutions do not provide for any effective legal or statutory protection of journalists in the course of their professional work. No resources are allocated to investigate threats or acts of violence.	Adequate resources are not provided by the state. Investigations are very slow and with weak results.	Adequate resources are not provided by the state. Threats against journalists and other citizens are treated the same. Investigations are very slow.	Adequate resources are not provided by the state. Investigations are very slow and with no results.
Are measures of protection provided to journalists when required in response to credible threats to their physical safety?	Such examples were not registered.	Such measures are not provided. There were cases where the offenders were documented on video. In one case the Deputy Prime Minister physically attacked a journalist in a public space which and was recorded and subsequently published, but the institutions did not undertake any measures.	In the most severe cases, two attacks on journalists Tufik Softic, the state has provided 24 hour physical protection, but the problem is that the perpetrators have not been found, so that the cause which compromised Softic's security has not been removed.	Police protection was provided for two journalists (2014 and 2016) but both journalists considered they don't need close protection, mainly for personal reasons.	Some measures are provided, but they depend on the specific case. IJAS has information about four journalists living under 24/7 police protection. The biggest problem with the cases of journalists who are protected by the police is that the state does not undertake measures to remove the actual threats.
Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, independently and efficiently?	The investigations are not efficient and do not provide sufficient evidence. The court procedures are very slow. According to the Association of BH Journalists only 15% of the criminal cases were investigated and resolved.	Based on the experience of AJM, the investigation of crimes against journalists is either not even initiated and if it is this process is slow and without official closure.	No. Masterminds aren't known in any of the bigger cases, and a large number of perpetrators haven't been found. The investigations are not efficient and do not provide sufficient evidence.	No. Three post-war murders of journalists haven't been resolved yet. In general, the investigations are slow and inefficient.	No. The three cases of murders haven't been resolved yet. The investigations are inefficient and do not provide sufficient evidence. The court procedures are very slow.
Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators?	The biggest problem is that the real actors (politicians, public officials or other powerful individuals) are not prosecuted in any of the cases. Also, real actors or instigators in the case of Zeljko Kopanja have never been discovered.	No.	No. The biggest problem is that the real actors or instigators are never discovered. In the murder case of Dusko Jovanovic, only one accomplice was convicted.	No. The real instigators or masterminds are never discovered.	The biggest problem is that the real actors or instigators are never discovered. The case of the journalist Curuvija proves that.
Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?	Some forms of training were organized by professional association of judges and prosecutors and by media organizations.	There is no information on such trainings. However, there are several cases registered where the offenders are members of the police and these incidents took place during public demonstrations.	Some forms of training were organized in the past years.	No training is ensured by the state.	Some forms of training were organized in the past years. Although planned, specialized forms of training haven't been started yet.

