



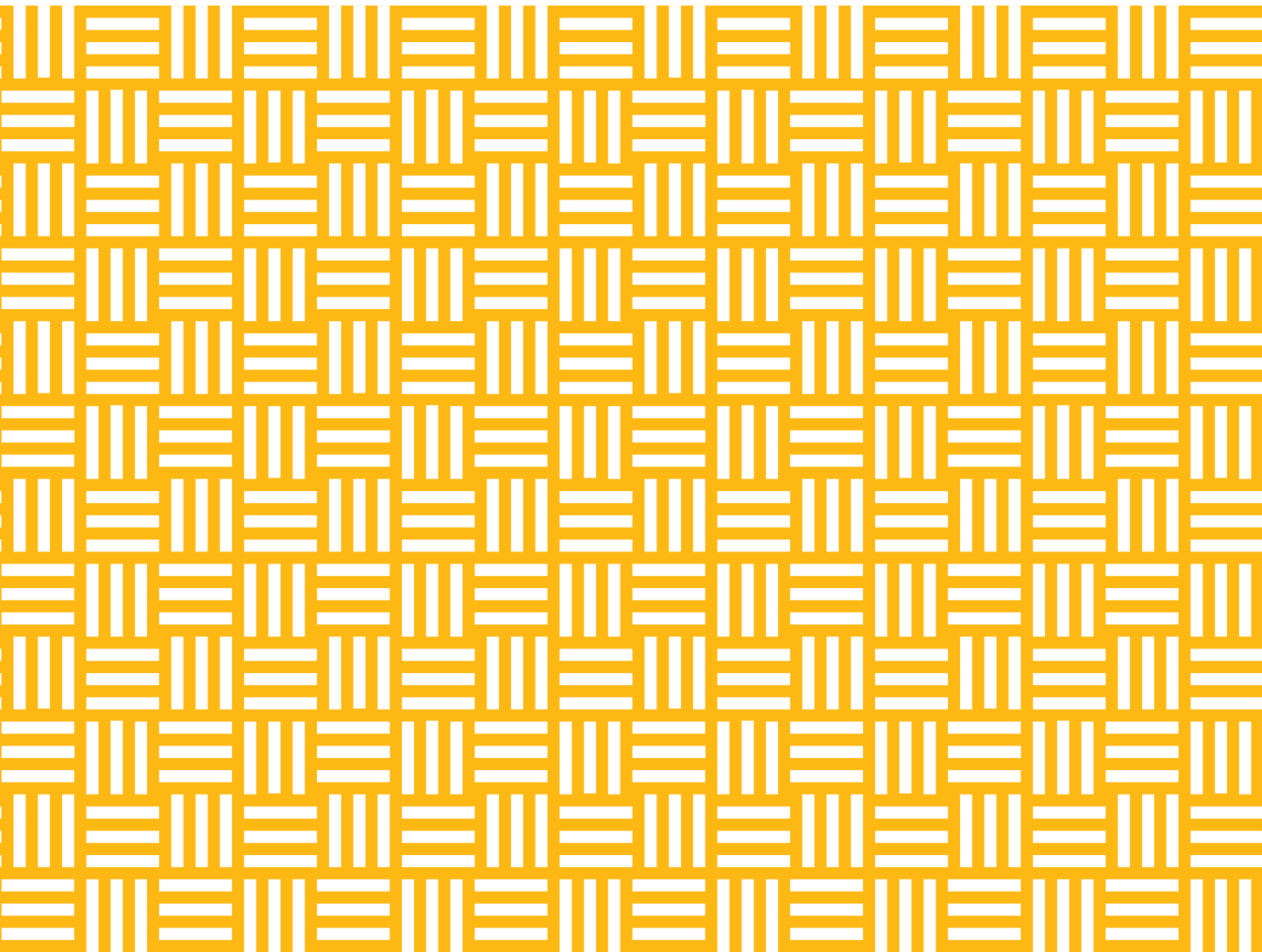
Regionalna platforma Zapadnog Balkana za zastupanje  
slobode medija i bezbjednosti novinara  
Western Balkan's Regional Platform for Advocating  
Media Freedom and Journalists' Safety



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# Media freedom level and journalist safety indicators [BOSNIA AND HERZEGOVINA]

## SUMMARY OF THE FINDINGS





**Media freedom  
level and journalist  
safety indicators  
[BOSNIA AND  
HERZEGOVINA]**

SUMMARY OF THE FINDINGS

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# Summary of the findings

## Project goals and Research Methodology

This report presents the findings of the research conducted within the regional project *Western Balkan's Regional Platform for advocating media freedom and journalists' safety*<sup>1</sup>, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The main objective of the research study was to provide base-line assessment and evidence on the level of media freedoms and journalists' safety which will be further used in a regional mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional levels.

The research study was implemented by a regional research team composed of a lead researcher<sup>2</sup> and five researchers at country level nominated by the national journalists' associations. The research in Bosnia and Herzegovina was conducted by Rea Adilagić on the basis of a common methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis.

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

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

- Qualitative Documents Analysis(QDA): research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- *Qualitative interviews - 15 interviews (journalists, lawyers, media experts, representatives of public institutions or NGO's).*
- *Survey with 207 journalists<sup>3</sup> from different media organisations on the basis of a structured questionnaire developed within the Worlds of Journalism Study<sup>4</sup>.*
- *Official statistics requested from public institutions or collected from available websites or from other published sources..*

## Indicators A:

### Legal protection of media and journalists' freedoms

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

The process of making media and other laws relevant for the media was generally transparent. It is estimated that some aspects of the functioning of the Internet portals should be additionally regulated. However, the freedom of expression on the internet can be compromised by the fact that the Law on public order and peace of Republika Srpska defines the internet as a public place, so that all individuals, including journalists, who cause damage to someone by defamation, insult or similar actions, may face fines. Communications Regulatory Agency (CRA) is the

body which, among other things, issues licenses for radio and television broadcasting and imposes sanctions for the media in cases where they do not comply with the law and regulations of the regulatory body. The work of the regulatory agency is generally perceived as fair and non-discriminatory, but also insufficiently effective. (Section A1)

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

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

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

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

Although the media laws stipulate the obligation to respect and encourage pluralism of political ideas, the situation is different in practice. The division of BiH society and strong political influence on the media largely prevent pluralism in the media. All media in Bosnia and Herzegovina, regardless of whether they are private or public, are under the influence of some political party. This effect is particularly noticeable during the election campaigns. The journalists report according to the instructions of their management and owners, based on their political and material interests, giving preference to one while negating other parties, not disclosing to the public all relevant information and creating competition atmosphere or, at best, they are seemingly neutral in their reporting. (Section A3)

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

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



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

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

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

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

## Indicators B:

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

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

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

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

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

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

### Indicators C: Journalists' safety

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

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

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

### General Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Comparative table: Overview of indicators  
on the level of media freedom and  
journalists' safety in the Western Balkans**

# A

## Legal protection of Media and Journalists' Freedom

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet? Are the legal guarantees implemented in practice?	It is guaranteed, including access to the Internet. Law on Public Peace and Order in R. Srpska contains restrictive provisions on publication of Internet content (social networks and portals).	It is guaranteed, including access to the Internet, but legal guarantees are not efficiently implemented in practice.	It is guaranteed, including access to the Internet, but the laws are not efficiently implemented in practice.	It is guaranteed, including access to the Internet. Legal guarantees are poorly implemented in practice.	It is guaranteed, including access to the Internet. Legal guarantees are not implemented in practice.
Weather media legislation was developed in a transparent and inclusive process?	In general, the process was inclusive and transparent. Media community had an opportunity to submit amendments.	The process was not sufficiently transparent or inclusive.	Political agreement on changes in media laws made without consultations with media community.	The process was neither transparent nor inclusive.	The process was not sufficiently transparent and inclusive.
Have the state authorities attempted to restrict the right to Internet access or seek to block or filter Internet content?	No separate law on the Internet, but the new Law on Public Peace and Order in R. Srpska contains provisions that sanction 'inappropriate' behaviour on the social networks.	Media Law 2013 was an attempt to regulate online media. The 2015 Law prevents the publishing of phone tapped recordings.	Such cases haven't been registered yet.	No such cases.	There were several cases ('Feketic', news portal Pescanik etc.)

<b>A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?</b>					
<b>Indicators</b>	<b>Bosnia and Herzegovina</b>	<b>Macedonia</b>	<b>Montenegro</b>	<b>Kosovo</b>	<b>Serbia</b>
Is the regulatory authority performing its mission and functions in an independent and non-discriminatory manner?	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties. Nomination of members of the Council of the regulatory body is politically motivated.	No, the regulator is under strong party-political influence. Its decisions are biased and selective.	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties.	The regulator is not perceived as independent. Nomination of members is politically motivated.	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties.
Is there a practice of state advertising in the media and is it abused for political influence over their editorial policy?	There are no transparent and clear criteria. The allocation of funds is selective, politically motivated and not transparent. New legislation is in the process of being drafted.	State advertising in the recent years has been largely abused to impose political influence over media. The Government was one of the main advertisers in the media until June 2015 when a moratorium on government campaigns was announced.	Public institutions allocate funds to the media in a selective and non-transparent manner.	Several ministries allocate money directly to online media for advertising. Some are selective.	There are no transparent and clear criteria. The allocation of funds is selective and not transparent.
Are there any types of media subsidies or production of media content of public interest and how is it implemented in practice?	There are no media subsidies. The media community has submitted two initiatives to the Ministry of Communication to establish a special fund for the production of media content of public interest, but they haven't been accepted.	There are funds allocated from the budget for national TV stations for new production in a non-transparent and biased manner.	There is a fund for supporting commercial radio broadcasters, but it's criticized as favouring pro-government broadcasters.	There are no media subsidies.	The funding scheme for programs of public interest is abused at local level for political influence.
What are the mechanisms for financing media in the languages of national minorities?	Such mechanisms do not exist.	There are no mechanisms for financial support of language diversity in the media yet the MRT formally has the obligation to produce content in 7 different languages	There is a good funding scheme supporting the national minorities' media.	There are no such mechanisms for funding private media in languages of national minorities. Yet, RTK includes all minority languages (Serbian, Bosnian, Turkish and Roma) in its scheme. Since June 2013 Serbian minority has its own channel - RTK.	There are media subsidies supporting media in minority languages.
Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independent and stable functioning? Do the supervisory bodies represent the society at large?	Autonomy and independence is guaranteed by law, but is not implemented in practice due to strong influence of the political parties. The funding framework does not provide for stable functioning. The supervisory bodies do not represent the society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable functioning. The MRT Council does not represent society at large.	Autonomy and independence is guaranteed, but insufficiently implemented. The funding framework is functional but does not provide for stable and independent functioning. The supervisory body does represent society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable and independent functioning. The supervisory body does represent society, but it is politicized.	Autonomy and independence is guaranteed. The funding framework does not provide for stable functioning. The supervisory body does not represent society and is not controlled by it.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the defamation laws' provisions overly severe or protective for the benefit of state officials?	Defamation is decriminalized. Current legislation is in line with European laws, but its application in practice is mainly protective benefiting state officials.	Defamation was decriminalized in 2012. The Law on Civil Liability is in place and the court practice is generally good with few negative exceptions.	Defamation is decriminalized. Current provisions are not overly protective of state officials.	Defamation is decriminalized. Current provisions are not overly protective of state officials.	Defamation is decriminalized. Current provisions determine inappropriately large fines.
How many lawsuits have been initiated against journalists by the state officials in the past three years?	Large numbers of lawsuits have been filed against journalists (since 2003 around 100 per year). In September 2016 there were 173 active cases in the courts.	At least 10 cases of sued journalists by public officials/ institutions (fewer cases than in previous years). At the moment there are 35-40 cases against journalists. In 2012 this practice was 10 times higher.	There are no official statistics.	There are 20 on-going lawsuits against journalists. Out of these, six are initiated by state officials. Additional 9 cases were dismissed in 2012 since defamation and libel have been decriminalized.	Large numbers of lawsuits have been filed against journalists (413 in 2014; 406 in 2015).
Are there examples when other legal provisions were used to "silence" journalists for legitimate criticism or for investigative journalism?	The case of the magazine Slobodna Bosna, which ceased publishing its print edition in December 2015, under the pressure of a large number of defamation lawsuits.	The case of the journalist Kezarovski, who was sued for revealing the name of a "protected" witness. Also, journalist Bozinovski has been indicted for espionage and extortion and has been in detention for the past 6 months.	Such cases have not been registered yet.	No such cases.	Takvi slučajevi još nisu registrovani.
	Such cases have not been registered so far.	Sudovi su pod snažnim političkim uticajem. Slučaj kritičkog nedeljnika "Fokus" - sud je nametnuo visoke novčane kazne za urednika i novinara, a osoba koja je tužila je direktor Uprave za bezbjednost i kontraobavještajne službe.	Niži sudovi donose prilično pravične presude ali su viši sudovi i dalje kruti. Kazne koje se izriču nisu visoke.	Nema takvih slučajeva.	Sudovi su pod snažnim političkim uticajem. U slučaju TV Forum (Prijeopolje) protiv gradonačelnika koji je prijetio novinarima, Apelacioni sud je preinačio prvostepenu osuđujuću presudu i u roku od tri dana nakon podnošenja žalbe oslobodio gradonačelnika.
Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed?	The courts are under strong political influence. Similar cases are differently interpreted by courts in different entities. Lawsuits against Federal Television (FTV) are solved in favour of the president of R. Srpska. The fines are not high (app. 2.500 euro), but some media have between 20-50 lawsuits.	The courts are under strong political influence. In the case of the critical weekly Fokus the court imposed large fines on the editor and the journalist. The plaintiff was the Director of Administration for Security and Counter Intelligence.	Lower courts administer the cases quite fairly, while the higher courts are more rigid. Imposed fines are not high.	No such cases.	The courts are under strong political influence. In the case of TV Forum Prijeopolje journalists who were threatened by the City Mayor, the appellate court overturned the original verdict and acquitted the mayor in 3 day process.

<b>A.2 Does Defamation Law cause a 'chilling' effect among journalists?</b>					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology?	The courts in BiH respect the mediation process between the offended and the media outlet, which is carried out by the Press Council. An initiative to amend the Defamation Law in order to include the mediation process as compulsory before filing a lawsuit started.	The court may take into consideration the decisions of the Council of Media Ethics, however this is not obligatory.	The courts are not obligated to take into consideration the decisions made by the self-regulatory bodies.	The courts do not take into consideration the decisions of the self-regulatory body.	The courts mostly do not take into consideration the decisions of the self-regulatory body.
What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?	79.7% of journalists answered that the threat of defamation is very or extremely influential on their work.	32% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	26% of journalists answered that the threat of defamation is very or extremely influential on their work.
Šta novinari misle o zakonu o zaštiti od klevete? Da li su obeshrabljeni da istražuju i pišu kritike?	79,7% je odgovorilo da zakoni o kleveti izuzetno ili veoma utiču na njihov rad.	32 % novinara tvrdi da zakon o kleveti izuzetno ili veoma utiče na njihov rad.	44% novinara tvrdi da zakon o kleveti izuzetno ili veoma utiče na njihov rad.	44% novinara tvrdi da zakon o kleveti izuzetno ili veoma utiče na njihov rad.	26% novinara tvrdi da zakon o kleveti izuzetno ili veoma utiče na njihov rad.

<b>A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?</b>					
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 political views and sources of information.	There is only a general principle for broadcasters to reflect diverse political views.	There is only a general principle for broadcasters to reflect diverse political views.	There is only a general principle for broadcasters to reflect diverse political views.	Political pluralism is determined as a general principle for all broadcasters.
Is the regulatory authority obliged to monitor and protect political pluralism?	The regulator is obliged to monitor and protect political pluralism only during the election period.	The regulator is obliged only for the period of the election campaign.	That obligation is not within the jurisdiction of the regulator.	The regulator is obliged only for the period of the election campaign.	The regulator is obliged to supervise the broadcasters and undertake measures for the period of the election campaign.
What are the legal obligations of the media during election campaigns?	The Law on Election in BiH (Chapter 16) and by-laws of PBS. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Code and by-laws. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Code and Law on the PSB. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Law and Independent Media Commission Code of Conduct. Fair and equal access to all political parties, objective, fair and balanced reporting.	Law on electronic media and Rulebook on media coverage. Fair and equal access to political parties, objective, fair and balanced reporting.
Do political parties and candidates have fair and equal access to the media during the non-election period and during the election campaigns?	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties generally receive fair and equal access to media during election campaigns.	Political parties don't have fair and equal access to media in non-election or in election period.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do journalists have to be licensed by the state to work?	Journalists do not need a license by any state authorities. There was only one attempt to introduce licenses for journalists in 2005, but it was condemned and not accepted.	Journalists do not need a license by any state authorities, but the Law on Media contains a restrictive definition of a 'journalist'. There are proposals coming from 'pro-governmental' journalists to introduce 'licences' for journalists.	Journalists do not need a license by any state authorities. There are some proposals to introduce 'licences' for journalists, with 'justification' to increase professionalism.	Journalists do not need a license by any state authorities.	Journalists do not need a license by any state authorities. There was only one attempt to introduce licenses for journalists, but it was condemned and not accepted.
Have journalists been refused the right to report from certain places or events?	Several cases are registered: Decision by RS authorities to prevent access to events for BHT (2010) and FTV (2012) journalists; Access refused to the Palace of the RS President for Liljana Kovacevic, Beta news agency since 2012; and to BH TV during 2015. 26% journalists reported that they were refused the right to report from some events because they did not have accreditation.	A major violation happened on 24.12.2012, when the security services expelled the journalists to prevent them from reporting on the ousting of the opposition from the Parliament. Also, journalists were not permitted to report from some court hearings.	43% of the surveyed journalists reported that they were refused to report from some events.	Recent violation was the case of Saranda Ramaj (Koha Ditore). 61% of the surveyed journalists reported that they were refused to report from some events.	42% of the surveyed journalists reported that they were refused to report from some events.
Are journalists organised in professional associations and if yes how? Are there pressures on their association or individual members?	5 registered associations. Association of BH Journalists works actively. Several cases of political pressure on BHJA and verbal attacks have been reported to their members; BHJA website hacked several times; The Press Council is repeatedly under political and other pressures; in 2014 its office was broken into and damaged; its website was under constant hacker attacks and was completely destroyed on May 3, 2014 (World Press Freedom Day)	AJM is the oldest (since 1946) and largest association, member of IFJ. There is another association (MAN) active since 2013, which is close to the Government. AJM members have been subject to numerous pressures so far. Apart of this, in 2010 with the assistance of AJM journalist union SSNM was established and deals with topics related to social and labour rights of journalists. In 2013 AJM assisted in establishing the Council of Media Ethics which is an active stakeholder in safeguarding professional standards.	There are two journalists' associations, but 80% of the journalists are not members of any association. Media Council for Self-regulation gathers a large number of media, but not the biggest media that are perceived as government opponents. These media have their own ombudsmen. There were no cases of pressures on the journalists' associations.	The main association is the Association of Journalists of Kosovo (AGK). No evidence of pressures. There is also a Press Council, as a self-regulatory body that regulates print and online media.	There are two main associations - Independent Journalists' Association of Serbia (NUNS), Journalists' Association of Serbia (UNS). There is a regional JA, Independent Journalists' Association of Vojvodina and an association mainly consisting of journalists employed in the state owned media. There is also a Press Council, as a self-regulatory body. There are many pressures on journalists' associations.



<b>A.4 Is journalistic freedom and association guaranteed and implemented?</b>					
<b>Indicators</b>	<b>Bosnia and Herzegovina</b>	<b>Macedonia</b>	<b>Montenegro</b>	<b>Kosovo</b>	<b>Serbia</b>
Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members?	There are trade unions at entity level, in Brcko District and in the PSBs. There are at least seven trade unions which are officially registered in BiH: Independent Union of PSB, Trade union of RTV Gorazde and Trade Union of RTV Una. Some of them report political pressures and pressures from media management.	There is an Independent Association of Journalists and Media Workers. Its leader had been sacked for being active in the union. .	There are several trade unions. The leader of Trade Union of Media of Montenegro had been dismissed from work and later returned by court decision.	There is no journalists' trade union of Kosovo.	There are two trade unions: Journalists' Trade Unions of Serbia and Trade Union Independence. They are weak and under pressure mostly from media owners. A third Union exists as part of the Union of Autonomous Trade Unions of Serbia.
Are the journalists free to become members of trade unions? How many journalists are members of the trade unions?	BHJA reports on restrictions for journalists and media professionals to organize in trade unions. It is estimated that only 16% of the media have established TU branches. There is no estimated figure about membership.	There is a union at the PSB. Almost no trade unions in the private media. There are no reliable figures about membership, because some members are 'hiding' due to fear of pressures.	Around two thirds of the journalists are not members of any trade union. Most of the members are from the PSB, while fewer from the private media.	The only union is within the PSB, which organized protests against the PSB management. Their leaders were under pressure.	Most of the journalists feel free to become members, but they are not interested because unions are weak. 78% of the surveyed confirmed they are not members.

<b>A.5 What is the level of legal protection for journalists' sources?</b>					
<b>Indicators</b>	<b>Bosnia and Herzegovina</b>	<b>Macedonia</b>	<b>Montenegro</b>	<b>Kosovo</b>	<b>Serbia</b>
How is the confidentiality of journalists' sources guaranteed by the legislation?	It is guaranteed in the Constitution and in several legal acts, although some issues are not clearly defined.	It is guaranteed in the Constitution and in several legal acts.	It is guaranteed in the Constitution and in the media legislation. Some provisions are not clear enough.	It is guaranteed by the Law on protection of journalists' sources.	It is guaranteed in the Constitution and in several legal acts.
Is confidentiality of journalists' sources respected? Were there examples of ordering the journalists to disclose their sources and was that justified to protect the public interest?	It is generally respected, but there were some cases registered: (1) the news portal Klix from Sarajevo – its equipment was confiscated by the police in December 2014; (2) the case of Zeljko Rajlic, journalist from Banja Luka, who the police threatened to confiscate all equipment.	Generally, it is respected, but the case of Kezarovski showed that journalists can be imprisoned on the basis of other legal provisions.	Several cases of open pressures on journalists to disclose their sources have been registered.	Several cases show that the confidentiality of sources is not respected (e.g. Indeks-online and Blic).	Generally, it is respected. There are only sporadic cases (e.g. the case -Teleprompter).
Were there any sanctions against journalists who refused to disclose the identity of a source?	There were no such cases.	Kezarovski was convicted to a 4.5 year jail sentence. His sentence was reduced to 2.5 years.	There were no such cases.	There were no such cases.	Such cases haven't been registered so far.
Do journalists feel free to seek access to and maintain contacts with sources of information?	49 % of the surveyed journalists stated that they regularly or very often have contacts with their sources.	36% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	67% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	50% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	64% of the surveyed journalists stated that they regularly or very often have contacts with their sources.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the legal rules on access to official documents and information which are relevant for journalists?	Access is guaranteed. There are no specific provisions relevant for journalists. The BiH courts and other judicial institutions have special procedures for acquiring information from and reporting on certain institution.	Access is guaranteed. No specific provisions relevant for journalists. The implementation is poor.	Access is guaranteed. There are no specific provisions relevant for journalists.	Access is guaranteed. There are no specific provisions relevant for journalists. The implementation is poor.	Access is guaranteed. There is a Commissioner for Information of Public Importance and Personal Data Protection as an independent state body.
Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists?	Journalists in BiH do use legal provisions, but they complain that procedures are very long and deadlines not suitable for them. 27% of the surveyed journalists who submitted requests were refused.	Journalists are not well informed about the rules and rarely use them. Those who requested access were often refused.	Journalists rarely use these provisions. 37% of the surveyed journalists who submitted requests were refused.	78% of the surveyed journalists stated that the institutions refused to provide them with the requested documents.	Journalists in Serbia do use the right to access information. 42% of the journalists stated that they submitted requests but were refused by institutions.
Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?	74.4% of the journalists stated that the courts demonstrate some (19.3%), a great deal (26.1%) or complete (29%) transparency.	48% of the journalists stated that the courts show little (24%) or no transparency at all (24%), while 25% think they demonstrate some level of transparency.	44.5% of the journalists stated that the courts show some level (29.6%), a great deal (9.3%) or complete (5.6%) transparency.	48.1% of the journalists stated that the courts show some level of transparency. 37% think the courts are a little transparent and 7.4% think they are not transparent at all.	59.4% of the journalists stated that the courts are a little (37.8%) or not transparent at all (21.6%), while 24.3% think they show some level of transparency.
Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work?	77.8% of the journalists stated that the Parliament demonstrates some (10%), a great deal (73%), or complete (29%) transparency.	31% of the journalists stated that the Parliament shows little (25%) or no transparency at all (6%), while 31% think it shows some level of transparency.	72.2% of the journalists stated that the Parliament shows some (25.9%), a great deal (31.5%) or complete (14.8%) transparency.	44.4% of the journalists stated that the Parliament shows some level of transparency. 22.2% think the Parliament is a great deal transparent and 7.4% think it shows complete transparency.	64.8% of the journalists stated that the Parliament demonstrates some (7.2%), a great deal (14.4%), or complete (43.2%) transparency.
How open are the Government and the respective ministries?	61% of the journalists stated that the Government shows little (29%) or no transparency at all (32%).	46% of the journalists stated that the Government shows little (25%) or no transparency at all (21%), while 21% think it shows some level of transparency.	50% of the journalists stated that the Government shows some level of transparency, while only 16.7% think it shows little or no transparency at all.	48% of the journalists stated that the Government shows little (37%) or no transparency at all (11%), while 40% stated that it shows some level of transparency.	59.4% of the journalists stated that the Government shows little (37.7%) or no transparency at all (21.7%). 24.3% think it shows some level of transparency.

# B

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

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many journalists have signed work contracts? Do they have adequate social protection? How high are the journalists' salaries? Are they paid regularly?	There are estimations that between 35%-40% journalists have neither work contracts nor social and health insurance. Those with valid contracts are not sufficiently protected. The situation is worse in the private media. Salaries in the local media range from 200 to 500 euro, in the PSBs the average salary is 700 euro, while in some private media (including international media) it's about 900 euro.	No precise data is available on the number of employed journalists with signed working contracts. Some studies show that about half of the journalists have work contracts with social and employment benefits. 58% of the surveyed journalists earn up to 360 euro.	Around 800 journalists are employed, half of them in the PSB. There are no exact figures about the number of them with signed work contracts. The average journalist salary is 470 euro. Around half of the journalists are paid regularly.	No precise data, but it is known that many journalists have no work contracts. Half of the journalists in the survey stated that their salaries range from 200 to 500 euro. Delays in salary payment are up to several months. Salaries are not paid in full amount.	No precise data on the number of employed journalists with signed work contracts. Very often labour rights of the journalists are not respected. The average journalist salary is 400 euro. Salaries are not paid regularly.

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

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. The employers can terminate the contracts any time and the journalists do not have any legal protection. Most journalists stated that their economic and social position is worse than 2-3 years earlier. In the survey, 74% journalists stated that their economic position decreased a lot.	Precarious work. 77% of the surveyed journalists in 2014 considered their current journalistic engagement insecure. 80% consider that their economic position is worsening.	Precarious work. Many journalists in private media work overtime, covering many different areas. 54% of the surveyed journalists consider that their economic position is worsening.	Precarious work. Journalists work overtime or during holidays without compensation. Half of the surveyed journalists concluded that their economic position is worsening.	Precarious work. Journalists are forced to work on other tasks and to engage in marketing. 76% of the journalists said that their economic position decreased significantly comparing to the previous years.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many media outlets have internal organisational structures that keep the newsrooms separate and independent from managers and marketing departments?	The newsrooms in the private media are not separate and independent from managers and marketing departments.	Only the largest media outlets keep the newsrooms separate, but they are influenced by economic and political interests.	Most of the private media do not have an internal structure and newsrooms are not separate from managers and marketing.	The larger media keep the newsrooms separate, but they are still influenced by managers and owners.	Most of the private media do not have an internal structure and newsrooms are not separate from managers and marketing. Many do not even have legal acts.
Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected?	Internal editorial rules do exist in some media but they are not effective. There are no provisions which guarantee the independence of the journalists and their right to reject jobs that are not in accordance with professional standards and ethics.	Very few media have such rules. Even where these exist they are generally not respected.	Very few media have such rules. Even where these exist they are generally not respected.	Very few media have such rules.	It is not known that any of the private media outlets have adopted internal rules on editorial policy.
Do private media outlets' newsrooms have adopted internal codes of ethics or they comply with a general code of ethics?	Most of the private media do not have internal code but adhere to the general code of ethics.	Private media do not have internal code of ethics. They adhere to the general code of ethics.	Private media haven't adopted internal code of ethics. They adhere to the general code of ethics.	Most of the private media adhere to the Code of ethics of the Press Council.	Most of the private media do not have internal code but adhere to the Journalist's Code of Ethics of the JAs.
What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?	The owners or program directors are key filters in deciding whether to publish or not certain information. Direct forms of pressure: very low salaries, threats of losing one's job, mobbing, frequent overtime work, 'ordered articles' etc.	Direct forms of pressure: threats of losing one's job, physical threats, even threats of dismissal of relatives in public administration.	Owners do not accept critical reporting toward powerful businessman. There is self-censorship among journalists.	The lack of working contracts leads to self-censorship. Late salaries are also another form of indirect pressure on journalists.	The journalists are kept in constant fear of being fired. Mobbing is very frequent. The owners ask from the journalists to work on some topics and to avoid others.

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

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

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code?	There are three non-profit radio stations in BiH. There are also some online news media which are supported by international donors. All of them are using the existing code of practice and Press Code adopted in BiH	There are only three non-profit radio stations aimed for students. There are few online news portals which are established as non-profit media. Professional journalists are employed only in the news portals. They comply with the general code of ethics.	Non-profit media are not developed. There is one community radio. No professional journalists are employed.	Very few non-profit media exist in Kosovo. They comply with general code of ethics of Independent Media Commission (for broadcasting) and of Press Council (for print and online).	Very few non-profit media exist in Serbia. They adhere to the Journalist's Code of Ethics of the JAs.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the most common forms of pressure over the non-profit media outlets?	They are sometime referred to as "foreign mercenaries" because they are financed by donations. The other media refuse to publish their investigative stories.	There are forms of pressure over the journalists in the news portals that are critical towards the Government.	No such cases.	They are sometimes referred as "foreign mercenaries" because they receive funds from foreign donors.	They often publicly attacked by the pro-governmental media as "foreign mercenaries" because they receive funds from foreign donors. Some critical news portals are subject to hacking.
What was the most illustrative example of the pressure exerted over the non-profit media?	Brutal verbal attacks, hate speech, harassment and discrimination to CIN female journalists (July 2016). Denial of information, verbal treats as well as threats to journalists from the news portal Zurnal for publishing property records of certain politicians (2014 and July 2016).	No such cases.	No such cases.	The case of Balkan Investigative Reporting Network (BIRN) attacked through smear campaign by the newspaper Infopress.	The case of the Network for investigating crime and corruption (KRRIK), which was attacked by the tabloid Informer.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?	54 % of surveyed journalists stated that they have a great deal (29%) or complete (25%) freedom in selecting stories. 59% stated they are free to decide which aspects of a story should be emphasized.	57% of surveyed journalists reported having a great deal (36%) or complete (21%) freedom in selecting stories. Even more journalists (71%) said they are free to decide which aspects of a story should be emphasized.	57% of surveyed journalists reported having great (35%) or complete (22%) freedom in selecting stories. 61,5% of journalists stated that they have a great deal (31,5%) or complete (30%) freedom in deciding which aspects of a story should be emphasized.	62% of surveyed journalists stated that they have a great deal (28%) or complete (32%) freedom in selecting stories. 52% stated they are free to decide which aspects of a story should be emphasized.	58% of the surveyed journalists stated that they have a great deal (30%) or complete (28%) freedom in selecting stories. 62% stated they are free to decide which aspects of a story should be emphasized.
How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?	64% of surveyed journalists always or very often attend editorial meetings.	48% of surveyed journalists always or very often attend editorial meetings.	73% of surveyed journalists always or very often attend editorial meetings.	86% of surveyed journalists always or very often attend editorial meetings.	62% of surveyed journalists always or very often attend editorial meetings.
What are the journalists' self-perceptions on the extent to which they have been influenced by different sources of influence: editors, managers, owners, political actors, state?	Editors are most influential on journalists' work (77%), then owners (45%), managers (39%), and Government officials (24%).	Editors are most influential on journalists' work (53%), then Government officials (46%), managers (40%) and owners (39%).	Editors are most influential on journalists' work (83%), then managers (63%), owners (56%) and Government officials (28%).	Editors are most influential on journalists' work (50%), then managers (30%), pressure groups (16%), government (10%) and politicians (8%).	Editors are most influential on journalists' work (76%), then managers (49%), owners (42%) and Government officials (26%).
How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?	51% of surveyed journalists stated that censorship has influence on their work.	55% of surveyed journalists stated that censorship has influence on their work.	55% of surveyed journalists stated that censorship has influence on their work.	30% of surveyed journalists stated that censorship is somewhat influential on their work.	41% of the surveyed journalists stated that censorship has influence on their work; however self-censorship is the biggest problem.



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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of threats against the lives of journalists and other types of threats.	From 2013 till September 2016: 65 verbal threats and pressures; 21 physical attacks; 7 death threats; 15 mobbing/discrimination; 35 other cases.	Based on the AJM register from 02/06/2011 until present, there are 35 cases of violence towards journalists (death threats, physical violence, destruction of private property, detention etc.)	From 2013 till June 2016 there were 8 verbal threats.	From 2013 until August 2016, Kosovo Police registered 62 cases reported by Kosovo journalists.	From 2013 till June 2016 there were: 69 verbal threats and 32 pressures.
Number of actual attacks. How many journalists have been actually attacked?	From January till September 2016 at least 7 physical attacks.	In total 35 cases are registered.	From 2013 till June 2016 there were: 1 physical attack and 7 attacks to the property.	From 2013 until August 2016 there were: 12 physical attacks and 13 attacks on property.	From 2013 till June 2016 there were: 33 physical attacks and 9 attacks on property.
Number and types of murders. How many journalists were murdered in the past 15-20 years?	From 1992 until 1995 - 38 journalists and media professionals were murdered (38 BiH citizens and 7 foreigners). After the war in BiH, there was an assassination attempt on Zeljko Kopanja, the owner of Nezavisne novine from Banja Luka.	Officially, there are no such cases in the last years.	One murder in 2004.	Three murders: 2000, 2001 and 2005.	Three murders: 1994, 1999 and 2001.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of threats and attacks on media institutions, organisations, media and journalists' associations.	Since 2013 there were 217 attacks on media outlets, media institutions, trade unions, journalists' association and the BiH Press Council.	AJM, the Trade Union, the Council of Media Ethics and other organizations that are critical towards the Government are often subject to attacks. This was noted in EC reports.	Since 2013 there were 4 attacks on media. No data regarding attacks on other organizations.	Since 2014 there were two attacks. In 2015, KOSSEV portal in the north of Kosovo was attacked with gun shots. In 2016, RTK was attacked with a hand grenade.	Since 2014 there were 275 attacks on news portals and with other types of pressures on their journalists and editors. No data regarding attacks on other organizations.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the state institutions developed specific policies to support the protection of journalists, offline and online? If yes, is the implementation of such policies assured with sufficient resources and expertise?	Ministry for Human Rights adopted the Action Plan for human rights protection, one chapter is focused on protection of media freedom and journalists' rights, especially in cases of attacks and pressures. Ministry of Justice drafted amendments to Criminal Law to protect journalists who are victims of attacks.	In Macedonia there is a trend of impunity when it comes to the rights of the journalists. State institutions haven't developed any policies or measures for protection of journalists.	There is no developed policy.	There is no developed policy.	There is no developed policy. There were attempts - a draft memorandum on measures to raise security levels related to journalist safety between JAs and relevant institutions.
Are there any mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists? Who monitors and keeps records of attacks and threats? Do the state institutions publish updated data regarding attacks on journalists and impunity? What measures are taken upon the incidents and by whom?	There are no such mechanisms. Free Media Help Line is the unique service for providing free legal and professional help to media and journalists. FMHL shares its data and reviews of cases with all state institution, media, media organizations and international organizations.	There are no such mechanisms. No disciplinary measures, known to AJM, have been taken against any of the perpetrators. Politicians condemn attacks the attacks of journalists extremely rarely.	There are no such mechanisms. The State Public Prosecution and Police administration monitors keep records. So far, data on the number of attacks and measures taken have been published.	There are no such mechanisms. In recent years, Kosovo Police has started to prepare a special list of threats and attacks against journalists. No state institution publishes data regarding attacks on journalists.	There are no developed mechanisms, but certain efforts have been made. In December 2015 an Instruction for gathering evidence of crimes against journalists and attacks on Internet sites was adopted and since implemented. All public prosecution offices quarterly submit evidence to the State Public Prosecution which monitors the implementation and keeps records. As a part of its regular activities IJAS records all reported incidents and conducts follow ups.



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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the attacks on the safety of journalists recognized by the government institutions as a breach of freedom of expression, human rights law and criminal law? Do public officials make clear statements recognising the safety of journalists and condemning attacks upon them?	Not so far. BiH ministries are working on changes in the Criminal Law and on the development of internal procedures for protecting journalists and freedom of expression as a basic human right.	Despite formal and declarative commitments to freedom of the media, the institutions (Ministry of Interior, courts and the prosecutors' office) failed to resolve any of the cases which are registered by AJM in the last 5 years.	Yes. They strongly condemn but only declaratively, because the conditions do not change.	Public officials condemn attacks, but only in serious cases. In general, attacks against journalists are recognized by the government institutions as a breach.	The state has recognized the need for this (Action Plan, Chapter 23, a section is dedicated to freedom of expression, freedom and pluralism of the media), but deadlines are not respected. Public officials rarely give clear statements condemning attacks on journalist.
Are there any documents adopted by the state institutions which provide guidelines to military and police and prohibit harassment, intimidation or physical attacks on journalists?	There are two guidelines for police officers on conduct with journalists, adopted 15 years ago in cooperation with the OSCE mission.	There are no such documents.	There are no such documents.	There are no such documents.	There are no such documents. The draft memorandum on measures to raise security levels related to journalists' safety is considered as an attempt in this direction.
Do the state institutions cooperate with the journalists' organisations on journalists' safety issues? Do the state institutions refrain from endorsing or promoting threats to journalists?	It the past two years, there has been good cooperation with the Parliamentary Commission for Human Rights, Ministry of human rights and the Regulatory Agency for Communication. But, there are no satisfactory public reactions by state institution in case of attacks and violence against journalists.	In general, the cooperation is insufficient. The institutions only formally submit replies to the official requests sent by AJM.	There is no such kind of cooperation.	The cooperation is not on a satisfactory level.	The cooperation is not on a satisfactory level. There is no regular cooperation between JAs and state institutions.
In cases of electronic surveillance, do the state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance of journalists?	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent cases include wiretapping of the Oslobođenje and Dani magazine journalists, upon the order of the former director of the State Security Agency (SIPA) and the case of wiretapping of journalists who were in contact with the former President of BiH Federation and published the transcripts from the conversation with FTV journalist Avdo Avdic.	No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. In 2015 the main opposition party published that more than 100 journalists have been subject of illegal surveillance in the last four years (10% of all journalists in the country). Documents from the phone tapped recordings were given to 15 journalists. On behalf of these journalists, the AJM submitted criminal law suits.	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent case: February 2013 when a group of journalist claimed that they were tracked and their phone conversations eavesdropped.	There is no reliable evidence on such cases. There are no known cases of any electronic surveillance of journalists.	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent case: Network for investigating crime and corruption (KRIK) and its editor Stevan Dojcinovic.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity?	There are no such state institutions/units. There is only the Free Media Help Line which is established by the BH Journalists' Association.	There are no such institutions/units.	There are no such institutions. An exemption is the Commission for monitoring the activities of the competent authorities in investigation of old and recent cases of threats and violence against journalists, murders of journalists and attacks on media property.	There are no such institutions.	There are no such institutions. An exemption is the Commission on reviewing the facts related to investigation of the murders of journalists.
Are there special procedures put in place that can deal appropriately with attacks on women, including women journalists?	There are no such procedures. From 2013 until September 2016 FMHL registered 2 cases of death threats, 3 physical attacks and 23 verbal attacks/political pressures on female journalists.	There are no such procedures.	No such procedures.	No such procedures.	No such procedures. There are several cases of attacks on female journalists (4 physical and 22 verbal attacks).
Do the state agencies provide adequate resources to cover investigations into threats and acts of violence against journalists?	Adequate resources are not provided by the state institutions. Efficient actions and investigation were undertaken by the Police and Prosecutors Office in Sarajevo in the cases of Lejla Colak (death threats) and Borka Rudic (verbal threats and hate speech) in July and August 2016.	The institutions do not provide for any effective legal or statutory protection of journalists in the course of their professional work. No resources are allocated to investigate threats or acts of violence.	Adequate resources are not provided by the state. Investigations are very slow and with weak results.	Adequate resources are not provided by the state. Threats against journalists and other citizens are treated the same. Investigations are very slow.	Adequate resources are not provided by the state. Investigations are very slow and with no results.
Are measures of protection provided to journalists when required in response to credible threats to their physical safety?	Such examples were not registered.	Such measures are not provided. There were cases where the offenders were documented on video. In one case the Deputy Prime Minister physically attacked a journalist in a public space which and was recorded and subsequently published, but the institutions did not undertake any measures.	In the most severe cases, two attacks on journalists Tufik Softic, the state has provided 24 hour physical protection, but the problem is that the perpetrators have not been found, so that the cause which compromised Softic's security has not been removed.	Police protection was provided for two journalists (2014 and 2016) but both journalists considered they don't need close protection, mainly for personal reasons.	Some measures are provided, but they depend on the specific case. IJAS has information about four journalists living under 24/7 police protection. The biggest problem with the cases of journalists who are protected by the police is that the state does not undertake measures to remove the actual threats.

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, independently and efficiently?	The investigations are not efficient and do not provide sufficient evidence. The court procedures are very slow. According to the Association of BH Journalists only 15% of the criminal cases were investigated and resolved.	Based on the experience of AJM, the investigation of crimes against journalists is either not even initiated and if it is this process is slow and without official closure.	No. Masterminds aren't known in any of the bigger cases, and a large number of perpetrators haven't been found. The investigations are not efficient and do not provide sufficient evidence.	No. Three post-war murders of journalists haven't been resolved yet. In general, the investigations are slow and inefficient.	No. The three cases of murders haven't been resolved yet. The investigations are inefficient and do not provide sufficient evidence. The court procedures are very slow.
Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators?	The biggest problem is that the real actors (politicians, public officials or other powerful individuals) are not prosecuted in any of the cases. Also, real actors or instigators in the case of Zeljko Kopanja have never been discovered.	No.	No. The biggest problem is that the real actors or instigators are never discovered. In the murder case of Dusko Jovanovic, only one accomplice was convicted.	No. The real instigators or masterminds are never discovered.	The biggest problem is that the real actors or instigators are never discovered. The case of the journalist Curuvija proves that.
Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?	Some forms of training were organized by professional association of judges and prosecutors and by media organizations.	There is no information on such trainings. However, there are several cases registered where the offenders are members of the police and these incidents took place during public demonstrations.	Some forms of training were organized in the past years.	No training is ensured by the state.	Some forms of training were organized in the past years. Although planned, specialized forms of training haven't been started yet.





