



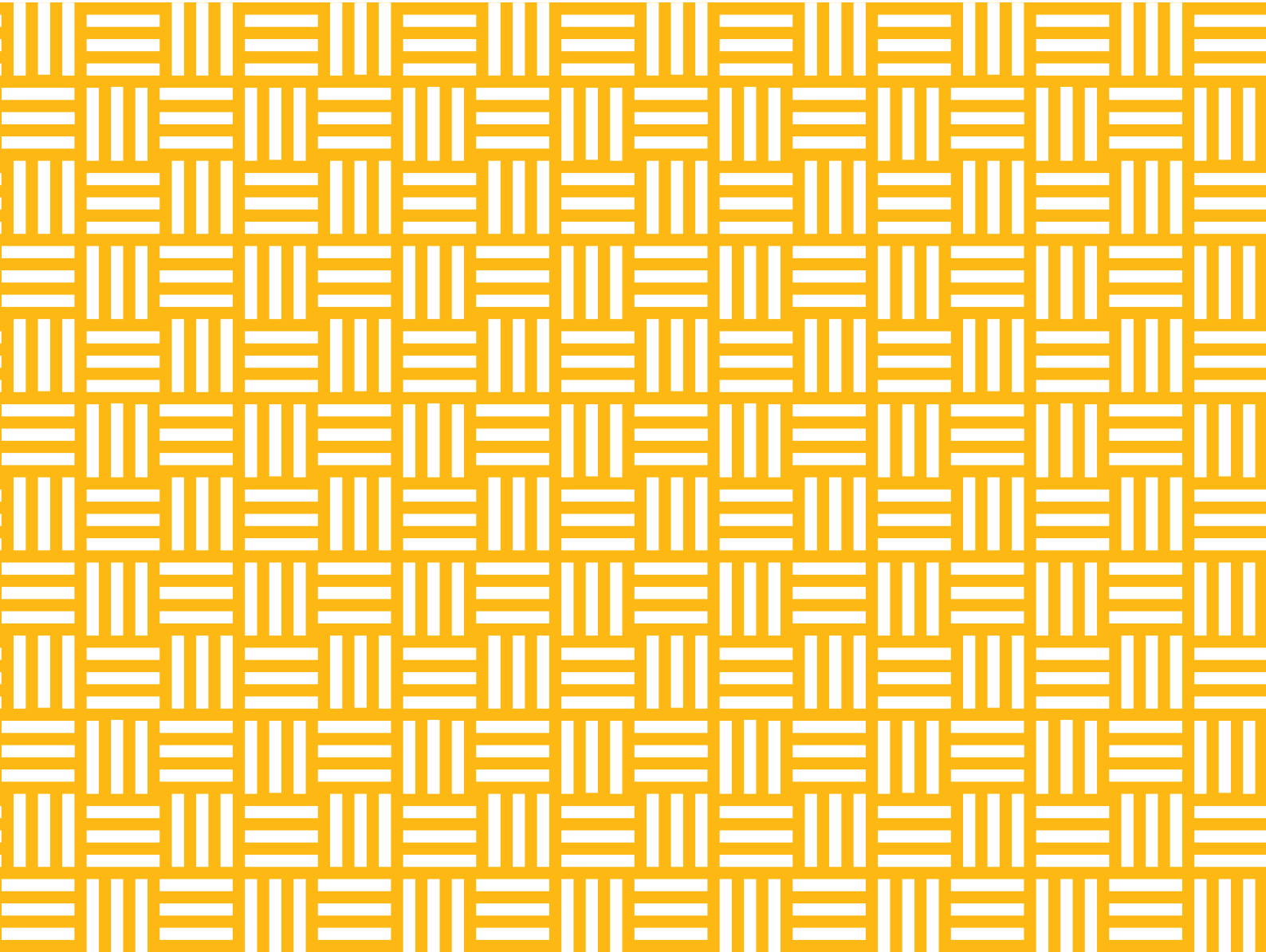
Regionalna platforma Zapadnog Balkana za zastupanje
sloboda medija i bezbednosti novinara
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety



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Indicators on the level of media freedom and journalists' safety [SERBIA]

SUMMARY OF THE FINDINGS



**Indicators on the
level of media
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**Author(s): Marija Vukasovic
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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*¹, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia. The main objective of this research study is to provide a baseline assessment and evidence of the level of media freedom and journalists' safety in Serbia, which will be further used in a regional mechanism for monitoring and advocating media freedom and journalists' safety at local, national and regional levels.

The research study was implemented by a regional research team composed of a lead researcher² and five researchers at country level, nominated by the national journalists' associations. The research in Serbia was conducted by Marija Vukasovic on the basis of a common methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis. These were:

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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.*
 - * *This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.*
 - 2 *The research team was headed by Dr Snezana Trpevska, expert in media law and research methodology.*

- *Qualitative Documents Analysis (QDA)* of research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- *Qualitative interviews* with 16 individuals (journalists, lawyers, media experts, representatives of public institutions or NGOs).
- *Survey*³ with 111 journalists from different media organisations on the basis of a structured questionnaire developed under the Worlds of Journalism Study⁴ project.
- *Official statistic data* requested from public institutions or collected from available websites or from other published sources.

Indicator A:
Legal protection of media and journalists' freedoms

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

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

the level of self-censorship is very high and the media is subjected to commercialisation (Section A1, page 11).

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

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

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

As a mechanism for the protection of their independence, the mandate of the regulator's members does not coincide with the electoral cycle, but their appointment is still a result of a process of political selection. On the other hand, there is also an issue regarding action taken by the relevant authorities when the REM submits requests for misdemeanour or criminal proceedings to be initiated. Of every request submitted to the relevant authorities in 2015, REM had only received a decision on one application regarding an economic offence at the time of writing this report (Section A1, pages 13 and 14).

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

Serbia's Law on Public Information and Media excludes any form of media financing from public funds, other than the co-financing of projects in the field of public information for the realisation of public interest. However, the implementation of the public tenders for co-financing projects of public interest encountered many problems in practice. The most common issue was related to the definition of what is in the public interest. The Law on Public Information and Media contains a comprehensive definition of the public interest, but this term is understood differently depending on the municipality. Also, sanctions for

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

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

those entities which fail to publish a call for co-financing of projects are not stipulated by the law, and some municipalities take advantage of this inconsistency. Many of the interviewed journalists agree that co-financing of projects is a good idea, but is poorly implemented in practice. The ruling parties in the local municipalities adjust the criteria for the competitions so that funds are allocated to those media which support them. The procedure frequently lacks transparency and the selection committees are often composed of people deemed to be close to the authorities (Section A1, page 15).

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

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

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

Serbia has decriminalised defamation while libel remains a criminal act under the Criminal Code. Although

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

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

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

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

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

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

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

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

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

Problems related to the protection of sources often appear in newsrooms where journalists are required to reveal their sources. While more serious cases are rare,

one such example is that of the *Teleprompter* website (Section A5, page 24).

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

The legal rules on access to official documents and information are prescribed under the Law on Free Access to Information of Public Interest. The implementation of this law is on somewhat of a higher level than others that affect the media sphere. The Commissioner for Information of Public Importance and Personal Data Protection is the primary contributor to this law. Journalists often refer to public enterprises and state authorities for information of public importance. Although the situation here is somewhat better, certain authorities - especially public enterprises - often do not want to implement the law and provide information. To circumvent their obligation under the law, they calculatedly pay fines instead of releasing certain information. Also, although the law states that discrimination is prohibited, information is much more accessible to media who are inclined towards the authorities (Section A6, page 24).

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

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

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

showed that the largest number of journalists earn a net salary of between 300 and 400 euros (Section B1).

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

The public service broadcasters, Radio Television of Serbia and Radio Television of Vojvodina, don't have their own specific codes of ethical principles of reporting, but only a general code for all employees. Radio Television of Vojvodina has a Code of Ethics, which in essence is a code of conduct for employees. However, the journalistic principles of reporting are not contained in this general code. Statutes of these two public service broadcasters stipulate that the editor-in-chief cannot be a holder of public office or function in a political party. Also, editors are required to be independent in their work, but are not so in practice. They come under much pressure, especially from the board of directors (Section B3).

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

One of the biggest problems that journalists face is self-censorship, stating primarily fear of losing one's job or that good relations with the newsroom could be compromised - possibility of sanctions being imposed on the media in which the journalist works. In the survey conducted for this research, 41.44% of journalists said that censorship had some influence on their work (extremely, very, or to some extent) while 38.74% of journalists responded that censorship does not affect or barely

affects (18.2%) their daily work. The most influence that journalists feel comes from their editors, with 76.58 % of survey respondents saying they feel some level of pressure in this sense. Of the respondents, 11.71% feel their work is extremely influenced by their editors, 27.93% feel it is very influenced, and 36.94% feel it is partially influenced. Media managers, and, to a somewhat smaller extent, media owners, also appear on the scale also appear high up on the scale of influence (Section B5).

Indicator C: Journalists' safety

The Independent Journalists' Association of Serbia (NUNS) keeps a record of known attacks on journalists from 2008 onwards. According to its data, we can conclude that the number of different types of attacks in past three year is increasing. Journalists have often been exposed to threats made verbally and through letters and social networks, while other forms of pressure are exerted by state and local functionaries, politicians and other potentates that try to influence journalists in various ways. There are also physical assaults and attacks on property. In Serbia, there have been three murders of journalists during the previous 20 years. These cases remain unresolved with the offenders and those who dictated the murders still not identified or held accountable. Online attacks on web portals and media websites are on the increase and constitute a special category (Section C1).

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

There are no developed mechanisms for monitoring and reporting about threats and violence against journalists although certain efforts have been made. In December 2015 the Republic Public Prosecutor adopted an Instruction for the appellate, higher and basic

public prosecutions to maintain separate records in relation to criminal acts committed against persons performing activities of public interest in the field of information. These records need to refer to the tasks the person performed, the attack on the media website, and state which cases need urgent treatment. All prosecutors' offices are required to submit to the Republic Public Prosecutor's Office quarterly reports with the data contained in separate registers. According to the information we received from the Republic Public Prosecutor, public prosecutors are acting according to the instruction (Section C2, page 35 and 36).

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

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

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

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

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

Investigations into crimes against journalists are not conducted quickly, efficiently or independently, and this is evident in the failed investigations into the three murders of journalists that were committed in the past 20 years. Another problem is that the proceedings take too long, and many of them are never concluded. The prosecution of criminal acts is not initiated against all participants of attacks and those who are prosecuted are usually only the direct offenders, while the instigators remain unrevealed. The state does not provide enough resources for investigations of threats and violence directed at journalists (Section C3, page 38).

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

General recommendations⁵

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

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

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

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

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

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

⁵ *These general recommendations are developed on the basis of discussions with representatives of the Independent Association of Journalists of Serbia. They represent only general points on which basis journalists associations in the future can develop their initiatives and lobbying activities for the advancement of media and journalistic freedoms and these recommendation will be expanded, complemented and concretised.*

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

A

Legal protection of Media and Journalists' Freedom

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

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
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.)

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 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 ongoing lawsuits against journalists. Out of these, six are initiated by state officials. Additional 9 cases were dismissed in 2012 since defamation and libel have been decriminalized.	Large numbers of lawsuits have been filed against journalists (413 in 2014; 406 in 2015).
Are there examples when other legal provisions were used to "silence" journalists for legitimate criticism or for investigative journalism?	The case of the magazine Slobodna Bosna, which ceased publishing its print edition in December 2015, under the pressure of a large number of defamation lawsuits.	The case of the journalist Kezarovski, who was sued for revealing the name of a "protected" witness. Also, journalist Bozinovski has been indicted for espionage and extortion and has been in detention for the past 6 months.	Such cases have not been registered yet.	No such cases.	Such cases have not been registered so far.
Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed?	The courts are under strong political influence. Similar cases are differently interpreted by courts in different entities. Lawsuits against Federal Television (FTV) are solved in favour of the president of R. Srpska. The fines are not high (app. 2.500 euro), but some media have between 20-50 lawsuits.	The courts are under strong political influence. In the case of the critical weekly Fokus the court imposed large fines on the editor and the journalist. The plaintiff was the Director of Administration for Security and Counter Intelligence.	Lower courts administer the cases quite fairly, while the higher courts are more rigid. Imposed fines are not high.	No such cases.	The courts are under strong political influence. In the case of TV Forum Prijepolje journalists who were threatened by the City Mayor, the appellate court overturned the original verdict and acquitted the mayor in 3 day process.
Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology?	The courts in BiH respect the mediation process between the offended and the media outlet, which is carried out by the Press Council. An initiative to amend the Defamation Law in order to include the mediation process as compulsory before filing a lawsuit started.	The court may take into consideration the decisions of the Council of Media Ethics, however this is not obligatory.	The courts are not obligated to take into consideration the decisions made by the self-regulatory bodies.	The courts do not take into consideration the decisions of the self-regulatory body.	The courts mostly do not take into consideration the decisions of the self-regulatory body.
What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?	79.7% of journalists answered that the threat of defamation is very or extremely influential on their work.	32% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	26% of journalists answered that the threat of defamation is very or extremely influential on their work.

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

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

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

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

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

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

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

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

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

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

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

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

B

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

B.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 <i>Danas</i> 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 (KRİK), 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 <i>threats and attacks on media institutions, organisations, media and journalists' associations.</i>	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 <i>Instruction for gathering evidence of crimes against journalists and attacks on Internet sites</i> 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.
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.

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 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.

