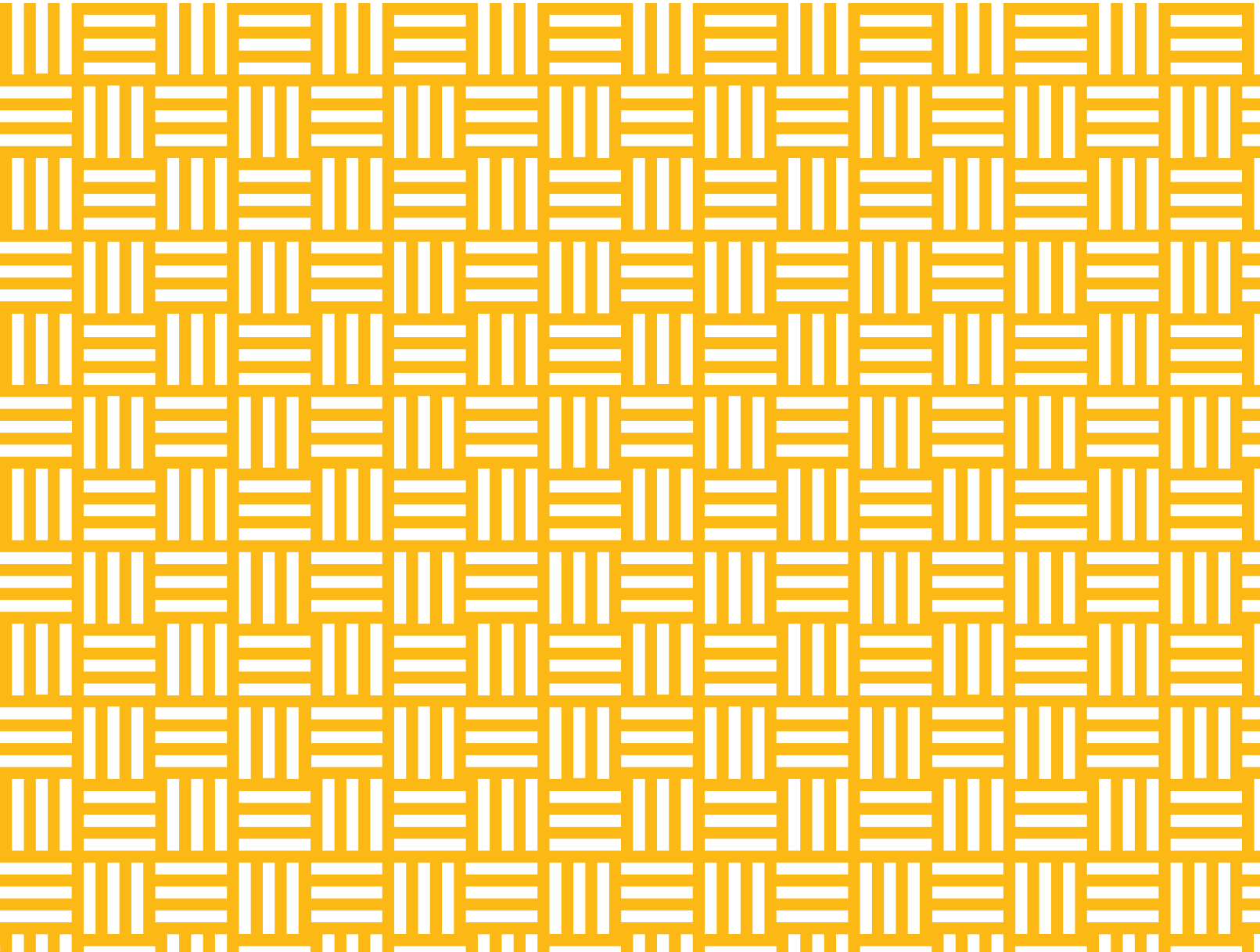




Western Balkans
Regional Platform for
Advocating Media Freedom and
Journalists' Safety

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

SUMMARY OF FINDINGS
SEPTEMBER 1ST 2017 - AUGUST 31ST 2018



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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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Contents

Comparative analysis	4
Bosnia and Herzegovina	10
Kosovo	13
Macedonia	16
Montenegro	20
Serbia	24
Overview of Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans	29
A. Legal protection of Media and Journalists' Freedom	29
B. Journalists' position in the newsroom, professional ethics and levels of censorship	38
C. Journalists' safety	44

Comparative analysis

Snežana Trpevska
and Igor Micevski¹

Introduction

Two years have passed since 2016 when the Regional Platform for Advocating Media Freedom and Journalists' Safety published its first assessment on the level of media freedom and journalists' safety in the Western Balkans. The goal in the 2016 report was to establish the "state of affairs" in five Western Balkan countries, considering the fact that media and journalists in the region had been targeted by political and business pressures which over the decades have evolved into a system of dependencies, colonising the professional integrity of the journalist-professionals and ultimately devastating the public sphere. This is why 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 integrity. This 2018 report builds on the assessment made then, and asks the questions: What has been done since then? Are the associations of journalists and the media trade unions in Macedonia, Serbia, Montenegro, Kosovo and Bosnia and Herzegovina stronger and more organised than in 2016? Are the authorities in these countries more responsible and responsive when it comes to issues of freedom of speech and journalists safety? Are media and journalists freer now than they were in 2016?

¹ Snežana Trpevska and Igor Micevski are independent researchers, affiliated with the Research Institute on Social Development – RESIS (<http://resis.mk/en/home/>).

In this publication, we first present the summarised comparative findings from the research study conducted in the five Western Balkans countries. Then, the national summaries of the five national reports are offered which provide more details on the specific developments in each country. Finally, a comparative table is drawn out all of the summarised indicators on the level of media freedoms and journalists' safety in the Western Balkans. The indicators are used by the five partners in the Regional Platform – four journalists' associations and a trade union, as a cross-country mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional levels.

A comprehensive set of quantitative and qualitative data are collected by researchers nominated by each national partner, on the basis of a common research methodology. The three groups of indicators on the level of media freedom and journalists' safety were proposed on the basis of a thorough analysis of an integrated range of methodologies and guidelines developed by renowned international and European organisations. 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 journalists' associations were taken into consideration.

A. Legal Protection of Media and Journalists' Freedoms

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

The basic international instruments on human rights and freedoms require from signatory states and parties to constitutionally guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of borders. This right has a twofold character for the journalists: firstly, it provides them with the right to express opinions and to inform the public without any external intervention; and secondly, it gives the mass media freedom to establish themselves as inherently democratic institutions – a media freedom which is essential for the journalist's self-governance. Media freedom guarantees entail that public authorities are not only obliged to “non-interference” with media independence but also to create and encourage a pluralist media

landscape in which different ideological, cultural, social and political points of view are expressed. The legal guarantees of freedom of expression and information are not limited to the so called “traditional mass media”. As importantly, they apply to the internet and the so called “new media”. As it was already argued in our 2016 comparative report², in all Western Balkan countries the national legal frameworks incorporate all the basic safeguards for freedom of expression and media freedom, as these countries (except Kosovo) are members of the Council of Europe and signatories to the European Convention on Human Rights and Fundamental Freedoms (ECHR) and other international instruments. Journalistic and media freedoms are protected on three levels: in the national constitutions, in the specific legal acts and through the self-regulating journalistic codes of ethics. However, there is an evident discrepancy between the normative standards incorporated in the national legal frameworks and their implementation in practice. Journalists and media experts are unanimous in their concerns that in practice, media freedoms and journalists' safety are still at a low level and that public authorities and other power centres continued with their efforts to control media and to impose pressure on journalists.

There is a general assessment that obstacles to media freedom and journalists' safety in the Western Balkans can be effectively addressed only if authorities engage in undertaking systemic media reforms, which involves developing new media strategies, improving the legislation and introducing a range of other policy measures. However, media reforms cannot be successful if journalists' associations and other civil society actors are not involved and if the entire process is not transparent and inclusive. In the past two years several initiatives were started in the region for developing new media strategies or for undertaking systemic reforms in the media sector: in Serbia, a new Media Strategy was initiated in 2017 but the journalists' associations were not satisfied with the level of transparency and inclusiveness; in Macedonia, necessary systemic media reforms were demanded by the civil society sector in 2017, but the new Government adopted only a short-term plan and the steps were halted due to a political stalemate; in Kosovo, several draft laws that affect journalists' work were submitted to the Parliament, but the parliamentary media commission was criticised for the lack of transparency; in Montenegro, significant changes in the Media Law and the Law on Public Broadcasting Services were initiated in 2018, the process was transparent and inclusive, but not all important proposals were accepted by the representatives of the civil society sector; in Bosnia and Herzegovina, until August 31, 2018, there were two initiatives for amending media legislation.

None of the five countries has adopted specific legal acts regarding the issue of blocking, filtering and take-down of illegal internet content. Such actions are subject to criminal, privacy,

² Snežana Trpevska and Igor Micevski, “Indicators on the Level of Media Freedoms and Journalists' Safety in the Western Balkans (Comparative Analysis)”, (Belgrade: Independent Journalists' Association of Serbia, 2016), p. 26. Accessed: <http://safejournalists.net/wp-content/uploads/2017/01/Full-MK-ENG-Digital.pdf>.

anti-discrimination or copyright laws. In the course of 2017 and 2018, in some countries (Macedonia and Kosovo), debates were initiated on the need to extend the scope of media legislation to online news media, mostly with an argument to increase the quality of journalism and the working position of the journalists who work in these media. However, there are still concerns that this may lead to restrictions to freedom of expression online.

Most of the regulators in the region are still perceived as politically biased, dependent and/or not sufficiently efficient in performing their legally defined functions. Models of appointment for the regulatory council members defined by the laws, although designed to ensure a merit based and transparent procedure of electing independent experts in the field, are either circumvented or not implemented properly in the past years.

The widely used practice of state advertising in the past years has not been clearly regulated in these five countries enormously influencing the editorial independence of the media. There is an obvious need in all five countries to develop a specific regulation on this issue, because of the lack of transparent and non-discriminatory criteria on the basis of which public funds are allocated to different media. The allocation of money from the State Budget for the so-called promotional campaigns of state institutions is still misused by the authorities at state and local level for exerting political control over the media. In Serbia, the state and private companies intentionally do not allocate money for advertising to media with critical content. In Macedonia, although the new Government made a decision to cease this practice, local municipalities still allocate significant amounts of money to local media which undermines their independence. In Montenegro, the allocation of public funds is made often through direct contracts, without implementing transparent criteria through public procurement procedures.

The only existing legal model of subsidies for the electronic and print media sectors aimed to encourage content diversity is the one in Serbia. However, over the years, this model in practice has not resulted in diverse and quality content. Funds are even allocated to media that violate ethical and professional standards. In Montenegro, the legal model based on collecting funds from games of chance is no longer functional and the media are supported by the state only with the reduction of the value added tax. In Macedonia, the model of allocating funds from the State Budget to the national TV stations for new audiovisual production is expected to be abolished because it negatively influenced their editorial policy. Kosovo and Bosnia and Herzegovina do not have any model for allocating state subsidies to media.

In all countries, as part of their remit, public broadcasters at the national level have obligations to broadcast programs in the languages of ethnic minorities. Linguistic pluralism in the media sectors of the five countries is encouraged mostly through the programs of the public broadcasters and is not sufficiently encouraged in the commercial and non-profit media sectors.

Most of the public service broadcasters in the analysed countries are still facing serious political pressures and are not actually transformed into independent and autonomous institutions which represent the citizens' interests. Their supervisory bodies do not keep regular communication with their constituencies and

are more connected with political power than with society. These countries' PSBs current funding frameworks are still not securing efficient operation, sustainability and accomplishment of their program remits.

A.2. Do defamation laws cause a “chilling effect” among journalists?

All five countries have during the past decade decriminalised defamation - civil liability laws are in force in case journalists are prosecuted for defamation. In 2017, there were unsuccessful repeated attempts by the authorities in Kosovo to criminalise defamation again, for insulting state bodies and state symbols. There is a general assessment, however, by the professional community of journalists, that decriminalisation has not improved their position, mostly because the civil liability laws commend high fines and the courts are still under severe political pressures, especially when politicians sue for insult or defamation. In 2017 and 2018, in Serbia, Bosnia and Herzegovina and Montenegro, state officials still used defamation or insult charges against journalists as a means of pressure and intimidation. An exemption from this trend are Kosovo and Macedonia. In other countries, politically motivated court rulings caused additional pressure and a strong chilling effect among journalists. Another problem is the high cost of damages compensation for media, which bring into question their very survival. The courts still do not sufficiently recognise the decisions made by the self-regulatory bodies when deciding on cases.

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

The five cases under scrutiny show little progress during 2017 and 2018 when it comes to ensuring political pluralism through the media, both during and outside election campaigns. Though the legislation related to election processes in all countries is in place, protection of political pluralism outside the election period is either not incorporated in the media laws or it is mentioned only as a general principle. On the other hand, the practice fails to demonstrate equitable or fair media approach towards political actors both during and outside election campaigns. There are a variety of reasons for this development. One important reason may be that most of the media regulatory bodies in the region are in practice unsuccessful in bringing about media's compliance with the respective countries' laws. In Serbia in 2017 and in Montenegro in 2018, for example, the respective media authorities failed to fulfil their obligation to adequately monitor media coverage of election campaigns which in turn jeopardised the political process. In cases like Kosovo, the media authorities, in addition to the lack of “political will”, also lack the capacity to conduct checks on the media landscape, which threatens the respect for pluralism in the media. Another reason may be that

although “the legislation is mostly in place” in all cases, there are still some provisions in the respective countries’ laws that lag behind – as in the case of Montenegro where, even though changes were made in late 2017 to the Law on Electronic Media, still the media authority did not gain more sanctioning powers necessary to bring necessary improvement in media conduct. Finally, political impasses may be responsible for the lack of legislative improvement, as in the case of Macedonia where although the overall media context has seen a significant relaxation during 2017 and 2018, the continued political standoff between Government and opposition has disabled significant interventions in the laws and in the work of various media structures.

A.4. Is freedom of journalists’ work guaranteed by the law?

With the exception of Macedonia, where there has been some relaxation with respect to the freedom of work and association of journalists, the situation remains rather unchanged in the remaining four countries. In Serbia, Montenegro, and Bosnia and Herzegovina in 2017 and 2018 there have been incidents in which journalists have been prohibited from reporting on certain events and this development is a reason for concern for the respective national associations of journalists, because it discourages professionals from pursuing the truth and demanding from the authorities to answer questions on matters of public importance in a transparent fashion. The five countries also have in common the fact that the structure of their respective associations is in place, but it is however still weak, and while resistance may be formed against the misconduct of governments, this resistance is not sufficient to change reality. A distinct case of concern is the situation in Kosovo – the reason for this assessment is structural. Although there have been no recorded cases of pressure on journalists in 2017 and 2018, the structural gaps – visible in the feeble journalist association and in the non-existence of a journalist trade union – make the status of journalists there vulnerable. This is why this professional community in Kosovo must utilise the experiences from other Balkan countries in order to move forward to establish these structures and work on their development.

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

The legislation concerning the protection of journalists’ sources is mostly in place in all five countries. In general, authorities or individual political actors, refrain from unlawfully demanding from journalists to reveal their sources except in one isolated incident in Montenegro. There is a general understanding by journalists that the situation in this domain is more relaxed in comparison to a few years ago when incidents were more frequently reported by journalists in the region.

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

The laws on free access to public documents and information, although aligned with international standards and recommendations, are not very helpful to journalists because the deadlines that oblige institutions to provide information are too long for journalists who have to meet daily deadlines. These laws are still not implemented efficiently and have not contributed towards greater transparency and accountability of state institutions, so the journalists face many difficulties while reporting on topics of public interest. There were attempts by some authorities (Serbia) to amend the respective laws in order to exclude state owned enterprises from their obligation to provide public access to their official documents. Also, negative development was noted in Montenegro, where the list of information to which access may be restricted by public institutions was extended on the ground of protecting “confidential data”. In Bosnia and Hercegovina, the NGO sector severely criticised the new draft Law on Free Access to Public Information because it left the institution space to deliberately refuse the requested information. The survey and qualitative interviews conducted by associations and trade unions of journalists showed that governments are perceived by journalists to be the least transparent institutions, while parliaments and their bodies are perceived to be most transparent. Courts in the region are not considered sufficiently transparent by journalists, although this conclusion varies depending on the specific country.

B. Journalists’ Position in the Newsroom, Professional Ethics and Level of Censorship

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

The five cases under scrutiny show little progress during 2017 and 2018 in terms of the journalists’ economic position. All five cases share the problems of low wages, irregular payments and unpaid overtime, and the problem of unregulated employment, lack of social security and the fear of losing their jobs. All this is, of course, a mirror of the overall socio-economic conditions in their respective countries and the fact that unionised actions are poor and insufficient to fight exploitation from private owners and pressure from political actors. There is a lack of official statistical data on the number of journalists with signed contracts and on their actual salaries. Yet, according to the information of the journalists’ associations and trade unions, most journalists in the region earn from 200 to 400 euro per month. Unions of journalists and media, where they exist, are still weak and cannot significantly affect the improvement of the labour rights and economic position of journal-

ists. Therefore, systemic measures are needed by the state institutions and strong support and cooperation with the trade unions and other journalists' associations.

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

The five countries showed little progress during 2017 and 2018 with respect to the editorial independence from media owners and managing bodies indicator. With some exceptions, there is a persistent clientelistic practice between journalists, editors, media owners and politicians in all five countries. There are only very few media outlets in the region that have adopted various internal documents to separate their newsrooms on one hand, and their managerial structures and owners on the other. It is common knowledge that influential media owners in the region use their media outlets to further their business, political and other interests. From the evidence provided by other studies as well as by surveys and interviews conducted by journalists' organizations, it is clearly proven that almost all media owners exert control over editorial content. Most do it with subtlety, while some overtly. The media managers are just executors of the media owners' will. For many journalists and editors, it seems that the owners' influence is something that should be taken for granted. This is the crucial problem to be resolved in all countries and systemic measures are needed to address it. In this respect little has been done in the region – with the exception of an exemplary measure proposed by the Trade Union of Media of Montenegro, following the Council of Europe's recommendation, to push for the incorporation of legal safeguards in the Law on Media, aiming to establish limits on the owners' influence over media content.

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

The five cases under scrutiny show little progress during 2017 and 2018 when it comes to the adoption and respect for the codes of ethics by the public service broadcasters. In cases like Serbia and Bosnia and Herzegovina, codes of ethics have not been adopted, while in the three other cases the PSB's newsrooms have made efforts to establish these documents. However, regardless of whether codes of ethics are present or not, there is a persistent assessment in all cases that the editorial independence is not secured. This means that even where the codes are adopted, this has been done only in order to satisfy formal criteria, rather than to make a real difference. PSB's newsrooms are still subject to political pressures and journalists work under a constant threat of demotion and being fired. In 2017 and 2018 we have even seen examples of unhidden political pressures as in the cases of Montenegro and Bosnia and Herzegovina where the members of the su-

pervisory bodies or the managing and editorial staff had been dismissed by political actors because it did not comply with the political needs of those in power.

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

In the five cases under scrutiny, there are no new developments in the field of work of the not-for-profit media during 2017 and 2018. Although, generally this field is underdeveloped in the traditional media sectors in all five countries, the few outlets that exist in each country mostly comply with the codes of ethics and professionalism. However, in all five countries not-for-profit outlets were mushrooming in the online media sector, some of them focusing on investigative stories involving corruption and misconduct of members of the institutions. Therefore, in all countries, there have been instances of political pressure on journalists working in these outlets, though these come and go with the change of political situations in the respective countries. Also, some of the outlets' biggest problems is lack of stable funding.

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

Self-censorship is still a major problem for most journalists in the region, primarily due to their inappropriate socio-economic position and fear of unemployment. The high level of job insecurity and precarious working conditions make the journalists especially vulnerable to political and economic pressures, which in turn leads to self-censorship. Nevertheless, the freedom of journalists within the newsrooms depends on the specific political environment in each country, the overall level of safety for working in journalism and the particular media where they work. In some countries, such as Serbia and Bosnia and Herzegovina for example, journalists are exposed to continuous pressures on all levels, while in others, such as Macedonia and Kosovo, in the last year the overall political context is more favourable for journalists in comparison to the early 2010s.

C. Journalists' Safety

C.1. Safety and impunity statistics

In these five countries, there is a general perception among the professional community that journalists' safety is at a low level, even though, some positive developments can be noted over the past two years. This observation stems primarily from the fact that none of the murders of journalists that happened in the past decades has been resolved and most of the attacks and serious threats that have been made in the past have not been investigated at all by the authorities. Particularly worrying are the two murder attempts that happened in 2018 in Montenegro and Bosnia and Herzegovina respectively. These cases were the most severe examples of how investigative journalists in the Balkans can be intimidated and frightened in order not to continue with their investigations of corruption or other sensitive topics. An official statistical data on the number of threats and attacks on journalists are lacking in all countries, which poses a major problem for freedom of press activists to substantiate their claims in their advocacy activities. The perception that most of the politicians in the region lack political will to recognise the role of journalism as a critical watchdog of the public interest and to create a safe environment for their work still prevails among relevant journalists' associations. On many occasions, authorities remained silent or did not undertake any actions when journalists were harassed or threatened for their reporting. The associations of journalists, especially those that expressed strong and critical attitudes towards the authorities' actions, have been also subject to many pressures, threats and attacks.

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

None of the five countries has developed specific policy documents in which media freedoms and journalists' safety are endorsed as crucial strategic goals of the state. Although in most countries relevant institutions have adopted internal instructions or have established databases and report about the crimes and attacks against journalists, this is far from a regular practice and the statistical data they provide are very general. The evidence gathered by journalists' associations, especially the database established within the Regional Platform for Advocating Media Freedom and Journalists' Safety three years ago, present a valuable source of information on all types of threats, harassment and violence towards journalists in the Western Balkans. There are some modest albeit positive developments in terms of cooperation between the journalists' associations and state institutions: in Serbia, relevant journalists' associations have established cooperation with the Ministry of Interior and the Public Prosecution Office, however,

the journalists' associations are not satisfied at all with the implementation of the agreed steps; in Bosnia and Herzegovina following the recommendations of the Ombudsman on Human Rights, the Ministry of Justice initiated a range of meetings aimed at improving the level of journalists' safety; in Montenegro, some kind of cooperation has been established only between the Trade Unions of Montenegro and the Ombudsman; in Kosovo, good cooperation has been established between the Association of Journalists of Kosovo and several institutions (State Prosecution Office, Pristina Basic Court and Kosovo Police); in Macedonia, in December 2017 a Memorandum of Understanding was signed between the Association of Journalists of Macedonia and the Ministry of Interior which in May 2018 published a special report covering all attacks on journalists.

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

In general, journalists' associations in the region are not satisfied with how promptly and efficiently institutions react to cases of serious attacks, threats and intimidation of journalists. Considering that the cases of attempted murder of journalists in Montenegro and Bosnia and Herzegovina are still unresolved and that numerous verbal threats against journalists in all five countries are not even on the agenda for police investigation, it can be certainly said that impunity continues to present a problem for the journalists in the region. Specific bodies (commissions on reviewing the investigations of murders of journalists) designed to monitor investigations of murdered journalists exist in Serbia and Montenegro. Other units/departments within the state institutions that deal specifically with crimes against journalists are mostly absent. There are some positive results achieved in Kosovo, where State Prosecution nominated a coordinator and local prosecutors to deal with investigation and prosecution of violence against journalists. Also, the Department on Serious Crimes of the Kosovo Police has been recently empowered to deal with crime against journalists, although adequate resources have not been provided for it to function properly.

Despite the fact that various forms of training have been organised in the past two years for prosecutors and judges in the region, much more has to be done to sensitise the judicial authorities to the specific weight that crimes against journalists carry.

Bosnia and Herzegovina

Rea Adilagić

Project Goals and Research Methodology

This report presents the findings of the research conducted within the regional project “Western Balkans Regional Platform for Advocating Media Freedom and Journalists’ Safety”³, which is implemented by the national journalists’ associations in Bosnia and Herzegovina, Kosovo, Macedonia, Serbia and the trade union in Montenegro. The report is a follow up of the baseline study on legislation, socio-economic and political situation with respect to freedom of media and security of journalists, which identified the key challenges and recommendations for associations of journalists and other stakeholders.⁴ The main goal of the third research was to identify new developments and compare the current state of media freedom and security of journalists with the situation established in 2016 and 2017.

The research was conducted by Rea Adilagić based on a common methodology developed for all five countries. The methodologies used for data collection and analysis were the following:

³ 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.

⁴ BH Journalists, “Indicators on the Level of Media Freedom and Journalists’ Safety - Bosnia and Herzegovina”, (Sarajevo: BH Journalists, 2016). Accessed: <http://safejournalists.net/wp-content/uploads/2016/12/Full-BIH-ENG-Digital.pdf>.

- 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 - nine interviews (journalists, lawyers, media experts, representatives of public institutions and NGO's).
- Official statistics requested from public institutions or collected from available websites or from other published sources.
- Survey of 242 journalists, conducted as a part of the project "Media for Human Rights"⁵, financed by the European Union.

A. Legal Protection of Media and Journalists' Freedoms

The media sector is well regulated by Bosnia and Herzegovina's legislation. However, there are laws that need to be refined: harmonisation of defamation laws at the entity level is needed, changes in the laws on freedom of access to information which would ensure shorter time limits for the institutions when they provide information which does not require additional processing, updating the Law on Communications in accordance with technological changes. It is also necessary to regulate the advertising market and to adopt the law on the transparency of media ownership. However, even when legislation fulfils expectations, there is a lack of adequate implementation of the law.

Communications Regulatory Agency (CRA) is a body responsible for the regulation of labour and business practices in the broadcasting and telecommunications sectors (adoption of rules, licensing, frequency allocation, etc.). Journalists believe that the CRA should function better. They also believe that political influence over this institution is obvious. The public sector in Bosnia and Herzegovina directs significant resources to media outlets on the basis of commercial contracts for advertising and other media services. Information regarding the amounts and the allocation procedures are not published. The criteria used to select media advertisers are usually not defined, nor publicly available. Inadequate regulation of these issues opens up the possibility for misuses. The nongovernmental sector researches point to possible examples of instrumentalisation of commercial relations between the public sector and the media outlets for political interests.

In Bosnia and Herzegovina there have not been cases of governmental institutions filtering internet content, so far, but the problem of "online portals in Bosnia and Herzegovina without impressum" is constantly growing. It often comes down to the portals that are politically funded for disseminating propaganda, and there is also a large number of portals that are motivated by advertising profits.

Regarding the public service programs intended for minorities, they do partly satisfy the lawfully provided norms during the allocated time slots. The law requires a minimum that is possible to fulfil in a financially dire situation in which the public service broadcasters find themselves. The real need for this type of program is much higher. The management structures in public services are selected along party lines, and an ineffective system of funding these services in Bosnia and Herzegovina is still ongoing. There is a lack of political will to resolve this issue. (Section A.1)

Defamation is decriminalised in Bosnia and Herzegovina, and the defamation laws of Federation Bosnia and Herzegovina and Republika Srpska are based on the highest democratic principles of European legislation. These laws establish a balance between the right to freedom of expression and the protection of reputation and personal dignity. There is a lack of data on the exact number of defamation suits - the assumption is that there are more than a 100 complaints per year. These defamation suits are a means of pressure on media, especially in smaller communities. Certainly, it is partly the journalists' responsibility, because they do not adequately check controversial information, or fail to provide a chance for the other side to comment on the given subject. However, even when the complaints are unfounded, when there is no defamation, these complaints certainly create great pressure, because some media outlets simply cannot bear the financial burden of law suits. (Section A.2.)

The laws oblige all media to report on election activities professionally and prohibit favouring political actors and options. The CRA monitors the implementation of these provisions. However, the CRA's insufficient capacities do not allow for monitoring of all media outlets in Bosnia and Herzegovina. The past researches suggest unequal representation of political parties in media during the election campaign. (Section A.3.)

The legislation of Bosnia and Herzegovina does not provide special licensing of journalists, nor does the law specifically define the term "journalist". Trade unions and freedom of work are guaranteed by the legislation, but the interest of trade unions in the media is low. There were cases of the representatives of the authorities preventing journalists from reporting from meetings. (Section A.4.)

⁵ Full name of the project: "Mapping Human Rights in media observing position on citizens, vulnerable layers of society and media community in BiH".

Protection of journalists' sources is guaranteed by the Law on Defamation, the Press and Online Media Code, principles of the Communications Regulatory Agency, and even by criminal laws. However, sanctions for journalists who violate these principles are not regulated, and neither are the exceptions to the principles of protection of journalistic sources, if there are any. (Section A.5.)

Free access to information is legally regulated at the entity and state level. This law is applied to all citizens, including journalists. However, many journalists do not use this right because the process of obtaining information is too long and complex. The legal deadline of 15 days is too long for information that does not require a specific application process. For the journalists working in the news media, this information is not useful after 15 days, certainly not for the purpose for which it had been requested. A positive example is the Center for Investigative Reporting, which sues key institutions for not responding to their requests for information. However, not all media outlets are in a financial position to engage in court proceedings. Restrictions on monitoring parliamentary sessions are not provided by legislation, but in practice, there have been instances of such cases. (Section A.6.)

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

A significant number of journalists work under no or with inadequate employment contracts. Even a signed contract does not provide safety in the sense of full enjoyment of the rights provided by labour law. The principal problem is the combination of political and economic pressures. In 2018, the number of violations of labour rights and labour disputes increased comparing to the previous year. (Section B.1.)

A major problem for journalists in private media is the dependency of editors and the editorial policy on media owners. Journalists are not allowed to write articles that criticise advertisers. However, it is not always pressure from the owner or the editor. Even the journalists themselves are aware that if they lose an advertiser, the media outlet they work for will probably lack money for salaries. This is a typical form of economic pressure that leads to censorship. (Section B.2.)

Independence of journalistic newsrooms from management is not respected enough as a principle, not in public service broadcasters nor in public local media. According to respondents, public service broadcasters are politicised. Public local media budget depends on the available resources in respective municipalities, which means that they are not free to critically report on the ruling parties in their local communities. (Section B.3.)

There are ever fewer non-profit media in Bosnia and Herzegovina. There are some media outlets which have been established by civil society organisations and funded mostly by foreign donors. The level of editorial and journalistic independence in these media outlets is at a higher level than in media outlets which are profit orientated because foreign donors do not interfere directly in editorial policy but rather focus on setting thematic priorities. In the sphere of electronic broadcasting, there are very few non-profit media outlets. (Section B.4.)

Journalists do not have enough freedom in reporting. In many cases, editors make unacceptable changes to their articles or decide not to broadcast reports at all if they deal with political or business "sensitive" topics, and both censorship and self-censorship are very common. Journalists agree that they are often under pressure due to editors and owners, however, pressure from incumbent politicians is still the most alarming problem in this sphere. (Section B.5.)

C. Journalists' Safety

Until September 2018, 21 cases of verbal and physical attacks on journalists were registered. There is a high number of serious criminal offences against journalists and the problem of impunity for the perpetrators of these acts is still a concern. These attacks cause fear and uncertainty among journalists and consequently have a very negative impact on freedom of expression. (Section C.1.)

Journalists are unsatisfied with the reactions of relevant institutions and political actors, as they demonstrated in the protests organised in five towns across Bosnia and Herzegovina after the brutal attack on a journalist from Banja Luka, which was characterised as attempted murder. The Institution of Human Rights Ombudsman in Bosnia and Herzegovina made a positive contribution through its' first report and recommendations aimed at improving the level of journalists' safety in Bosnia and Herzegovina - bringing attacks on journalists under criminal law as a special criminal offence. (Section C.2.)

No official state statistics exist concerning the attacks on journalists related to their professional activities because these attacks are not characterised nor registered differently from any other type of attack on citizens. Since women in Bosnia and Herzegovina remain a vulnerable category of the general population to whom different forms of discrimination are directed, the position of female media employees is more problematic. Investigative and judicial authorities are slow in implementing justice. Capacity building projects exist but they are not sufficient. (Section C.3.)

Project Goals and Research Methodology

This report presents the findings of the third round of research conducted within the project “Western Balkans Regional Platform for Advocating Media Freedom and Journalists’ Safety”, which is implemented by national journalists’ associations in Bosnia and Herzegovina, Kosovo, Macedonia, Serbia and the trade union in Montenegro. The report is a continuation of the baseline assessment⁶, which presented in greater detail the legislative situation and socio-economic and political issues related to media freedom and journalists’ safety and identified key challenges and recommendations for journalists’ associations and other stakeholders. The main purpose of this research is to reveal new developments and to compare media freedom and journalists’ safety levels to those identified in 2016 and 2017.

This research study was conducted by Petrit Qollaku following the common methodology of all five countries. The following methods were applied for data collection and analysis:

⁶ Association of Journalists of Kosovo, “Indicators on the Level of Media Freedom and Journalists’ Safety -Kosovo”, (Pristina: AJK, 2016). Accessed: <http://safejournalists.net/wp-content/uploads/2016/12/Raport-i-plot%C3%AB.pdf>.

- 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 seven journalists.
- Official statistical data requested from public institutions or collected from available websites or from other published sources.

A. Legal Protection of Media and Journalists' Freedoms

In general, Kosovo's Constitution and legal framework provide the main safeguards for the protection of media and freedom of expression, but their implementation remains weak. In relation to media legislation, in June 2018, the parliamentary commission for media approved the draft law on the Radio-Television of Kosovo, which is now being discussed in the Assembly of Kosovo.

The same commission proposed to initiate drafting of new Media Law without providing any further explanations. The initiative was criticised by the Association of Journalists of Kosovo, media representatives and other non-governmental organisations related to media, stressing that the initiative aims at interfering and establishing control over media, especially to "discipline news portals". (Section A.1.)

The regulatory authority is perceived to function effectively. However, the election process of the steering board of the Independent Media Commission (IMC) by Kosovo's Assembly is seen as an infringement of its independence. (Section A.1.)

The practice of state advertising in the media is selective and non-transparent. Public institutions allocate funds by advertising in online media. Banners on portals do not show any particular activity of the ministries. (Section A.1.)

National minority's media are financed from the state budget through the public broadcaster, Radio Television of Kosovo. RTK includes Serbian, Bosnian, Turkish and Roma languages. Since 2013, the Serbian minority has its own channel on RTK2. (Section A.1.)

Autonomy and independence of the PSB is guaranteed by law but poorly implemented. Direct funding from Kosovo's Budget does not provide independence and autonomy of the public broadcaster. The new law is expected to be approved by the Parliament this year which foresees a mixed financing framework: a 2,5 euro fee per household, to be collected through electricity bills and 0.4% of the State Budget for specific RTK projects. The Independent Union of the

RTK responded several times, criticising the management of the public broadcaster for financial mismanagement and for their employment selection without justifiable criteria. (Section A.1.)

Two trials have taken place concerning claims of defamation and insult, including one lawsuit against a media organisation and another lawsuit filed by a media against an NGO. There are more than 50 lawsuits filed with the Basic Court of Pristina related to defamation and insult, and they date back to 2010. In some cases, judges seem to take sides when issuing verdicts and make decisions with political motivations. The example is the case of journalist Vehbi Kajtazi who was physically attacked where the judge ruled a four month conditional sentence to the perpetrator. (Section A.2.)

Kosovo's Constitution and the Law on the Independent Media Commission offer guarantees to media pluralism. In general, there is pluralism in Kosovo's media, including broadcast, print and online media. During elections, the IMC, the independent regulatory body has the mandate to monitor media. During non-election period, media comply with IMC's Code of Conduct which states that the media will not promote the interests of a political party or a certain political point of view. (Section A.3.)

State institutions continue to be relatively unresponsive to the journalists' attempts at communication. Public authorities that do not like critical reporting and misuse their position to publicly denigrate journalists. The director of Kosovo's Air Navigation Services Agency ceased communication with a journalist and launched a public campaign against her. (Section A.4.)

The confidentiality of journalist's sources is guaranteed by the Law on Protection of Journalists' Sources which came to power in 2013. Journalists claim to feel free to maintain contacts with their sources. There are no registered cases of any order from the court to journalists to disclose their source. (Section A.5.)

Journalists claim that there are cases when they are refused the right of access to public documents and information by the public institutions. The draft law for access to public documents is underway and it foresees a commissioner as an independent body that will have supervisory powers. (Section A.6.)

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

Journalists stressed that the community continues to work under poor working conditions and low salaries. The absence of contracts remains a problem, forcing them to work in insecure employment conditions. This year, a number of journalists and camera operators have publicly named their employer for not paying their salaries and other taxes for several months. (Section B.1.)

Online media continue to mushroom in the media landscape, but their total number remains unknown. Many of them do not display information about who their owners are and who works in their newsrooms, while many articles are published without a reporter's name. (Section B.2.)

The public broadcaster, RTK has its own code of conduct and it is considered to be advanced, but its implementation in practice is poor. The editorial independence of the broadcaster has received negative criticism from the public, including for biased reporting due to direct political interference. (Section B.3.)

The non-profit media organisations continue to maintain a higher level of editorial independence even though their numbers are small. Since they have financial sustainability, these media organisations have more freedom to report without fear of any political or economic repercussions. (Section B.4.)

Journalists claim that editors and owners tend to influence their work if the story reveals sensitive issues involving political or business interests. Censorship is mentioned only in informal meetings out of fear of losing one's job. Journalists also stated that fellow colleagues know in advance what they are allowed to report. (Section B.5.)

C. Journalists' Safety

With regard to the journalist's safety, the trend remains the same as in the previous year. In the period between January and September 2018, the AJK registered 13 cases, including threats and attacks. It should be noted that investigative journalists are most at risk due to the nature of their reporting. Threats against them range from high state officials to those of ordinary citizens. (Section C.1.)

Justice and security institutions continue to strengthen their mechanisms for journalists' protection. The Basic Court in Pristina held several trials related to the cases of threat, defamation and insult. The AJK demands from those institutions to be more efficient in closing journalists' cases within the legal deadlines. (Section C.2.)

The criminal and justice system has improved its mechanisms as far as they pertain to the protection of journalists and other media professionals. Although, a more effective treatment of cases of threats and attacks by the police is still necessary and the prosecution and the courts need to do more to close cases in a timely manner. The journalists' perception remains that the real instigators of crimes against them are never discovered. (Section C.3.)

Macedonia

Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman

Project Goals and Research Methodology

This report presents the findings of the research conducted within the regional project “Western Balkans Regional Platform for Advocating Media Freedom and Journalists’ Safety”, which is implemented by the national journalists associations in Bosnia and Herzegovina, Kosovo, Macedonia, Serbia and the trade union in Montenegro. The report is a follow up of the baseline study on legislation, socio-economic and political situation with respect to freedom of media and security of journalists, which identified the key challenges and recommendations for associations of journalists and other stakeholders⁷. The main goal of the third research was to identify new developments and compare the current state of media freedom and security of journalists with the situation established in 2016 and 2017.

This research study was conducted by Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman following the common methodology of all five countries. The set of different qualitative and quantitative methods was used for data collection and analysis:

⁷ Association of Journalists of Macedonia, “Indicators on the Level of Media Freedom and Journalists’ Safety – Macedonia”, (Skopje: AJM, 2016). Accessed: <http://safejournalists.net/wp-content/uploads/2017/01/Full-MK-ENG-Digital.pdf>.

- 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 19 individuals (journalists, lawyers, media experts, representatives of public institutions and NGO's).
- Official statistical data requested from public institutions including municipalities and/or collected from available websites or other published sources.

A. Legal Protection of Media and Journalists' Freedoms

A slight improvement is evident with respect to freedom of the media in 2018 in Macedonia, but serious systematic reforms that will create favourable environment for smooth media development and the development of professional journalism are still lacking. The Constitution of Macedonia guarantees freedom of the media. However, such guarantees are not entirely and precisely reflected in the laws and by-laws. A non-implementation or their selective implementation is a serious problem. The new Government, established in June 2017 pledged to improve the state of freedom of speech and freedom of information by improving the media legislation. None of the promised legal projects was adopted in the Assembly. Only the amendments to the Law on Audio and Audiovisual Media Services (AAMS) are in advanced stages, but the adoption of the law is blocked by the Parliamentary opposition by submitting over 60 amendments and extending the debate to the Commission for Transport and Communications.

Other laws, such as the Law on Civil Liability for Defamation and Insult, the Law on Free Access to Public Information, and the establishment of a model for subsidising print media, are still in early stages. In principle, with these changes, the Government claims it wants to harmonise the defamation law with European standards and facilitate access to public information. The amendments to the Law on AAMS were mostly in line with the journalistic and media community. However, the difference regarding the Macedonian Radio Television (MRT) financing model remained. Journalists and media organisations insist that 1% of the budget, which is approximately 30 million euro annually, to be allocated from the State Budget for public service broadcaster financing. The Government rejects this proposal with the explanation that there are insufficient funds, and in the meantime changed the model for financing of MRT, presenting the measure as temporary until new amendments to the

Law on AAMS were adopted. It is a compromise for a scale increase in the percentage of the budget to finance MRT, which in 2020 should reach up to 1% from the State Budget. (Section A.1.)

The public service broadcaster, the Macedonian Radio Television has no institutional autonomy due to the politicised governing bodies and the absence of sustainable funding. In 2017, the Government halved MRT's budget by presenting it as an interim measure, while the MRT's governing bodies' representatives are still related to the previous government. While drafting the amendments to the Law on AAMS, the government tried to regulate journalistic standards by law. But, under pressure from the journalist community gave up on the intention to sanction ethical standards in media reporting. There is a tendency to improve the practices of the Agency for Audio and Audiovisual Media services (AAAMS), which in the past year has been more active and its attitudes towards media problems are closer to the attitudes of professional media organisations, especially regarding discrimination and hate speech in the media. Such a positive trend by the media regulator was noted by the OSCE in the latest report on media reporting during the election campaign for the 2017 local elections. Media experts have similar opinions regarding the work of the regulator. (Section A.1.)

Regarding the media coverage during the campaign in the local elections held in October 2017, the regulator filed 14 charges against media due to various violations of the Electoral Code. However, most of the applications were rejected by the courts, and three penalties were imposed with lower fines than foreseen by the law.

With the government's decision state advertising was abolished. It was introduced by the previous government, which used advertising in the media as an instrument for influencing editorial policy. Although the new Government abolished state advertising in the summer of 2017, in secret, they negotiated with the opposition for a new kind of financing for political propaganda in the media, paid with public money. The amendments to the Election Code envisaged the possibility for a part of the public funding for party financing to be used for financing political propaganda in the media during the election campaign, and the State Election Commission was given the authority to evaluate the coverage of online media during the election campaign. This move was criticised by the journalist community as a return to government advertising and the continuation of clientelist ties between political parties and media owners, and as an attempt to hinder access to the internet.

Although government advertising has been abolished, municipalities in Macedonia continue to spend public funds to finance local and regional media. The AJM survey showed that two-thirds of the municipalities in 2018 spent or by the end of the year intended to spend about half a million euro for advertising in the media and for engaging journalists with copyright contracts. (Section A.1.)

The government did not align the Law on Civil Liability for Defamation and Insult with the new European trends, although it was foreseen in the “Reform Plan 18”. Defamation was decriminalised in 2012, and since then the number of lawsuits against journalists has been drastically reduced. At that time there were over 300 lawsuits against journalists before the criminal court, while this year before the Civil Court there are approximately 30 active cases. Interviewed journalists believe that the authorities used defamation lawsuits to further pressure critical journalists. The Government representatives of the Democratic Union for Integration are the exception and are still filing lawsuits against Albanian language critical media. The extreme example was in Skopje where the Civil Court’s judgment imposed fine of 20.000 euro to the editor-in-chief of the daily Lajm, Isen Saliu, as compensation for non-pecuniary damage for violation of the honour and reputation of the leader of DUI, Ali Ahmeti. The Appeal Court sent back the decision for re-examination.

The Civil Court in Skopje refuses to apply the provisions prescribed by the Civil Liability Law for Defamation and Insult in the defamation cases against online media, arguing that according to another law the news portals are not defined as “media”. This practice has been legalised by the Appellate Court in Skopje, while quite a different case law exists in other appellate courts, which process defamation lawsuits against online media. AJM assessed the behaviour of the courts in Skopje as politically motivated in order to provide a false alibi for the government to introduce stricter regulation of online media. AJM filed a request to the Supreme Court for the harmonisation of case law, but so far, no opinion has been received. (Section A.2.)

In Macedonia, the journalist profession is not licensed by the state, but in the Law on Media there is an attempt to define the term “journalist”. This attempt was rejected by the journalists’ community, which requested the definition be erased from the law. (Section A.4.)

Sources of information in Macedonia are protected by law, but practice shows something else. Journalist Tomislav Kezharovski was convicted in 2013 for revealing the identity of the protected witness, and the main reason why he was prosecuted was his refusal in pre-investigation to divulge his sources of information. (Section A.5.)

The right to free access to information of public importance is guaranteed by Macedonian legislation, but the law has too many grounds based on which institutions can reject the requests for free access by citizens, and the deadline of 30 days for receiving the information is too long for journalists. On the other hand, institutions continue to be non-transparent with journalists, ignoring journalists’ questions or providing incomplete information. (Section A.6)

B. Journalists’ Position in the Newsroom, Professional Ethics and Level of Censorship

There is a prevailing perception that in the last year there were still serious restrictions on journalistic freedoms. This perception arises from journalists’ polls conducted by journalist organisations and interviews with media experts. Journalists easily lose their jobs because they have no legal protection from the institutions and because they do not know their rights. The wages are still low and are below the average monthly income in the country, and only a few journalists have a secure job with a permanent employment contract and with social and labour benefits.

Average monthly net salary for journalists is 18.800 MKD (app. 310 euro), which is about 30% less than the average salary in the country in 2018. Half of them do not have an employment contract for an indefinite period, and a smaller part is engaged with copyright contracts. According to the latest research conducted by the Independent Union of Journalists and Media Workers, the majority of journalists’ salaries payments are late. There are journalists in parts of Macedonia, who work for even lower salaries of 12.000 MKD (app. 200 euro).

Due to the unfavourable circumstances, journalists are vulnerable to pressure in their editorial offices and practice self-censorship. They do not seek protection because they do not trust the institutions or because they don’t want to risk losing their job. Therefore, there is no single verdict related to mobbing against journalists in the workplace. One of the indicators for pressure in the editorial offices is the fact that most of the interviewed journalists insist on being anonymous because they fear negative repercussions. (Section B.1.)

Private media do not publish internal acts on their websites which guarantee the independence of the editorial collegium from media management. The most flagrant example of management involvement in journalist freedom is from the director of the national private television station, who publicly admitted that he had ordered the editor-in-chief not to publish the statements of the president of the Association of Journalists of Macedonia. (Section B.2.)

The situation is similar with the journalists in the Macedonian Radio Television, where due to the politicisation of the governing bodies and the unfavourable financial situation, they are exposed to pressure through disciplinary measures, financial penalties, transfers to other positions, etc. On the other hand, “obedient” journalists are “rewarded”. Professionals are marginalised and are given peripheral topics to cover, and this is reflected in the content of informative programs. (Section B.3.)

The pressure on non-profit media, some of which are engaged in investigative journalism, has decreased compared

to the pressures that have been present in the last few years when journalists and editors were often attacked in public on a personal basis and hate speech was used towards them because of their public criticism of the authorities and business interests close to the government. (Section B.4.)

Faced with this unfavourable position, journalists in the public and private media rarely work on sensitive topics, and mostly cover daily political events. Debates on private television stations are now more common, but in the public media programs, there is the impression that the same experts, close to certain political and economic power centres, are part of a continuous procession. (Section B.5.)

C. Journalists' Safety

The number of attacks on journalists has decreased, but impunity for violence against journalists may still be regarded as a challenge in Macedonia. In the past year, the Association of Journalists registered six cases against journalists: one physical assault, one death threat, two arbitrary detentions by the police, one case of destruction of journalist's property, and one case of preventing photo reporters from reporting on a public event. This, in comparison to the previous year when there were 18 attacks, is an improvement. In Macedonia, there are no special mechanisms for monitoring and reporting on the attacks and threats against journalists. Based on reports from the Ministry of Interior and the Public Prosecutor's Office, there is a negative phenomenon noted in the conduct of investigations where journalists are attacked. The aforementioned two institutions are blaming each other for dragging down the investigations. No state institution in Macedonia maintains a register of attacks and threats made to journalists. In addition, with the exception of the police, the state prosecutors and the judiciary, they are generally closed for sharing information related to attacks on journalists. (Section C.1.)

The government declaratively condemns all incidents and attacks on journalists. Prime Minister Zoran Zaev and other senior government officials regularly condemn these attacks and urge the law enforcement authorities to investigate and punish the attackers. So far, the military and police have not adopted internal documents which will guide their members on how to deal with journalists. These institutions do not have any rulebooks that prohibit threats, intimidation or attacks on journalists. The new Government in Macedonia showed greater readiness to cooperate with the Association of Journalists in order to clarify all attacks on journalists. In December 2017, the Ministry of Interior signed a Memorandum of Understanding with the AJM, which envisaged the organisation of joint activities to end the policy of impunity for attacks against journalists. Two trainings were organised in Skopje and five in other major cities in Macedonia. What is still worrying about police conduct towards journalists is the fact that in 2018 the police arbitrarily detained several

journalists in a police station thereby preventing them from carrying out their professional duties. (Section C.2.)

It is a positive development that this year the judicial institutions have ended the policy of impunity for violence against journalists, which lasted for nearly ten years. Macedonian courts in this period made two verdicts with which the journalists' attackers were sentenced to imprisonment or received a fine. The reduction of pressure on journalists as a result of change in the political environment was noted by the European Commission in the report on the progress of Macedonia in 2018. However, the Commission estimated that it is not enough for the authorities to just register and condemn attacks, but that the public prosecutors should take the investigations seriously and for the perpetrators to be held responsible. The worrying fact is that the majority of the attacks that have occurred over the last five years have not fully been resolved or the procedures have been inadequately guided. The new leadership in the Ministry of Interior complained that they would not be able to find the perpetrators in a number of cases because the previous government conducted the investigations unprofessionally, and in some cases, there was lack of evidence. Out of the 59 attacks on journalists that have occurred in the last five years, the police have completely resolved only seven with criminal charges filed against the perpetrators. (Section C.3.)

Montenegro

Marijana Camović
Bojana Laković-Konatar

Project Goals and Research Methodology

This report presents the findings of the third research study conducted within the regional project “Western Balkan’s Regional Platform for Advocating Media Freedom and Journalist’ Safety”, implemented by the national journalists’ associations in Bosnia and Herzegovina, Kosovo, Macedonia, Serbia, and the trade union in Montenegro. The report is a follow-up on baseline study which more broadly presented the legislation, socio-economic and political situation with media freedom and journalists’ safety identifying the key challenges and recommendations for journalists’ associations and other stakeholders⁸. The main objective of this third research study is to detect new developments and to make comparisons with the level of media freedoms and journalists’ safety identified in 2016 and 2017.

This third research study was conducted by Marijana Camović and Bojana Laković on the basis of the common methodology developed for all five countries. The following methods have been employed for data collection and analysis:

⁸ Trade Union of Media of Montenegro, “Indicators on the Level of Media Freedom and Journalists’ Safety - Montenegro”, (Podgorica: Trade Union of Media of Montenegro, 2016). Accessed: <http://safejournalists.net/wp-content/uploads/2016/12/WB-Media-Freedom-Indicators-2016-ENG-full-report.pdf>.

- 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 12 individuals (journalists, lawyers, media experts, representatives of public institutions or NGOs).
- Survey with 136 journalists from different media organisations on the basis of a structured questionnaire partly adapted from the Worlds of Journalism Study.
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

A. Legal Protection of Media and Journalists' Freedoms

Amendments to the Media Law and the Law on National Public Broadcaster of Radio and Television of Montenegro are underway, and in early 2019 amendments to the Law on Electronic Media will begin. The Media Law stipulates that 0.03% of the State Budget will be allocated to help commercial media through the Media Pluralism Fund. (Section A.1.)

In two years, 35 electronic publications were registered, but the number of active portals is much higher because there are no sanctions for those unregistered. Increasing the inspection's powers, including the possibility of imposing penalties would, in the opinion of international experts, strengthen the Agency for Electronic Media. The independence of this regulator was jeopardised by political influence that resulted in the replacement of a member of the Council. (Section A.1.)

Public sector's advertising continues to cause concern for both the domestic and international public, primarily due to the non-transparent distribution of funding. Media in the languages of national minorities can only count on money from the Fund for Protection and Exercise of Minority Rights. Although 0.15% of the State Budget is allocated to this Fund, the last public call for distribution of these funds was announced in the first half of 2017. (Section A.1.)

Political influence on the Radio Television of Montenegro has been restored, so two members of the Council and the complete management have been replaced since September 2016. For financing the Public Service Broadcaster in the next three years, the Government will provide approximately 40 million euro. (Section A.1.)

Practice has shown that it is easier to sue for damaging the honour and reputation than to defend against such accusations. There is still a large number of lawsuits on this basis, and from 2011 to 2017, the courts processed 109 cases for compensation for damaging honour and reputation. In these cases, more than a million euro were demanded from the media, while in 24 adopted cases, media had to pay 45.300 euro. The research has shown that the possibility of a lawsuit for damaging honour and reputation influences nearly every other journalist. Low level of criticism by public figures in combination with high fees, according to international experts, can lead to self-censorship and they indicate weak self-regulation mechanisms. It is necessary to improve cooperation between the existing self-regulation mechanisms, so they do not reflect the sharp division in the media scene. (Section A.2.)

The amendments of the Law on Electronic Media were adopted following the recommendations of the OSCE/ODIHR Election Observation Mission that monitored the parliamentary elections in 2016. These amendments regulate political advertising and the election campaign. The analysis of the Centre for Civic Education showed that during the presidential election in 2018 the media focused on mutual criticism and attacks of candidates. (Section A.3.)

Every fourth journalist was not allowed to report from an event because they did not have accreditation. The rights of journalists and other media workers are protected by two trade unions and several associations. Journalists have more freedom to be part of the association, but they rarely decide to join because they feel that they cannot fix the situation. Every fifth journalist does not feel free to be a member of a trade union, but still, there are more journalists that are members of unions than of associations. (Section A.4.)

In 2017, the number of employees in the media sector, which has 1,350 employees, was again reduced. There were no changes in the regulations guaranteeing the protection of journalistic sources, but there were registered cases in which journalists were asked to disclose their sources. (Section A.5.)

Amendments to the Law on Free Access to Information made it hard for the media to attain important data and opened the door to the state authorities to prescribe the obligation of keeping secrets thus depriving the public of important information. Journalists see the Parliament as the most transparent institution from year to year. The Prosecution was rated as the least transparent institution, as 40% of the respondents indicated that it was little transparent or non-transparent. (Section A.6.)

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

Earnings of around 800 journalists are still below the national average, and the survey found that about 35% of journalists receive a salary of 400-500 euro, while every third journalist receives a salary of less than 400 euro. Journalists from private media can boast of higher salaries. In the local media, employees are owed even up to eight salaries, as in the case of RTV Pljevlja, which led employees of this local media to go on strike at end of 2017. They are in a similar position to their colleagues in RTV Atlas which has declared bankruptcy, owing approximately 800.000 euro in salaries and taxes. (Section B.1.)

In addition to low and irregular payment of salaries and additional work on the black market, a novelty in the media sector is the hiring through agencies for the temporary assignment of employees. The interviewed journalists testify to temps working extended hours; also, as many as 60% of respondents point out that the economic position of journalists has weakened to a significant or to a certain degree. As many as 15% of respondents were forced to seek additional work despite already being overburdened by their responsibilities in their editorial offices. However, journalists are still not ready to publicly talk about their problems. (Section B.1.)

From year to year journalists point out to the great pressures that they suffer because of profit making (63%). Also, a serious problem is the pressure from sensationalist reporting, as noted by 70% of the interviewed journalists. (Section B.1.)

Experts from the Council of Europe point out for the need to ensure editorial independence of the editorial staff. However, the working group for amendments to the Law on Media showed no inclination to the Trade Union of Media of Montenegro and the Council of Europe's recommendations regarding the introduction of provisions that would reduce self-censorship and the influence of the owners on editorial policy, so they were not adopted. Journalists believe that the impact of marketing on their work is poor. (Section B.2.)

Two years after the amendments to the Code of Conduct of Journalists of Montenegro have been adopted, amendments regarding the online comments are being prepared. The public is not aware of open pressures on journalists, but interviews with journalists show that pressures exist and that their colleagues adjust their work to the will of the editors or media owners. (Section B.2.)

Independence of editors and journalists on Radio Television of Montenegro is formally high, but in practice, there is an obvious influence on this medium, especially after the replacement of the previous management and part of the Council. Politicians see this media as a political resource. Similar problems exist in local media, whose independence would be ensured by changing the current model of financing. (Section B.3.)

The Montenegrin media scene is characterised by a negligible number of non-profit media, which are undeveloped and unsustainable, and consequently with limited influence. (Section B.4.)

Although journalists consider that they are free in their work, the data shows that their freedom is limited and conditioned by numerous factors. Every third journalist has a small or a certain degree of freedom in the selection of stories they report on, and almost the same number of them have a certain degree of freedom in choosing the aspects of the story to emphasise. (Section B.5.)

For the third year in a row, journalists point out the hierarchy of influence, that is, to the fact that people with whom they cooperate on a daily basis have the greatest influence on them. In the first place, those are editors, and almost 80% of the respondents claim that they have an extreme, strong or partial influence on their work. For the second year in a row, media managers come second regarding their influence on journalists. Politicians and state officials have little direct influence on journalists, but it is likely that this influence is achieved through editors and managers. The editorial policy has a powerful influence on the press. (Section B.5.)

As much as 46% of journalists report a strong influence of direct censorship, while conversely, 47% of their colleagues say that this influence is weak or that it does not exist at all. Every third journalist faces censorship and some editors are also exposed to it. (Section B.5.)

The work of every other respondent is limited by ethical standards, while every fifth respondent says that ethics affect them poorly, partially or not at all. Nevertheless, every other journalist claims that there is a noticeable decline in ethical standards in journalism. (Section B.5.)

In the first seven months of 2018, the Media Self-Regulation Council received 30 complaints but did not act on them because the Complaints Commission did not meet as its members have not been paid for their work. (Section B.5.)

C. Journalists' Safety

The Trade Union of Media of Montenegro registered seven cases of assault on journalists and media from the beginning of July 2017 to the end of June 2018, while there are two more cases in the records of the Montenegrin Police Directorate, which are related to threats directed at a former journalist, who is currently at the head of a political party. The most drastic case of an attack occurred in May 2018, when the journalist of Vijesti Olivera Lakić was wounded by a gunshot. The attackers and the masterminds of the attack have not yet been found, and the FBI is involved in the case. (Section C.1.)

At the end of 2017 and in early 2018, two cases of threats were registered as well as the throwing of an explosive device in front of a journalist's, Sead Sadiković's, house. In this case, the perpetrators were quickly found and convicted. (Section C.1.)

Vijesti journalist, Jelena Jovanović, received threats in her workplace, and the court proceedings are underway. At the end of 2017, the case of burnt vehicles belonging to Miroslav Drobnjak, correspondent of Večernje Novosti, was also registered, and this case is characteristic because the Council for Civilian Control of Police Work has established that the police, during the investigation, acted unprofessionally. (Section C.1.)

According to information from the Council of Europe from the beginning of 2004 to the beginning of 2018, the Montenegrin prosecution registered 33 cases of attacks on journalists, and in six cases the perpetrators have not yet been found. (Section C.1.)

The mandate for the members of the Commission for Investigating Attacks on Journalists has been extended for another two years. During the second term, the Commission, addressing 15 cases of assaults on journalists and media property, found numerous omissions, and according to available information, in only one case, the prosecution worked on eliminating the found failings. (Section C.2.)

After the wounding of Olivera Lakić, the Police Directorate asked the media to provide the names of journalists writing for the crime news in order to assess their safety. They also announced that they will propose for a new position be opened which would follow attacks on journalists. It is also planned to appoint a person in security centres and relevant departments to monitor and take necessary measures to protect media employees and to ensure their unhindered work. (Section C.2.)

Officials generally condemn all attacks, but the main problems are unresolved cases from the past because of the statute of limitations. (Section C.2.)

No laws or regulations were enacted to protect women journalists in particular. There is no difference between different types of media. When at the beginning of 2017 the Human Rights Action and the Trade Union of Media attempted to change the Criminal Code in terms of providing additional protection for journalists, there have been no similar initiatives since. (Section C.3.)

Serbia

Marija Vukasović

Project Goals and Research Methodology

This report presents the findings of the third research study conducted within the regional project “Western Balkan’s Regional Platform for Advocating Media Freedom and Journalist’ Safety”, which is implemented by the national journalists’ associations in Bosnia and Herzegovina, Kosovo*, Macedonia, Serbia, and the trade union in Montenegro. The report is a follow-up to the baseline study which presented more broadly the legislation, socio-economic and political situation with media freedom and journalists’ safety identified the key challenges and recommendations for journalists associations and other stakeholders⁹. The main objective of this third research study is to detect new developments and to make comparisons with the level of media freedoms and journalists’ safety identified in 2016 and 2017.

This third research study was conducted by Marija Vukasović, on the basis of the common methodology developed for all five countries. The following methods have been employed for data collection and analysis:

⁹ Independent Journalists’ Association of Serbia, “Indicators on the Level of Media Freedom and Journalists’ Safety – Serbia”, (Belgrade: IJAS, 2016), Accessed: <http://safejournalists.net/wp-content/uploads/2016/12/Full-WB-Media-Freedom-Indicators-2016-ENG.pdf>.

* This title is without prejudice as to the status and is in line with the UN Security Council Resolution 1244 and the opinion of the International Court of justice on the declaration of independence of Kosovo.

- 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).
- Official statistical data requested from public institutions or collected from available websites or from other published sources.

A. Legal Protection of Media and Journalists' Freedoms

Media freedom and freedom of expression in Serbia are guaranteed by media laws and the Constitution. Media experts think that the laws as such are not bad and that the problem primarily lies in the lack of will to enforce them. Even though laws are basically good and even though they correspond to European standards and practices, there is room for improvement. Certain amendments have been announced by relevant ministries. (Section A)

Work on development of the new "Draft Strategy for the Development of the Public Information System in the Republic of Serbia by 2023" has been initiated. Due to significant disagreement on the composition and work of the initial working group, representatives of journalists and media associations and one independent expert left. The Draft produced by the Ministry was rejected and a new working group, that includes representatives of associations, was established. They continue working on the document. To resolve current issues and problems in the media, a Team for dialogue and the Coordination body were formed in agreement with the Government. (Section A.1.)

Following the exit from the first working group for the production of the Draft Strategy, Independent Journalists' Association of Serbia and four other journalists' and media associations continued working on advancing existing media policies. Assisted by media professionals and legal experts, they produced a document "Contributions to the Development of the Public Information System Strategy by 2023", which comprises the analysis of the extent of implementation of the previous Strategy and proposals to overcome the existing issues in the media sphere. This document presents the common positions of the five associations and was accepted as one of the starting documents the new working group will use for development of the Media strategy. (Section A.1.)

As in the previous years, journalists and media experts agreed that media freedom is at a low level and it has been declining for some years. This is primarily due to the fact that media is controlled in different manners, while independent outlets and journalists working in accordance with professional standards are under constant pressure. Local media is especially vulnerable. The fact that media freedom in Serbia is at a low level was also stressed by all relevant international organisations in their reports. (Section A.1.)

One of the major reasons for the poor condition of media freedoms continues to lie in the politicised work and lack of efficiency of the Regulatory Authority of Electronic Media (REM), primarily its Council. Media experts believe that politicising of the regulator's work continued, that it has been thoroughly passivised and that there is no political will to allow it to operate independently. The significant problem is that the regulator does not use its legally prescribed authorities sufficiently - in 2017, REM issued only three measures, two reprimands and one warning. This body is not sufficiently transparent and does not operate in full composition, as the REM Council members lacking have not been appointed yet. (Section A.1.)

Pressures against media through advertisers are still quite intense, with local media especially exposed to them. A separate law that would regulate advertising of state companies was announced since it's not regulated by the Law on Advertising; however, this has not been done yet. Meanwhile, this area remains inadequately regulated, resulting in numerous problems including – as media experts believe - unlawful influence on editorial policies of media outlets. This issue has also been emphasised by the European Commission in its "Serbia 2018 Report". (Section A.1.)

The process of project co-financing for the purpose of achieving public interest goals in the area of public information deteriorated in comparison to the previous year. There were no legal amendments in this area; however, it seems that the real issue lies in the implementation of laws and seeking ways to surpass them. Problems with announcing the competitions, selection of projects, allocation of funds and their evaluation still exist. This year candidates from non-representative media and journalists' associations and certain experts, both unknown to the professional and general public, were appointed as members of the commissions. This happened at the Republic competition, which functioned quite well previously, and resulted in major associations withdrawing their candidates. Commissions continued their work nevertheless, and this was the reason why some associations did not accept funds allocated within the competition. Another problem is that the funds were, against the rules, awarded to media outlets which violate ethical and professional standards. (Section A.1.)

Information in national minority languages is not at a satisfactory level in Serbia. Financial sustainability of media reporting in minority languages is also a major issue due to the lack of financing mechanisms. (Section A.1.)

Institutional autonomy and editorial independence of public broadcasting services is guaranteed by law; however, experts agreed that this is still not implemented in practice. The way PSB is financed still remains a major issue as it cannot ensure its independence. The only form of public control over the work of the public service broadcaster is the Programme Council. However, it is primarily an advisory body and its opinion is not binding. Another issue lies in the fact that the manner of appointment of the Programme Council members does not ensure its independence. (Section A.1.)

Even though libel is decriminalised in Serbia, this has not contributed to a better position of journalists, only to an increase in the number of civil lawsuits against them. Claims are still filed to courts in large number; in the observed period, the number of filed claims was 650. As of recently, there has been an increase in the number of lawsuits by journalists against journalists and media outlets. This is a result of the mounting tabloid journalism primarily, as well as frequent smear campaigns led by pro-governmental tabloid media against certain journalists who are likely to be critical of authorities. Uneven court practices still present a significant issue, even though judges have started quoting the European Court for Human Rights decisions. (Section A.2.)

Political pluralism in media is guaranteed by law and there were no legal modifications to this effect. REM is mandated to supervise broadcasters and ensure observance of the prohibition of political advertising outside election campaigns, as well as representation of registered political parties, coalitions and candidates without discrimination during the election campaigns. REM regulated obligations of broadcasters in the “Rulebook on the Obligations of Providers of Media Services during the Election Campaign”. However, as in the previous year, it failed to perform the monitoring. This is why in 2017, IJAS filed criminal charges against REM Council members citing criminal offence of negligence in exercising authority; the proceedings are still pending. During the reporting period, candidates and parties did not have equal and fair access to media during the election campaign and in the period outside of it. (Section A.3.)

In Serbia, journalists are not licensed. The trend of not inviting certain media outlets to events of public interest continued, while some journalists are even prohibited from reporting from certain events. Pressures are exerted on journalists' associations and are mostly aimed at associations who are critical of representatives of the authorities when media freedoms are violated. The organisation of journalists into trade unions is still quite poor. The Press Council is one of the few organisations which had positive results in its work; however, this body is also subjected to pressures, exerted in subtler manners and through different channels. (Section A.4.)

Protection of journalists' sources is regulated by law and it is generally observed. In the previous year, there were no serious cases of journalists being requested to disclose the identity of their sources or imposed sanctions for this reason. The occurring problem relates to abuse of this insti-

tute: an increasing number of media outlets, primarily tabloid ones, quote anonymous sources and abuse this journalistic right. The problem of the lack of protection of sources in the case of electronic communications interception is increasingly present as it questions whether journalists can provide anonymity to their sources. (Section A.5.)

The right to access information of public importance is regulated by the Law on Free Access to Information of Public Importance. Even though the Law is good, it still needs to be improved in some parts. However, the draft law on amendments and supplements to the Law on Free Access to Information of Public Importance which appeared in March 2018 was criticised for the intention to exclude state-owned companies from its implementation. Journalists exercise the right to access information increasingly, but still not enough. Institutions are not sufficiently open, and there are numerous cases of their refusal to respond to the request (so-called “administrative silence”). The major issue still lies in public companies which do not respond to requests and, subsequently, pay the fines issued by the Commissioner for Information of Public Importance. The number of appeals filed to the Commissioner is high. According to the Commissioner's Report, the number of appeals filed in 2017 was by 5.5% higher than the number of appeals in 2016, i.e. 3,680 appeals. Journalists believe that institutions in Serbia are not sufficiently transparent. (Section A.6.)

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

The position of journalists and other media professionals in Serbia has been quite poor over a longer period of time. They work in very difficult conditions, with low salaries and irregular payments. There is no accurate data on the number of journalists, their salaries and type of labour contracts they hold. The Statistical Office of the Republic of Serbia holds data for the field of information and communication, but it includes a large number of areas and data is not diversified, thus there is no information on the number of employees in the media industry. Journalists are increasingly engaged as part-time associates. Most of the researches on salaries indicate that average salaries in journalism are below the Republic average. (Section B.1.)

Privately-owned media outlets in Serbia do not have separate acts that ensure the independence of the newsroom from the management and the advertising department. Also, they mostly don't have separate rules on editorial independence from the owner and management bodies. One of the rare examples of media outlets who have such internal act is the internet portal Južne vesti. Private media outlets do not have separate codes of ethics. They are exposed to different pressures exerted by owners as well as external pressures. (Section B.2.)

In the previous year, public broadcasting services have not adopted separate codes of ethics. Articles of association of public broadcasting services and law prescribe editorial independence, as well as the prohibition of any form of censorship and illicit influence on the work of public media services, newsrooms, and journalists. As before, the problem is that the editors are formally independent, but that is not reflected in practice. Public broadcasting services are subjected to pressures from different sources. (Section B.3.)

In recent years, non-profit media outlets working primarily in the online sphere and pursuing investigative journalism have become quite prominent. The majority do not have a separate code of ethics. Non-profit media outlets are frequently attacked and under pressure, mostly through smear campaigns in media i.e. tabloids close to the government who label journalists critical of authorities as mercenaries and traitors. (Section B.4.)

Journalists and experts believe that in Serbia there is no censorship in its original meaning, but that self-censorship is significantly rising. Journalists resort to self-censorship primarily for fear for their existence and the fear of losing their job. Journalists working in the local media are particularly affected. (Section B.5.)

C. Journalists' Safety

The Regional Platform for Advocating Media Freedom and Journalists' Safety keeps a database of attacks against journalists and other media professionals in six countries of the Western Balkans. In Serbia, during the period from September 2017 to the end of August 2018, it recorded 28 attacks: 21 verbal threats, six physical attacks, and one attack against property. In 2017 the number of recorded physical attacks decreased, while the number of verbal threats to the journalist's life and limbs, and their family members increased; half of these threats were addressed through the internet and social networks. In the observed period, a dramatic increase in pressures against journalists was recorded. The database of attacks and pressures against journalists maintained by IJAS recorded 62 cases of pressures in 2017, twice as many as in 2016. In the first eight months of 2018, as many as 34 cases of pressures were recorded. Journalists' associations are exposed to pressures as well as to threats and intimidation - associations critical of the authorities are the primary target. (Section C.1.)

In December 2016, the Agreement on cooperation and measures to increase the level of journalists' safety was signed between the Ministry of Interior, Republic Public Prosecutor's Office, and seven journalists' and media associations. Based on the Agreement, a Standing working group was established, comprising representatives of all signatories. Since the very beginning, there was a lot of disagreement in the Group about the implementation of the Agreement; in the end, in November 2017, five journalists' and media associations sus-

pending their membership in it. The Group had several meetings with the aim to activate its status; however, by the end of the composition of this Report, the position of associations remained the same. As in the previous year, the Agreement contributed to better communication between associations and the Public Prosecutor's Office and the Ministry of the Interior; a system of contact points has been established so it is easier to report attacks or threats while it is also easier to obtain information about cases. However, although the purpose of the Agreement was to contribute to increased efficiency in solving the cases of attacks on journalists, a significant problem remains as a high number of such cases are unsolved. State officials very rarely publicly condemn attacks against journalists, and when they do it, they do it selectively. (Section C.2.)

When it comes to secret surveillance of communication, there is still no evidence that it is conducted contrary to law. In the previous year, there were no cases of journalists reporting on this issue. (Section C.2.)

In the previous year, the Commission on reviewing the facts related to the investigation of murdered journalists made some positive steps; the President of the Commission stated that the investigation indicated that Milan Pantić was murdered for his journalistic work and investigative reporting. However, neither the police nor the Public Prosecutor's Office has taken any steps regarding this case. In August 2018, Serbian Government passed the decision on the extension of responsibilities of the Commission to include cases of murder and disappearance of journalists in Kosovo and Metohija in the period 1998 – 2001, and murders of journalists in conflicts in SFRY during the period from 1991 to 1995. (Section C.3.)

Even though the Republic Public Prosecutor's Office passed the Instruction stipulating urgent procedures in the case of attacks against journalists, investigations are generally not conducted promptly and efficiently. There are examples of cases that were solved quickly, with adequate reactions from the Prosecutor's Office and the police. However, the majority of the cases are left unresolved for a very long time, while some never have legal closure and the perpetrators go unpunished. There are many unsolved cases: out of the 28 cases in the observed period, as many as 21 are still pending. An even greater problem is the fact that there are numerous cases that took place years ago, but are still in the pre-investigation stage. Two out of three cases of murdered journalists are still in the pre-investigative stage, while the case of Slavko Ćuruvija is still before the first-instance court, even though the proceedings started in 2015. The research of efficiency of criminal legal protection of journalists in Serbia indicated that there are doubts in the efficiency of institutions and mechanisms related to the safety of journalists. The research states that the number of proceedings for the criminal offence of jeopardising safety closed before courts in comparison to the number of cases filed is extremely low. (Section C.3.)

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? (Reporting period: September 1, 2017 – August 31, 2018)

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?	The right to freedom of expression is guaranteed with the constitutions and with the media laws, including access to internet. There is no specific law which regulates the online sector. Some laws should be improved (defamation laws, access to information law, communication law). Legal guarantees are not efficiently implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and with the media laws, including access to the internet. There is no specific law which regulates the online sector. Some legal provisions should be improved (Law on Audio and Audiovisual Media Services). Legal guarantees are not efficiently implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and with a corpus of media laws, including access to the internet. There is no specific law which regulates the online sector. Since some of the media laws were outdated, currently there is a process of amending the Law on Media, the Law on RTCG. Legal guarantees are not efficiently implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and media laws, including access to the internet. There is no specific law which regulates the online sector. Legal guarantees are poorly implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and media laws, including access to the internet. There is no specific law which regulates the online sector. Legal guarantees are not sufficiently implemented in practice. In general, freedom of the media is at a low level.

**A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Was the media legislation developed in a transparent and inclusive process?	General perception is that the process was transparent, but very slow. Current laws are lagging behind technological developments.	In the reporting period, draft-amendments to the Law on Audio and Audiovisual Media Services were submitted to the Parliament. The process was transparent and inclusive.	The process of amending the Law on Media, the Law on RTCG was transparent and inclusive, but the proposed provisions aimed at protecting journalists from owners' influence were not accepted in the final draft-texts.	In 2017, several changes to the draft law on the RTK were debated in a closed session of the Parliamentary Commission on Media. The process was neither transparent nor inclusive.	The process was transparent and inclusive to a certain extent, because relevant journalists' associations were involved. New media strategy is being drafted and amendments to the media legislation were announced.
Have the state authorities attempted to restrict the right to internet access or seek to block or filter internet content?	Such cases haven't been registered.	Such cases haven't been registered.	Such cases haven't been registered.	The Parliamentary Commission on Media proposed the adoption of a new Media Law aimed, among other, at "disciplining portals". The initiative was criticised by AJK and other actors as an attempt to control the online media sector.	In the reporting period the Share Foundation registered seven cases of blocking or restricting content on internet. There is no evidence that the state authorities attempted to violate freedom of expression on the internet.
Is the regulatory authority performing its mission and functions in an independent and non-discriminatory manner?	The regulator is not perceived as an independent and non-discriminatory body by the journalists, because the politicians in power directly influence the appointment of individuals in the highest positions in the regulatory body.	There has been an improvement in the previous years in terms of its efficiency, but the regulator is still not perceived as independent from political interests.	Formally, the independence of the regulator is guaranteed, but it is also necessary to increase its powers, including the power to impose sanctions. The dismissal of a member of its Council was proof of direct political pressure on the regulatory body.	The regulator is not perceived as independent. Nomination of members is politically motivated.	The regulator is not sufficiently independent and transparent and does not use its legally defined competencies. The Council is politically influenced and still works with incomplete composition.
Is there a practice of state advertising in the media and is it abused for political influence over editorial policy?	State advertising in the media is not adequately regulated by law. It has huge impact on the editorial policy of media which receive money from the State Budget. Around 30 million euro is spent annually by various institutions for advertising in the media.	The new Government stopped the practice of state advertising in 2017. However, at local level, municipalities still allocate significant amounts of money from the municipal budgets to the local media. The Association of Journalists of Macedonia warned that this practice undermined professional journalism and infringed the independence of local media.	There is a general perception that the practice of state advertising opens up a huge space for abuse and it is used as a tool for financial support to the media affiliated with the Government.	Public institutions allocate funds to online media in a selective and non-transparent manner. Banners published on news portals do not present any particular activity of the ministries.	State advertising is not adequately regulated in the legislation. Therefore, the allocation of funds is very often selective and not transparent. It is one of the main mechanisms for pressure over the media and on their editorial policies.
Are there any types of media subsidies for the production of media content of public interest and how is it implemented in practice?	There are no media subsidies.	At present, there is no funding scheme to encourage production of content of public interest. There is an initiative to introduce subsidies for print media and media in minority languages.	At present, there are no media subsidies.	There are funds from the Office of Community Affairs within the Prime Minister's Office, but this year's call is not aimed to media but only to non-governmental organisations.	There is a funding scheme aimed at encouraging production of programs of public interest in the electronic, print and online media. There are many inconsistencies in its implementation: some funded programs are not of public interest, lack of evaluation procedures, abuse and misuse of law etc. Even the media that violate ethical rules of conduct are funded.

What are the mechanisms for financing media in the languages of national minorities?	Such mechanisms do not exist. National minorities and vulnerable groups are dissatisfied with the programs produced by the public broadcasting services aimed specifically for these groups.	There are no mechanisms for financial support of language diversity in the private media. The public broadcaster (MRT), broadcast radio and TV, produces programs in the languages of six non-majority ethnic communities.	National minority media are financially supported only through the Fund for the Protection and Implementation of Minority Rights. However, the last call was published in the first half of 2017.	There is no mechanism for funding private media in the languages of national minorities. The public broadcaster (RTK), broadcasts programs in all minority languages (Serbian, Bosnian, Turkish and Roma). Since June 2013, the Serb minority has its own channel on RTK2.	There is a funding scheme provided by the state and municipal budgets. However, media in minority languages are still financially unsustainable, because there is no mechanism to finance informative programs in different languages.
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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. There is still no appropriate funding framework for the public services in Bosnia and Herzegovina. There are indications that politicians influence to great extent the nomination of editors and management of the public services. 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 it was seriously undermined with the dismissal of two members of the RTCG Council and its President Djurovic (who remains in the Council as a member), the change of the entire management and the editorial team. Therefore, the supervisory body is currently politically influenced and does not represent the society at large. The funding framework was improved – the Government will provide 40 million euro for the RTCG operations in the next three years.	The autonomy and independence of PSB is guaranteed but poorly implemented. Direct funding from the State Budget does not provide stable and independent operation of RTK. The new draft law on the RTK envisages a new mixed funding model: fee collected through electricity bills and 0.4% from the State Budget. The supervisory body does represent society, but it is politicised.	Autonomy and independence is legally guaranteed. However, the PSBs are not financially independent because the funding framework does not provide for their stable functioning. The Program Council is not controlled by the society, because the politicians in power influence the appointment of its members. It only serves an advisory function.
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A.2 Does defamation law cause a “chilling” effect among journalists? (Reporting period: September 1, 2017 – August 31, 2018)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the defamation laws’ provisions overly severe or protective for the benefit of state officials?	Defamation was decriminalised 20 years ago. Current legislation is in line with European standards – the provisions are not protective for the benefit of officials.	Defamation was decriminalised in 2012. The Law on Civil Liability is in place. The Law is being implemented and its provisions are not restrictive for the journalists.	Defamation is decriminalised. There is a general perception that it is easier to sue than to defend from a lawsuit for damaging one’s honour or reputation. Public officials do not demonstrate a greater level of tolerance to criticism, and this practice is not even understood by the courts.	Defamation is decriminalised. The Civil Law against Defamation and Insult does not have provisions that are overly protective for the benefit of state officials.	Defamation is decriminalised, but this has not improved the situation for journalists. The number of lawsuits for non-pecuniary damage is still very large, and in some instances the fines are very large.
How many lawsuits have been initiated against journalists by the state officials in the past three years?	A large number of lawsuits have been filed by politicians against journalists (more than a 100 annually). This creates a very strong feeling of fear and causes self-censorship, especially among the journalists in local media.	According to the Association of Journalists of Macedonia, during the reporting period, approximately 35 new lawsuits were filed against journalists. This figure is ten times lower than in 2012.	From 2011 to June 2017, there were 109 cases of defamation or libel in the courts. In these cases, more than a million euro were demanded from the media, while in 24 adopted cases, media had to pay 45.300 euro.	No lawsuits have been initiated against journalists in the period under review. According to the court registry, there were 59 lawsuits for defamation and insult dating back from 2009. Out of these 59 cases, 10 were filed by state officials, and most of them were senior figures.	There is no official data on the number of lawsuits filed by public officials. The total number of lawsuits filed in the reporting period against journalists is 650. The number of all unresolved lawsuits (including those from the previous years) is 1,011.

**A.2 Does defamation law cause a “chilling” effect among journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there examples when other legal provisions were used to “silence” journalists for legitimate criticism or for investigative journalism?	105 lawsuits were filed against a journalist working for the daily Oslobođenje. The magazine Slobodna Bosna ceased publishing its print edition in 2015, under pressure from a large number of defamation lawsuits.	Such cases have not been registered.	Such cases have not been registered. However, there is a perception that the large number of lawsuits, large fines and the low tolerance levels of public officials to criticism contribute to the chilling effect among journalists.	Such cases have not been registered.	Such cases have not been registered.
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. The Basic Court in Banja Luka made several controversial rulings in favour of certain politicians who sued media or individual journalists for defamation.	Large fines have been imposed on journalists or media in several lawsuits filed by high officials of the ruling party Democratic Union for Integration. There is a perception that these decisions were politically influenced.	Such cases have not been registered.	There were isolated cases when judges were politically motivated. For example, in the case of a journalist who was physically attacked, the court ruled a four month conditional sentence to the perpetrator.	There is a perception that in some cases the courts’ decisions were politically influenced, such as the Minister of the Interior against NIN weekly and the Minister of the Interior against the portal Peščanik.
Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology?	The courts recognise the validity of a published correction and apology when deciding on the non-pecuniary damage.	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 body.	The courts do not always take into consideration the decisions of the self-regulatory body.	The courts are not obliged to take into consideration the decisions of the self-regulatory body. The lawyers usually submit the decisions of the Press Council when the Code of Ethics is violated.
What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?	Defamation lawsuits are perceived by journalists as an enormous means of pressure, especially for journalists working in local communities. Many media are not even financially capable to participate in court proceedings.	Only a small number of journalists think that the threat of defamation influences their work.	In the survey conducted in 2018, around 49% of the journalists answered that the threat of defamation is very or extremely influential on their work.	Journalists are generally not discouraged to investigate and to write critically.	Journalists have different opinions when it comes to the negative influence of defamation lawsuits on their work. In the previous survey 26% of the journalists said 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?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 to reflect political views and sources of information.	There are no specific provisions for protecting political pluralism in the non-election period. There is only a general principle for broadcasters to reflect diverse political views and to report in a balanced and objective manner.	For the non-election period, there is only a general principle for broadcasters to reflect diverse political views. The amendments to the Law on Electronic Media define rules on media coverage during election campaigns and political advertising.	There is only the general principle for broadcasters to reflect diverse political views.	Political pluralism for the non-election period is only guaranteed in the Law on Public Media Services.

**A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the regulatory authority obliged to monitor and protect political pluralism?	According to the Law on Communications of Bosnia and Herzegovina, the regulatory principles of broadcasting include the protection of freedom of expression and diversity of opinion. It follows that the Communications Regulatory Agency is obliged to monitor the implementation of these regulatory principles during both election and non-election periods.	The regulator is only obliged to monitor the audiovisual media in the election period. It also has the power to impose sanctions on the non-compliant media and in the past year it has increased its decisions to do so.	The newly adopted provisions of the Law on Electronic Media oblige the regulator to prescribe the broadcasters with codes of conduct during electoral campaigns. During the last elections, the regulator conducted monitoring of media's election coverage.	The regulator is obliged by law to monitor and protect political pluralism only during the period of the election campaign.	The Law on Electronic Media provides the obligation of the regulator to protect political pluralism in the media during the election campaign. However, the regulator did not monitor the media during the presidential elections in 2017 and local Belgrade elections in 2018.
What are the legal obligations of the media during election campaigns?	The Electoral Law specifies the principles of pluralism for all media. The Communications Law stipulates the general broadcasting principles which also encompass the protection of freedom of expressions and diversity of opinions, fairness, accuracy and impartiality.	The Election Code and by-laws prescribe the rules for fair and equal access to all political parties, objective, fair and balanced reporting etc.	The Election Code prescribe obligations for the media to provide fair and equal access to all political parties and candidates, and to report in an objective, fair and balanced manner.	Media are obliged under the Election Law and Independent Media Commission Code for Conduct to present fair and equal access to all political parties, objective, fair and balanced reporting.	The Law on Electronic Media and the Law on Public Media Services prescribe rules on fair and balanced presentation of political parties, coalitions and candidates. The regulator adopts the Rulebook on the obligations of the providers of media services during election campaigns.
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, especially in election period.	According to the OSCE report, during the municipal elections in October 2017 there has been an improvement in the access to a variety of political positions in the media – in comparison to previous elections.	There is an ostensible practice of political bias and unequal access to media for political actors. The consistent infringement of equal access to media principle was evident during the April 2018 presidential elections, as it was visible in previous electoral cycles.	Political parties generally receive fair and equal access to media during non-election and election campaigns.	Political parties do not have fair and equal access to media during the non-election and the election period.

**A.4 Is journalistic freedom and association guaranteed and implemented?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do journalists have to be licensed by the state to work?	Journalists are not required by law to hold a licence in order to perform their work. There is no legal definition of the notion "journalist".	Journalists do not need a license by any state authorities, but the Law on Media contains a restrictive definition of a "journalist". There were initiatives to introduce "licences" for journalists, but they were not accepted by the Association of Journalists of Macedonia.	Journalists do not need a license by any state authorities. The decision rests with the newsrooms on employing who they deem fit for the position.	Journalists do not need a license by any state authorities to work in media.	Journalists do not need a license by any state authorities.

**A.4 Is journalistic freedom and association guaranteed and implemented?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have journalists been refused the right to report from certain places or events?	In January 2017 journalists from TV N1 were prohibited from reporting from the Palace of Republika Srpska. The “Friends of Srebrenica” media crew was prohibited from reporting from the Memorial Centre Potočari.	Such cases have not been registered in the reporting period.	Every fourth journalist was not allowed to report from an event because they did not have accreditation. There were some serious cases: journalists from the news portal Fos Media were prohibited from reporting from the headquarters of the Coalition for 21st Century during the local elections in May 2018.	A public institution ceased communication with a journalist and carried out a smear campaign against her. AJK reacted and the public institution ended the campaign.	The trend of not inviting or impeding some journalists from reporting certain events by the political authorities persisted in 2018. According to the IJAS’ database, there were 13 cases.
Are journalists organised in professional associations and if yes, how? Are there pressures on their association or individual members?	Around 50% of the journalists are members of one of the five registered associations; BH Journalists Association was subject to political pressures and verbal attacks. In March 2018 a member of one municipal council threatened the Secretariat of the BH Journalists with law suits.	The Association of Journalists of Macedonia (AJM) is the oldest (established in 1946) and the largest association, a member of IFJ. The Macedonian Association of Journalists (MAJ), which has been active since 2013, is considered to be close to the opposition party VMRO-DPMNE.	There are three journalists’ associations. Journalists have the freedom to associate, but only 23% are prepared to join because they feel that the associations cannot protect their rights. Pressures on the associations or their leaders have not been registered.	Journalists are free to join the professional associations. There is no evidence of pressure. In Kosovo there are two journalists’ associations, the Association of Journalists of Kosovo (AJK) and the Journalists’ Association of Serbia, with members primarily from the Serbian community.	Not many journalists are members of journalists’ associations. Two main associations exist: Independent Journalists’ Association of Serbia (IJAS) and Journalists’ Association of Serbia (JAS). Others are regional, with Independent Journalists’ Association of Vojvodina (IJAV) being the most active. Associations are under constant pressures, especially when critical towards the politicians in power in cases of media freedoms violations
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 within the PSBs. In the public broadcaster at state level (BHRT) two trade unions are active. Others include the Union of Graphic Publishing and Media Workers and the Union of Media and Graphic workers of Republika Srpska. Some of them report pressures. A trade union of journalists at state level does not exist.	There is an Independent Union of Journalists and Media Workers, established in 2010.	There are two organisations: Trade Union of Media of Montenegro and Trade Union of Informative, Graphic and Publishing sector. They have signed an Agreement for joint activities. Around 50% of the employees in the media are members of the Trade Union of Media of Montenegro, including 270 employees in the public service broadcaster. Direct pressures on the associations or their leaders have not been registered.	There is no trade union that represents the interests of all journalists in Kosovo.	Only a small number of journalists are members of the Trade Unions, which are weak and under constant pressures. There is no collective agreement signed to protect the labour rights of journalists.

**A.4 Is journalistic freedom and association guaranteed and implemented?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the journalists free to become members of trade unions? How many journalists are members of trade unions?	There is no precise data on trade unions membership. BH Journalists reports on restrictions for journalists and media professionals to organise in trade unions. It is estimated that only 16% of the private media have established TU branches.	There is a union at the PSB. Almost no trade unions in the private media. There are no reliable figures regarding membership, because some members are "in hiding" due to fear of pressures.	According to the survey, every fifth journalist is not free to be a member of a trade union, even though 38% of the respondents stated that they are members of a trade union. Some journalists claim that they would receive threats if they joined a trade union.	The public broadcaster, Radio Television of Kosovo (RTK) has two trade unions. There were pressures before against the leaders of one of the trade unions.	Most of the journalists feel free to become members, but they are generally not interested because unions are weak, although other reasons exist.
Is there a press council and are there pressures on its members?	The Press Council has existed for 18 years and it is the only self-regulatory body in Bosnia and Herzegovina. There are no direct political pressures, but in the last few years there were three organised hacker attacks on its website.	The Council of Media Ethics of Macedonia was founded in 2013 as a self-regulatory body. Almost all national TV stations, news portals and print media are members of this body.	The self-regulatory body Media Council for Self-regulation was founded in 2012. It gathers 19 media, while some of the leading media such as Dan, Vijesti, Monitor and TV Vijesti have their ombudsmen. There were no pressures, but the Media Council is very weak and due to the lack of funding, the Complaints Commission temporary does not meet.	There is a Press Council of Kosovo and there is no evidence of pressure on its members.	There is a Press Council, a self-regulatory body, which shows very positive results in its work. The pressures imposed on this body are indirect and subtle.

**A.5 What is the level of legal protection for journalists' sources?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How is the confidentiality of journalists' sources guaranteed by the legislation?	Confidentiality of journalists' sources is guaranteed in several legal acts, although some issues should be defined more precisely.	It is guaranteed by the Constitution and in several legal acts.	It is guaranteed by the Constitution and in the Law on Media. The draft-amendments to the Law on Media are expected to strengthen these provisions further, in accordance with CoE standards.	The confidentiality of journalist's sources is guaranteed by the Law on protection of journalists' sources which came to power in 2013.	It is guaranteed by the Law on Public Information and Media and Criminal Code.
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 was generally respected in the reporting period. New cases have not been registered.	It was generally respected in the reporting period. New cases have not been registered.	It was generally respected in the reporting period. Yet, there has been an isolated incident. In 2018 the police authorities demanded from a journalist of the daily Vijesti, to disclose his source of information regarding an article from 2017.	The confidentiality of journalists' sources has been generally respected in the reporting period. New cases have not been registered.	Generally, it is respected. No serious cases of ordering the journalists to disclose their sources were registered.

**A.5 What is the level of legal protection for journalists' sources?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Were there any sanctions against journalists who refused to disclose the identity of a source?	Such cases have not been registered.	New cases have not been registered.	Such cases have not been registered.	Such cases have not been registered.	Such cases have not been registered.
Do journalists feel free to seek access to and maintain contacts with sources of information?	Interviewed journalists are generally free to choose their own sources and tend to maintain durable communication with them.	According to the interviewed journalists, they feel free to maintain contacts with their sources of information.	Almost 57% of the journalists in the survey stated that they regularly or very often have contacts with their sources.	Journalists claim to feel free to maintain contacts with sources of information.	The opinions of journalists are divided. The problem rests with the question of how can journalists protect anonymity of the source in case of interception of communications.

**A.6 What is the level of legal protection of the right to access of information?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 by the laws at state and entity levels. There are no specific provisions relevant only for journalists.	Access is guaranteed by law. No specific provisions exist for journalists only. The implementation is poor. In February 2018, the Ministry of Justice announced that the amendments to the Law on Free Access to Information will be drafted, but such a document has not been published as of the end of September 2018.	Access is guaranteed by the Law on Free Access to Information. The amendments to the Law on Free Access to Information adopted in May 2017 made the access to public information even more difficult. The list of information to which access may be restricted by public institutions (on the ground of protecting "confidential data") was extended.	Access is guaranteed. The amendments to the Law on Access to Official Documents adopted in 2017 shortened the deadline for state institutions to respond to requests for public information from 15 to seven days. This was assessed by the journalists as a positive step for their work.	Access is guaranteed by law. There are no specific provisions relevant only for journalists.
Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists?	Many journalists do not use these legal provisions, because the deadline of 15 days is very long. Centre for Investigative Reporting submits thousand requests to public institutions, but they often deny access to public documents.	Journalists are not well informed about the rules and rarely use them. Those who requested access were often refused.	Almost every third journalist in the survey stated that he/she had never submitted a request, while almost the same number have submitted requests but had been refused. Of 67 requests submitted in 2017 13 were refused, while out of 20 requests submitted in 2018 (end of August), eight were refused.	Not many journalists use these rules. Interviewed journalists claim that they have been refused when requesting access to documents and information.	Investigative journalists use this right more than those who work in daily reporting. State institutions often do not provide access to information, the biggest problem are public enterprises.
Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?	Journalists' opinions are divided in terms of openness and transparency of the courts. Some courts lack resources to provide access in time and to meet the demands of transparency.	There is a general perception among the journalists that the courts are not sufficiently transparent.	Court hearings are mainly open for the media. Some hearings, such as the case of "Coup d'état", are broadcast directly. Yet, around 37% of the journalists stated that the courts had demonstrated low level of transparency, and every third journalist evaluates the courts as very or entirely transparent.	Court hearings are generally open to the media. No cases were reported where access to proceedings was not provided on a discriminatory basis.	The courts are not sufficiently transparent, but this mostly depends on the heads of individual institution.

**A.6 What is the level of legal protection of the right to access of information?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work?	Formally, there are no restrictions for journalists to report from parliamentary sessions. However, in 2017 a journalist of TV N1 was not allowed to report from the RS Palace of Justice. Beta Agency correspondent and BN television from Bijeljina have been prevented from entering the Palace of Justice.	The parliamentary sessions are open to journalists. There were no cases of restrictions registered in the reporting period.	The parliamentary sessions are directly transmitted by the public broadcaster. In the survey with journalists, for the third year in a row, the Parliament was assessed as the most transparent institution. 25% of the respondents believe that the Parliament has shown a high degree or complete transparency.	In general, the sessions of the Kosovo Assembly Presidency and the parliamentary commissions have been open to the public and journalists.	Access to sessions of the assemblies at national and local level is mostly provided through direct broadcasts. However, there are cases when journalists were prevented from doing their job properly (Valjevo Assembly).
How open are the Government and the respective ministries?	All interviewed journalists and experts agree that the Government and the ministries are not sufficiently transparent.	Comparing to previous years, there is a general perception among journalists that the Government has increased its level of transparency.	50% of the journalists in the survey perceive the Government as partly transparent, while more than 18% stated that the Government was greatly or entirely transparent.	The Prime Minister holds a press conference almost every week, compared to previous PMs that did not engage in such practice. The ministries tend to refuse to provide answers to journalists when they seek information related to their reporting.	The Government and ministries are not sufficiently transparent: sessions of state bodies on national and local level are still mostly closed to the public. The communication with the journalists is mostly reduced to press releases and press conferences.

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

B.1 Is the journalists' economic position abused to restrict their freedom? (Reporting period: September 1, 2017 – August 31, 2018)

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?	Many journalists are not formally employed or have inadequate work contracts. Those with signed contracts are still not sufficiently protected and do not enjoy all legally guaranteed labour rights. According to a survey, more than 61% have permanent working positions. Salaries range from 500 to 1,000 BAM (from 250 to 500 euro), but in the local media salaries are much lower.	Half of the journalists in earn salaries lower than the national average. Very often salaries are not paid regularly. The average salary of journalists is 18.800 MKD net (app. 310 euro) per month, which is about 30% less than the average salary in 2018. More than a half of the total number of journalists does not have signed employment contracts.	There is no information on the number of journalists who have contract. The Statistical Office of Montenegro registered a decline in the number of workers in the media sector, where currently 1,350 people are employed. The journalists' salaries are below state averages and more than one third of the respondents receives from 400 to 500 euro. Wages are higher in private media, while the earnings of those journalists working in local media are frequently late and in some cases up to eight months.	Economic insecurity, fear of losing one's job, undervalued work and unpaid overtime work remain a problem for journalists in 2018. Many of the journalists work without ever signing a work contract and they have no social protection	No precise data exists, but it is well known that many journalists work without working contracts. Very few media offer social protection for journalists. Salaries are low and there are complains of salaries not being paid regularly. The survey conducted within this project two years ago, showed that 22.5% of the interviewed journalists said that their monthly salary is between 300 and 400 euro, 13.5% between 200 and 300 euro and 16.2% between 400 and 500 euro.

**B.1 Is the journalists' economic position abused to restrict their freedom?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
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?	<p>Precarious work, irregular payments, work overload, unpaid overtime work and fear that they could lose their jobs.</p> <p>According to the Free Media Help Line in 2018 there is an increase in the cases of journalists' labour rights being infringed.</p>	<p>Collective labour agreements have not been signed with the management of private media which consequently jeopardises the social security of these professionals. The threat of losing one's job is constant and this has not changed in the past two years.</p>	<p>Work overload, work without contracted and working unpaid overtime are the most common problems. 63% of the journalists included in the survey conducted for the purpose of this project have stated that in the past few years their time spent at work has increased. Around 60% claim that the economic situation of journalists has worsened. Almost 15% of the surveyed has to work an additional job. Sensationalist reporting and profit making have added additional pressure on the professionals.</p>	<p>Precarious work is still a problem for Kosovo journalists. They work overtime or during holidays without compensations. Journalists claim that their position is worse compared to previous year.</p>	<p>Journalists in Serbia have been working in difficult conditions for a very long time. They are under continuous pressures, both outside and within the newsroom. Their social security is at risk, due to weak trade unions.</p>

**B.2 What is the level of editorial independence from media owners and managing bodies?
(Reporting period: September 1, 2017 – August 31, 2018)**

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?	<p>Newsrooms in the private media continue to be dependent on the managers and marketing sectors. Most private media do not have such internal organisational structures.</p>	<p>Only the largest media outlets maintain their newsrooms separate from the management sectors. However, newsrooms are generally under a strong influence from the management and marketing sectors as well as from political interests.</p>	<p>There is no information whether some of the media have adopted such rules. In the past there have been cases where media do not allow for the publishing of articles critical of advertisers.</p>	<p>The larger media keep the newsrooms separate, but they are still influenced by managers and owners.</p>	<p>Most of the private media do not have internal structures of the working positions, but other legal acts are also missing which would secure independence of the newsrooms from other departments.</p>
Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected?	<p>Internal rules have been adopted only by the major regional media, such as TV N1 and Al Jazeera. There is no professional autonomy in the private media. The key problem is that journalists themselves are usually reluctant to write critical articles about the companies which advertise in the media they work in, because thus the media would lose funding sources, and consequently journalists would lose their salaries.</p>	<p>The situation in this respect remains unchanged in comparison to 2016 assessment. Very few media have written internal editorial independence rules. Editorial independence from media owners and managing bodies is generally compromised in most of the media in Macedonia.</p>	<p>The proposition of the Trade Union of Media of Montenegro to secure editorial independence in media by guarding the newsrooms from business interests has not been incorporated in the draft- Law on the media. The proposition was based on the recommendations of the Council of Europe.</p>	<p>Very few media have such rules. Still, editorial independence of media in Kosovo from economic and political pressures continues to be jeopardised.</p>	<p>Almost none of the private media outlets in Serbia have adopted internal rules on safeguarding the independence of their editorial policy from owners and managing bodies. The only known example is the news portal Južne Vesti. Only 12 media outlets agreed to sign annexes to work contracts (written by IJAS lawyers) aimed at enhancing the legal and professional status of journalists.</p>

**B.2 What is the level of editorial independence from media owners and managing bodies?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do private media outlets' newsrooms have adopted internal codes of ethics or do they comply with a general code of ethics?	Most of the private media do not have internal codes but adhere to the general code of ethics.	Private media do not have internal codes of ethics. They adhere to the general code of ethics – the AJM code.	Private media have not adopted internal codes of ethics. They adhere to the general code of ethics. This document will be amended in the near future to incorporate provisions on new media and the internet.	Very few media have internal codes 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 codes but adhere to the Journalist's Code of Ethics adopted by the two biggest journalists' associations: IJAS and JAS. The Association of Online Media also has a Code of Ethics.
What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?	The most frequent forms of pressures used by media owners and managers are of economic nature. These pressures create high levels self-censorship among journalists.	Direct forms of pressure: threats of losing job, temporary working contracts. Some journalists (from bigger TV stations) are subject to mobbing.	Due to the fear of potential consequences, journalists do not speak openly about pressures, but off the record testify about them and adjust their work according to the will of editors and owners.	The most common pressures are threats of losing jobs, lack of working contracts and late salaries.	The pressures on journalists by media owners are no longer directly exerted. They depend on the specific media outlet and on the individual owner – journalists usually know in advance what they are allowed to write and what is out of bounds.

**B.3 What is the level of journalists' editorial independence in the PBS?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 internal editorial codes, but they are not available on their websites. In practice, these codes are often not respected.	In 2017 the MRT has adopted its own Code of Ethics, though it has been criticised by some media organizations including the AJM – the code envisages an existence of an ethics body within the PSB, but it does not ensure transparency in the election of its members. The work of this body has not been assessed so far.	The RTCG has its own ethical code for all employees. An integral part of the working contracts signed with the journalists are the provisions of that ethical code. However, there is no separate code of ethics for journalists. Editorial independence is a concern for RTCG.	RTK has its own code of conduct and it is perceived as advanced but the editorial independence is poorly implemented in practice	RTS and RTV do not have their own specific codes of ethical principles for reporting. The editorial independence is prescribed by the Law and the statutes, but it is not sufficiently implemented in practice.
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 organisational rules but newsrooms do not demonstrate independence from the managing bodies. There are frequent political pressures on the PSB employees.	MRT has internal organisational rules but that is not a guarantee of newsrooms independence from managing bodies. Even after the fall of the nationalist-populist government the perception to the contrary still persists.	The RTCG code of ethics contains rules of conduct for the members of the Council of the PSB as well as for PSBs managerial sector and the rest of the employees. It also contains principles relating to advertising practice.	PSB has its formal organisational rules but newsrooms are not independent from managing bodies.	Both PSBs have formal rules to keep the newsrooms separate and independent from management, but in practice editors and journalists are not independent.

**B.3 What is the level of journalists' editorial independence in the PBS?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?	Local public media are funded from the municipal budgets, which affects their editorial independence. When appointing management structures in public services, the ruling parties have strong influence.	Disciplinary measures are a common practice in the PSB – salary deductions, moving employees to other (lower) positions in the organisation and professional marginalisation. It has not been established whether this has been the case since the political change in Skopje. This has however been the case in the MRT since independence.	The most obvious example of open pressures on the RTCG by political power is the dismissal of the entire management and two members of the Council of the RTCG from their positions. Also the state funding of the local broadcasters is perceived to be a possible threat to these media.	Government officials have influence through the PSB management and dictate the editorial policy.	Pressures are frequent and come from different sources. State officials publicly criticise the work of public media services and thus put pressure on them. On the other hand, journalists themselves know what topics they can publish.
What was the most illustrative example of the pressure exerted over the work of entire newsrooms or individual journalists?	In June 2018 the director of the local public TV station RTV of Una-Sana canton was dismissed by the canton assembly. Other local media are also subject to similar pressures.	In the past two years the overall situation is visibly relaxed. There is no evidence to suggest present government's pressure on newsrooms the way we saw until 2017. Previously, leaked recordings from an illegal phone tapping practice, revealed that between 2009 and 2016 government officials had threatened PSB journalists' job security if they did not report along the "desired" lines.	The General director of the public broadcaster Andrijana Kadija has been removed from office. The justification was that she signed a contract with one NGO that contains provisions which influence the editorial policy of RTCG. In effect, this is a clear example of political manoeuvring.	The government's pressure is exerted from management and editors to individual journalists working on related news stories. There is almost no critical reporting aimed at the work of the government or the public institutions.	The programme director of Radio Television of Vojvodina was dismissed from his position in May 2016 by the RTV Board members, under political influence. In 2017, the courts have ruled that the dismissal was unlawful and obliged RTV to bring the editor back to his position. In January 2018 he was dismissed again and the court once again decided in his favour. The case is still pending.

**B.4 What is the level of journalistic editorial independence in the non-profit sector?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 only few non-profit media (radio stations) in the traditional media sector. However, online not-for-profit media are mushrooming in the form of CSOs, funded from foreign donations (CIN, Žurnal, BIRN, Analiziraj.ba). The level of their editorial independence is far greater than in the private media and the PSMs.	There are only few student non-profit radio stations in Macedonia. There are also few online news portals which are established as non-profit media and which conduct most of the serious investigations in the country. These have professional newsrooms and adhere more strictly to ethical standards.	Non-profit media are not developed in Montenegro. The unstable and insufficient financing makes them irrelevant.	Very few non-profit media exist in Kosovo. They comply with general code of ethics of the Independent Media Commission (for broadcasting) and of Press Council (for print and online).	Non-profit media in Serbia generally do not have their own ethical codes. They accept the jurisdiction of the Journalist's Code of Ethics. While a Code of the Association of Online Media also exists. Guidelines for Implementation of the Journalist's Code of Ethics in Online Environment were produced by the Press Council.

**B.4 What is the level of journalistic editorial independence in the non-profit sector?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the most common forms of pressure over the non-profit media outlets?	Institutions tend to be closed when it comes to providing access to information and transparency.	There is no evidence to suggest that the journalists from the non-profit newsrooms have in the past two years been subject to serious pressures. In the past there have been law suits and verbal threats towards these journalists made by high officials.	The biggest problem of the non-profit media is the lack of donations to finance their operations.	They are sometimes referred to as “foreign mercenaries” or “spies” because they receive funds from foreign donors.	Pressures are most often exerted through campaigns in media close to the government, in which the journalists working for the non-profit media are called “foreign mercenaries” and “traitors”. In the past year the attacks on these journalists by government officials have intensified.
What was the most illustrative example of the pressure exerted over the non-profit media?	Verbal threats are not uncommon. The Free Media Help Line registered an incident in which a political actor threatened journalists from the Centre for Investigative Journalism.	There were no such cases.	There were no such cases.	There were no such cases.	Minister Nenad Popović filed four lawsuits against the investigative research portal KRIK, in each requesting one million Dinars (almost 8,500 euro) of compensation for damages to honour, reputation and dignity. The lawsuits are related to four texts published in November 2017, each listing mostly the same information, based on files leaked within the international project “Paradise Papers”.

**B.5 How much freedom do journalists have in the news production process?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 emphasised?	According to the results of the survey, 19% of the journalists reported that their news stories are frequently changed by editors, while about 13% said that their stories are often not published. Journalistic work is often not sufficiently recognized and evaluated. Between the quality of the report and loyalty to certain politicians the editors would often choose the latter.	In a financially precarious position, journalists in the public and private media rarely work on sensitive topics, and mostly cover daily political events. Debates on private television are now more common, but less so on public channels.	Journalists in general claim that they are mostly free in their work. However some problems persist: a third of the surveyed journalists claim that they have a small degree of freedom in the selection of topics to cover. Journalists have more freedom deciding on the angle of the chosen topic. 66% has stated that they are free to choose their own angle.	Journalists from Kosovo claim that editors and owners tend to influence their work in cases when the story might open up problems in terms of interfering with certain groups’ financial or other interests.	Journalists in very few media enjoy that freedom. A recent study has shown that 47% of the respondents have personally witnessed editors refusing a proposition to cover certain topics. In addition, 39% of the respondents have said that editors asked them to cover topics for which there is no professional justification.
How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?	Most of the journalists regularly attend editorial meetings.	Interviews conducted by AJM suggest that it is common that journalists in big media do not attend editorial meetings.	60% of journalists often or regularly participate in editorial meetings.	Most of the journalists regularly attend editorial meetings.	62% of surveyed journalists always or very often attend editorial meetings. However, this practice heavily depends on the media in which the journalist works.

**B.5 How much freedom do journalists have in the news production process?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
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?	According to the survey, journalists said that they were faced with pressures (daily or very often) from the following sources: politicians in power (38%), media owners (28.5%), editors (28.5%) and advertisers (23.2%).	Interviews conducted by AJM suggest that editors are very influential on the selection of topics. There is still a perception that political actors influence media content.	The study conducted within this project shows that a hierarchy of influences exists. 80% of the journalists have said that their content is influenced by editors. Furthermore, managing bodies in the media influence content with 53% of the respondents claiming as much. The owners of the media are in the third place. The last are political actors and authorities. In all probability, the political influence on journalists is done through their editors.	Journalists claim that editors are the most influential individuals in their work.	The survey conducted in 2016 for the purpose of this research has shown that most of the influence comes from editors, nearly 77% of the respondents have said so. However, other research studies indicate that the ultimate source of influence are political actors.
How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?	Between 23% and 26% of the surveyed journalists responded that censorship or self-censorship is present in their media.	In 2018 the AJM has recorded only one case of censorship. Journalists rarely decide to react in cases of censorship in Macedonia, and when they do react they insist on staying anonymous.	Journalists are divided in their assessment concerning the impact censorship has on their work. 46% claim that censorship has some influence on their work while 47% claim that the impact of censorship on their work is minimal.	Journalists state that their fellow colleagues know in advance what and how to report, having in mind their previous experience with the influence coming from owners or editors.	There is a wide spread perception amongst journalists that censorship no longer exists and that self-censorship prevails. Self-censorship is induced by fear of financial insecurity. Local media are particularly vulnerable.

C. Journalists' Safety

C.1 Safety and Impunity Statistics

(Reporting period: September 1, 2017 – August 31, 2018; for murders 15-20 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of threats against the lives of journalists and other types of threats.	According to the Free Media Help Line, there were 16 verbal and other threats in total, including one death threat.	1 (one) verbal death threat registered in the reporting period.	1 (one) verbal death threat registered in the reporting period.	24 cases of verbal and other threats were registered. Out of these, 7 were threats against the lives of journalists.	21 cases of verbal and other threats were registered in the reporting period.
Number of actual attacks. How many journalists have been actually attacked?	5 actual attacks were registered (1 was a murder attempt, 1 was attack on journalists' vehicle whereby a part of the media property was also destroyed and 3 were physical attacks on journalists). In 2 of these cases journalists were prevented from reporting from certain events with physical violence.	5 actual attacks were registered (1 physical assault, 2 arbitrary detentions of journalists, 1 damage of journalist' property and 1 prevention from reporting).	3 actual attacks were registered (1 was a murder attempt, 1 was throwing of an explosive device in front of a journalist' house and 1 was burning a journalist' car).	4 actual attacks were registered (3 journalists have been attacked physically and 1 was arbitrary detention).	7 actual attacks were registered (6 physical attacks on journalists and 1 attack on a journalist' property).

C.1 Safety and Impunity Statistics
(Reporting period: September 1, 2017 – August 31, 2018; for murders 15-20 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of murders. How many journalists were murdered in the past 15-20 years?	There are no such cases.	Officially, there are no such cases.	1 murder: 2004. In 2004, Duško Jovanović, the editor in chief of the daily Dan, was murdered.	There are no such cases in the last decade. From 1998 until 2005, there were 14 journalists murdered and disappeared. 8 of them were assassinated, while 6 of them are still considered as missing.	3 murders: 1994, 1999 and 2001. In 1994, Radislava Dada Vujasinović, journalist of the magazine Duga; in 1999, Slavko Ćuruvija, journalist, editor in chief and owner of Daily Telegraph; in 2001, Milan Pantić, correspondent of Večernje Novosti, from Jagodina.
Number and types of threats and attacks on media institutions, organisations, media and journalists' associations.	30 of which most were addressed to BH Journalists.	There are no such cases.	1 case was registered. The premises of the newspaper Sloboda were damaged in October 2017.	2 cases were registered. A news portal was attacked three times in a short period of time; A media outlet was threatened by a person via telephone.	9 cases were registered. The journalists' associations that are critically oriented towards the Government were subject to continuous pressures, attacks and intimidation.

C.2 Do state institutions and political actors take responsibility for the protection of journalists?
(Reporting period: September 1, 2017 – August 31, 2018)

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?	Some positive developments in 2017: the Ombudsman on Human Rights published the Special Report on the Status and Cases of Threats against Journalists in Bosnia and Herzegovina; the Ministry of Justice initiated meetings aimed at improving the level of journalists' safety.	State institutions haven't yet developed specific policies or measures for protection of journalists. Impunity from prosecution still presents a problem.	State institutions haven't yet developed specific policies or measures for the protection of journalists. There is a general perception that limited progress has been achieved in resolving the past cases of violence against journalists.	Comprehensive policies to support protection of journalists haven't been developed yet. State Prosecution Office has appointed prosecutors in five centres to deal with this issue. The Basic Court in Pristina has appointed a coordinator to deal with cases of threats and attacks against journalists.	Comprehensive policies haven't been developed yet, but the following steps have been undertaken so far: Agreement on cooperation and measures to raise security levels related to journalists' safety signed in 2016; Standing Working Group was composed to improve the protection of journalists, but in November 2017 the five journalists and media associations suspended their participation, because they were not satisfied with the work of the group.

**C.2 Do state institutions and political actors take responsibility for the protection of journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 specific mechanisms. Free Media Help Line is still the only mechanism which distributes data to all state institutions, media organisations and international organisations.	There are no specific mechanisms. The AJM register is the only existing database. The Report of the Ministry of Internal Affairs confirmed the problem of impunity. Of 59 attacks in the last five years, only two perpetrators were sanctioned.	There are no specific mechanisms. Currently, there is no separate evidence kept on the threats, harassment and violence towards journalists. The statistical data recorded by the Police is very general. The officials from the Police declared that a new working position will be opened specifically for dealing with this issue.	There are no such mechanisms, but some measures have been undertaken: the Basic Court in Pristina intends to develop a database of cases of threats and attacks against journalists. The Kosovo police already has a database but agreed to oblige the Department of Serious Crimes to deal with cases of threats and attacks against journalists.	There are no such mechanisms, but some measures have been undertaken: the Public Prosecution Office adopted Instruction for gathering evidence of crimes against journalists and attacks on internet sites. Urgent measures are envisaged in case of attacks on journalists. The information regarding the cases gathered by the public prosecution has been submitted to journalists' associations until the end of 2017, but this practice stopped in 2018. The Ministry of Interior has not adopted any instructions and has not started keeping records.
Are the attacks on the safety of journalists recognised 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?	Some politicians and state institutions started paying more attention to this issue and more often condemn attacks on journalists in their public statements. For example, such attacks are recognised as a breach of freedom of expression in the public reactions of the Ombudsman on Human Rights.	Public officials often condemn the attacks on journalists, but the state institutions still do not sufficiently recognize these attacks as a breach of freedom of expression.	Almost all the attacks are condemned by the public officials. However, the number of unresolved cases of violence or threats is still very high, while some cases have already expired.	Public officials condemn attacks, but only in serious cases.	Although the state institutions have undertaken some measures, this is still not sufficient. State officials do not understand the role of the journalists in the society. They rarely condemn the attacks on journalist and if they do, then mostly on a selective basis.
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?	Specific documents adopted by state institutions do not exist. Police guidelines in dealing with the media exist and Media Guidelines in dealing with the police, have been adopted with OSCE support. However, these guidelines should be updated.	Specific documents adopted by state institutions do not exist.	Specific documents adopted by state institutions do not exist.	Specific documents adopted by state institutions do not exist.	Specific documents adopted by state institutions do not exist. The only existing document is the Instruction for gathering evidence of crimes against journalists and attacks on internet sites.

**C.2 Do state institutions and political actors take responsibility for the protection of journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
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?	Some state institutions, namely the Ministry of Justice and the Ombudsman on Human Rights, showed willingness to closely cooperate with BH Journalists.	In general, the cooperation between the AJM and state institutions is good, but the effects of this cooperation are still lacking.	Good cooperation has been established between the Trade Union of Media of Montenegro and the Ombudsman, while the cooperation with the Ministry of Internal Affairs and the Supreme State Prosecutor's Office, is only at an initial stage.	Initial good cooperation has been established between the AJK and the State Prosecution, Basic Court of Pristina and Kosovo Police.	The 2016 Agreement signed with the Ministry of Interior, Public Prosecution and journalists' and media associations has contributed towards better communication, easier reporting and more detailed information on cases of attacks and threats. However, the number of unresolved cases is still very high, although this is one of the main objectives of the signed Agreement. Of 28 cases in 2017, only one case has been resolved.
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 evidence on such cases.	There is no evidence on such cases.	There is no evidence on such cases.	There is no evidence on such cases.	There is no reliable evidence on such cases. There is no efficient control over the state bodies in charge for electronic surveillance.

**C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

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 units/ departments. The cases of violence against journalists are not specifically recorded in the courts' databases and cannot be separately retrieved, tracked or reported.	There are no such departments/units.	There are no such departments/units. There is only a Commission for monitoring the investigations of attacks on journalists and media whose mandate was extended to additional two years. The Commission has in the past years identified a number of shortcomings in the investigations of 15 monitored cases.	Some measures have been undertaken: the State Prosecution has a position which coordinates the work of the appointed local prosecutors related to the investigation and the prosecution for attacks on journalists. Kosovo police recently decided that its department on serious crimes should deal with cases of threats and attacks against journalists.	There are no such departments/ units. There is only a Commission on reviewing the facts related to investigation of the murders of journalists. In August 2018, the Government extended the competences of the Commission to reviewing the investigation of murders and disappearances of journalists in Kosovo in the period from 1998 to 2001, as well as on the murders of journalists during the conflicts in former Yugoslavia, from 1991 to 1995.

**C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there special procedures put in place that can deal appropriately with attacks on women, including women journalists?	There are no such procedures. Women in different positions in the media, including journalists, are subject to greater political and other pressures. The institutions do not have specific mechanisms to address this problem.	There are no such procedures.	There are no such procedures.	There are no such procedures.	There are no such procedures.
Do the state agencies provide adequate resources to cover investigations into threats and acts of violence against journalists?	The state agencies often do not provide adequate resources when needed, but practice showed that when there is interest for a specific case, the reactions can be fast and efficient.	Adequate resources haven't yet been provided by the state institutions.	Adequate resources haven't yet been provided by the state. Investigations are very slow and with weak results.	Adequate resources haven't been provided by the state. It is yet to be seen whether the announced measure of the Kosovo Police to oblige its Department of Serious Crimes to deal with this issue will be implemented.	Adequate resources haven't yet been provided by the state institutions.
Are measures of protection provided to journalists when required in response to credible threats to their physical safety?	There were no such cases.	There were no such cases.	There is no evidence of such measures.	There is no evidence of such measures.	Some journalists were under police protection, but the problem with these cases is that such measures last too long. For example, a journalist from Serbia has been under police protection for more than 12 years.
Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, independently and efficiently?	Investigating authorities, police and prosecutors do their jobs slowly, especially in conducting effective and thorough investigations of attacks and other criminal offenses against journalists.	Based on the evidence of AJM, the investigations of attacks and threats against journalists are not carried out promptly and efficiently.	Investigations are slow and often inefficient. Only two cases from 2018 were resolved immediately after they occurred. The most serious case of a murder attempt has not been resolved yet.	Cases are investigated promptly and independently, but the court procedures are very slow.	The investigations are not conducted promptly and efficiently. A large number of unresolved cases persists. The court procedures last too long, often without final decisions. The three cases of murders haven't been resolved yet.
Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators?	When the actors are politicians, public officials or other powerful individuals effective prosecutions are often not carried out.	Not even the perpetrators of the attacks on journalists are punished, nor investigations of the instigators initiated.	The biggest problem is still the fact that the instigators are never discovered. This is exemplified by the murder case of Dusko Jovanovic, and even after 14 years only one accomplice was convicted.	No. The real instigators or masterminds are never discovered.	Only the perpetrators are identified and convicted, while the masterminds remain unidentified.
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 for building the capacity of police officers, prosecutors and judges have been organised so far, but they are still insufficient.	Some forms of trainings have been organised for the police officers and prosecutors, with the support of OSCE in Macedonia.	Several forms of training were organised with the support of the Council of Europe project JUFREX in the first half of 2018 for: nine state prosecutors, 34 judges, seven advisors in the courts and one in the State Prosecution Office. There are plans to continue with similar training.	There is an on-going project in Kosovo that provides training to prosecutors and judges in respect to protection of freedom of expression and journalists.	Several rounds of training is envisaged with the Agreement on cooperation and measures to raise security levels related to journalists' safety signed in 2016, but they haven't been implemented yet.

