



Western Balkan's
Regional Platform for
Advocating Media Freedom
and Journalists' Safety

Safety of journalists in B&H – The necessity of efficient institutional and social protection

In the last decade, the issue of journalists' status in the integration process was often at the center of the discussions on journalistic studies, although it can be concluded that the issue of journalistic work and journalism in general, recently got into the most turbulent period. So far, numerous analyzes have been made on the position and status of journalists in Bosnia and Herzegovina, but in this analysis will be pointed out the crisis of journalism as a profession, and more important, the very uncertain status of journalists.

Journalism in Bosnia and Herzegovina has experienced huge changes in the last twenty years. They are not visible just in a number of media, but also in huge structural changes inside the journalism profession. After the end of the war, a whole new media frame was established. The Bosnian-Herzegovinian media has been a part of the social transition that has left its mark in the last two decades – new communication technologies has been developed and numerous media have been launched. Today, there are 195 electronic media - 148 radio stations and 47 TV stations - in a country with less than four million inhabitants. There are also eight daily newspapers and over 185 different magazines and publications. The number of online portals, as well as the websites of most classical media, is growing every year. By conducting and doing the analysis of the number of media, it is very easy to notice a big disparity between the number of media and the market power. Media analysts often emphasize this disproportion, because in a such broad media picture, it is quite controversial and uncertain about the distribution of marketing contributions, the reduction of revenue sources and the limited rights of journalists.

The global picture is not much better, too. Recent world researches show that journalists are concerned about the development of journalism but also about more uncertain work conditions of journalists. In the world media, the social status of journalists as well as of the rest of the staff in journalism, is worrying. Unfortunately there is a new term which is increasingly mentioned in the society - *atypical media workers*.

The latest trends in BH journalism certainly influence on the professional work of journalists, but also on the entire of journalistic profession. These trends are absolutely unfavorable and last for years:

There is a continuous declining of the revenues in the media,

The working conditions of journalists were worsened (bigger scope of the work, layoffs, unclear editorial policies),

New forms of employment have been appeared (short-term contracts, more frequent mergers of journalistic and technical activities, unpredictable engagements).

If we analyze the media in Bosnia and Herzegovina, as well as the work of journalists, we will testify to the extremely bad position in which they exist. The main characteristics of the position of journalists in BiH today are low salaries and extremely unfavorable job contracts. The provisions of collective work agreements have been often violated and have been often cancelled unilaterally. Journalists are also subject to tremendous pressures by various subjects and worst of all, they receive verbal threats almost daily and they are even exposed to physical attacks. These attacks are more and more frequent and the worst of all is the fact that they come from the highest political structures, which have a tendency, but also a habit, to control the media regardless of the necessity means and tools.

Talking about the influence of politics on the media and journalists, it is impossible to overcome the issue of media independence that largely determines media freedom but also freedom of journalists. Independence of the media is a term that defines the independent media position in relation to the state authority and media owners and provides a legal and political platform for the protection of journalists from all forms of pressures and limitations in their professional engagement. It is one of the fundamental values of a democratic society and an indicator of the degree of political freedom in a country. It provides free and uninterrupted flow of essential information, freedom and responsibility in analyzing and commenting on social and political events, political appearances and personalities, and ensuring free and plural public discussion of the essential issues of society and the state. This term has become an inevitable part into important international documents after the World War II, as a declarative protection of the journalists' independence. (1) Regarding the independence media issue in Bosnia and Herzegovina, the situation is at least worrisome. Namely, the biggest ruling parties control almost all of the strongest media. A part of the media is controlled by those parties which are not currently part of the power authority (so called opposition parties). Journalists have options to choose media controlled by parties which are part of the power authority and the media controlled by those parties which want to become a power authority. This is a real example of the situation in B&H, but also in the region, so it can't be talked about free and independent media and journalists. Professional freedom issue can be defined as the work of journalists in the media that are not controlled or that are absolutely independent. In this sense, BH media and journalists are far from this term. Malović (2007) reminds that any government wants to control or even to influence the media, so the relationship between journalists and politicians is inevitable. The fact is, however, that the influence of media on politics is a little latent compared to earlier years, especially in the 1990s, but it is still exceptionally strong in some media companies. Today, journalists almost mustn't talk and write about corruption or criticize the government

because they would immediately be under different types of sanctions. Bosnian-Herzegovinian journalism is highly susceptible to political interventions, because both media and journalists are highly dependent on political support. Editorial policy is largely influenced by politics and politicians, and more and more politics and politicians have influence on staff selection. In this context, B&H media are absolutely politicized and each media favors one political option. Of course, all of previous mentioned facts have a great influence on the media content and professionalism of journalists. Political pressure on the media led to the equalization of truth, lies, prejudice and misrepresentation. These terms are difficult to distinguish today. This phenomenon has caused an increase in the number of misconceptions, as the media are very powerful in creating and spreading misconceptions. Misconduct can cause major damage, so legal regulation in public communications, professional journalist training and general literacy of citizens will be needed for easier managing of citizens in public communication. (2)

Journalists are also influenced by media owners. Their interests are often linked not only to business but also to political interests. It is often case that media owners have no boldness to use an exclusive information - they protect their media company, because they are dependent on political support. In that sense, journalists become victims that can not be what the journalist deontology should be - promoters of democracy, critics of political events, but also analysts of social processes.

Perhaps, in this time, journalists are most sensitive to economic issues as well as ineffective labor law enforcement. There are no official statistical indicators on the economic and social positions of journalists. Yet, looking at the overall media image, it is evident that journalists have become victims of media systems, and in that sense lack the economic and social protection, they need to be able to undoubtedly perform their extremely important social role. Journalists are often characterized as cheap labor force, but also as eternal volunteers. Recently there is a Law on Volunteering (in Federation of Bosnia & Herzegovina and Republic of Srpska), but only the Labor Law in RS prescribes voluntary work as a relationship of employee with the employer without concluding a labor contract. This actually implies the time needed to gain experience and can last as long as the length of internship is prescribed. The Employment Bureau covers voluntary insurance where the volunteer has health insurance while the employer pays 35% of the minimum wage for each volunteer. The fact is that has more and more labour contracts that often last longer the statutory three month mandate of so called probation work and this mode of labour work could be prolonged for years. This actually implies that a reporter promises a working relationship while at the same time being held in honorary status, which does not imply the payment of contributions as well as social security. The salaries of journalists are extremely low. Graduated journalists have an average salary of 680 BH marks, while average salaries of employees in public services from Sarajevo (BHRT and RTV FBiH) are 1000 BH marks. The salary of journalist beginner is approximately 600, while the chief editors have salaries of up to 3.000 BH marks. (3)

Analyzing the status and position of journalists in Bosnia and Herzegovina, it has to be mentioned that one of the major problems is the fact that everyone can easily become part of journalism and media. Journalists are trained and educated to work in the media, but there is no obstacle for dealing with journalism, regardless of the degree and the type of education. The fact is that there is practically no control who can work in this profession or better say, everyone can deal with this profession today. However, we should argue about the fact that uneducated staff in the role of journalists makes to journalism as a whole. Malicious and unprofessional workers in the media can cause enormous damage. The most dramatic thing is that people who have adequate journalistic education are being equated today with people who are semiliterate but who, in any case, shape public opinion. While a journalist, in some former time, was a person who had worked and occupied with a very complex and responsible occupation which require many abilities, education and work, the image of present BH journalists is completely different. The low educational level of journalists is reflected in the lack of critical thinking but also the lack of texts which analyze the (non) justification of social changes. An additional problem is certainly so-called. journalistic quarreling, ie the fact that journalists do not just write what they are specialized for. And while it is quite clear that knowledge, skills, ethics and responsibility in journalism and among journalists are needed more than ever before, somebody still uses and controls this situation. It is clear that it is easier to manipulate unkind people, but all of these items have led to the fact that image of BH journalists being considerably sluggish, but also to the fact that they are often faced with the rudeness of education in this area.

The huge problems for journalists in BiH are verbal and physical attacks and they unfortunately happen on a daily basis. These attacks must be treated with special seriousness, and all the appropriate institutions must send clear and strong messages about the inadmissibility of such behavior in a democratic and modern society what B&H wants to become. Unfortunately, we follow the worldwide trend of inefficient investigations and prosecution procedures for attacks to journalists. It is quite clear that the police as well as the state attorney do not conduct effective investigations, so according to some data, even more than 90% of the attack cases has not been investigated at all and has not got their court epilogue. We have had cases in which the highest state-level authorities had attacked journalists. It is tragic that the public's condemnation was almost gone. The story, in such cases, has been either hushed up or a journalist has been become the center of the story ie. has he been deserved it or not. Within the association of BH journalists, there is The Free Media Help Line which will be defined as a domestic, Bosnian-Herzegovinian institution that providing support and assistance to journalists in accomplishing to their everyday tasks, as well as the protection of journalistic rights and freedoms. According to their data, from 2006 to 2014, only 15% of criminal offenses against journalists, (60 of them have been recorded by the LZPN) have been legally terminated. Besides, in just one year (2014), 44 cases of media freedom and journalists' rights violations were occurred, including two death threats, 10 verbal threats and political pressures, two physical attacks on journalists, and so on. The

fact is that these data do not show the actual state of all attacks, as there have been plenty of attacks that have remained unrecorded and unrecorded.

In this context, the Council of Europe has also adopted a series of guidelines for the protection of journalism and security of journalists. The guidelines contain specific instructions on the ways and moves that state authorities should take to prevent violations of media freedom, including physical attacks on journalists, and, when they occur, they have be prosecuted. It is also a recommendation that State authorities take effective preventive measures that would guarantee journalists that they can do their jobs without fear of retribution or lawsuits based on libel laws. In cases where journalists are targets of threats, the Council advises establishing of police protection and eventual evacuation on the safe location, as well as establishing urgent telephone numbers or other ways of contacts for journalists who are in danger situations. When it comes to prosecuting attacks on the journalists, guidelines point out creating legal teams which are specialized for human rights violations that would conduct the investigations thoroughly, transparently and on time. (4)

According to the Report of The Reporters Without Borders on Freedom of the Media in 2017, in which 180 countries were covered by the report, Bosnia and Herzegovina was ranked at the 65th position. According to The Freedom of Media Index, based on which the Report have been prepared, Bosnia and Herzegovina is described as following:

This country has the most liberal laws on free media in the world, but their implementation and implementation is hampered by a saturated judicial system. The libel was decriminalized in 2003, but lawsuits are still possible. Journalists are often targets of threats and political pressure. The situation is aggravated by the fact that the media continue to enjoy direct and indirect state subsidies. (5)

The 180-state media freedom chart, which have been publishing since 2002, is based on several indicators: pluralism, media independence, autocracy, the legal framework, transparency. Characteristic for BiH is its continuous decline since 2006, when it ranked on 19th position, and in 2004 when it ranked on 21st position. According to the Press Freedom Index, "a country that used to serve as an example of media freedom in the region - the first to decriminalize defamation and adopt the most liberal media laws in the world - to a certain extent, loses its glory. This is a reflection of the fact that journalists in BiH, despite very good laws, are often targets of threats and political pressure. (6)

Various international human rights reports point out that Bosnia and Herzegovina, in the sphere of the media, has good legislation. Legislation of B&H guarantees the highest level of human rights and freedoms, thus enacting a series of laws primarily related to media houses, but also they directly or indirectly concern journalists as well. Thus laws have been adopted which prescribed the conditions and the manner of establishing and acting of the media. Besides, the laws define the responsibility of journalists, the supervision of their work and others. There are also a number of laws which are regulating the work of electronic and print

media. First of all, there is Communications Regulatory Agency (RAK), an independent body that grants licenses for the operation of electronic media but also implements the laws and regulations in the broadcasting process. The agency's main mission is to regulate the electronic communications market, control and manage the frequency spectrum and develop media freedom for the benefit of society as a whole. (7) Print media are covered by the self-regulation system that was implemented by the B&H Press Council. It was adopted in 1999 by all journalist associations that were existing at that time. The Code is considered as morally binding for journalists, editors, owners and publishers. (8)

Freedom of speech is a fundamental and internationally recognized human right and represents a fundamental component of democratic society. The legal framework for the protection of freedom of speech and freedom of the media in Bosnia and Herzegovina is primarily contained in the Constitution of BiH and in the Constitutions of the Entities, legal regulations and valid international documents that the State should respect. The freedom of expression is first and foremost guaranteed by the Broadcasting Law of Bosnia and Herzegovina, which defines the broadcasting sector as a "sector that guarantees the protection of freedom of expression and freedom of opinion, respecting the general standards of conduct, non-discrimination, fairness, accuracy and impartiality". Beside the Law on Communications, there is the Law on Public Broadcasting System of BiH, which guarantees the editorial independence and institutional autonomy of public broadcasting systems (BHRT, FTV and RTRS) (9)

Media legislation is generally good and quality and we will not look for a problem in it - the problem is the inadequate implementation of almost all laws. Media laws offer quality solutions, however, if we look deeper into them, we will notice that some issues were not precisely regulated and in that context the existing provisions of the law were interpreted in completely different and often wrong ways. The fact is that the passed laws are not adequately implemented in journalistic practice, so many provisions often were not respected. Interestingly, there are no significant sanctions due to non-compliance of the laws.

At the end of this analysis, let's ask in which direction Bosnian-Herzegovinian journalism goes? The state has a really good legal regulation the media environment. However, the regulation is not fully implemented. The fact is that the media system in Bosnia and Herzegovina will have to make significant changes. In this context, it will be necessary to find solutions and ways to promote the rights of journalists. This process, which will be very complex and lengthy, key players will be media companies but also journalists themselves.

The main conclusions

Bosnia and Herzegovina has fragmented media system. Journalists in B&H exist in really difficult conditions both economic and social. Almost every day, they are exposed to attacks of various kinds, even physical attacks. For having democratic and free society, it is necessary to ensure freedom of the media and freedom of expression (it must be

understood that each journalist should have the right to express his/her opinion and publish information without fear of punishment or some other negative consequences). Almost none of attacks on journalists was adequately sanctioned.

Recommendations:

- Every journalist should have the same work rights as every other employee. Regarding this fact, the activities of all journalistic associations must be increased with one direction - solving problems in the area of labor law of journalists.
- It is necessary to eliminate journalistic „work on black“ and volunteer work as well as probation (trial work) must be put into legal frameworks.
- Higher education institutions will have to focus their policies on the real needs of the market. In that context, it will be necessary to reduce the hyper-production of journalists.
- Make it difficult to enter the journalistic profession, ie. prevent people who do not have adequate education, dealing with this profession.
- The media need to be professionalized and disable political control over the media.
- As a society, we must seriously address the problem of increasing the number of attacks on journalists.
- State institutions have to activate additional resources to prevent attacks.
- Any verbal, and in particular physical, attack on journalists must be conducted and processed through the provisions of the Criminal Law - in that case it would more adequately responded to this undemocratic and uncivilized occurrence.

And finally, there are media in Bosnia and Herzegovina that we can classify as very good, because they really try to make media or journalism what they are by definition - to meet the information needs but also to create critical public opinion. Thus, the Media Observatory of Southeast Europe has identified four non-profit media companies from BiH - *Mediacentar Sarajevo*, *Buka Magazine*, the *Research Journalism Center (CIN)* and the *Balkan Investigative Reporting Network (BIRN)* as positive examples of journalism and media integrity. These media companies have been regulating independently and they have been protecting and promoting good and quality journalism for several years.

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