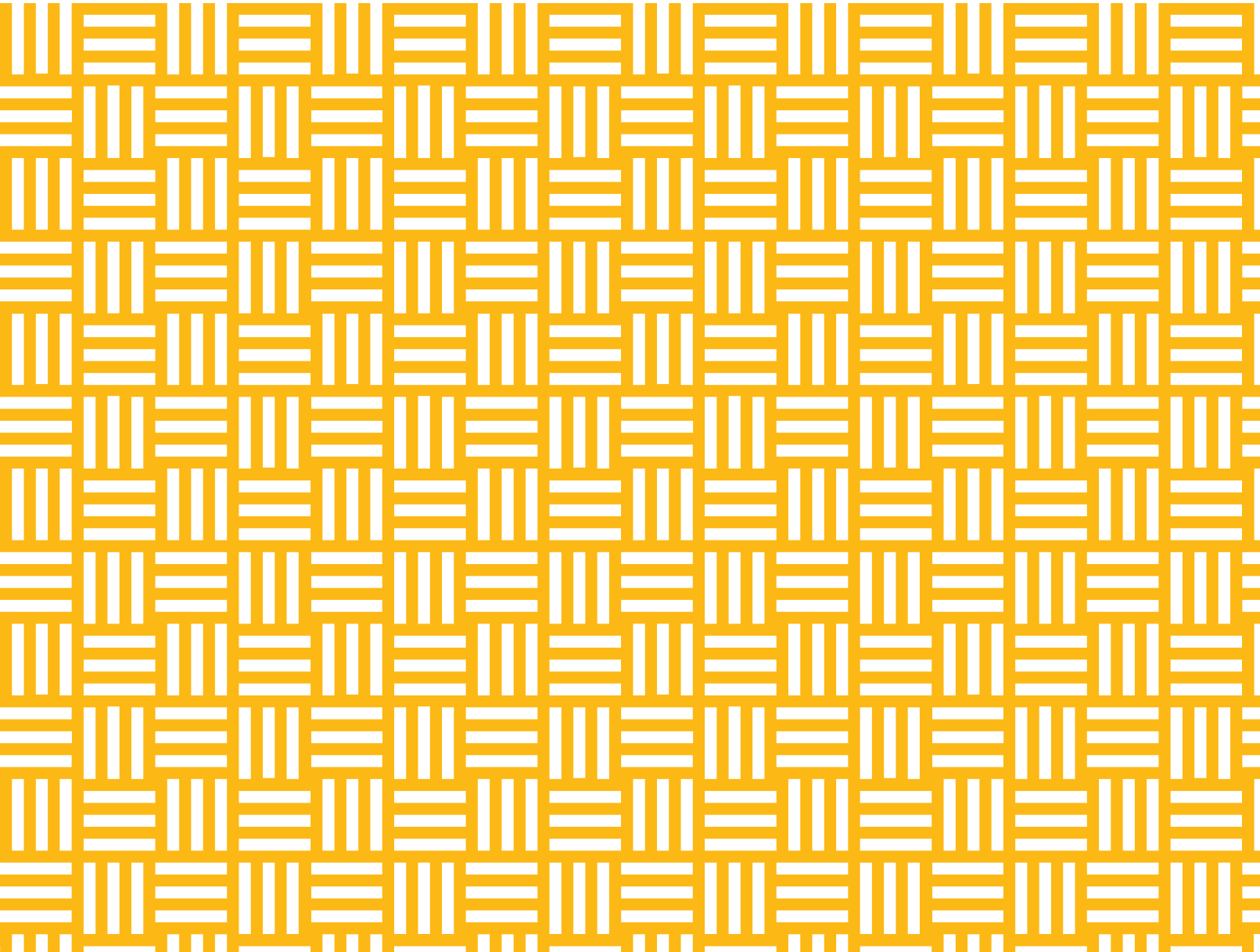




Western Balkans  
Regional Platform for  
Advocating Media Freedom and  
Journalists' Safety

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

COMPARATIVE ANALYSIS 2018





**Indicators on the Level  
of Media Freedom and  
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ANALYSIS 2018]**

**authors Snežana Trpevska  
and Igor Micevski**  
RESIS Institute, Macedonia

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### Authors

Snežana Trpevska  
Igor Micevski

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## Introduction

Two years have passed since in 2016 the *Regional Platform for advocating media freedom and journalists' safety* has 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 target to political and business pressures which over the decades have evolved into a system of dependencies, colonising the professional integrity of the journalists-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<sup>1</sup>. 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 more free now than they have been in 2016?

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<sup>1</sup> DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020. Accessed October 21, 2018: [http://ec.europa.eu/enlargement/pdf/press\\_corner/elarg-guidelines-for-media-freedom-and-integrity\\_210214.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf).

In this publication we present the comparative findings from the research study conducted in five Western Balkans countries: Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. A comprehensive set of qualitative and quantitative data is collected on the basis of a common research methodology in which three groups of indicators were developed: (A) Legal protection of media and journalists' freedoms; (B) Journalists' position in the newsrooms, professional ethics and level of censorship; and (C) Journalists' safety. The three groups of indicators on the level of media freedom and journalists' safety were proposed on the basis of a thorough analysis of a selected list of methodologies and guidelines developed by renowned international and European organisations<sup>2</sup>. However, while proposing the key indicators for the Western Balkan countries, the specific socio-political context in these countries and the specific perspective of the local JAs were taken into consideration.

The comparative findings presented here rely primarily on the data collected by the national researchers<sup>3</sup> and published in the five national reports<sup>4</sup>. Assessing the level of media freedom and journalists' safety in a country is a complex research task that requires interdisciplinary expertise and research experience in different fields: media law, media policy, journalism studies etc. Therefore, the research conducted by the national researchers relied to a great extent on other published studies in these fields. However, a range of new quantitative and qualitative data was also collected through: (1) qualitative in-depth interviews with experts, journalists, lawyers and other relevant actors, (2) qualitative analysis of documents - legal acts, by-laws, strategies, reports of public institutions etc., (3) surveys with journalists from different media, (4) collection of statistical data for the databases developed by the journalists' associations - partners in the Regional Platform.

As with other advocacy research projects, this one had also a very specific purpose – to raise the awareness of the importance of media freedom and safety of journalists, to influence legislators and policy makers, to hold officials accountable for their actions and to change behaviour among journalists themselves and among the citizens. In the past three years, the indicators have been used by the five journalists' associations as a reliable mechanism for monitoring and advocating media

freedoms and journalists' safety at national and regional levels. Therefore, in the section focused on Conclusions and Recommendations we put emphasis especially on the specific actions, proposals and initiatives undertaken by the partners in the Regional Platform which indeed contributed to certain positive change in their respective countries.

## **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 report<sup>5</sup>, 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 instru-

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2 The list of methodologies and guidelines of several international organisations can be found in the References.

3 The research team was composed of: Rea Adilagić (Bosnia and Herzegovina), Petrit Çollaku (Kosovo), Besim Nebiu, Naser Selmani and Dragan Sekulovski (Macedonia), Marijana Camović and Bojana Laković (Montenegro), Marija Vukasović (Serbia), Snežana Trpevska (Lead Researcher) and Igor Micevski (co-author of the comparative analysis).

4 The list of the national reports for 2016, 2017 and 2018 is given in the References.

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5 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>.



ments. 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, 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 indepen-

dent 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 journalists. 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 supervisory 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 bod-

ies (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.



# Comparative analysis





# A

## Legal protection of media and journalists' freedoms

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 two-fold character for the journalists: (1) it provides them with an individual right to express opinions and to inform the public without any external intervention - a journalistic freedom from something or someone; and (2) gives the mass media freedom to establish themselves as institutions inherent to the democratic process – a media freedom which is essential for the journalist's self-governance - freedom to something<sup>6</sup>.

The constitutional guarantees for journalistic and media freedoms imply both 'negative' and 'positive' obligations on public authorities in the respective states. In terms of the journalists' right to freedom of expression, for example, public authorities are obliged to refrain from any type of interference with the journalistic work (negative obligation), but also to actively promote this freedom and to defend it from unjustified and unproportioned restrictions against any public or private players. Positive obligation of the states assumes also that any kind of violence or threats for violence directed against the journalists and media workers are taken more seriously and more importantly are sanctioned.

Guarantees for media freedoms 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. Also, legal guarantees for media and journalistic freedoms should not only be limited to traditional mass media. Public authorities are obliged also to take all necessary steps to foster freedom of expression and access of individuals to the internet, as well as to strengthen the independence of online news outlets.

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<sup>6</sup> Jörg Ukrow and Gianna Iacino, "Comparative Study on Investigative Journalism", (Saarbrücken/Germany: Institute of European Media Law, 2016), p. 10.

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

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?

As it was already emphasized in the first comparative report<sup>7</sup>, 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.

However, the huge discrepancy between the normative standards incorporated in the national legal frameworks and their implementation in practice is still a general conclusion for all five countries in the Western Balkans. Journalists and media experts are unanimous in their concerns that 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. We have selected several characteristic developments in each particular country that illustrate the general negative trend in the implementation of the legal guarantees for journalistic and media freedoms:

- In **Montenegro**, in the second half of 2017 the political party in power gained political control over the public service broadcaster by dismissing several members of the *Radio Televizija Crne Gore (RTCG)* Council, which in June 2018 resulted with dismissal of the Director General of *RTCG*<sup>8</sup>;
- In **Serbia**, in 2017 there were 92 documented attacks and pressures against journalists, the highest total since 2008. Critical journalists and outlets faced smear campaigns, punitive tax inspections, and other forms of pressure or intimidation<sup>9</sup>;

- In **Bosnia and Herzegovina**, the large number of lawsuits for defamation or label creates a huge chilling effect on all journalist community, especially when politicians publicly attack or threaten individual journalists;
- In **Kosovo**, in the first half of 2017, there was a repeated but unsuccessful attempt to introduce criminal sanctions for label and defamation even for insulting state symbols<sup>10</sup>;
- In **Macedonia**, there were some positive changes in the overall political system which resulted with a visible democratic relaxation of the public sphere, but the systemic reforms of the media system required by the NGO sector are still lacking behind.

Whether strategic documents for media reforms and media legislation were developed in a transparent and inclusive process?

There is a general assessment that obstacles to media freedom and journalists' safety in the Western Balkans can be efficiently 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, systemic media reforms were required by the civil society sector in 2017, but the new Government adopted only the short-term "Plan 3-6-9"; in Kosovo, several draft-laws that affect journalists' work were submitted to the Parliament, but the parliamentary media commission was criticized for the lack of transparency; in Montenegro, significant changes in the Media Law and the Law on Public Service Broadcasters 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 no initiatives for developing media strategies, only for amending media legislation.

7 Snežana Trpevska and Igor Micevski, "Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans (Comparative Analysis)", (Belgrade: Independent Journalists' Association of Serbia, 2016), p. 26.

8 Press Release of the OSCE Representative on Freedom of the Media, "Media Freedom Representative Raises Concern Following Dismissal of Montenegrin Public Service Broadcaster Director General", published June 7, 2018, accessed October, 20 2018: <https://www.osce.org/representative-on-freedom-of-media/383826>.

9 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Serbia)", (Belgrade:

Independent Journalists Association of Serbia, 2017), p. 27.

10 Petrit Çallaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Kosovo)", (Pristina: Association of Journalists of Kosovo, 2017), p. 14.

In **Serbia**, in 2017, a working group for development of new Media Strategy was established and amendments of the existing media legislation were announced after the adoption of the new strategic document. The biggest journalists' and media associations left the working group complaining about its composition and the manner of work, but the Ministry of Culture and Information continued working on the strategy and developed a first draft which was withdrawn in April 2018 because the whole process was criticized by the journalists and media community and by the international organisations<sup>11</sup>. The Government then proposed and the journalists' associations accepted to establish a new working group composed of representatives of several ministries and of the relevant journalists' and media associations. Also, a coordination body was established, composed of representatives of state institutions that negotiate with a team of representatives of journalists' and media associations. The work of this coordination body is envisaged as a continuous dialogue process between the two sides in order to find solutions to the most urgent problems detected by the journalists' and media associations. Although this was considered generally as a positive step, journalists' associations are still quite sceptical towards the entire process.

In **Macedonia**, in July 2017, the new Government adopted the so-called "Plan 3-6-9", in accordance with the Urgent Reform Priorities set forth by the European Commission and the so-called Pribe's Report<sup>12</sup>. The Plan consisted of several measures and activities, including the urgent amendments of the Law on Audio and Audio-visual Media Services aimed primarily at achieving independence of the media regulator and the public service broadcaster. The amendments were originally proposed by a group of media and journalists' organisations as a minimum precondition for wider systemic reforms in the media sector. After several cycles of public consultation the amendments were submitted in the Parliament in the beginning of 2018, but the opposition has filibustered its adoption. The required systemic reforms of the media sector are still lacking behind.

In January 2017, the parliamentary media commission debated on a number of changes to the draft law on the *Radio and Television of Kosovo (RTK)* on a closed session. The European Broadcasting Union and the EU Office in Kosovo reacted against the decision for a closed session, expressing concerns over a lack of transparency in

drafting amendments to the Law on *RTK*<sup>13</sup> and provisions which empowered the Kosovo Assembly to dismiss the management if the *RTK* budget reports fail to be ratified by the Assembly. In 2018 the Association of Journalists of Kosovo also expressed complaints about the lack of transparency of the parliamentary committee and about the initiative of some parliamentarians to adopt a media law in order to "improve the working conditions of the journalists and to bring order in the online media sector".

The Law on Electronic Media and the Law on Public Service Broadcasters of **Montenegro** were amended in July 2016, but came into force on September 1, 2017. The main novelty in these legal changes was that the mission of the public service broadcasters and the funding framework would be determined by a contract between the Government and the national public service broadcaster or a local self-government unit and the local public service broadcasters. In 2018 a Working group was created to draft new amendments to the Media Law and the Law on Public Service Broadcasters. The main objective of these amendments was to harmonise the current legislation with the EU standards on state-aid rules and other relevant documents, while the relevant CSOs, involved in the process, advocated for improving the working status of journalists. The proposal of the Trade Union of Media of Montenegro to include safeguards against the influence of media owners on journalists was not accepted.

In **Bosnia and Herzegovina**, the general perception among journalists and experts is that the process of amending media legislation in the past few years was transparent, but very slow. Current laws are lagging behind technological developments. In September 2018, on the initiative of the Communications Regulatory Agency a working group was established to draft a new Law on Electronic Communications and Electronic Media. The main argument behind this initiative was to align the legislation with the technological developments. Also, in September 2018 the respective parliamentary committee proposed amendments to the laws that regulate the public service broadcasters in Bosnia and Herzegovina according to which the public service broadcasters will be funded from the Budget.

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11 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", (Belgrade: Independent Journalists' Association of Serbia, 2018), p. 10.

12 "The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on Systemic Rule of Law Issues Relating to the Communications Interception Revealed in Spring 2015", Brussels, June 8, 2015, accessed: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf).

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13 Press Release of the EU Office/EUSR to Kosovo, "EU in Kosovo Concerned Over Lack of Transparency in Amending RTK Law", published January 21, 2018, accessed October 20, 2018: [https://eeas.europa.eu/headquarters/headquarters-homepage/19399/eu-kosovo-concerned-over-lack-transparency-amending-rtk-law\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/19399/eu-kosovo-concerned-over-lack-transparency-amending-rtk-law_en).

Have the state authorities attempted to restrict the right to internet access or seek to block or filter internet content?

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, anti-discrimination or copyright laws. In the course of 2017 and 2018, in some countries (Macedonia and Kosovo) debates were initiated about the need to extend the scope of media legislation to online news media, mostly with argumentation to increase the quality of journalism and working position of the journalists who work in these media. However, there are still many concerns that this may lead towards restrictions to freedom of expression online. Only few cases were registered by the journalists' associations in the region of removing some online content, but it is difficult to describe these cases as serious attempts of the authorities to arbitrarily restrict the right to internet access or to block or filter content.

In **Macedonia**, a debate was initiated in 2017 to amend the Law on Media, in order to introduce some basic pre-conditions for the legal entities that operate as online news outlets. However, there were still many concerns among the Association of Journalists of Macedonia (AJM), experts and other NGOs that these demands might lead towards content regulation of the online media. Such demands were also coming from individual journalists working in the online media, with justification that these changes would increase professional journalism and would protect the public from hate speech, discrimination and other harmful content. However, the prevailing opinion is that online media should be subject only to self-regulation. In 2017 and 2018, no attempt was made by the new Government in Macedonia to restrict the freedom of expression online.

In **Serbia**, in 2017 there were six cases of removal of video materials from *You Tube*, five of them on the ground of copyright protection. One case, at the request of a private company, was related to the removal of a footage containing the statement given by the minister Aleksandar Vulin about two journalists. The rest of the cases, registered in the period between September 1, 2017 and August 31, 2018, were related to the removing of content from websites or social networks. One example was the case of the news agency *Tanjug* which itself removed a tweet about the sanction imposed by FIFA to the Football Association of Serbia because it contained an "offensive flag and political messages" displayed by the fans during a football match. The tweet was illustrated with a photo showing that the son of Aleksandar Vučić, the President

of Serbia, was cheering with the members of the team of a killed criminal.

In **Montenegro**, few restrictions to internet freedom have been registered in the last two years: in October 2016, the *RTCG* web-portal was exposed to the DDoS (Distributed Denial of Service) attack. Portals of the Government, some state bodies, and few media were exposed to a series of cyber-attacks in mid-February 2017<sup>14</sup>. In 2018, such cases were not registered.

According to the observations of the associations of journalists, in **Bosnia and Herzegovina** and **Kosovo** there were no documented cases of restrictions of internet content in the last two years.

Are the regulatory authorities performing their mission and functions in an independent and non-discriminatory manner?

Most of the regulators in the region are still perceived as politically influenced and/or not sufficiently efficient in performing their legally defined functions. The prevailing negative perception of their work is backed up with various arguments. For example, models of appointment defined in the laws, although designed to ensure a merit-based and transparent procedure of electing independent experts in the field, were either circumvented or not implemented properly in the past years. Thus, the improvement of the legal model was considered as one of the key issues in the initiatives for media reforms in some countries such as Serbia and Macedonia.

The media regulator in **Serbia** (Regulatory Authority of Electronic Media - REM) is perceived as politicized and inefficient in fulfilling its legally defined key competences such as: to monitor the media in terms of their compliance with the legal obligations, to impose sanctions on those media that violate the law, to deal with citizens' complaints, to be transparent and accountable to the public etc. For example, one of the major problems is that the regulator does not conduct monitoring of the media coverage of election campaigns and does not impose sanctions to the media outlets that violated the law. The reason for this is mostly located at its decision making body – the Council of the Regulatory Authority for Electronic Media, which is entirely under the influence of the political actors in power and the pro-governmental media<sup>15</sup>. The consequence of this is that REM hesitates to sanction the media close to the Government despite their continuous violation of the laws and by-laws. The Council is not perceived as sufficiently transparent because not all relevant documents are published on REM's website and does not discuss at all the complaints

14 Marjana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Montenegro)", (Podgorica: Trade Union of Media of Montenegro, 2017), p. 14.

15 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", p. 12.

by citizens<sup>16</sup>. The legitimacy of the Council's decisions is also brought into question due to the fact that it currently works with incomplete composition.

In **Macedonia**, the regulator (Agency for Audio and Audiovisual Media Services - AAAMS) has been subject to political influence during the decade long rule of VMRO-DPMNE and therefore its depoliticization has become one of the most urgent issues in the requirements for media reforms in the country. Successive assessments of the legal functions performance of the regulator in the last two years, have suggested a positive trend, however the prevailing opinion still is that the legal model should be improved in order to secure greater independence and expertise in its work. Instead of having the so-called authorized nominators, a public call was envisaged on which independent experts in the media field will submit their applications, with recommendations provided by universities, media NGOs, associations of journalists and associations of commercial media. These changes were envisaged with the amendments to the Law on Audio and Audiovisual Media Services, which by the end of August 2018 were still in the parliamentary procedure.

The regulatory body in **Montenegro** (Agency for Electronic Media - AEM) is legally established as an independent institution, but in the past two years there were some attempts to undermine its independence. The powers of the regulatory authority to monitor the implementation of the Law are quite limited due to the lack of its sanctioning powers. Political pressures on the Agency were evident in the end of 2017 when a member of the Council was dismissed by the Parliament of Montenegro, for the alleged conflict of interests<sup>17</sup>.

The regulatory authority in **Bosnia and Herzegovina** (Communications Regulatory Agency - CRA) is positioned and functions as an independent institution, but "the Agency's political neutrality, independence and its public perception as a neutral body have yet to be ensured."<sup>18</sup> According to the general perceptions of the journalists in Bosnia and Herzegovina, there is still political influence on the regulatory authority which is evident in the process of appointment of its members<sup>19</sup>.

In **Kosovo**, the regulatory body, the Independent Me-

dia Commission (IMC), is not perceived as sufficiently independent, especially because the nomination of its members is politically motivated<sup>20</sup>. The IREX's Media Sustainability Index for 2018 also states that "the election of board members is mostly based on party affiliations rather than on professional merit."<sup>21</sup>

**Is there a practice of state advertising in the media and is it abused for political influence over their editorial policy?**

The widely used practice of state advertising in the past years has not been clearly regulated in these five countries which influenced editorial independence of the media, enormously. There is an obvious need in all five countries to develop specific regulation on this issue, because of the lack of transparent and non-discriminatory criteria on the basis of which the public funds are allocated to different media. The allocation of money from the State Budget for the so-called promotional campaigns of the 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 on the critical media. 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 undermine their independence. In Montenegro, the allocation of public funds is made often through directly concluded contracts, without implementing transparent criteria through public procurement procedures.

In **Serbia**, the main criticism regarding the allocation of state money to the media is related to the lack of transparent criteria. The practice of state advertising is regulated in the Law on Advertising only with one general provision and there is a common perception that there is a need to adopt a new separate law on state advertising. Media experts claim that the fact that such a law is not drafted is a conscious and planned strategy of the authorities, because state advertising "is a direct channel of political influence on the media, because the state is a great source of ... advertising and sponsorship money and it uses this money in a very direct way."<sup>22</sup> A form of strong pressure on independent media is exerted

<sup>16</sup> For example, REM has published on its website the list of citizens' complaints against the broadcasters related to their coverage of the election campaign for the presidential elections in 2017. However, none of the one hundred of complaints submitted by citizens against the Radio Television of Vojvodina (RTV), on the initiative of the movement "Support RTV" has been published on the REM website.

<sup>17</sup> Press Release of the European Commission, "Key Findings of the 2018 Report on Montenegro", published April 17, 2018, accessed October 21, 2018: [https://eeas.europa.eu/headquarters/headquarters-homepage/43059/key-findings-2018-report-montenegro\\_bs](https://eeas.europa.eu/headquarters/headquarters-homepage/43059/key-findings-2018-report-montenegro_bs).

<sup>18</sup> European Commission, *Bosnia and Herzegovina 2018 Report*, (Strasbourg: April 17, 2018), p. 17.

<sup>19</sup> Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosnia and Herzegovina)", (Sarajevo: BH Journalists, 2018), p. 11.

<sup>20</sup> Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Kosovo)", (Pristina: Association of Journalists of Kosovo, 2018), p. 9.

<sup>21</sup> USAID – IREX, *Media Sustainability Index 2018 (Kosovo)*, accessed October 21, 2018: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2018-kosovo.pdf>.

<sup>22</sup> Rade Veljanovski, media expert, interviewed by Marija Vukasović (national researcher for Serbia), June 1, 2018.

through advertisers, i.e. some state and private companies do not advertise in the media which are critical towards the Government. What is also a big problem is that the institutions do not publish how much money they allocated to the media, nor there is another official source that shows the total amount of public funds spent for advertising in the media.

The most notorious example of misusing state money for controlling the private media sector has been evidenced in **Macedonia** until 2016. The so-called “campaigns of public interest” were widely used by the ruling party VMRO-DPMNE for airing political messages about the achievements of the Government and its ministries. Although in 2017 and 2018 the allocation of money to the media from the State Budget was stopped with a decision of the Government, significant amount of public money was still allocated from the municipal budgets to the media at local level<sup>23</sup>. The Association of Journalists of Macedonia (AJM) warned that this practice undermined professional journalism and infringed the independence of local media and asked for deleting the ambiguous provision in the Article 102 of the Law on Audio and Audiovisual Media Services which still provided legal ground for this negative practice.

In **Montenegro**, the practice of state advertising is still assessed as “non-transparent, unregulated and uncontrolled” which was one of the main reasons of concern emphasized in the European Commission’ progress reports<sup>24</sup>. The allocation of funds is made often through directly concluded contracts, without implementing properly the public procurement procedures. Some tendering procedures completely lack clear criteria, while others define them in a way that eliminates certain media from the start. There is an initiative to amend the Law on Media in order to oblige the media to report regularly how much funds they received from the Budget, as well as to oblige state institutions to submit reports to the Ministry of Culture on the funds allocated to the media.

In **Bosnia and Herzegovina**, there are still no clear rules for allocation of state money to the media, because this practice is not equally regulated at the level of different entities. There have been initiatives to adopt a separate law at the level of Bosnia and Herzegovina, but such legislation has not been drafted yet. There are no official data about the amount of funds allocated to different media, but according to some assessments, around 30 million euro are spent annu-

ally by various institutions for advertising in the media. According to BH Journalists Association, state advertising has huge impact on the editorial policy of media which receive money from the Budget.

Public institutions in **Kosovo** also provide large amount of money for advertising in the media and there is a general perception that this certainly affects their editorial policy. Several ministries allocate money directly to some online media on a selective basis. Banners of some institutions (Ministry of Infrastructure, Air Navigation Services Agency etc.) are visible on the websites of some online media outlets. This practice was criticized by the Association of Journalists of Kosovo as detrimental for the editorial policy of these media<sup>25</sup>.

#### Are there any types of media subsidies or production of media content of public interest and how is it implemented in practice?

The only existing legal model of subsidies for the electronic and print media sectors, aimed for encouraging content diversity is the one in Serbia. However, over the years, the implementation of this model has worsened, so the model in practice has not resulted with diverse and quality content. Funds are even allocated to media that violate the ethical and professional rules. In Montenegro, the legal model based on collecting funds from the 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 past model of allocating funds from the Budget to the national TV stations for new audiovisual production was abolished because it negatively influenced their editorial policy. Kosovo and Bosnia and Herzegovina do not have any model for allocating state subsidies to media.

**Serbian** model of state support, although well designed to encourage program diversity in the electronic, print and online media sectors, is still poorly implemented in practice due to several reasons: programs that are funded often do not fulfil their basic purpose – there are not of public interest; the quality of the produced content is also brought into question because of the lack of appropriate evaluation procedures; there are no provisions which oblige producers to follow the approved concept and quality of the content; members of these commissions are often anonymous individuals who are not experts; funds are allocated even to the media that violate

23 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman, “Indicators on the Level of Media Freedom and Journalists’ Safety 2018 (Macedonia)”, (Skopje: Association of Journalists of Macedonia, 2018), p. 13.

24 Marijana Camović, “Indicators on the Level of Media Freedom and Journalists’ Safety 2018 (Montenegro)”, Podgorica: Trade Union of Media of Montenegro, 2018, p. 13.

25 Petrit Çollaku, “Indicators on the Level of Media Freedom and Journalists’ Safety 2018 (Kosovo)”, p. 10.



the ethical and professional rules; administrative procedures against the decision for allocated funds take very long time and do not provide adequate legal remedy for the plaintiffs.

In **Montenegro**, the two different mechanisms for supporting content diversity in the media were abolished in 2017. The first mechanism was established with the Law on Electronic Media, which provided that funds collected from games of chance could be allocated for programs produced by commercial radio broadcasters. Another mechanism was set up by the Law on Road Traffic Safety from 2014 aimed at supporting the in-house production of commercial radio broadcasters. However, the Commission for the allocation of these funds was abolished with the amendments of the Law on Games of Chance of June 2017, so the model is no longer functional. Experts from the regulatory body considered this abolition of the possibility for media subsidies as harmful for the content diversity and for the overall media pluralism<sup>26</sup>. Currently, the media are supported by the state with the reduction of the value added tax rate by 7% (instead of 19%). In March 2017 the Government has also made a decision for writing off the debts of the broadcasters for the transmission services for a total amount of 1.847.189 euro.

In **Macedonia**, the Law on Audio and Audiovisual Media Services still contains provisions for encouraging the production of documentary and feature TV programs by funds to the commercial TV stations at national level and PSB with the funds from the State Budget allocated by a commission composed of representatives of several ministries and institutions. However, this model was severely criticized by the Association of Journalists of Macedonia (AJM) and other media NGOs as a funding mechanism used by the previous ruling party VMRO-DPMNE to keep the biggest media under its political control. Therefore, the new Government accepted the proposal to abolish these provisions with the amendments of the Law on Audio and Audiovisual Media Services submitted in the Parliament in February 2018<sup>27</sup>.

#### What are the mechanisms for financing media in the languages of national minorities?

In all countries, as part of their remit, public service broadcasters at national level have obligations to broadcast programs in the languages of ethnic minorities. As far as commercial and non-profit media concerns, support is provided through some funding schemes that exist in Serbia, Kosovo and Montenegro. However, some of these support schemes are either considered as not sufficiently transparent or some as barely functional.

Therefore, it can be concluded that the linguistic pluralism in the media sectors of the five countries is encouraged mostly through the programs of the public service broadcasters and is not sufficiently encouraged in the commercial and non-profit media sectors.

In **Serbia**, the work of the media which publish information in the languages of national minorities is partly supported by the institutions at state and local level, through co-financing of programs of public interest. Information in the languages of national minorities is not at a satisfactory level in Serbia. There are also concerns that even the public service broadcaster - *Radio Television Serbia (RTS)* does not fulfil its legal obligation to broadcast programs in the languages of national minorities. Also, the financial sustainability of the media in the languages of national minorities is a major problem, due to the lack of funding mechanisms.

Non-majority community media and multi-ethnic media in **Kosovo** are supported financially by the State Budget through the Fund for Support to Minority and Multiethnic Media and Other Disadvantaged Groups administered by the Office of Community Affairs which is part of the Prime Minister's Office. In 2017 a public call was published but later suspended, so in the last two years the Office did not allocate any funds to the commercial media that publish their content in minority languages. This practice has been criticized by the Association of Journalists of Kosovo as not sufficiently transparent. The public service broadcaster of Kosovo, *Radio Television of Kosovo*, has a legal obligation to broadcast in all minority languages (Serbian, Bosnian, Turkish and Roma). Serbian minority has its own channel in *RTK2* since June 2013.

In **Montenegro**, media that publish content in minority languages may be supported through the fund collected from the games of chance, but this fund is no longer functional. Currently, the only source of funding for these media is the Fund for Protection and Exercise of Minority Rights. The last published call was in 2017 when 292.926 euro were allocated to 67 media projects. Only the weekly *Koha Javore*, published in Albanian language is funded directly from the State Budget, through the funds allocated by the Parliament.

In **Macedonia**, there is no funding mechanism aimed for encouraging the development of private media of linguistic minorities. Since these private media have small audiences, they cannot attract sufficient money from the advertising and therefore they can barely survive on the media market. Macedonian public service broadcaster broadcasts programs in the languages of ethnic commu-

<sup>26</sup> *Jadranka Vojvodić, interviewed by Marijana Camović, August 4, 2017.*

<sup>27</sup> *The amendments have not been approved until the closure of this analysis (end of September 2018), since the opposition party blocked the discussion in the parliamentary committees.*

nities, both on television and radio.

According to the Law on Protection of the Rights of National Minorities in **Bosnia and Herzegovina**, there is a provision that national minorities can establish media on their own languages but it is considered that this is only a declarative statement, because there are no funding mechanisms to encourage linguistic pluralism in the private media sector. This obligation is part of the legal remit of the public service broadcasters, but minority groups and vulnerable segments of the audience are not satisfied with the content offered by the public service broadcasters in Bosnia and Herzegovina<sup>28</sup>.

**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?**

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 and citizens' interests. Their supervisory bodies do not keep regular communication to their constituencies and are more connected with political power than with society. The most serious example of political pressure in the past two years was exerted on the public service broadcaster of Montenegro (*RTCG*): two members of the *RTCG*' Council were dismissed and the Director General was subject to continuous pressures from the ruling party, which in June 2018 culminated with her dismissal. These countries' PSMs current funding frameworks are still not securing their efficient operation, sustainability and accomplishment of their program remits. In this regard, some positive attempts are noted in Kosovo and Montenegro where the three-year contract signed between the *Radio and Television of Montenegro* and the Government may be considered as a positive example to be followed.

Most journalists and media experts in **Serbia** agree that although institutional autonomy and editorial independence of public service broadcasters are normatively guaranteed, in practice the political influence is very strong and evident, primarily in the news programmes. The current funding framework from the state budget makes the public service broadcasters especially vulnerable to political pressures and influences. The programming councils of the two public service broadcasters are obliged, by law, to ensure the interests of the citizens, but in practice these bodies are not considered as close to the civil society. The biggest problem is that these bodies are politically influenced while their communica-

tion with the citizens is very weak.

In the current debates about media reforms in **Macedonia**, depoliticisation of the public service broadcaster – *Macedonian Radio and Television*, and its independent and sustainable funding model are assessed as an issue of highest priority. Therefore, the amendments of the Law on Audio and Audiovisual Media Services, submitted in the parliamentary procedure in February 2018, contain new provisions for changing the model of election of the members of the *MRT* Program Council, which has so far mostly reflected the will of the political parties in power. In September 2017, the Government abolished the broadcasting tax, but the Association of Journalists of Macedonia, experts and other stakeholders addressed criticism that the new model of funding (from the State Budget) is still not the best solution for sustainable and autonomous operation of the public service broadcaster.

*Radio Television of Kosovo (RTK)* continued to be the target of criticism during 2017 and 2018 due to direct political influence on its editorial policy, especially visible in the news programs which often favored the activities of the ruling party. Until 2017 the public broadcaster was financed from the Kosovo budget in quarterly cycles, but this model was criticized for putting the public service broadcaster in difficult position and jeopardising its autonomy and independence. The new draft law on the *RTK* envisaged a new mixed funding model: 2.5 euro fee per household collected through electricity bills and 0.4% of the State Budget for specific *RTK* projects. This model was subject to criticism because of the influence and pressure on the *RTK* editorial policy<sup>29</sup>.

Public service broadcasters in **Bosnia and Herzegovina** are legally established as autonomous and independent organisations. However, inefficiency of the broadcasting tax collection and political pressures, seriously undermined their survival and future transformation. The inefficient collection of the broadcasting tax and large debts of the public broadcasting services at entity level towards the public service at state level (*BHRT*) which brought the later into a very difficult financial situation. As a result of that, *BHRT* was not able to pay the debts towards the European Broadcasting Union. This issue has been subject of parliamentary debates for a long time, but the solution is still not found. Parliaments at state and entity level have a key role in the appointment and dismissal of members of the Board of the public broadcasters. Representatives of professional journalistic associations, NGOs and the international community warned several times that this is a direct way of control over the work of the public broadcasters<sup>30</sup>. In 2018, there were five cases of labour disputes within the *BHRT*, about violations of labour rights due to political influence in the

28 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosnia and Herzegovina)", p. 12.

29 European Commission, "Kosovo 2018 Report", (Strasbourg: April 17, 2018), p. 74.

30 European Commission, "Bosnia and Herzegovina 2018 Report", (Strasbourg: April 17, 2018), p. 18.



public service. There were debates about whether the public service broadcasting in Bosnia and Herzegovina fulfils their obligation to reflect cultural and linguistic pluralism in the country. Therefore, an initiative was started by some political parties to introduce a third public service, in Croatian language.

The editorial independence and institutional autonomy of the public service broadcaster of **Montenegro (RTCG)** are guaranteed with the law and its internal documents, but in practice *RTCG* is still subject to political pressures. Three members of the *RTCG*' Council, including its President Vladimir Pavičević<sup>31</sup>, were dismissed in the course of 2017 and 2018<sup>32</sup>, with a decision of the Parliament. The Council later changed the entire management team, which then appointed new editors of the public service broadcaster. The Director General of the *RTCG*, Ms. Andrijana Kadija, was also subject to continuous pressures from the ruling party, which eventually resulted with her dismissal by the *RTCG*' Council, in June 2018. The amendments to the Law on the Public Service Broadcaster *RTCG* which entered into force in September 2017 were drafted in order to secure stable and transparent funding of the public service broadcaster from the State Budget. According to the new provisions, the *RTCG* signed a contract with the Government which defines the program obligations of the *RTCG* and obliged the Government to provide funding of 40 million euro for the next three years.

#### A.2. Do defamation laws cause a "chilling effect" among journalists?

Are the defamation laws' provisions overly severe or protective for the benefit of state officials? How many lawsuits have been initiated against journalists by the state officials in the past three years? Are there examples when other legal provisions were used to 'silence' journalists for legitimate criticism or for investigative journalism? Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed? Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology? What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?

All five countries have decriminalised defamation in the past years and, at present, civil liability laws are being implemented in case journalists are prosecuted for defamation. In 2017, there were unsuccessful attempts by some authorities (Kosovo) to criminalise defamation again, even for insulting state bodies and state symbols. There is a general assessment that decriminalisation has not improved the position of journalists in the region, 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 is Kosovo and Macedonia. In the other countries, politically motivated court rulings caused additional pressure and 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 about the cases.

In April 2017, the Ministry of Justice of **Kosovo** proposed amendments to the Criminal Code in order to introduce criminal sanctions for insult and defamation. Insult and defamation against the state, state symbols or state leaders, including the president, were envisaged as a serious criminal offence and sentences were planned to range from three months up to five years in prison<sup>33</sup>. The Association of Journalists of Kosovo (AJK) and several other CSOs organized protests against the draft law, arguing that it would seriously jeopardize the fundamental principles of a democratic state and the Ministry of Justice removed these provisions. Since 2012, insult and defamation are subject to civil liability, according to the provisions of the Civil Law against Defamation and Insult. Yet, the civil offence is still sanctioned with large fines, which in turn discourages journalists to report on certain topics. The AJK, in cooperation with the Basic Court in Prishtina, in 2017 managed to gather the exact number of defamation and insult cases filed against journalists in the past years. 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. Only two cases have been handled by the court, of which both lawsuits haven't proceeded further due to the lack of interest of plaintiffs. In 2018, there were no new cases filed against journalists.

<sup>31</sup> However, in February 2018 the Basic Court of Podgorica overruled the decision of the Parliament about Pavičević, and he is now again only a member of the *RTCG* Council.

<sup>32</sup> Press Release of the OSCE Representative on Freedom of the Media, "Media Freedom Representative Raises Concern Following Dismissal of Montenegrin Public Service Broadcaster Director General", published June 7, 2018, accessed: October, 20 2018: <https://www.osce.org/representative-on-freedom-of-media/383826>.

<sup>33</sup> Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Kosovo)", p. 14.

In **Serbia**, defamation is decriminalised, while, according to the Criminal Code, insult is still a criminal act. A large number of civil lawsuits were filed against journalists in the past two years and there is a strong impression among experts and journalists that the courts sometimes act under strong political influence. Such examples were the cases of Nebojša Stefanović, Minister of the Interior, against *NIN* weekly and Nebojša Stefanović against the portal *Peščanik*. These cases create a strong chilling effect among other journalists. Still, there is a general assessment that the courts increasingly rely on the practice of the European Court for Human Rights. In the last two years, there were many cases where journalists from investigative news portals sue pro-governmental media due to smear campaigns which in some instances even threatened the safety of these journalists. In the period from September 1, 2016 to August 31, 2017 the number of filed charges amounted to 508, while in the next one year, until August 31, 2018 the number of charges increased to 650. High compensation damages for media present a big problem for media, bringing into question their very survival. One such fine was imposed to the portal *Autonomija* (about 3.374 euro in total). According to the data obtained from the Press Council, in the course of 2017 and 2018 the Press Council - self-regulatory body, did not receive any request to establish whether the Journalist's Code of Ethics was violated so it can be used in the court proceedings. Yet, although the courts are not obliged to take into consideration, the lawyers often submit the decisions of the Press Council which determine violations of the Journalist's Code of Ethics.

Although the Law on Civil Liability for Insult and Defamation of **Macedonia**, adopted in 2012, was assessed as a positive step towards greater media freedoms, the high fines and the tendency of public officials to sue journalists had a serious negative impact in the past years. The new Government, elected in April 2017, declared a strong commitment towards democratisation of the society and greater media freedoms which in general brought an overall relaxation of the political atmosphere for the journalists. In the past two years, there is visible trend of reducing the number of defamation or insult charges against journalists in Macedonia. There is no exact data on the number of charges initiated by public officials or politicians, but the Association of Journalists of Macedonia (AJM) concludes that in 2017 and 2018 the authorities much lesser used this legal remedy to "protect themselves" from critical journalism<sup>34</sup>. An exception is defamation lawsuits that public officials from Democratic Union for Integration (the Albanian coalition party in the Government) have raised in 2017 against critical

media in Albanian language.

Since 2011, decisions on defamation in **Montenegro** are made within the civil disputes, according to the Law on Obligations, which specifies what is a violation of the rights of the person and reputation (non-pecuniary damage). There are opinions that this Law does not provide for sufficient protection of individuals who are attacked by some unprofessional media because they are sometimes prepared to pay large fines for causing harm to certain individuals who were intentionally subject to attacks. Although the number of lawsuits against journalists decreased in the last two years, high penalties imposed in particular cases (in one case 7.000 euro) have huge negative effect on journalists. The survey conducted in 2018 by the Trade Union of Media of Montenegro showed that the possibility to be sued for defamation affected (extremely or very) the work of almost half (49.2%) of the interviewed journalists or editors.<sup>35</sup>

In the period from 2011 till June 2017, there were 80 resolved court cases against media or journalists in **Montenegro**, of which in 24 cases the courts sentenced the journalists with fines ranging from 500 to 2.000 euro. There were also harsh cases which involved powerful individuals from the politics and businesses and which were solved by ordering the media to pay large fines: the daily newspaper *Informer* (which in the meantime ceased publishing) was obliged to pay 5.000 euro for harming the reputation of the Social Democratic Party; the daily newspaper *Dan* was obliged to pay 5.000 euro for insulting the lawyer Ana Đukanović, sister of the President of Montenegro Milo Đukanović, in the article titled "She Tried to Hide a Deal with Telekom". There is no evidence that the courts take into consideration the decisions of the Media Council for Self-regulation.

In **Bosnia and Herzegovina**, defamation was decriminalised almost 20 years ago and is now regulated with the Law on Protection against Defamation (at the level of entities and of the Brčko District), the Law on Obligations and Law on Civil Procedure (at the level of Federation Bosnia and Herzegovina and Republika Srpska). A large number of lawsuits is being filed against journalists by public officials and politicians, which creates a very strong feeling of fear and auto censorship, especially among the journalists who work for the local media<sup>36</sup>. According to the records kept by the BH Journalists Association (Free Media Help Line) more than a 100 defamation lawsuits are submitted annually against journalists in Bosnia and Herzegovina. The magazine *Slobodna*

34 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Macedonia)", p. 15.

35 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 16.

36 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety (Bosna and Herzegovina)", Sarajevo: BH Journalists Association, 2017, p. 16.

*Bosna* ceased to exist in December 2015 due to huge number of defamation lawsuits, while against a journalist of the daily *Oslobođenje* an unbelievable 105 defamation lawsuits were filed. The courts are not politically independent, so the journalists indeed feel serious pressures especially because many politicians even publicly announce defamation lawsuits. The penalties may amount even to 5.000 euro.

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

Is political pluralism in the media guaranteed in the media legislation? Is it an obligation only for the PSB or for the private broadcasters as well? Is there a specific obligation for the regulatory authority to protect political pluralism in the media?

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 foreseen in the media laws or is mentioned only as a general principle. On the other side, the practice fails to demonstrate equitable or fair approach of media towards political actors both during and outside election campaigns. There are 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 political processes which in turn jeopardized the political process. In cases like Kosovo, the media authorities in addition to the lack of 'political will', also lack capacity to conduct checks on the media landscape, which threatens the respect for pluralism in the media. Another reason may be that, though the legislation is mostly in place in all cases, still there are some provisions in the respective countries' laws that lag behind – as in the case of Montenegro where even though in late 2017 changes were made to the Law on Electronic Communications, still the media authority did not gain

more sanctioning powers necessary to bring improvement in media conduct. Finally, political impasses may be responsible for legislation improvement as in the case of Macedonia where though the overall media context has seen a significant relaxation during 2017 and 2018, still political standoff between government and opposition has disabled significant interventions in the laws and in the work of various media structures.

In **Serbia**, non-discriminatory rules are prescribed in the relevant laws concerning the electoral campaigns. The Law on Public Media Services as well as the Law on Electronic Media guarantee plurality, fairness and impartiality of media coverage concerning electoral activities of political parties and candidates. The relevant laws also guard against political advertorials in the news during election campaigns. By Law, the Regulatory Authority of Electronic Media (REM) has the power to supervise the electronic media output, which means that in effect the mechanisms which are supposed to guarantee implementation of the legal protections of media pluralism before and during election campaigns are mostly in place. In practice, however, as the ownership of some media is not transparent and as party-political and economic interests in Serbia exert their influence on the media, an assertion can be made that in this country political pluralism in the media is jeopardised both within and outside electoral campaigns. In addition, the media authority does not act in accordance with its powers – in 2017 for example it decided not to fulfil its obligation to monitor the media during that year's presidential election campaign and in 2018 it did not monitor media during the local elections<sup>37</sup>. The Independent Journalists' Association of Serbia (IJAS) has consequently filed a lawsuit against the members of the regulator's Council for noncompliance with the law.

**Montenegro's** media and electoral laws guarantee political pluralism and fair representation in the media, however these guarantees are on paper only, as there is an ostensible practice of political bias and unequal access to media by political actors. With the changes in the Law on Electronic Media in late 2017, the Council of the regulatory body has a legal obligation to proscribe codes of conduct of the media during electoral campaigns. However, the regulator only has the power to issue warnings without imposing sanctions for the non-compliant media. 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 and as it was noted in successive domestic and international media monitoring<sup>38</sup> and policy

37 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", p. 17.

38 OSCE/ODIHR, *Montenegro Parliamentary Elections 2016: Election Observation Mission Final Report*, January 25, 2017, accessed October 22, 2018: <https://www.osce.org/odihr/elections/montenegro/295511?download=true>.

development<sup>39</sup> reports. Outside electoral campaigns, media tend to present uncritically the positions of political parties - analytical journalistic genres are a rarity, which means that political actors are left unchecked by media scrutiny.

**Macedonia**, during 2017 and 2018, made visible changes when it comes to the general atmosphere regarding political pluralism in the media, as the right populist government was replaced by the moderate social democrats. However, the changes in the media laws concerning political pluralism outside electoral campaigns are still at an impasse because of the lack of consensus among MPs. The stipulations on political pluralism through balanced and impartial reporting during election campaign are in place in the Electoral Code - albeit controversial where referring to the public service broadcaster since these provisions favour the big parties. In practice during the municipal elections of October 2017 there has been an improvement of the access of variety of political stances in the media – in comparison to previous election instances. This is however rather a result of a momentary balance of political power than of a structural and systemic change. The regulatory body is obliged to conduct media monitoring during elections and it is fulfilling this obligation. 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 – however this is hardly enough to make a noticeable improvement of the overall situation, since there is a need for other changes, especially in the manner media understand their role in achieving political pluralism and holding politicians accountable.

Political pluralism in the media is guaranteed by the corpus of laws concerning the media in **Bosnia and Herzegovina** – most notably, the Law on Communications and the Law on Public Broadcasting Service, but also the Election Law which specifies the pluralism principles both for online media and broadcasters during elections. Though these provisions are clear, they are, however, overstepped in practice as political actors on all levels of government find a way to exert their particular interests and as a result there is a wide spread political bias in the media. Outside electoral campaigns this problem persists as the political options do not have equitable access to media coverage. The Communications Regulatory Agency (CRA) in the country is obliged to monitor media's behaviour and it has the power to impose sanctions on the non-compliant media as it was the case with the 2016 elections. This body does not, however

conduct comprehensive and systematic monitoring on the entire media coverage during election campaigns. Rather by law it is obliged to demand from the media outlets to provide in advance their program schedules and to only randomly check the content of declared programs focused on election campaign. It has the power to impose sanctions if the monitored media violated the Law.

Though pluralism is guaranteed by Articles 40 and 42 of **Kosovo's** Constitution, still relevant laws concerning media, such as the Law on the Independent Media Commission (IMC), do not explicitly make provisions with respect to political pluralism in the media during non-electoral period<sup>40</sup>. The conduct of the media during electoral campaigns is partly, if rather more clearly defined. The regulation of political pluralism in the media is a part of the Law on General Elections only - The Law on Radio Television of Kosovo in its Article 16 points to the Law on General Elections where political pluralism obligations are stipulated in Chapter VII of the Law (Articles 47 - 53). The Law on IMC does not contain explicate provisions concerning broadcast media conduct during elections. However, the Independent Media Commission (IMC) itself brings about respective bylaws which regulate the ethical conduct and pluralism of media within and out of electoral campaigns. Even though there is plenty to do in terms of media legislation in Kosovo, still this landscape should be sufficient to enable political pluralism through the media. This has, however, not been the case, though the monitoring of the coverage of the 2017 general elections by the IMC has suggested that the media were impartial in their coverage. Contrary to this, numerous independent and international assessments, suggest that in practice, political pluralism in Kosovo is hindered by political pressures<sup>41</sup>. The situation remains mostly unaltered in 2018.

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39 European Commission, *Montenegro 2018 Report*, Strasbourg: April 17, 2018, accessed October 21, 2018: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-montenegro-report.pdf>.

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40 Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Kosovo)", p. 17.

41 For example Freedom House's *Index on Independence of Media during 2017 and 2018* is 5.00, with 7.00 being least democratic and 1.00 being most democratic. See more details in: Freedom House, *Nations in Transit 2018: Country Report Kosovo*, accessed October 20, 2018: <https://freedomhouse.org/report/nations-transit/2018/kosovo>.

#### A.4. Is freedom of journalists' work guaranteed in the law?

Do journalists have to be licensed by the state to work? Have journalists been refused the right to report from certain places or events? Are journalists organised in professional associations and if yes how? Are there pressures on their association or individual members? Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions? How many journalists are members of the trade unions?

This indicator shows that with the exception of **Macedonia**, where there have been some improvements with respect to the freedom of work and association of the journalists<sup>42</sup>, the situation remains rather unchanged in the remaining four cases. 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 public questions in a transparent fashion. These four cases 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 misconduct of governments, this resistance is not sufficient to change reality. A special case of concern is the situation in Kosovo – the reason for this assessment is structural. Though there have been no recorded cases of pressure on journalists in 2017 and 2018 still structural gaps – visible in the feeble journalist association and in the non-existence of a journalist trade union – make the status of the journalists there vulnerable. This is why this professional community in Kosovo must use experiences from other Balkan countries to move forward to establish these structures and work on their development.

**Serbian** laws do not require licencing of journalists by the state authorities. Journalists are able to freely associate in professional organisations and trade unions, though a significant number of active journalists in the country are not members of any of them. In 2017, in some cases even all journalists were prohibited from reporting from certain public places while, occasionally, certain journalists/media outlets were not

even invited to certain events<sup>43</sup>. The trend of impeding some journalists from reporting certain events by the political authorities persisted in 2018. During this period there have not been any changes in trade union organising of the journalists in Serbia – the organisation is poor, though the trade union structure is in place. A large number 75% of the journalists in the country are not members of the union. Some of the journalists' associations and the trade unions are still subject to political pressures. The Independent Journalists' Association of Serbia (IJAS) and the Independent Journalists' Association of Vojvodina (IJAV) are under constant pressure as they are stigmatised as traitors' organisations. For example, in the presidential campaign of 2017 slogans were written on IJAS's office buildings saying that their acronym – IJAS, means "Unfortunate Association of Serbia's Enemies"<sup>44</sup>. Though the police identified the perpetrator, the prosecution has said that elements of an unlawful conduct are not present. These kinds of pressures are pervasive. In Serbia, the Press Council – which is an independent self-regulatory body - is a positive example of a functioning organisation. It is a target of indirect threats.

Journalists in **Montenegro** are not required to hold licenses issued by the state institutions. A survey conducted within this project in 2018<sup>45</sup> on a purposive sample of journalists has shown that one in four of the respondents have at some point of their careers been prevented from covering events of public interest. During the April 2018 local elections there was a noteworthy incident in which one of the political competitors, prohibited a media outlet to report from their electoral headquarters on the grounds of their assessment that the media was unprofessional<sup>46</sup>. Montenegrin journalists are free to join any of the several professional organisations, however, majority of them, have said in a recent survey<sup>47</sup> that they are not members of any of the organisations as they feel that they may be politicised and that they cannot protect their rights. And in general, journalists' professional organisations in Montenegro are weak. In contrast, journalists' trade union structures are in place in Montenegro and they have taken steps to network to be able to assert a more organised pressure. For example, the Trade Union of Media of Montenegro (TUMM) and the Independent Trade Union of Workers in Graphic, Informative and Publishing Industries have signed a memorandum of cooperation. The strength of the TUMM has increased as 270 journalists and media workers from the public service broadcaster have joined. Though the leaders of the Unions are not under political pressure, a part of its members have stated that they feel political pressure because they are a part of the organisation. Media Council for Self-Regulation, established in 2012, is an independent self-

42 This is not surprising having in mind the authoritarian peculiarities of the previous regime. The political change made immediate visible improvements.

43 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Serbia)", p. 17.

44 In Serbian the abbreviation is NUNS and stands for "Nezavisno Udruženje Novinara Srbije" (in translation: Independent Journalists' Association of Serbia).

45 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 18.

46 Ibid, p.18.

47 Ibid, p.18.



regulatory body that monitors the print, broadcast and online media. However, there is a serious overlap of competencies between self-regulation and statutory regulation of audiovisual media, since the Rulebook on Programme Standards in Electronic Media, adopted by the regulator (Agency for Electronic Media) covers also issues within the domain of the journalism ethics. The self-regulatory body is still very weak and there are still serious doubts among the stakeholders about the effectiveness of self-regulation<sup>48</sup>.

Relevant laws in **Macedonia** do not require licences from journalists and they are not prohibited or discouraged by law to join journalists' associations and trade unions. In 2018 there have been no recorded incidents concerning journalists' right to report on events of public interest. Journalists are organised in professional associations and in the past two years there have been no instances of registered pressures on their members, with the exemption of the life threats to the President of the Association of Journalists of Macedonia (AJM), addressed from the *Facebook* profile of the brother of a high official in the ruling political party Democratic Union for Integration (DUI). Various types of politicisation are still a possibility – for example in addition to the AJM there is a parallel association – Macedonian Association of Journalists. This parallelisation often enables political misuse of journalists' interests. A trade union is in place in Macedonia since 2010, however its capacity to make a substantive pressure for the work rights of journalists is still limited. The self-regulatory body, Council of Media Ethics of Macedonia, was successfully established in 2013 and its work is based on imposing moral sanctions for those media that do not respect professional/ethical standards.

Journalists in **Bosnia and Herzegovina** are not required by law to hold state or entity licences in order to perform their work. There have been few, but significant incidents in which journalists have been prohibited from access to events of public interest, most notably in January of 2017 journalists from *N1 Television* were prohibited from reporting from the Palace of Republic of Srpska. Journalists from other media outlets were prevented to report from that location in the previous years. The bans were however lifted upon the reaction of Bosnia and Herzegovina journalists' associations and the Regional Platform for advocating media freedom and journalists' safety<sup>49</sup>. These incidents as well as the incident in the Memorial Centre Potočari when the media team of the citizens' organisation "Friends of Srebrenica", may be regarded

as a consistent behaviour of the political establishment in Republika Srpska<sup>50</sup>. All entities guarantee journalist's rights to association in professional organisations and trade unions both by their respective constitutions and by the relevant laws. Though these organisations are in place in the country, still their organisation in 2017 and 2018 was poor, as the lack of cooperation among them continues to be a problem. As importantly - they have insufficient number of members to uphold strong and consistent pressure for corresponding policies. In Bosnia and Herzegovina there are both political and commercial pressures which serve as a disincentive for journalists to act through the unions. The political pressure is characteristic of all countries in the region, commercial pressures are somewhat more openly manifested as the private media journalists who were surveyed for the 2017 and 2018 reports were inclined to state that the owners of their respective media have negative attitude towards Union members. The last incident from March 2018 when a member of the Sarajevo municipal council and a representative of the Social Democrat Party (SDP) threatened journalists with law suits because they have put her under scrutiny. The Press Council in Bosnia and Herzegovina is a self-regulatory body for print and online media and acts as one of the rare institutions working on a state level for both entities.

Journalists in **Kosovo** are not required to hold any special licences issued by the authorities. Freedom of association is guaranteed by its Constitution. There are no widespread cases of journalists being prohibited from doing their business, however, during 2017 one municipality in Kosovo decided to break communication with the journalists of a particular TV station, and also the Prosecutor's Office had a misconduct with journalists which may be qualified as an attack on their integrity by an official institution<sup>51</sup>. There is a draft-Law on Freedom of Association in Non-governmental Organisations, they aim to widen it. During 2017 and 2018 there have been no attempts to set up a journalists' trade union even though journalist workers' rights are threatened. Journalists are turning to the associations for assistance when this happens. The journalists' association has opened a debate in 2018 to discuss the need for the creation of a trade union, however this has never proceeded towards a change of that situation. Kosovo's Press Council was established in 2005 as a self-regulatory body composed of the representatives of print media and its mission is to monitor the compliance of ethical standards set in the Press Code of Kosovo.

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48 Council of Europe (JUFREX), *Montenegro Media Sector Inquiry with Recommendations for Harmonisation with the Council of Europe and European Union Standards*, 2017, p. 9, accessed October 22, 2018: <https://rm.coe.int/montenegro-media-sector-inquiry-with-the-council-of-europe-and-europea/16807b4dd0>.

49 Safejournalists, "BHJA Protest against the Violation of

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*the Right to Access the Public Event for N1 TV Crew*", accessed October 22, 2018: <http://safejournalists.net/press-release-bhja-protest-violation-right-access-public-event-n1-tv-crew/>.

50 Lejla Turčilo and Belma Buljubašić, "Mediji i Shrinking Space u Bosni i Hercegovini: Utišani Alternativni Glasovi", (Sarajevo: Fondacija Heinrich Böll, Ured za Bosnu i Hercegovinu, Makedoniju i Albaniju, 2017), p. 30.

51 Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Kosovo)", p. 18.

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

How is the confidentiality of journalists' sources guaranteed by the legislation? 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? Were there any sanctions against journalists who refused to disclose the identity of a source? Do journalists feel free to seek access to and maintain contacts with sources of information?

The legislation concerning protection of journalists' sources is mostly in place in all five countries, although this matter is regulated with different law in each one. 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 in journalists that the situation in this domain is more relaxed in comparison to the few years back, when incidents were more often reported by journalists in the region.

As stipulated by the Law on Public Information and Media in **Serbia**, journalist's sources enjoy some protection, as journalists have no obligation to reveal their identity to the authorities. Exceptions from this postulate are the criminal cases in which sentences are higher than five years of imprisonment. This right is also guaranteed by the Constitution and the Criminal Code. This right is respected by authorities in general and during 2017 and 2018 there have been no recorded cases of its violation, though tabloids and fake news media are increasingly misusing this right. In Serbia there is an open debate concerning the rights of the sources themselves. In the case of communication interceptions sources may be uncovered and this creates an atmosphere in which the trust between journalists and sources is hard to achieve.

In **Montenegro**, journalists' sources are protected by the Law on Media and the anticipated changes in that law are expected to strengthen these provisions further, in accordance with Council of Europe's conventions and recommendations. Though in general the journalists' right to non-disclosure of sources' identities is respected in Montenegro, still there have been isolated incidents - in 2018 the police authorities have demanded from journalists of the daily *Vijesti* to disclose their source of information in an article from 2017 related to the Public

Prosecution of the town of Ulcinj<sup>52</sup>. Journalists, country wide, remain not entirely free to choose their own sources, as their newsrooms are reported to have 'eligible' sources which are used by the journalists. A recent survey conducted within this project on a purposive sample suggests that only a quarter of the respondents are free to choose their sources without the interference of the editors<sup>53</sup>. More than half of the respondents maintain frequent contacts with their sources of information. This indicator suggests that there is some level of trust established between journalists and sources.

**Macedonia's** legal provisions guarantee the protection of journalist' sources - this is guaranteed in the Constitution, in the media legislation as well as in the Law on the Protection of Whistleblowers. Within the length of the last reporting period this provision has been respected by state institutions. This is an improvement in comparison to the previous period – in 2013 when the notorious case of imprisonment of a journalist happened, because he refused to reveal the identity of his source. There have been no reported cases of journalists being restricted in maintaining regular contacts with their sources during 2017 and 2018.

**Bosnia and Herzegovina's** Criminal Code guarantees journalists' rights to protect their sources of information. There are no reports of a violation of this principle during 2017 and 2018. However, the *Klix.ba* case of 2014 - when the police stormed the office of InterSoft, the outlet's founder searching for audio and video documents and for the source of that information – has shown that a debate is needed concerning the way in which these kinds of incidents can be prevented from happening in the future. Journalists in Bosnia and Herzegovina are generally free to choose their own sources and tend to maintain durable communication with them<sup>54</sup>.

In **Kosovo** there is a separate Law on the Protection of Journalism Sources - in place since 2013. This Law in its Article 4 stipulates that "journalists and other media professionals have the right to remain silent regarding their sources of information". This right is limited by court orders and only in cases in which there is a heavy breach of justice – such as loss of life. In practice, there are no recorded cases of authorities demanding a journalist to reveal the identity of his/her source in 2017 and 2018. In the last report most of the interviewed journalists stated that they feel free and safe to keep regular contacts with their sources<sup>55</sup>.

52 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 19.

53 Ibid, p. 19.

54 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosna and Herzegovina)", p. 17.

55 Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety (Kosovo)", 2018, p. 13.

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

What are the legal rules on access to official documents and information which are relevant for journalists? Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists? Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions? Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work? How open are the Government and the respective ministries?

The laws on free access to public documents and information, although aligned with international standards and recommendations, are not very helpful for journalists because deadlines that oblige institutions to provide information are too long for journalists who work on daily deadlines. A positive development was achieved in Kosovo, where the response deadline for the institutions was shortened from 15 to seven days. These laws are still not implemented efficiently and have not contributed towards a greater transparency and accountability of state institutions, so the journalists face many difficulties while reporting on topics of public interests. There were attempts by some authorities (Serbia) to amend the respective law in order to exclude state owned enterprises from their obligation to provide public access to the 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 Herzegovina, the NGO sector severely criticized the new draft-Law on Free Access to Information of Public Importance 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 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.

In **Serbia**, the work of the Commissioner for Information of Public Importance and Protection of Personal Data is assessed as one of the strongest points in exercising the right to access to information. The Commissioner contributed to the importance of this right both for citizens and journalists, although there are still problems with the execution of Commissioner's decisions<sup>56</sup>. The journalists working on investiga-

tive stories exercise this right more frequently than others who report on everyday basis, because the proscribed deadlines for providing reply by an institution are quite long. The major problem for investigative journalists is the prevailing culture of secrecy within the public institutions which very often deliberately fail to provide requested information. In 2018, the draft-amendments to the Law on Free Access to Information of Public Importance were seriously criticised by the Commissioner himself and the NGO sector due to the intention to exclude the state owned enterprises which operate on the market from their obligation to provide public access to the official documents. There is a general consideration that the work of the state owned enterprises is not transparent, especially in terms of the funds they allocate for different purposes. There are numerous requests to these enterprises submitted by the journalists, but they usually do not provide access to the official documents. The fines imposed by the Commissioner when the access to documents is not provided are quite low, so that enterprises usually accept to pay them. In general, courts in Serbia are not considered by journalists as sufficiently transparent, although this conclusion varies depending on the specific region: in some regions courts are seen as totally closed, while in others the situation is perceived much better than it used to be in previous years. Journalists think that the transparency of the state bodies (the Government and the ministries) is at a low level. National Parliament and local assembly sessions are mostly open for public, while the communication of the other state bodies at national and local level with journalists is reduced to press conferences and press releases. An illustrative example is the Valjevo Town Council which announced in May 2017 that the media will be informed about its work only through press releases, without being able to follow directly the Council's sessions. Again, in 2018, during the session of the Assembly of the Valjevo Town, the journalists who reported directly from the session were asked to stop typing on their computers because thus "they interfered with the work of the Council"<sup>57</sup>.

Similarly, the general assessment among experts and journalists in **Macedonia** is that the Law on Free Access to Public Information is not supportive for the journalists. The 30-day deadline for obtaining public information is too long and there are too many grounds on which public institutions can deny citizens' access to information. In 2017, the Association of Journalists of Macedonia (AJM) and several other NGOs asked for amendments to this Law in order to establish shorter deadlines for providing access to official documents for journalists (seven to 10 days), to narrow down the grounds for refusal of documents or information<sup>58</sup>. Also, the (AJM) requested from all ministries and municipalities to provide data on public funds spent for advertising in the media. Only eight ministries and

56 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Serbia)", p. 19.

57 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", p. 22.

58 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Nikola Naumovski, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Macedonia)", (Skopje: Association of Journalists of Macedonia, 2017), p. 17.



13 municipalities responded to the AJM request<sup>59</sup>. In 2018, the AJM asked again only from local municipalities to provide information on the amount of public funds spent for advertising in the media. Quite a larger number of municipalities (62) responded positively and provided information<sup>60</sup>. In February 2018, the Ministry of Justice announced that the amendments to the Law will be drafted until the end of March, but such a document was not published by the authorities by the end of September 2018.

In **Kosovo** the amendments to the Law on Access to Public Documents made in 2017 have shortened the deadline for state institutions to respond to requests for public information from 15 to seven days. The new Law was assessed by the journalists as a positive step for their work. Some investigative media (*The Balkan Investigative Reporting Network - BIRN*) already started publishing data about the public spending of the Prime Minister's Office and ministries. However, "institutions are still hesitant in replying adequately to information requests and rarely publish any information proactively"<sup>61</sup>, while the 2018 IREX report claims, that "there is a general lack of institutional information easily accessible to journalists and the public..." and "the majority of information has to be sought directly from institutions, which are not always receptive to cooperating with journalists."<sup>62</sup> In general, the hearings of the Kosovo Assembly and parliamentary commissions have been open to the public and journalists. Likewise, court hearings were generally open to the media, while in two cases the judges barred the media from attending the hearings, which prompted Association of Journalists of Kosovo (AJK) reaction. One trial included the former president of the Court of Appeals, who is accused of corruption, and the memo was also addressed the case prosecutor, who had agreed with the judge's decision to close all hearings to the media and public. The second case also concerns corruption, with 58 persons under indictment, of them 44 doctors and the former minister of health. The AJK reacted against these two decisions, stating that these judges' decisions will encourage the other defendants to demand closed court hearings. The AJK has requested from the Basic Court in Prishtina not to allow such decisions of judges, because they create a precedent for concealing from the public the alleged criminal acts of high state officials.

With the amendments to the Law on Free Access to Information adopted in May 2017 the Parliament of **Montenegro** extended the list of information to which access may be restricted by public institutions on the ground of protecting confidential data and abolished the provision which gave power to the Agency for Personal Data Protection and Free Access to Information to make final decision when an institution do not provide the requested information. Sev-

eral NGOs criticized the new provisions, arguing that the authorities may voluntarily designate some documents as secret in order not to provide documents that may reveal corruption or illegal activities of some officials<sup>63</sup>.

The Network for Affirmation of the Non-Governmental Sector has a Program for facilitating free access to information for journalists who work on investigative stories. In the last two years, 16 investigative reports were published with data provided by this Network. However, the number of requests for free access to information submitted directly from journalists to public institutions is quite small because institutions respond to their requests incompletely, unclearly or even hide certain information. The survey conducted by the Trade Union of Media in 2018 proved that around 30% of the interviewed journalists have never requested information from institutions, while the other 30% who requested, have been refused access to official documents or information. The survey also showed that the main institutions in Montenegro are not perceived by journalists as sufficiently transparent, but as in the past two years, they think the most transparent institution is the Parliament of Montenegro<sup>64</sup>.

There are many problems with the implementation of the legislation on access to public information in **Bosnia and Herzegovina**, although from the normative point of view the rules on free access to information are quite well designed. Many journalists in Bosnia and Herzegovina do not use the provisions of this law, because the deadline of 15 days is too long for those who work on daily reporting. Annually, the Center for Investigative Reporting (CIR) submits more than a thousand requests to public institutions, but they complain that institutions do not comply with the legal provisions and often deny access to public documents. Therefore, CIR takes legal actions against those institutions which unjustifiably refuse to respond to their requests for access to information. They send an appeal, and then, if they do not grant the appeal they sue them. In 2017 the Ministry of Justice proposed new draft-Law on Free Access to Public Information which was subject to criticism because leaved the institution space to deliberately refuse the requested information<sup>65</sup>. Journalists' opinions about the transparency of the courts are divided. Some of the judicial institutions are still not staffed and technically equipped to meet the demands of transparency. Although there are no official restrictions for reporting from the court sessions in Bosnia and Herzegovina, there were some situations in which certain media and journalists were denied access: for example, in January 2017 a journalist of *Television N1* was not allowed to report from the Republika Srpska Palace of Justice; also, Beta' correspondent entry to the Republika Srpska Palace of Justice has been disabled since 2002. After the reaction of the BH Journalists Association, these restrictions have been abolished<sup>66</sup>.

59 *Ibid.*, p. 17.

60 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman. "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Macedonia)", p. 18.

61 Balkanmedia, "Media Freedom in Kosovo" in 2017, accessed October 23, 2018: <http://www.kas.de/wf/en/71.13602/>.

62 USAID – IREX, *Media Sustainability Index*, Washington: 2018, p. 60.

63 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Montenegro)", p. 19.

64 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 20.

65 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Bosna and Herzegovina)", p. 18.

66 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosna and Herzegovina)", p. 18.



# B

## Journalists' position in the newsrooms, professional ethics and level of censorship

Journalists in many countries are facing increasing economic pressures which hinders their editorial independence in the newsrooms. One of the ways to ensure editorial independence of journalists working in public, private or non-profit media is by formally guaranteeing their organizational and labour status in the newsroom and by securing their adequate working conditions. Professional media organisations should develop and adopt internal documents that define the relations between the media owners and managerial sectors, on one side and the newsrooms on the other. Also, it is of crucial importance for journalists to have signed fair working contracts and collective agreements that guarantee editorial independence. The following group of indicators looks deeper in the journalists' working status and their self-perceptions on their freedom within the newsrooms.

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

How many journalists have signed work contracts? Do they have adequate social protection? How high are the journalists' salaries? Are they paid regularly? What are the journalists' work conditions? What are the biggest problems they face in the workplace? Do they perceive their position better or worse compared with the previous period?

The five cases under scrutiny show little progress during 2017 and 2018 in terms of the economic position of the journalists. All five cases share the problem of low wages, irregular payments and unpaid overtime work, all share the problem of unregulated work and lack of social security and the fear that they might lose 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 working contracts and on the actual amount of their salaries. Yet, according to the information of the journalists' associations and trade unions, most journalists in the region earn from 200 to 400 euro. 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 journalists. Therefore, systemic measures are needed by the state institutions and strong support and cooperation with the trade unions and other journalists' associations.

Even though in **Serbia** no official statistical data is collected to exhibit the economic position of the journalists in this country, still many reports based on interviews and focus groups with journalists suggest that they work under difficult circumstances. The interviews conducted for the purpose of this report suggest that many journalists work without the protection of a signed contract with their employers which imply that their social security is at risk<sup>67</sup>. The 2016 survey suggested that most journalists have low salaries of between 200 and 400 euro, and are paid irregularly<sup>68</sup>. The poor strength of the unions and the lack of collective contract have persisted during 2017 and 2018.

**Montenegro's** journalists tend not to speak openly about their work circumstances, so there is no available data about the nature of their contracts with their media

outlets. The approximation of Montenegro's Statistical Office is that there are 1,350 journalists in the country. Journalists' salaries are lower than the national average, 400-500 euro, according to the Trade Union of Media of Montenegro (TUMM)<sup>69</sup>. Overtime work and irregular payments are also a problem for journalists in Montenegro in 2017 and 2018 – in a survey conducted for the purpose of this research, it has been suggested that for 60% of the respondents the economic status has worsened in comparison to few years back. Also, almost 15% of the respondents claimed that they have to work an additional job for subsistence<sup>70</sup>. TUMM has started a bid to enforce signing of a collective contract with media owners but this process is still not finished in 2018.

Half of the journalists in **Macedonia** earn salaries lower than the national average and there is also a practice of irregular payments. In a recent analysis conducted by the Association of Journalists of Macedonia, the average salary of journalists in Macedonia is 18.800 MKD net (around 310 euro) per month, which is about 30% less than the average salary in 2018<sup>71</sup>. In addition, more than half of the total number of journalists in Macedonia do not have signed employment contracts with the media. Since in 2017 three newspapers and one TV station have been closed down due to bankruptcy, a few dozens of journalists lost their jobs. This situation is also a result of the fact that for a decade the previous Macedonian government has poured money in those media outlets on the account of Government commercials and once the system was destabilised, these media could not serve their operations. Macedonia does not have an exact statistical data on the number of media workers. In 2018 the socio-economic status of the journalists in Macedonia is still poor and conditions are still not created for the signing of collective contracts between journalists and the private media in the country.

Due, in part, to the complex constitutional arrangement of **Bosnia and Herzegovina**, the corpus of labour laws in the country is underdeveloped, and in this respect this is also the case for the laws that concern the specific labour rights of journalists. Many journalists feel economic insecurity, irregular payments, fear that they would lose their jobs, work overload and overtime unpaid work – issues that make them prone to succumb to pressures regarding production of media content. There is no official data on the number of journalists who work without a signed contract with their media outlet – a survey conducted within this project by BH Journalists Association, shows that 61.6% of the respondents work under permanent contract and the rest are engaged with other types

67 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", p. 24.

68 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2016 (Serbia)", (Belgrade: Independent Journalists' Association of Serbia, 2016), p. 34.

69 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 22.

70 Ibid, p. 23.

71 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Macedonia)", p. 20.

of relationships with their newsrooms<sup>72</sup>. This is a condition that affects both private and public service media – the journalists working in the local media are the most vulnerable in this respect. According to the Free Media Help Line<sup>73</sup> in 2018 there is an increase of the cases of journalists work rights have been infringed.

In **Kosovo**, the economic insecurity, fear of losing one's job, undervalued work and unpaid overtime work remain a problem for the journalists in 2018<sup>74</sup>. Many of the journalists work without ever signing a work contract and they have no social protection. In Kosovo there is no media workers' trade union on national level<sup>75</sup> and consequently the organised resistance for the rights of Kosovo journalists is poor and done through the journalist association. In this respect there is no difference between journalists in private media and in the public broadcaster. Since there is no official statistics about the wages, the journalists' organisations do not have the sufficient knowledge of the state of affairs and cannot build efficient policies to pressure authorities.

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

How many media outlets have internal organisational structures that keep the newsrooms separate and independent from managers and marketing departments? Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected? Do private media outlets' newsrooms have adopted internal codes of ethics or they comply with a general code of ethics? What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?

The five countries show little progress during 2017 and 2018 with respect to this indicator, there is a persistent clientelistic practice between journalists, editors, media owners and politicians in all of them. There are only very few media outlets in the region that have adopted some internal documents to separate their newsrooms on one hand, and their managerial structures and owners on the other. It is a common knowledge that influential media owners in the region use their media outlets for their business, political and other interests. From the evidence provided by other studies, as well as by surveys and interviews conducted by journalists' associations,

it is clearly proved that almost all media owners exert control over editorial content. Most do it with subtlety, while some quite overtly. The media managers are just executors of media owners' will. For many journalists and editors, it seems that 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 (TUMM), following Council of Europe's recommendation, to push for the incorporation of legal safeguards in the Law on Media, to establish limits to the owners' influence on the media content.

As in the 2017 report on **Serbia**, though the managerial positions are formally separated from the editorial positions in most media outlets, still, media owners tend to persistently exert their often indirect influence over the editors or journalists, compromising their independence. This is a situation that is persistent, so it has not changed during 2017 and 2018. Most of the private media have adopted a systematisation of the working positions, however more detailed stipulations on the separation of the newsroom from the interests of the management and the marketing sectors are lacking in their internal documents – only one online outlet is reported having adopted such a document<sup>76</sup>. No changes have been made in terms of bringing about rules to strengthen journalists' and editors' independence in newsrooms and to establish codes of ethics in the privately owned media. Journalists in newsrooms rely on the Journalists' Code of Ethics, which is a fiercely detailed document in itself. Professional journalists in Serbia also continue to live under constant threat of losing their jobs.

No internal codes of conduct have been introduced in privately owned media in **Montenegro** – they rely on the general codes adopted by their association. Though generally journalists claim that they are not affected by the financial sector in their outlet, still Montenegro's media do not have adopted internal documents that would ensure an effective separation between media's marketing and news production sectors. During 2017 and 2018 there was an initiative by the TUMM to incorporate the Council of Europe recommendation on ensuring editorial independence in the pending Law on Media which would ensure establishing limits to the business interests in the media content – it remains to be seen if these provisions are going to be implemented<sup>77</sup>. Though in the interviews journalists do not speak openly about problems in the newsroom still there are indications that there is a wide spread culture of self-censorship due to fear of repercussions.

72 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosna and Herzegovina)", p. 20.

73 Ibid, p. 21.

74 Petrit Çallaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Kosovo)", p. 15.

75 There are unions in isolated media, such as the RTK trade union.

76 Marija Vukasović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", p. 25.

77 Marijana Camović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 24.

In **Macedonia** only the largest media have separated their newsrooms from the managerial and marketing sectors. There is no evidence to suggest that these media have internal written codes that ensure editorial independence from the interest of the owners. The practice also shows that editors' independence is compromised due to reported instances of media owners' interference – though during 2017 and 2018 that practice is somewhat changed, but still it is not systematically established. Private media outlets do not have internal codes of ethics or guidelines and rely on the general code brought about by the journalists' association. Macedonian media community has erected a Council of Media Ethics of Macedonia – a self-regulatory body that reacts upon complaints when the professional and ethical standards are broken. Apart from wide spread self-censorship there are also direct forms of pressure from media owners and managers towards journalists, such as threats of losing one's job.

In **Bosnia and Herzegovina** journalists in private media continue to be dependent on the interests of managers and marketing sectors, and this is reflected in the media content especially during election campaigns. There is no information whether the privately owned media even have established formal organisational structures that would separate the financial sectors from the news production process. Only the public service media are known to have an adopted systematisation of work tasks. Internal codes of conduct existent in these media are not publicly available. Internal codes of ethics have been adopted by the major regional media such as *NI* and *Al Jazeera*. Most of the private media rely on the general codes adopted by the associations of journalists. Bosnia and Herzegovina also has a problem of saturated and chaotic media market which makes for a volatile interest of advertisers which rely on the data of non-certified market and audience measurements in their decision making. Newsrooms are thus overly dependent on arbitrary economic actors and journalists feel economic pressure because of this. There has been no improvement of this feature in the Bosnia and Herzegovina landscape during 2017 and 2018.

Editorial independence of media in **Kosovo** from economic and political pressures continues to be jeopardized in 2017 and 2018. This despite the fact that financial sectors and news production departments at least in the bigger media organisations are separated. Newsrooms in Kosovo do not have internal codes of ethics and depend on the general code adopted by Kosovo Press Council.

### **B.3. What is the level of editorial independence of the journalists in the PSBs?**

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Does the PSB have an adopted code of journalists' conduct and editorial independence? Do the journalists comply with this code? Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PSB managing bodies? Are those rules respected? What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PSBs? What was the most illustrative example of the pressure exerted by the government over the work of entire newsrooms or individual journalists?

When it comes to adoption and respect for the codes of ethics in the public service broadcasters, all five countries show little progress during 2017 and 2018. In cases like Serbia and Bosnia and Herzegovina, codes of ethics have not been adopted, while in the other three countries, 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 of the cases that the editorial independence is not secured. This means that even in the cases where these codes are adopted, this has been done only in order to satisfy some formal criteria, rather than to make a real difference. PSM's newsrooms still are a subject of political pressures and journalists work under a constant threat of demotions, and losing their jobs. In 2017 and 2018 we have seen even examples of unhidden political pressures as in the cases of Montenegro and Bosnia and Herzegovina where editorial staff has been dismissed by political actors because it did not comply with the political needs of those in power.

In 2018 the public service broadcasters in **Serbia**, have not adopted documents and guidelines that would serve as codes of ethics for the PSB journalists in that state. There are statutory obligations to ensure editorial independence – these provisions are however formulated as general principles only. The Articles of Association of both *Radio Television of Serbia (RTS)* and *Radio Television of Vojvodina (RTV)* stipulate irreconcilability between the position of editor-in-chief and other political official or public positions. In practice, editorial policies of PSM in Serbia are not independent from political influences. A recent example of this is the case of the programme director of *RTV*, who was dismissed from his position in 2016 by the *RTV* Board members under political pressure. In 2017, however, two instances of the court have ruled that the dismissal was unlawful and obliged *RTV* to bring the editor back to his position.

However, in January of 2018 he was sacked again<sup>78</sup> and the court has once again decided in his favour. The apparent practice of political pressure has developed into a culture of self-censorship – the journalists mostly do not open topics that would not be to the liking of certain political actors.

**Montenegro's** public service broadcaster has adopted an internal code of ethics which includes a code of conduct of the Council and the directors of *RTCG* and the rules for advertising. Also, the Statute of *RTCG* guides the conduct of its journalists. Though formally the editorial independence is guaranteed in these documents, in practice independence has not been ensured. Pressures towards the public broadcaster's employees are common – which is illustrated by a recent change of the entire managerial structure and of two members of the Council of *RTCG* which was an obvious political manoeuvre. The sacking of director-general Andrijana Kadija in June 2018<sup>79</sup> has demonstrated yet again an obvious political interference on the public broadcaster. The justification for her change was the contract that *RTCG* signed with the NGO Center for Civic Education under the pretext that this NGO influenced *RTCG's* editorial policy – the project within which the contract was signed was funded by European Union and it was named "Facts are important".

The public service broadcaster in **Macedonia** adopted its own Code of Ethics in 2017. However, during the same year parts of the content have been criticized by the Association of Journalist of Macedonia. The criticism concerned the composition of the envisaged commission that has the obligation to assess the possible transgressions of the Code<sup>80</sup>. During 2018, there has been no tangible assessment of its implementation in practice. Experience from previous years has shown that in practice, journalists and editors in the public service broadcaster are heavily dependent on political power. Pressures on journalists working in the *Macedonian Radio Television* have been reported in previous years in the form of job demotions, decrease in salary, professional marginalisation and direct political threats, as it was evidenced by the published intercepted telephone conversations between high ranking officials and journalists. There are no recorded cases of pressures in 2018.

The public service broadcasters in **Bosnia and Herzegovina** have adopted internal codes of ethics. In practice though, these codes are not respected. The newsrooms do not demonstrate independence from the managing bodies and there are frequent political pressures on the PSM's employees. All of this amounts to a situation unfavourable to independent work of PSB's journalists and editors in this country. Since this is not an issue of a development contingent to the change of government, but it is a rather a systemic issue present in the Bosnia and Herzegovina public broadcasting, it was not to be expected that in 2018 the situation would be improved. On the contrary, in June 2018 the director of the *RTV of Una-Sana Canton* was dismissed by the assembly of the canton<sup>81</sup>. Other public broadcasters in Bosnia and Herzegovina also face political pressures of this sort.

**Kosovo's** public broadcaster has adopted its own ethical principles which guide the work of its staff. However, in practice the code is of little assistance as in most conducted research interviewees tend to agree that PSB is politically biased and has no editorial independence<sup>82</sup>. There is an independent *RTK* trade union that pushes to enable independence of journalists from economic and especially political pressures, but the effects have so far been limited despite this union's attempts to prompt the Public Prosecutor to open cases on violation of professional conduct and corruption. The result of this is the constant antagonism between management in *RTK* and the *RTK*' union.

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

Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code? What are the most common forms of pressure over the non-profit media outlets? What was the most illustrative example of the pressure exerted over the non-profit media?

78 European Federation of Journalists, "Programme Director of Serbian Radio Television of Vojvodina Dismissed for the Second Time", February 5, 2018, accessed: <https://europeanjournalists.org/blog/2018/02/05/programme-director-of-serbian-radio-tv-vojvodina-dismissed-for-the-second-time/>.

79 Press Release of the OSCE Representative on Freedom of the Media, "Media Freedom Representative Raises Concern Following Dismissal of Montenegrin Public Service Broadcaster Director General", published June 7, 2018, accessed October, 20, 2018: <https://www.osce.org/representative-on-freedom-of-media/383826>.

80 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Nikola Naumovski, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Macedonia)", p. 22.

81 Safejournalists, "Regional Platform Strongly Condemns Threats and Pressures on the Journalists and Management of RTV Una – Sana Canton", accessed October 22, 2018: <http://safejournalists.net/regional-platform-strongly-condemns-threats-and-pressures-journalists-management-rtv-una-sana-canton/>.

82 Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2017 (Kosovo)", p. 25.



There are no new developments in the field of work of the not-for-profit media during 2017 and 2018. Though generally this field is underdeveloped in the traditional media sectors, the few outlets that exist in each country mostly comply with the codes of ethic 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. Some of the outlets' biggest problems is lack of stable funds for their work.

The traditional not-for-profit media setting in **Serbia** is under-developed, however as in other countries in the region, online not-for-profit outlets are mushrooming. Online outlets in Serbia are compliant with the Journalists' Code of Ethics and the Code of the Association of Online Media. Journalists working in these media are frequently subject to pressures. Most types of pressures concern the source of their financing – since they are mostly sponsored from foreign sources they are stigmatised as foreign mercenaries. Also, lawsuits from political actors against journalists are not uncommon as a type of pressure - in a recent incident a minister in the Serbian Government filed four suits against the online outlet *KRIK* on the account of defamation and insult<sup>83</sup>. The journalists from this outlet based their information on a leaked document.

Because of lack of financing and a limited reach and influence, **Montenegro's** not-for-profit media are an underdeveloped field and there are no new developments in this sector during 2017 and 2018. The few not-for-profit media are facing the problem of lack of donations.

In **Macedonia** the not-for-profit media are mostly online outlets that have been registered as CSOs. Some of these outlets are producing investigative stories involving corruption and misconduct of members of the institutions. This means that the journalists working in these outlets are under constant political pressure not to expose wrongdoings by politicians, though during 2018 there have been no new reported examples of this. However, there are also other online news outlets that are composed of one or two individuals linked to political or business centres of power and that frequently violate the journalists' codes of ethics. In the broadcasting sector, there are three students' radio stations, established by universities and registered as non-profit broadcasters.

In the traditional media sector, **Bosnia and Herzegovina** has an underdeveloped structure of not-for-profit media.

However, online, as in the other countries from the region subject to this analysis, not-for-profit media are mushrooming in the form of CSOs funded from foreign sources such as embassies and transnational NGOs. As in other countries from the region the level of editorial independence is far greater than in the private media and the PSMs. This is because their donors are less inclined to interfere in the content. Still the journalists working in these media are not free from pressures – politicians tend to be closed for cooperation when it comes to information and transparency, and verbal threats are not uncommon. Recently, for example, the Free Media Help Line has recorded an incident in which a political actor threatened journalists from the Centre for Investigative Journalism<sup>84</sup>.

Though **Kosovo's** not-for-profit sector is under-developed, still the outlets that are registered as not-for-profit organisations tend to enjoy greater editorial independence. However, these outlets are funded by international media organizations, foreign governments, embassies and the European Commission, which opens a question of their long term viability. At present, only some of them are in compliance with general codes of ethics and professional standards.

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

How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized? How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)? 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? How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?

Self-censorship is still a major problem for most journalists in the region, primarily due to their inappropriate socio-economic position and fear of losing jobs. 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

83 Safejournalists, "Minister Files Lawsuit against Investigative Portal KRIK", accessed October 22, 2018: <http://safejournalists.net/minister-files-lawsuit-investigative-portal-krik/>.

84 Rea Adilagić, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosna and Herzegovina)", p. 22.



some countries, such as Serbia and Bosnia and Herzegovina, for example, the 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 become more favourable for the journalists' work in comparison to the early 2010s.

General perception of the journalists in **Serbia** is that censorship in its "traditional form" does not exist, but the biggest problem is self-censorship due to the very weak socio-economic position of journalists, their fear of losing jobs, as well as various forms of political, administrative and economic pressures on the whole newsrooms. In most of the media there are no direct pressures to write about certain topics, but many journalists know in advance which topics they are allowed to cover and how they can cover them. The freedom of the journalists within the newsrooms depends on the specific media where they work, but in general the number of the media in which journalists do have freedom to critically report is very small. According to the research "Control and freedom of the media", 47% of the interviewed journalists said that their news stories are sometimes refused for publishing by the editors, while 39% reported that sometimes editors impose topics to be covered without any professional justification<sup>85</sup>. According to the same research, the most powerful effects on the work of journalists in Serbia in 2018 have the pressures from the representatives of governmental institutions and political parties - 69% of the journalists met at least with one form of such pressures.

Self-censorship and censorship among journalists in **Bosnia and Herzegovina** are a consequence of several problems in the media system, but above all: the conditions in which journalists work, commercial and political pressures and ideological profiling of the media where they work. About a quarter (26%) of interviewed journalists in Bosnia and Herzegovina answered that censorship or self-censorship is present in their media newsrooms<sup>86</sup>. Pressures from editors and owners are frequent, but the influence of governmental officials is the most alarming problem. Journalists do not have enough freedom in the reporting process within their newsrooms. 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. In 2017, the Free Media Help Line recorded a case in which an editor of a public media asked from a journalist to change the statement of a politician given for the news supplement the journalist made<sup>87</sup>.

Political polarization of the media in **Montenegro**, aggressive competition and political confrontations through

the media have a negative impact on the overall atmosphere for the work of journalists. According to the survey conducted by the Trade Union of Media of Montenegro (TUMM), 46% of the interviewed journalists said that censorship or self-censorship affects their daily work<sup>88</sup>. This problem is also highlighted in the European Commission's progress report for 2018: "The precarious economic situation of journalists, particularly due to job insecurity and low salaries, is putting them at risk of editorial interference and possible self-censorship."<sup>89</sup> The research conducted by the TUMM again confirmed that there is a hierarchy of influences on the journalists' work: individuals who are most influential are those who are closer to journalists in their everyday work. Almost 80% of interviewed journalists said that editors have an exceptional, large or partial influence on their work. Then, on the second place by the level of influence, are media managers - 53% of the journalists said the managers influence on their work on a daily basis. Media owners do not influence at all or have only slight effect on journalists' work, while government officials and politicians have very weak influence or have no influence at all. Business representatives have the smallest influence on the journalists.

The entire political atmosphere in **Macedonia** has been democratized since the second half of 2017, which affected the general perceptions of the journalists about the level of their professional freedom. However, most of them still work in precarious conditions and their socio-economic status is insecure, which affects the level of their actual freedom in the newsrooms. They are not sufficiently free to choose the topics they will report on, especially not in the larger newsrooms of the private media outlets which are still affiliated to the political party they used to serve in the previous decade. This conclusion is especially relevant for the Public Service Broadcaster *Macedonian Radio Television*, which management in the course of 2018 was still very close to the party VMRO-DPMNE – the ruling party until 2016. The pressures from public officials on the work of the journalists are especially evident in the local media outlets, because local municipalities continued the practice of paying public money for the services of the local journalists.

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. The censorship and auto-censorship are mentioned by journalists mostly in informal discussions because revealing such cases in public could lead to losing their job. Therefore, 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.

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85 Jovanka Matic, "Control and Freedom of Media: Journalists' Testimonies", (Belgrade: Slavko Ćuruvija Foundation, 2017), p. 5.

86 Rea Adilagic, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Bosna and Herzegovina)", p. 23.

87 *Ibid.*, p.23.

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88 Marijana Camovic, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Montenegro)", p. 27.

89 European Commission, "Montenegro 2018 Report", (Strasbourg: April 17, 2018), p. 27.





The safety of journalists is a central issue concerning the realization of freedom of expression. Unless journalists are safe and secure they cannot be expected to carry out their professional duties. Many assessments of press freedom consider violence against journalists as a key factor in determining the level of media freedoms. Intimidation of journalists in various forms has been noted in international reports in some Western Balkan countries in the past several years, especially while reporting on corruption or electoral fraud. Journalists still live in fear as there is an absence of efficient, fair and free judiciary. Governments on their part, rather than guaranteeing safety, often contribute to a climate of fear by demonising critical journalists as traitors – a practice which inevitably leads to self-censorship<sup>90</sup>.

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90 Opening speech by Johannes Hahn, Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Speak Up 3 Conference, Brussels, November 4, 2015, accessed: <http://www.speakup3conference.eu/ehome/speakup3conference/325805/?&&>.

## C.1. Safety and impunity statistics

Number and types of threats against the lives of journalists and other types of threats. Number of actual attacks. How many journalists were murdered in the past 15-20 years? Number and types of threats and attacks on media institutions, organisations, media and journalists' associations.

The general assessment in terms of journalists' safety about the whole region is negative, although some positive developments occurred in some countries in the last two years. This observation stems primarily from the fact that none of the murders of journalists which happened in the past decades have been resolved and most of the attacks and serious threats have not been investigated at all by the authorities. Particularly worrying are the two murder attempts that happened in 2018 in Montenegro (Olivera Lakić, daily *Vijesti*) and Bosnia and Herzegovina (Vladimir Kovačević, *BN TV*). These cases were the most severe examples on how investigative journalists in the Balkans can be intimidated and frightened not to continue with their investigative reporting on corruption or other sensitive topics. An official statistical data on the number of threats and attacks on journalists is 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 recognize the role of journalism as 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. <sup>94 95 96</sup>

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. In the past period, BH Journalists Association were subject to at least 20 threats and attacks, the office of the Independent Journalists' Association of Serbia (IJAS) has been the target of insults and intimidation with a printed flyer describing IJAS as an "Unhappy Association of Enemies of Serbia". The President of the Association of Journalists of Macedonia (AJM) was subject to serious threats by an individual close to the political party Democratic Union of Integration (DUI).

Last year, journalists in **Serbia** were exposed to enormous pressures and a large number of physical attacks and verbal threats. The most worrying problem is that even after so many years the three murders of journalists, that happened during the 1990s and early 2000s, have not yet been resolved. The journalists' associations that are critically oriented towards the Government were subject to continuous pressures, attacks and intimidation. There were even seven physical attacks on journalists and reporters, most of them while the journalists were on assignments. Verbal attacks, death threats and intimidation of critical journalists and media from Serbia were highest in the region. Half of the reported threats, 11 out of 21, were made via social networks and the internet, and in only one case a sentence was imposed to the perpetrator. One example of such threats occurred in January 2018, to the editor-in-chief of the *Beta News Agency* and IJAS' vice-president (Case 1).

Number of...	Serbia	Bosnia and Herzegovina	Montenegro	Kosovo	Macedonia
various forms of threats to journalists and other media professionals	21 + 34 cases of other types of pressure	16	1	18	1
actual attacks	7	5 (of which 1 murder attempt <sup>91</sup> )	3 (of which 1 murder attempt <sup>92</sup> )	4	5
murders in the past 15-20 years	3 1994, 1999, 2001 <sup>93</sup>	0	1 2004 <sup>94</sup>	0 14 from 1998 till 2005 <sup>95</sup>	0 <sup>96</sup>
threats and attacks on media institutions, journalists' associations etc.	9	30	1	2	0

Reporting period: September 1, 2017 – August 31, 2018

91 The attack on Vladimir Kovačević, the journalist of *BN TV*, which happened in August 2018, was qualified as a murder attempt.

92 The attack on Olivera Lakić, journalist of the daily *Vijesti*, happened in May 2018. It was qualified as a murder attempt.

93 In 1994, Radislava Dada Vujanović, journalist of the magazine *Duga*; in 1999, Slavko Čuruvija, journalist, editor-in-chief and owner of *Daily Telegraph*; in 2001, Milan Pantić, correspondent of *Večernje Novosti*, from *Jagodina*.

94 In 2004, the editor-in-chief of the daily *Dan* was murdered.

95 From 1998 until 2005, there are 14 journalists murdered and disappeared. Eight of them were assassinated, while six of them are still considered as missing.

96 There were two tragic incidents in which two journalists lost their lives. In 2008, Vlado Tanevski, journalist of the daily *Utrinski Vesnik* was found "drowned in a bucket of water" in his prison cell. In 2013, Nikola Mladenov, owner and editor-in-chief of the weekly *Fokus*, was killed - his car overturned in a ditch near the highway at the entrance to *Skopje*. The official investigation determined that the first case was a "suicide" and the second a "car accident".

What is characteristic for Serbia in the past year is also the large number of other types of pressures on journalists, media and associations, which are separately recorded in the IJAS' database. These are various types of pressure, such as: public labeling of critical media and journalists by high state officials, refusing to answer questions of specific media and journalists, not inviting these media to press conferences and other events, harassments, administrative pressures such as frequent tax inspections etc. These types of pressures have been increasing in Serbia in the last two years: in 2017, 62 pressures were recorded, twice as high as in 2016, and in the first eight months of 2018, there were already 34 recorded instances of pressures.

### Case 1: Serbia, Verbal Threats to the Chief Editor of Beta News Agency

In January of 2018, a series of serious threats have been addressed to Dragan Janjic – the editor-in-chief of Beta News Agency. The threats were made after a Facebook page published a text and photograph, which put Janjic in a negative context. Janjic has received over 300 offensive commentaries and a few death threats. Commentaries suggested that “he should be hanged on the main square”, that “he should be brought to Kalemegdan”, and that “he should get a bullet in his head”. The Public Prosecutor has decided not to file a lawsuit against the person who administers the Facebook page “Our Land”. The procedure is still ongoing for the rest of the threats<sup>97</sup>.

The number of cases of threats or violence against journalists in Montenegro is smaller, but this does not mean that the situation with the journalists' safety was improved. The only case of murder that happened in the past years – the murder of the editor of the daily Dan, has not been resolved yet. Of the three physical attacks on journalists, one was qualified as an attempt for murder. In May 2018, Olivera Lakić, journalist of the daily Vijesti, was shot and injured outside her home in Podgorica (Case 2). The perpetrators and instigators of this attack have not been identified yet. The two other attacks were also very serious: the first attack was threaten attempted murder - throwing of an explosive device in front of the house of the journalist Sead Sadiković<sup>98</sup>, and the second was on the journalist Miroslav Drobnjak<sup>99</sup>, correspondent of the daily Večernje Novosti, whose car was burnt on October 11,

2017, in front of his family house. An attack of a media outlet also happened in October 2017 - the premises of the newspaper Sloboda were damaged.

### Case 2: A Murder Attempt of Olivera Lakić, from the Daily Vijesti

“The investigative reporter who covers crime and corruption in Montenegro, was shot and injured in an attack in May 2018. Olivera Lakić, a journalist for the Montenegrin newspaper Vijesti, was wounded in the right leg outside her home in the capital, Podgorica. She was also attacked six years ago after she wrote a series of articles about alleged murky dealings over a tobacco factory. That perpetrator was jailed for several months and Lakić had police protection for a while...” (Excerpt from the Guardian)<sup>100</sup>

The situation in Bosnia and Herzegovina is also very serious in terms of journalists' safety. According to the database of BH Journalists Association, 16 verbal threats and five actual attacks happened in the reporting period. Of five physical attacks, one was very brutal - Vladimir Kovačević<sup>101</sup>, the journalist of BN TV was attacked on August 2018 and this was again categorized as an attempted murder (Case 3). Another serious physical attack on journalist happened in February 2018 - Nedžad Latić, journalist and editor of the news portal The Bosnia Times was physically attacked by a group of men that he described as “Wahhabis”<sup>102</sup>. Also, on August 20, 2018, a van composed of four journalists and media workers working for the Radio and Television of Bosnia and Herzegovina (BHRT) was attacked in the town of Konjic by a group of masked persons. As in the previous years, the Association of Journalists of Bosnia and Herzegovina (BH Journalists Association) was subject to numerous threats and attacks in the course of 2018.

According to the Free Media Help Line, 80% of the verbal threats are made online, quite often by politicians. However, the majority of the threats are from anonymous people. Therefore, investigations usually last very long time and are not effective. The only example in which a perpetrator was found and brought to face the criminal charges was the case of a journalist from Visoko. The person who threatened him was sentenced to a prison of one year.

97 Marija Vukasović, “Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)”, p. 29.

98 Safejournalists, “Property Damage, Sead Sadiković, April 1, 2018, Bijelo Polje”, accessed October 22, 2018: <http://safejournalists.net/reports/unistenje-imovine-sead-sadikovic-01-04-2018-bijelo-polje/>.

99 Safejournalists, “Discover Urgently Who Burned Miroslav Drobnjak's Car”, accessed October 22, 2018: <http://safejournalists.net/hitno-utvrditi-ko-je-zapalio-auto-miroslavu-drobnjaku/>.

100 The Guardian, “Investigative Journalist Shot and Injured in Montenegro”, May 9, 2018, accessed October 22, 2018: <https://www.theguardian.com/world/2018/may/08/investigative-journalist-olivera-lakic-shot-montenegro/>.

101 Safejournalists, “A Report for the Murder Attempt of Journalist Vladimir Kovačević Submitted to the Prosecutors Office”, accessed October 22, 2018: <http://safejournalists.net/dostavljen-izvjestaj-tuzilastvu-zbog-pokusaja-ubistva-novinara-kovacevica/>.

102 Safejournalists, “Public Announcement Regarding the Physical Attack on Nedžad Latić”, accessed October 22, 2018: <http://safejournalists.net/saopcenje-povodom-fizickog-napada-na-nedzada-latic/>.

### Case 3: An Attempted Murder on Vladimir Kovačević from BN TV

“Vladimir Kovačević, a journalist at BN TV, one of the main media outlets in Bosnia’s Serb-dominated entity, Republika Srpska, was attacked on Sunday (August 26th) in front of his home in Banja Luka, the administrative centre of the entity, BN TV reported. Two persons waited for Kovačević in front of the building he lives in, attacked him with telescoping metal poles and inflicted heavy bodily injuries on him, reports the Western Balkans Regional Platform for advocating media freedom and journalists’ safety.” (Excerpt from the SEENMP Press Release<sup>103</sup>)

Journalists from Kosovo also do not work in a free and safe environment. In the period under review, 24 cases of violence or threats to journalists or media were registered by the Association of Journalists of Kosovo. Out of these, 18 cases were categorized as threats against the lives of journalists or other types of threats. Also, four actual attacks happened, two were physical attacks and two were arbitrary detention of journalists. The first physical attack happened in March 2018, when Blerim Uka, a photo reporter, was attacked and hit with sticks by a group of unknown persons, while the second on June 2018 when the journalist Valon Rashiti, who reported about a case in which two persons got injured by weapon, was hit by a family member of one of the victims.

There were also threats on two media outlets: in January and February 2018, the website of “Slobodno Srpski” TV show was hacked four times within a short period of time; and in March 2018 *Gazeta Insajderi*, news portal from Pristina received a death threat through telephone call by an owner of a local company after the portal published an investigative article in relation to company’s involvement in the so-called “meat scandal”.

### Case 4: Mitrovica Mayor Threatened a Journalist from Kosovo

On July 23, 2018, journalist Shkumbin Kajtazi received death threats and offences by Mitrovica Mayor, Agim Bahtiri. The Mayor was angry about an article written by Kajtazi related to an employment of a young woman in the position of chief of staff in the municipality. Mayor threatened Kajtazi directly on the phone. Several days after, Kosovo police issued a criminal report against Mayor Agim Bahtiri<sup>104</sup>.

103 Press Release of the SEENMP “Bosnian Journalist Brutally Attacked in Banja Luka”, accessed August 27, 2018: <http://seenmp.org/bosnian-journalist-brutally-attacked-banja-luka/>.

104 Petrit Çollaku, “Indicators on the Level of Media Freedom and Journalists’ Safety 2018 (Kosovo)”, p. 18.

Comparing to the observations in the comparative analysis for 2016, two years after, the situation with the journalists’ safety in Macedonia looks improved. The number of cases of violence, threats and pressures against the journalists and media has significantly decreased since the second half of 2017, when the new Social Democrat-led coalition took power in the country after the decade-long ruling of the right-wing party VMRO-DPMNE. In total, there were six different cases of threats or attacks on journalists: one verbal death threat and five actual attacks. The death threat was addressed to the President of the AJM (Case 5).

However, it should be stressed that a very serious violation against journalists in Macedonia happened on April 27, 2017, when several journalists who reported from one of the first sessions of the newly elected Parliament were attacked by the sympathizers of VMRO-DPMNE, organized into a “civic” movement “For a common Macedonia”, stormed in the Parliament’s building. Two journalists were injured whilst 21 more were assaulted, threatened, and barred, or their equipment seized.

### Case 5: Death Threat to the President of the AJM

The death threat to Selmani and his family was sent from the Facebook profile of the brother of a high ranking official in the ruling political party of ethnic Albanians Democratic Union for Integration (DUI). The threats followed after Selmani publicly denounced the attacker’s bullying behavior against a police officer who tried to punish him for improper parking...<sup>105</sup>

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

Have the state institutions developed policies and allocated sufficient resources to support the protection of journalists? Are there guidelines to police regarding harassment, intimidation or attacks on journalists? Are there mechanisms for monitoring and reporting on threats, harassment and violence towards journalists? Are the attacks on the safety of journalists recognized by institutions as a breach of freedom of expression and do public officials make clear statements condemning attacks? Do the state institutions cooperate with the journalists’ organizations on safety issues? Was there recent case of electronic surveillance of journalists?

105 Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman, “Indicators on the Level of Media Freedom and Journalists’ Safety (Macedonia)”, Skopje: Association of Journalists of Macedonia, 2018, p. 27.

None of the five countries have 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 still not a regular practice or the statistical data they provide are at a very general level. 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.

Public officials in Serbia rarely and selectively condemn the threats and attacks on journalists and their organisations, while in other countries they do that more often, but the biggest problem is that institutions do not undertake appropriate measures promptly and in most of the cases of threats or attacks perpetrators or instigators are not identified and sanctioned.

There are some 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 with the Public Prosecution Office, but 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 safety of journalists; in Montenegro, some kind of cooperation has been established only between the Trade Unions of Montenegro and the Ombudsman; in Kosovo, good cooperation is 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 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 on all the attacks on journalists.

The associations of journalists in **Serbia** are not yet satisfied with the specific policies and measures undertaken by the authorities so far to protect journalists from violence, attacks and pressures. There is a document adopted by the Public Prosecution Office titled "Instruction for Gathering Evidence of Crimes against Journalists and Attacks on Internet Sites". The evidence gathered by the public prosecution offices has been submitted to the journalists' and media associations until the end of 2017, but this practice stopped in 2018. The Ministry of Interior has not adopted yet internal instructions on keeping evidence on violence and attacks on journalists and there are no other documents adopted which provide guidelines to the police and prohibit harassment, intimidation or physical attacks on journalists.

Public officials do not recognize the importance of journalism and the role of journalists in the society. They seldom publicly condemn attacks and violence against journalists, or they do

that on a selective basis. There are no appropriate control mechanisms over the bodies which are authorized to carry out electronic surveillance and there is no reliable evidence that some journalists were subject to electronic surveillance in the last two years. The cooperation between Ministry of Interior, Public Prosecution and journalists' associations has been improved since the adoption of the "Agreement on Cooperation and Measures to Raise Security Levels Related to Journalists' Safety", in December 2016, but in the last two years the agreed measures have not been implemented well. A Standing Working Group was composed with a role to improve the protection of journalists and to monitor and encourage the efficiency of the state bodies in charge for journalists' safety. However, in November 2017 the associations of journalists have ceased their participation because they were not satisfied with the work of the working group, especially when the Public Prosecution refused to file criminal charges for the six new attacks on journalists and asked from the Ministry of Interior to initiate misdemeanor procedures<sup>106</sup>.

There were some positive developments in **Bosnia and Herzegovina** in terms of the adoption of specific policies to protect journalists from violence and attacks. In 2017, following the recommendations of the Ombudsman on Human Rights in the Special Report on the Status and Cases of Threats against Journalists in Bosnia and Herzegovina, the Ministry of Justice initiated a range of meetings aimed at improving the level of safety of journalists. However, state institutions have not established yet any type of mechanism for monitoring, recording and reporting on threats, harassment and violence towards journalists. The only existing database on the number and types of attacks on journalists is the Free Media Help Line established by the BH Journalists Association.

Some politicians and state institutions started paying more attention to this issue and more often condemn attacks on journalists in their public statements. The OSCE' "Guidelines for Police Officers on How to Conduct with Journalists" are still being in force, but they should be updated, because they were adopted 17 years ago. Some state institutions (Ministry of Justice and the Human Rights Ombudsman) showed willingness to closely cooperate with BH Journalists Association, especially after the publication of the "Special Report on the Status and Cases of Threats against Journalists in Bosnia and Herzegovina". There were no cases registered of electronic surveillance of journalists.

In **Montenegro**, state institutions have not developed yet any specific policies to support the protection and safety of journalists. Relevant institutions have not established yet mechanisms for gathering evidence and reporting on cases of violence against journalists, although the respective department of the Ministry of Interior announced that a new position will be opened specifically for that purpose. The statistical data recorded by the Ministry of Interior are at a very general level and do not contain all the necessary details about the attacks

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<sup>106</sup> Marija Vukosović, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Serbia)", p. 31.



on journalists. In the last three years, all the attacks on journalists are evidenced on the website of the Regional Platform for advocating media freedom and journalists' safety of the Western Balkans. State officials usually condemn in public the cases of violence against journalists, but the number of unresolved cases is still very big.

There are no documents adopted by the state institutions which provide guidelines to military and police on how to behave with the journalists on the field or which explicitly prohibit harassment, intimidation or physical attacks on journalists. Some kind of cooperation has been established only between the Trade Union of Media of Montenegro and the Ombudsman, while the cooperation with the Ministry of Interior and the Supreme State Prosecutor's Office is only at initial stage. No evidence exist about cases of electronic surveillance of journalists.

In **Kosovo**, State Prosecution Office, Pristina Basic Court and Kosovo Police have established cooperation with the Association of Journalists of Kosovo and as a result of that certain policies and measures are developed aimed at improving the situation with journalists' safety. For example, State Prosecution Office has appointed prosecutors in five centers that will deal with media. Basic Court in Pristina has appointed a coordinator who will deal with cases of threats and attacks against journalists and committed itself to develop a database of cases of threats and attacks against journalists. Kosovo Police has already established an internal database and has recently determined that its Department of Serious Crimes would deal with cases of attacks and violence against journalists<sup>107</sup>. However, there are no guidelines adopted for police officers on how to proceed with journalists on the field and which prohibit harassment, intimidation or physical attacks of journalists. Public officials do not regularly publish public statements to condemn attacks on journalists, but only in some serious cases. However, representatives of some state institutions, such as Kosovo' Parliament, have attacked verbally some journalists and media. There are no identified cases of electronic surveillance.

The new Government of **Macedonia** elected in June 2017, in the so-called "Plan 3-6-9", declared its commitment against impunity of crimes against journalists. In December 2017, a Memorandum of understanding was signed between the Association of Journalists of Macedonia (AJM) and the Ministry of Interior, while in May 2018 the Ministry published a special report on all the attacks on journalists. The report demonstrated that violence against journalists has rarely been sanctioned in the past five years: of 59 attacks on journalists the Police have filed criminal charges only for seven attacks. The only existing register of attacks and threats to journalists is the one kept by the AJM. While the Ministry of Interior is quite open for sharing information related to attacks on journalists, the Public Prosecution Office and the courts are

generally closed. Public officials regularly condemn attacks on journalists, but relevant state institutions do not sufficiently recognize attacks on journalists as a breach of freedom of expression. So far, the police and military have not adopted internal documents to instruct their officers how to behave with journalists. Apart from the phone-tapping scandal in 2015, when a hundred of journalists were on the surveillance list of the specific department in the Ministry of Interior – Administration for Security and Counterintelligence, there were no other cases registered in the last three years.

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

**Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists? Are there special procedures put in place that can deal appropriately with attacks on women journalists? Are the investigations of crimes against journalists conducted promptly, independently and efficiently? Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators? Are measures of protection provided to journalists? Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges?**

Specific bodies (commissions on reviewing the investigations of murders of journalists) dedicated to monitoring investigations of murders of journalists exist in Serbia and Montenegro. Other units/departments within the state institutions that deal specifically with crimes against journalists, mostly do not exist. 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 the crime against journalists, although adequate resources have not been provided yet.

In general, journalists' associations in the region are not satisfied with how promptly and efficiently institutions react in cases of serious attacks, threats and intimidation of journalists. Considering that the cases of murders of journalists are still unresolved, it can be certainly said that impunity presents a problem for the journalists in the region. The three cases of murders of journalists in Serbia (Radislava Dada Vujašević in 1994, Slavko Ćuruvija in 1999 and Milan Pantić in 2001) and one in Montenegro (Duško Jovanović in 2004) have not been resolved yet by the respective authorities. The attempt for murder of the journalist Olivera Lakić from Montenegro, who was wounded in May 2018, has also not been resolved.

<sup>107</sup> Petrit Çollaku, "Indicators on the Level of Media Freedom and Journalists' Safety 2018 (Kosovo)", p. 19.



The investigation of the attempt for murder of the journalist Vladimir Kovačević from Bosnia and Herzegovina, who was attacked in August 2018, was still underway in September 2018, although the Police stated that one of the perpetrators was arrested.

Various forms of training have been organized so far, mostly for prosecutors and judges. In 2018, in Montenegro, several rounds of training were organized for nine state prosecutors, 34 judges, seven advisors in the courts and one in the State Prosecution Office. In Kosovo, there is an on-going training for prosecutors and judges in respect to protection of freedom of expression and journalists. In Macedonia and Bosnia and Herzegovina, several forms of training have been organized with the support of OSCE' offices or other international organizations. In Serbia, although planned, appropriate forms of training for the police officers, prosecutors, lawyers and judges haven't been organized yet.

In **Serbia** there is 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 on reviewing the investigation on 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 that happened in the former Yugoslavia, from 1991 to 1995. The state institutions have not allocated sufficient resources to cover investigations into acts of violence and threats to journalists. Also, there are no procedures or special rules adopted to deal appropriately with attacks on women journalists. There have been several cases in Serbia where the police introduced special measures to protect journalists who were subject to threats to their physical safety, but the biggest problem is that the individuals who threaten the journalists have not been detected. The journalist Vladimir Mitrić has been under protection for more than 12 years. These and a number of other cases illustrate that investigations of crimes against journalists, including intimidation and threats, are not investigated promptly and efficiently, although the Public Prosecution Office adopted "Instruction for urgent procedures in cases of attacks on journalists". Instigators and perpetrators of the violence are still not effectively prosecuted and court procedures are very slow and not processed efficiently. There are even three unresolved cases of murders of journalists, while the case of the journalist Slavko Ćuruvija, initiated in 2015, is still in the first instance court. Although planned, appropriate forms of training for the police officers, prosecutors, lawyers and judges haven't been organized yet.

The mandate of the Commission for monitoring the investigations of attacks on journalists and media property in **Montenegro** was extended to additional two years. The Commission has in the past years identified a number of shortcomings in the official investigations of 15 monitored cases. Only the Public Prosecution followed the recommendations of this Commission for one case, while for the other 14 cases institutions have not provided information. There is a general perception that investigations of crimes against journalists, including intimidation and threats, are not executed

promptly and efficiently and that the instigators and perpetrators are never prosecuted. State institutions have not allocated sufficient resources for investigating properly attacks on journalists. Only two cases are resolved promptly in 2018, while the most difficult case of the journalist Olivera Lakić, who was wounded in May 2018, has not been resolved yet. Special procedures or rules on dealing with attacks on women journalists do not exist. There is no evidence that some journalists were under special protection of the police during the last year. In the first half of 2018, several rounds of training were organized for nine state prosecutors, 34 judges, seven advisors in the courts and one in the State Prosecution Office.

In **Bosnia and Herzegovina**, within the state institutions, there are no specific departments, units or commissions that specifically investigate attacks and violence against journalists. Investigations of attacks on journalists are not carried out promptly and efficiently either by the police or public prosecution. The biggest problem is that the real actors who stand behind the perpetrators are not prosecuted in any of the cases. There is a wide perception among the NGOs that women on different positions in the media, including journalists, are subject to bigger political and other pressures. The institutions do not have specific mechanisms to address this problem. Some forms of training for building the capacity of police officers, prosecutors and judges have been organized so far, but they are still insufficient.

State institutions in **Macedonia** have neither established separate units, departments or committees for investigating the cases of attacks on journalists nor allocated sufficient resources for that purpose. In the last year, the Police reacted promptly in cases of serious threats or attacks on journalists, but this is not the case with the Public Prosecution and judiciary. Special procedures or rules for dealing appropriately with attacks on women journalists do not exist. The investigations of the cases of attacks on journalists are not prompt, independent and efficient, the perpetrators are not sanctioned and the instigators are never identified. Several forms of trainings have been organized for the police officers and prosecutors, with the support of OSCE in Macedonia.

In the past two years some measures are undertaken by the state institutions in Kosovo to ensure safety of journalists and to address the issue of impunity. For example, the State Prosecution has nominated a coordinator who synchronizes the work of the appointed local prosecutors related to investigation and prosecution of violence against journalists. Kosovo police has recently empowered its Department on Serious Crimes to deal with the cases of threats and attacks against journalists. However, this department is yet to be provided with adequate resources for investigations. The Association of Journalists of Kosovo believes that cases of attacks on journalists are investigated promptly and independently by institutions, but the time of issuing the indictments is slow. Also, the real instigators or masterminds of are never discovered. 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.



# What has been achieved so far

## A. Legal guarantees for media freedom and their implementation

- It was established in the 2016 Report, that the legislation of the five countries is mostly aligned with the *international guarantees concerning freedom of expression*. It was, however, concluded that their implementation remained a challenge. Almost three years after this report, there is still a high level of concern among journalists in the region about the lack of progress in this area. Still, mostly due to the engagement of the partners of the Regional Platform, some improvements have been made.

With the establishment of the monitoring system and with the publication of the 2016, 2017 and 2018 Reports, the partners in the Regional Platform have for the first time gained a comprehensive overview of the state of affairs concerning freedom of the media and journalists' safety in their respective countries. The studies produced thus far, are in fact a valuable source at the disposal of all journalists, researchers, CSO advocates, state institutions and members of the international community. As a result of their mutual activities within the Regional Platform, the work of the journalist associations from the region has been recognised in the reports of the European Commission and other international organisations.

The partners of the Regional Platform, have in the past three years turned the publics' attention on important legislative issues concerning journalists' safety and freedom of expression. They have likewise applied more pressure on the res-

pective authorities to improve the quality of their country's legislation and to improve implementation. Having this in mind, it is of immense importance that the monitoring system and advocacy network established in this process, continue their existence and improve their performance in the years ahead.

- Without comprehensive *media reforms and without good legislation* the challenges concerning freedom of media and journalism in the Western Balkans cannot be overcome. It is a positive development that in 2018 the Platform has continued undertaking important initiatives and the participation of the national journalists' organisations has been improved, regardless of the fact that the authorities in these states are still quite reluctant to move things in the right direction. Still systemic reforms have been initiated in Serbia, Montenegro and Macedonia.

In Serbia, Independent Journalists' Association of Serbia (IJAS) and other media and journalists' associations have persisted in their demand to be included in the process of the designing of the media strategy of that country, and they have devised a document helping the future direction of development of media – "Contributions for Drafting a Strategy for the Development of the Public Information System by 2023"<sup>108</sup>. This document was accepted by the newly formed working group established within the Ministry of Culture, as one of the basic texts for the drafting the Strategy. In addition, upon the insistence of IJAS and the other relevant media and journalists' associations a Dialogue Team and a Coordinating body were formed to start a process of resolving pressing issues of concern for media and journalists in Serbia.

Systemic reforms were recommended in the analysis of the media sector in Montenegro produced with the support of the Council of Europe<sup>109</sup>. On the basis of that analysis and with the involvement of the journalists' and media organisations, changes in the media legislation were initiated. The Trade Union of Media of Montenegro (TUMM) has also taken part in the working

group established within the Ministry of Culture.

Authorities in Macedonia have accepted the demand for systemic reforms by the media and journalists' organisations, but the so called "Plan 18" still does not mention anything about starting an initiative for drafting of a media strategy.

In Bosnia and Herzegovina, the BH Journalists' Association (BHJA) participated in the process of drafting amendments to the Electoral Code in the part that concerns the media coverage during the electoral campaigns. BHJA also proposed amendments to the Criminal Code of Bosnia and Herzegovina and the criminal codes on entity level, as well as Brčko District. The need to improve the protection of journalists through criminal legislation was especially emphasized after the attempt of murder of Vladimir Kovačević, a journalist from Banja Luka. Also, BHJA initiated several advocacy activities related to the transparency of media ownership and participated in drafting new laws on transparency of media ownership and on advertising.

- In the almost three years since the last comparative report, there were no serious attempts by authorities to limit *freedom of expression on the internet*, even though journalists working in critical online media were reported to have been target to pressures and smear campaigns. The internet remains to be the sphere that enjoys most freedom for the critical journalism to flourish. However, the highly professional online media face economic pressures and in none of the five countries effective models of sustainability exist. Representatives of the online sector are issuing proposals for some level of regulation of the online media aimed at improvement of professional standards and working conditions of journalists. However, journalists' associations across the region are rightly concerned that move might lead to hindering freedom of expression. The support of strong and independent self-regulatory bodies is of key importance for the improvement of the professional standards in the online media.

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<sup>108</sup> This document contains proposals for solving detected problems in several areas: the state aid mechanism for supporting the media, the working status of journalists, the safety of journalists, the work and independence of the regulatory body, public media services, non-profit media or the media of the civil society, information in minority languages, but also other topics (media concentration, media transparency, development of local and regional media, media literacy, etc.).

<sup>109</sup> Council of Europe (JUFREX), *Montenegro Media Sector Inquiry with Recommendations for Harmonisation with the Council of Europe and European Union standards*, December 29, 2017.

- The overall assessment of the effects of the work of the *regulatory bodies in the audiovisual sphere* in all five countries is that the freedom of expression and journalists' and media independence are not sufficiently safeguarded. These bodies have always been and still are under a strong political influence visible in the non-transparent and often notoriously political procedures of appointment of their members. Journalists' associations should continue advocating for strong and independent regulatory bodies in their respective countries. On the basis of the identified problems of the work of the electronic media regulatory body in Serbia the Independent Journalists' Association of Serbia (IJAS) has prepared proposals to amend the Law on Electronic Media which aim to strengthen the independent position of the regulator<sup>110</sup>.
- *State advertising* has been still one of the most powerful mechanisms of government influence on the media, and through the media on the journalists. One of the clearest commitments that the partners in the Regional Platform should make is to bring about proposals for clear regulation of this practice throughout the region. In Macedonia, the Association of Journalists (AJM) along with other media organisations has continually advocated for a state advertising ban, which resulted with the Decision of the Government in 2017 to halt this practice. Still the practice continues on the local level, where municipalities are putting money in local media on the pretext of political advertising. The risk is that they are going to buy these media's loyalty. BH Journalists Association, as part of another EU funded project<sup>111</sup> implemented in cooperation with other organizations conducted several analyses on the topics related to financing media from the State Budget. These analyses will be submitted to the Parliament together with the drafts of the Advertising Law and the Law on Media Ownership Transparency, which are expected to be adopted by the end of 2018.
- A basic purpose of the media policy is the development of *program diversity* and cultural, including linguistic, *pluralism in the media*. The cultural rights of the minority cultural groups are mostly preserved through the public broadcasters. The models of financial support, such as subsidies, program funds, minority media support funds, are an efficient mechanism in achieving pluralism in the private and non-profit sector. At present, Serbia is the only country in this region where a type of funding scheme exists – aimed at encouraging the production of programs of public interests. However, despite that, this does not result in greater diversity and higher quality of programming of public interest. As a result of this research project, IJAS proposed amendments to the legislation<sup>112</sup> and undertook other initiatives to improve the current model of financial support for media content in public interest<sup>113</sup>.

Achieving media pluralism and program diversity is a regulatory aim that has to be promoted by the regulatory bodies and other institutions. However this is also an important issue for the journalists' and media organisations because it has bearing on the overall position of the journalists who work in these media. Therefore, it is important that the other associations in the region to take action that would aim to establish functional models for support of cultural pluralism and program diversity in the media.

- Concerning the financing of the *public service broadcasters*, initiatives were taken by associations in Macedonia and Montenegro to establish a stable and independent model<sup>114</sup>. However, there is no improvement in all five countries concerning political influences on these broadcasters. On the contrary the case from Montenegro with the dismissal of the Council' members and of the Director General of RTCG is an obvious example of the will of political actors to hold political control over the public media.

<sup>110</sup> Also, after a series of failures to act and secure media pluralism at the time of elections, IJAS filed criminal charges against Council' members, for reasonable suspicion that they had performed the criminal offence of negligent work.

<sup>111</sup> The full title of the Project is: "Integrating the European Standards of the Freedom of Expression and Decreasing Pressure on Journalists in Bosnia and Herzegovina via Transparency of Media Ownership and Criteria-based Budgetary Financing."

<sup>112</sup> Amendments have been made for changing the Law on Public Information and Media, as well as proposals for amending the Rulebook on co-financing projects of public interest in the field of public information.

<sup>113</sup> For example, IJAS piloted a "Mechanism for Identifying Public Interest at a Local Level" and produced also an "Administrative Litigation Guidebook" which can be used by journalists in cases of law violations. While monitoring and reacting upon violations of legal procedures, IJAS works in informal coalition with other media and journalists' associations.

<sup>114</sup> Journalist associations are also participating in activities undertaken within other projects, so they have used the knowledge achieved in the course of these research studies to advocate for changing the position of the public broadcasters in their countries. For example, BH Journalists Association takes part in the regional EU funded project "Technical Assistance to Public Service Media in the Western Balkans". BHJA committed to work with the project partners on ensuring editorial and financial independency of PSB and strengthening quality and professional standards.

Journalists' associations should continue advocating for strong and independent public media in their respective countries, because they are of immense importance for the overall media landscape and for the position of journalism in a country. Journalists' associations along with other media organisations and experts should advocate firmly for the improvement of the models of work of the public service broadcasters in the direction of greater participation of the publics with public affairs.

- In the past years, the *decriminalisation of libel* did not affect positively the freedom of journalists to critically investigate the work of public officials. Despite the changes in the laws, the fines for damaging someone's reputation or honour are still very high, and the judicial systems in these states are still subject to political influences. Yet, the extent to which the threat of lawsuits because of alleged libel has an impact on the work of journalists depends on the socio-political context, i.e. to what extent and how are the political actors using or misusing the provisions in the law. In Serbia, Bosnia and Herzegovina and Montenegro, no progress has been made in this respect – members of government and political actors are either filing lawsuits for libel against journalists or are publicly threatening them with such lawsuits continuously. The cases in which the courts decide on these lawsuits under political pressure, have a negative effect on the work of journalists. In Macedonia and Kosovo the situation has slightly improved. In Macedonia after the change of power authorities generally refrain from suing which was a regular practice in the near past.

Journalists' organisations have an important role in achieving greater tolerance by authorities for public scrutiny by the media, and to refrain from suing. However, in addition they should advocate among their own colleagues for greater responsibility and for greater willingness to publish corrections in cases in which there are elements of libel that may tarnish someone's dignity and reputation.

Partners in the Regional Platform have been continuously working on monitoring the implementation of defamation laws in their countries. For example, IJAS monitored the court proceedings, identified trends and offered free legal aid to journalists, as well as tools that empower them. Also, through its attorneys, IJAS represented the journalists in the court cases related to defamation or insult. The Association of Journalists of Kosovo (AJK) and the Association of Journalists of Macedonia (AJM) have also started monitoring and reporting on the court cases in

which journalists are sued for libel or defamation. The BH Journalists Association (BHJA) provides legal aid for journalists while through the Free Media Help Line they monitor and lead numerous cases of journalists rights' violation (labour disputes, defamation suits, physical attacks, threats, political pressures, etc...).

- The protection of *political pluralism* during electoral processes is guaranteed with provisions concerning media behaviour during campaigns, in the respective electoral codes of the five states. However, in the period outside election campaigns the media legislation in these countries contains only general principles concerning the representation of diverse political standpoints in their news coverage. In practice, media in the five countries take a side, and the journalists in their newsrooms are caught in a position of immense pressures to break professional standards.

There is a growing need to open debates on the improvement of media legislation concerning political pluralism in all five countries. The regulators' and the self-regulating bodies' role in ensuring political pluralism in the media should be taken into account in those debates. Invaluable experiences in some of the European countries (i.e. France) exist, concerning the protection of the political pluralism principles in the audiovisual sector. They may be used as a starting point for finding appropriate solutions to this problem in the five Western Balkan countries.

- With respect to *freedom of journalists' work*, it is a positive development that in all five cases the state does not require any kind of licencing of journalists. However, during 2017 and 2018 there were registered attempts of authorities to interfere with journalists work or stop them from reporting on certain events. Even though in all the five countries structures of journalists' organisations exist, there is a need to support their development, cooperation and networking both on national and international levels.
- The standards of *protection of journalists' sources* are mostly respected in all five countries. With an exception of one isolated incident in Montenegro in 2017, in the last two years there were no other registered cases of authorities demanding from journalists to reveal their sources. It is important for the journalists' associations to continue to monitor this issue, a very important one for the development of investigative reporting.
- The provisions on the *free access to public information* are not often put to use by journalists due

to the long periods in which institutions are legally allowed to answer. A positive example in this respect is Kosovo where the institutional obligation for response was shortened to seven days. The institutions in all these states are insufficiently open to journalists' needs and in some countries (Serbia, Bosnia and Herzegovina and Montenegro) attempts were made to amend the relevant laws enabling a less transparent conduct of the institutions. The journalists' associations in all other countries of Western Balkans should advocate for shortening of the response period legally obliging the institutions to answer.

## B. Socio-economic and working position of the journalists and its consequences on their freedom

- The weak *socio-economic status* of journalists creates an atmosphere of uncertainty and causes self-censorship among journalists which in turn deteriorates professional standards. In all five countries, especially private media are facing the same challenges that were registered three years ago: low wages, unpaid overtime work, engagements without signed working contracts that guarantee worker's rights, fear of losing one's job etc. A very small progress can be evidenced in this area.

The IJAS' team of lawyers have prepared annexes to the working contracts of journalists, editors and part-time workers, with the aim to improve the working status and to ensure independence of the journalists. Since 2013, IJAS has continually encouraged media to accept and sign these annexes. In September 2017 IJAS signed a strategic cooperation agreement with the "Independence" - United Trade Unions, in order to make a more coordinated pressure concerning the common interests.

The Trade Union of Media of Montenegro (TUMM) has for the first time after 15 years began negotiations for the signing of a new collective agreement for the media. That is envisaged to be the most important document that will have impact on the improvement of the working, economic and social rights of journalists and media workers. A draft collective agreement has been prepared and the negotiations started in October 2017. Due to this project, there is an increased interest of trade union organisation in Montenegro. The TUMM has recruited 300 new members from the national and local public broadcasting organisations. With this the membership has almost dou-

bled – and, at present, half of the total number of journalists in the country is a member.

In Bosnia and Herzegovina, the number of journalists who have been supported through the Free Media Help Line in their labour disputes has been increased. As a result of the legal support provided through the Free Media Help Line of the BH Journalists Association, a journalist from the public service broadcaster was returned to her job position.

The journalists' associations should support the trade unions, and should join their efforts to advocate for systemic measures to strengthen the work status and the independence of journalists in the newsrooms. There is also a need for support by the relevant state institutions that in the same direction, obliging additionally media owners to comply.

- As a general assessment, little has been done to improve the independence of the *journalists' work in the newsroom*. With the exception of few examples, in most of the private media the owners openly or subtly impose their influence on the newsrooms. Clear rules on the organisational conduct in this respect do not exist - there are no written rules and obligations by the owners and managerial teams not to interfere with editorial decisions and media content.

Based on the findings of this advocacy research and following the Council of Europe's recommendation, the Trade Union of Media of Montenegro (TUMM) advocated for strengthening the autonomous position of the journalists within the newsrooms. For that purpose two articles were proposed by TUMM in the draft-Law on Media which present legal safeguards aimed at protecting journalists from the influence of media owners, advertisers, businessmen and politicians. The new provisions haven't been accepted yet in the newest draft, but in the course of the public consultations on the Law on Media, TUMM will continue advocating for these provisions to be incorporated. Still in all five countries there is a growing need of devising written professional rules and procedures that would minimise unwanted influences.

- From a formal point of view the internal *organisation of newsrooms of the public service broadcasters* (PSBs) is in a better condition than in the private media. The public broadcasters in all five countries have formally separated the managerial structures from the newsrooms. The PSBs in Macedonia, Montenegro and Kosovo, have adopted ethical rules of conduct. However in re-

ality the influences and pressures from political actors persist. More should be done by journalists and media organisations to push for greater independence of the PSBs – EU conditionality and pressures from international networked organisations should be used to bring about changes in this area.

- A challenge regarding the *position of the journalists in the non-profit media* are of economic nature, having in mind the problems these organisations face with financing. Still these media, mostly in the online sphere, have the highest level of professional standards, and those among them that have achieved stable financing have the opportunity to achieve long term self-sustainability.

### C. Journalists' safety and state institutions' responsibility to protect journalists

Journalists' safety in the region is still a very serious concern. Last year, there were a huge number of verbal threats, pressures and physical attacks, including two murder attempts. The status of investigations into killed journalists in the past years shows that impunity is still a big problem in the region.

Nevertheless, in the past three years, all the partners in the Regional Platform contributed a lot with their advocacy initiatives to raise awareness and alerted to the problem of journalists' safety. Alerts on the attacks and threats to journalists were published on the platform Safejournalists.net, but also information was circulated through press conferences, letters, documentary films, news articles etc. Through their common advocacy efforts, partners in the Regional Platform managed to motivate the state officials and institutions to start publicly condemning attacks and threats against journalists in 2017 and 2018. A close cooperation was also established with the Council of Europe "Platform to Promote the Protection of Journalism and Safety of Journalists".<sup>115</sup>

- The cooperation of journalists' and media organizations with institutions has been improved to certain level as a result of the advocacy initiatives undertaken by the partners of the Regional Platform.

In Serbia, the Agreement on cooperation and measures to raise security levels related to journalists' safety was signed in 2016 and the Standing Working Groups was established on that basis. The Independent Journalists' Association of Serbia (IJAS), together with other media and journalists' associations takes part in the working group and permanently monitors the situation with journalists' safety. Also, contact points were determined within the institutions, which facilitated the registration of cases of violence against journalists. IJAS has also drafted recommendations for amendments to the Criminal Code, aimed at improving the journalists' right to safe and free work.

In Bosnia and Herzegovina, as a result of the findings and recommendations published by BH Journalists Association (BHJA) in its 2016 baseline study, the Human Rights Ombudsman recommended in his "Special Report on the Status and Cases of Threats against Journalists in Bosnia and Herzegovina" to determine the attack on a journalist as a criminal offense. A series of meetings were organized by the Ministry of Justice, on the basis of the Ombudsman Special Report, in cooperation with the BHJA. In cooperation with the OSCE, BHJA participated in providing trainings for police officers aimed on improving cooperation and mutual understanding between media and law enforcement agencies. Also, BHJA came to an agreement that the OSCE Police Guidelines in dealing with the media and Media Guidelines in dealing with the Police should be improved in order to comply more with the contemporary conditions. The amendments to the guidelines will be drafted by BHJA.

The Kosovo Police, following the initiative of the Association of Journalists of Kosovo (AJK), pledged for more efficiency in treatment of cases of threats, intimidation and attacks against journalists. AJK and Kosovo Police are in a final stage to compile a memorandum of understanding. At the beginning of 2017, the State Chief Prosecutor appointed a national coordinator in charge for the cases of threats and attacks against journalists. Also, five other prosecutors were nominated in the local prosecutors offices in Kosovo. The coordinator established a database and started keeping records on the cases of violence against journalists. At the beginning of 2018, the President of the Basic Court in Prishtina also appointed a coordinator to deal with the court cases against journalists. The Court has also started developing its database.

<sup>115</sup> The Platform is available at: <https://www.coe.int/en/web/media-freedom>.



In Montenegro, following the discussions held with the Trade Union of Media of Montenegro (TUMM), the representatives of the Police have pledged to work on enhancing their human resources - they will open job positions specifically for dealing with the attacks and threats against journalists both in the Police Directorate of Montenegro and in the local police departments. TUMM has a representative in the Commission for monitoring the actions of the authorities in investigating cases of threats to violence against journalists, murder of journalists and attacks on media assets and really pushes for the investigations to be more efficient. Also, the representatives of the TUMM repeatedly expressed publicly their concerns about pressures and violence against journalists and asked directly from the Police Directorate to enhance the investigations of all the attacks on journalists.

In Macedonia, Memorandum of Understanding was signed between the Association of Journalists of Macedonia (AJM) and the Ministry of Interior. On the basis of the Memorandum, six rounds of training were organized for police officers and for journalists. Also, a Manual for Journalists' Safety was drafted in cooperation with the Ministry of Interior and the Public Prosecution Office. The Public Prosecution Office has begun to initiate court proceedings for attacks on journalists, following the requests from the AJM. The Ministry of Interior accepted to establish a separate register on attacks and threats to journalists. According to the "Plan 18" of the Government, the Ministry of Interior has obligation to publish regular reports on the progress achieved in resolving the cases of violence against journalists. The AJM took participation in the working group for amendments to the Criminal Code – it is expected to incorporate provisions which would guarantee better protection of journalists and higher sanctions for the perpetrators of violence against journalists.



# Comparative overview of the 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 infringing 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 ( <i>MRT</i> ), 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 ( <i>RTK</i> ), broadcasts programs in all minority languages (Serbian, Bosnian, Turkish and Roma). Since June 2013, the Serb minority has its own channel on <i>RTK2</i> .	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 <i>MRT</i> 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 <i>RTCG</i> 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 represent the society at large. The funding framework was improved – the Government will provide 40 million euro for the <i>RTCG</i> 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 <i>RTK</i> . The new draft law on the <i>RTK</i> 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 <i>Oslobodjenje</i> . The magazine <i>Slobodna Bosna</i> 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 <i>Dan</i> , <i>Vijesti</i> , <i>Monitor</i> and TV <i>Vijesti</i> 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 <i>Vijesti</i> , 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 <i>TV N1</i> was not allowed to report from the RS Palace of Justice. <i>Beta Agency</i> correspondent and <i>BN television</i> 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?	Precarious work, irregular payments, work overload, unpaid overtime work and fear that they could lose their jobs. According to the Free Media Help Line in 2018 there is an increase in the cases of journalists' labour rights being infringed.	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.	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.	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.	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.

**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?	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.	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.	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.	The larger media keep the newsrooms separate, but they are still influenced by managers and owners.	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.
Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected?	Internal rules have been adopted only by the major regional media, such as <i>TV NI</i> and <i>Al Jazeera</i> . 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.	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.	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.	Very few media have such rules. Still, editorial independence of media in Kosovo from economic and political pressures continues to be jeopardised.	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 <i>Južne Vesti</i> . 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.

**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 PSB?  
(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 <i>MRT</i> since independence.	The most obvious example of open pressures on the <i>RTCG</i> by political power is the dismissal of the entire management and two members of the Council of the <i>RTCG</i> 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 <i>RTV of Una-Sana</i> 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 <i>RTCG</i> . 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 <i>Radio Television of Vojvodina</i> was dismissed from his position in May 2016 by the <i>RTV</i> Board members, under political influence. In 2017, the courts have ruled that the dismissal was unlawful and obliged <i>RTV</i> 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 ( <i>CIN</i> , <i>Žurnal</i> , <i>BIRN</i> , <i>Analiziraj.ba</i> ). 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 <i>KRIK</i> , 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 <i>Dan</i> , 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 <i>Duga</i> ; in 1999, Slavko Ćuruvija, journalist, editor in chief and owner of <i>Daily Telegraph</i> ; in 2001, Milan Pantić, correspondent of <i>Večernje Novosti</i> , 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 <i>Sloboda</i> 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.

**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
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.

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