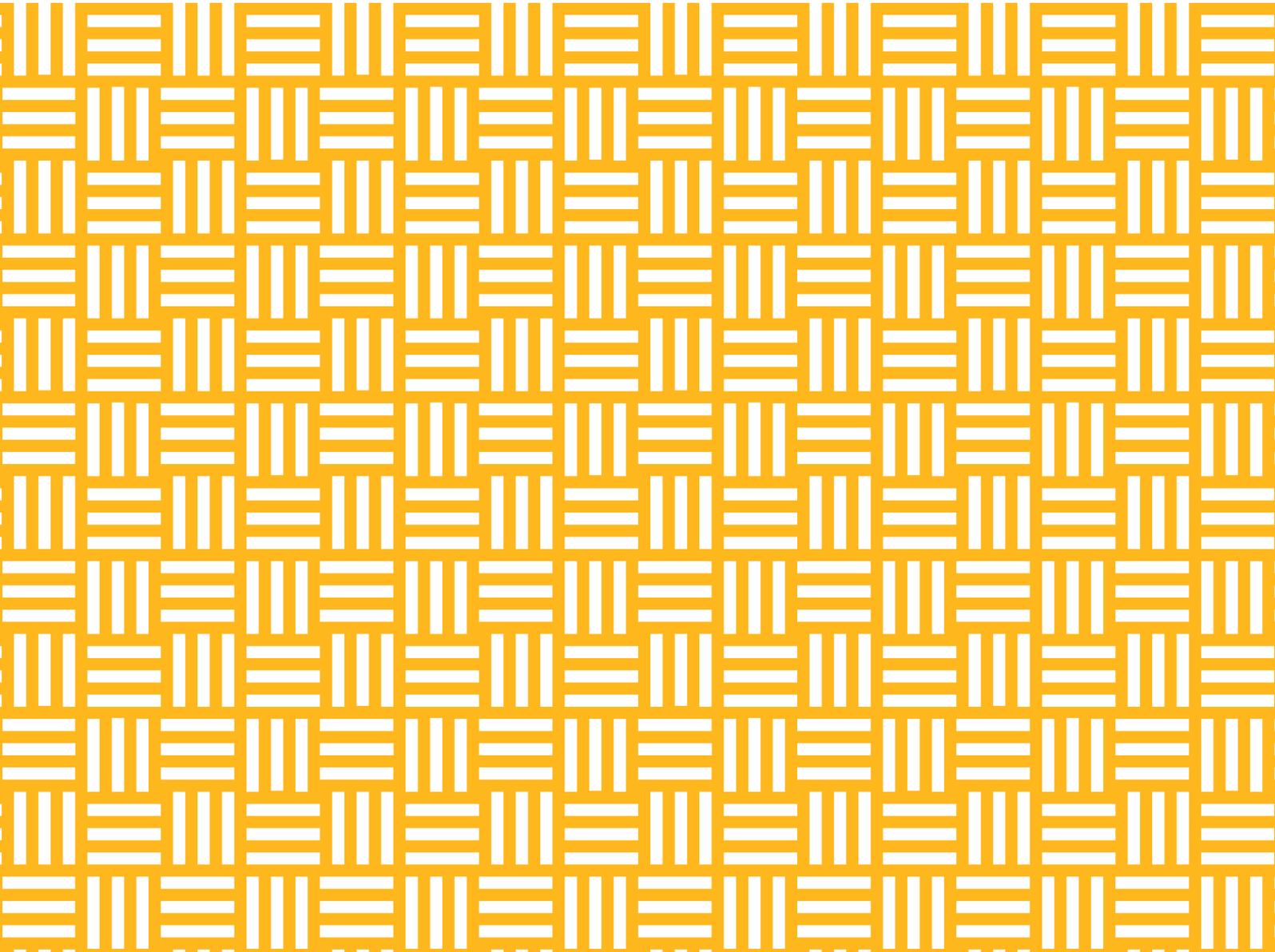




Regionalna platforma Zapadnog Balkana za zastupanje  
slobode medija i bezbjednosti novinara  
Western Balkan's Regional Platform for Advocating  
Media Freedom and Journalists' Safety

# **BOSNIA AND HERZEGOVINA**

## **Indicators on the level of media freedom and journalists' safety 2019**





**BOSNA I  
HERCEGOVINA  
Indicators on the  
level of media  
freedom and  
journalists' safety  
in Bosnia and  
Herzegovina 2019**

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# PROJECT OVERVIEW

Journalists' associations from five Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo and Serbia), with support from the European Commission<sup>1</sup>, joined forces in 2016 to monitor and promote the media freedom and journalists' safety in their respective countries - thus creating the Western Balkans Regional Platform for Advocating Media Freedom and Journalists' Safety.

Based on a common research methodology specifically developed for this purpose, these organisations collect data each year, evaluate recent developments and engage in advocacy activities to change the political, legislative and institutional environment in which journalists and the media work.

The results achieved in the first three-year cycle have shown that journalists' associations in the region can play a decisive role in advocating for greater media freedom. The European Commission has recognised this achievement as a key step towards the comprehensive democratisation of Balkan societies, and decided to continue supporting the Regional Platform in the coming years.<sup>2</sup> This narrative report was produced as part of the fourth regional assessment of the media freedom and journalists' safety in the Western Balkans, conducted in 2019.<sup>3</sup>

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- <sup>1</sup> *The Western Balkans Regional Platform for Advocating Media Freedoms and Journalists' Safety is a project funded by the European Commission, under the 2014-2015 Civil Society Facility and Media Programme.*
  - <sup>2</sup> *The European Commission approved the new three-year Safejournalists.net project by a grant agreement IPA / 2019 / 414-122*
  - <sup>3</sup> *The 2019 Assessment of Media Freedom and Journalists' Safety in the Western Balkans was financially supported by the European Endowment for Democracy (EED).*

# METHODOLOGICAL NOTE

Research methodology<sup>4</sup> consists of three groups of indicators structured on the basis of a systematic analysis of the various guidelines produced by relevant international organisations.<sup>5</sup> Over the past four years, originally developed indicators have been tested and refined to address the specific socio-political context in this region and to reflect the specific needs and interests of journalists in the five countries.

To answer the indicative questions related to each specific indicator, the data were collected and analysed using several different research methods:

- Review of studies, analyses, research reports, analysis with recommendations, strategies and other documents;
- Qualitative analysis of legal documents;
- Collecting and analysing information posted on the websites of public institutions and other organisations and bodies;
- Collecting and analysing press releases, and other information from professional organisations;
- Secondary data collected from journalists' associations;
- In-depth interviews with experts, journalists and policy makers;
- Focus groups with journalists.

At the national level, the journalists' associations appointed researchers to collect data and write narrative reports, which were then reviewed by two national reviewers and a lead researcher.

The three sets of indicators used to assess the media freedom and journalists' safety in the Western Balkans are presented in the table below.

Table of indicators:

A. Legal protection	B. Position of journalists in the newsrooms	C. Journalists' safety
A.1 Legal guarantees for media freedom and their implementation in practice	B.1 Economic restrictions on journalists' work	C.1 Statistics on attacks against journalists and impunity
A.2 The effect of defamation law on journalists	B.2 Independence from media owners and managers	C.2 The behaviour of state institutions and political actors regarding the protection of journalists
A.3 Protection of political pluralism in the media	B.3 Independence of journalists in public service broadcasters	C.3 Efficiency of the justice system with regard to the protection of journalists
A.4 Freedom of work and association of journalists	B.4 Independence of journalists in non-profit sector	
A.5 Protection of journalists' sources	B.5 Freedom of journalists in the process of news production	
A.6 Right to access information	B.6 The position of women in journalism	

<sup>4</sup> The fourth adapted edition of the research methodology was developed by the lead researcher Snezana Tpevska and by Igor Micevski, research fellow of the Research Institute on Social Development RESIS from Skopje, North Macedonia.

<sup>5</sup> The following documents were taken into consideration while developing the specific research approach for the Western Balkan countries: Council of Europe: *Indicators for Media in a Democracy*; UNESCO: *Media Development Indicators (MDI)* and *Journalists' Safety Indicators: National level*; USAID – IREX: *Media Sustainability Index*; Freedom House: *Freedom of the Press Survey*; BBC World Service: *Trust: African Media Development Initiative*; Committee to protect Journalists: *Violence against journalists*; Reporters without Borders: *World Press Freedom Index*.



The constitutional system of Bosnia and Herzegovina includes two Entities - the Federation of BiH, which consists of ten federal units (cantons), and the Republika Srpska, and the Brčko District as an independent administrative unit<sup>1</sup>. A complex political and administrative system, spanning many levels of government and decision-making - from municipal and cantonal, through Entity to State - and the deep national and political divisions that have marked BiH society over the past three decades, are inevitably reflected in the work of the media and journalists/reporters. There have been many complaints about the unequal representation of political entities in the media before and during election campaigns, as well as about the presence of political influences on the media. The European Commission warns that violence, threats and political pressure directed at journalists/reporters are a cause for concern. The existing protection of journalists and investigative and judicial measures concerning the threats and attacks directed at journalists are insufficient. Public broadcasters are under political influence and their financial viability is uncertain.<sup>2</sup>

Although BiH achieved slight economic growth in 2019 compared to the previous year, analysts generally assess the economic situation as unsatisfactory. The unemployment rate, especially among young people, remains very high<sup>3</sup>, and citizens are

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<sup>1</sup> Constitution of Bosnia and Herzegovina

<sup>2</sup> European Commission, *European Commission Opinion on BiH's application for EU membership*, Brussels, 29 May 2019. Accessed on 11 December 2019 [http://dei.gov.ba/dei/direkcija/sektor\\_strategija/Uputnik/misljenje/default.aspx?id=21774&langTag=bs-BA](http://dei.gov.ba/dei/direkcija/sektor_strategija/Uputnik/misljenje/default.aspx?id=21774&langTag=bs-BA)

<sup>3</sup> According to the BiH Statistics Agency (BHAS), the unemployment rate in 2019 was highest among young people aged 15-24, at 33.8%.

looking for a way out of the crisis by leaving the country. From 2013 to 2019, BiH has lost more than half a million people.<sup>4</sup>

The poor economic image of the State is also reflected in the position of journalists, whose salaries are generally lower than the average salaries in the FBiH and RS. In recent years, the problem of professional (non) solidarity among journalists and media owners, which is a direct consequence of the Entity, national and interest divisions of the BiH media market, has become increasingly prominent.

Although BiH is a relatively small market, there is a large number of media outlets. According to the Communications Regulatory Agency (CRA), a total of 43 television and 143 radio stations broadcast by terrestrial broadcasting, three public service broadcasters and 53 broadcasting license holders have been registered. According to the Press Council of BiH, there are 9 daily newspapers, 189 magazines (weekly, monthly or periodical), as well as eight news agencies.<sup>5</sup> Also, there are several on-line portals in BiH (the exact number is unknown), but since there is no legal obligation for them to register and declare ownership, that is, to publicly display the publisher's page, it is very difficult to keep a record of them.

As per the type of ownership and source of income, they are divided into private media with a majority of commercial income, and public media that are primarily financed by public money. The Public Broadcasting Service consists of Radio-Television of Bosnia and Herzegovina (RTVBiH), Radio-Television of the Federation of BiH (RTVFBiH), and Radio-Television of Republika Srpska (RTRS), which are financed through an RTV subscription. In the broadcasting network, there are additional 12 television and 62 broadcasting stations, as well as 7 broadcasters that are licensed for broadcasting through other communication networks - the founders and chief financiers of which are cantonal, city and municipal governments. Two news agencies - FENA and SRNA are funded from the budgets of the Entity governments. Some on-line media operate within NGOs and are predominantly funded by international donor funds.

The BiH Statistics Agency, as well as the Entity statistical institutes, do not have data on the number and structure of journalists in BiH and do not keep separate records of the media. The RS Bureau of Statistics periodically publishes data on the total number and gender of employees on radio and TV stations in its newsletters.<sup>6</sup> There are a large number of media professionals at the employment bureaus, and competition drives down the cost of labour for journalists and other media professionals.<sup>7</sup>

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4 Data from the BiH Statistics Agency and the Union for Sustainable Return and Integration in BiH, accessed on 27 December 2019 [http://bhas.gov.ba/data/Publikacije/Bilteni/2019/LAB\\_00\\_2019\\_Y1\\_0\\_BS.pdf](http://bhas.gov.ba/data/Publikacije/Bilteni/2019/LAB_00_2019_Y1_0_BS.pdf)

5 Data by the Press Council of BiH and the Communications Regulatory Agency, accessed: 18 November 2019 <http://rak.ba/bos/index.php?uid=1273787112> and [http://www.vzs.ba/index.php?option=com\\_content&view=category&id=5&Itemid=8](http://www.vzs.ba/index.php?option=com_content&view=category&id=5&Itemid=8)

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6 Written Responses of the BiH Statistics Agency and the Entities Institutes for Statistics to the queries sent on 23 September 2019.

7 <https://www.media.ba/bs/magazin-novinarstvo/bih-na-birou-vise-od-hiljadu-diplomiranih-novinaru>

### **A1 Legal guarantees for media freedom and their implementation in practice**

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Bosnia and Herzegovina has good media and media activity laws. The European Convention for the Protection of Human Rights and Fundamental Freedoms is an integral part of the Constitution, and takes precedence over other laws.<sup>8</sup> The legal framework is largely in line with EU standards, including the right to access the Internet, but media and legal experts believe that the law is being implemented to the detriment of media freedoms and is often used as a means to exert pressure on journalists/reporters (defamation laws, public service laws and legal acts on the operation of local public radio and TV stations).<sup>9</sup>

The processes of adopting media legislation were generally transparent and involved the participation of professional associations. There is no legislation requiring print and on-line media to be licensed, but the problem is the increasing number of unregistered and non-transparent on-line portals. This is why media organisations in late 2018 submitted to the competent state bodies a draft Law on Transparency of Media Ownership that covers all media and requires on-line portals to at least reg-

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<sup>8</sup> Article II, Paragraph 2 of the BiH Constitution

<sup>9</sup> Bulletin E-novinar, Issue 65, accessed on 13 September 2019 <https://bhnovinari.ba/wp-content/uploads/2019/07/65-IZDANJE-E-NOVINAR-FINAL-FINALA-1.pdf>

ister as legal entities and be transparent. However, a public debate on the draft law has not yet taken place.

As for internet access<sup>10</sup> there are no legal restrictions imposed on citizens or legal entities in BiH, although the authorities have been making such attempts in recent years.<sup>11</sup> During 2019, there were no attempts to remove, block, or filter content on the Internet.

The Electronic Communications Regulatory Agency (CRA) is responsible for the operation of the electronic media. The CRA is often accused of being under the political influence because of the way it elects the leadership, which is nominated and appointed by the Council of Ministers and the BiH PA, upon prior agreements of political leaders. This is the reason why the latest report of the European Commission indicates that "it is necessary to improve the procedure for appointing Council members to the CRA to ensure protection against any political and economic interference."<sup>12</sup>

State institutions and public enterprises allocate money to the media on several grounds - through subsidies, grants, capital transfers for equipment, and commercial contracts. It is estimated that government institutions and the public sector in BiH spend at least BAM 30 million annually based on commercial contracts with the media.<sup>13</sup> The allocation criteria for these funds are nowhere defined<sup>14</sup>, nor are transparent and publicly available data on the amounts allocated to the media from public budgets.<sup>15</sup>

Media subsidies do not exist in BiH, although the professional media and journalists' community have for years advocated the creation of a Fund for Media Pluralism and Production of Content of Importance to the Public.

Law on the Protection of the Rights of National Minorities of BiH requires public media i.e., the publicly funded media to produce content in minority languages at least once a week<sup>16</sup>. There is no specific funding mechanism for programmes targeting national minorities. In the last three years, there has been a noticeable effort on the part of public service broadcasters to be more representative of national minorities within their programme content, but still, none of the six public service broadcasters broadcast such programs.<sup>17</sup> There are several NGOs in BiH that have news portals with content in minority languages.<sup>18</sup>

The laws guarantee the institutional autonomy and editorial independence of the three public service broadcasters, but the problem is the political influence on their work in practice, especially through boards, managers, and editors-in-chief. There are concerning trends of censorship and self-censorship.<sup>19</sup> Members of state and entity parliaments have control over the appointment and dismissal of managers and board members.

Political control and abuse of local public service broadcasters for political purposes have recently been pronounced, as authorities in cantons/cities have full control over the appointments of board members and management in these media.<sup>20</sup> Supervisory bodies do not represent society as a whole.

The appointment of Kristina Ljevak as acting director of Television Sarajevo in June 2019 provoked an extremely fierce reaction. She was nominated for this position by one of the ruling parties in Sarajevo Canton. Following her appointment, part of the media and the public sympathetic to the former Canton government tried to discredit Ljevak in every way possible, through the spread of hate speech and unprecedented social media chase.

10 According to 2018 data of CRA, nearly 3.2 million BiH citizens are Internet users, more precisely 3,995,294 people

11 In early 2015, the RS government proposed that the Internet be treated as a "public place" and as such subject to the provisions of the RS Law on Public Order and Peace. After fierce reactions from the public and the opposition, this proposal was withdrawn.

12 European Commission, European Commission Opinion on BiH's application for EU membership, Brussels, 29 May 2019. Accessed on 11 December 2019

13 Media.ba, "Institucije u BiH finansiraju medije sa desetinama miliona maraka godišnje", 17.08.2016. Accessed on 18 September 2019

14 Konzorcij projekta „Mediji i javni ugled“, koji je finansirala EU u BiH, pripremio je posebne Procedure za finansiranje medija javnim novcem. Procedure su u decembru 2018. predate nadležnim državnim i entitetskim institucijama na usvajanje. Accessed on 13 September 2019 <https://bhnovinari.ba/bs/2018/12/17/u-sarajevu-predstavljani-nacrti-zakona-o-transparentnosti-medjiskog-vlasnistva-i-oglasavanja/>

15 Nedim Pobrić, „Transparentnost vlasništva nad medijima u BiH: Nepostojanje zakona kao prostor za zloupotrebe“, Sarajevo, 25.09. 2019. Accessed on 03 October 2019 <https://bhnovinari.ba/bs/2019/09/25/transparentnost-vlasnistva-nad-medijima-u-bih-nepostojanje-zakona-kaoo-prostor-za-zloupotrebe/>

16 Law on Protection of the Rights of National Minorities in BiH, Articles 15 and 16

17 Zamisli.ba, „Dvije nove emisije o nacionalnim manjinama u BiH na javnim servisima nakon izbora“, 24.09.2018. Accessed on 18 September 2019 <http://zamisli.ba/dvije-nove-emisije-o-nacionalnim-manjinama-u-bih-na-javnim-servisima-nakon-izbora/>

18 One of these media is a Roma portal "Udar" launched by the NGO Media Initiatives from Sarajevo, <http://www.portal-udor.net/>

19 European Commission Opinion on BiH's application for EU membership

20 BH novinari zahtijevali su u više navrata da se zaustave politički pritisci na lokalne TV stanice: <https://bhnovinari.ba/bs/2019/07/23/bh-novinari-hitno-zaustavite-politicke-pritiske-na-rtv-zenica/>, <https://www.oslobodjenje.ba/vijesti/bih/bh-novinari-traze-da-prestane-politicki-pritisak-na-rtv-usk-373706>

## A2 The effect of defamation laws on journalists

Defamation in BiH has been decriminalised and regulated by Entity-level defamation laws and the Defamation Law of the Brčko District. Legal experts believe<sup>21</sup> that laws should be improved, especially to introduce a greater degree of tolerance when it comes to public figures, in line with the case-law of the European Court of Human Rights. In August 2019, a BiH Parliamentary Assembly Member, Damir Arnaut<sup>22</sup> filed an initiative seeking to incorporate stricter standards of admissibility, tolerance, and evidence in defamation laws when lawsuits are filed by politicians and other public figures.

The Press Helpline<sup>23</sup> has data on 289 pending defamation lawsuits against journalists and the media over the past five years, of which 21 were filed in the last 12 months. In reality, this number is perhaps higher but the judiciary does not keep separate statistics on the lawsuits and court cases against journalists<sup>24</sup>. Therefore, the exact number of lawsuits filed by state officials against the media is not known. According to the register of the Press Helpline, the majority of lawsuits against journalists and the media have been filed by politicians, followed by directors of public enterprises and institutions, and lately, there is a growing number of holders of judicial functions filing such claims.<sup>25</sup>

Monitoring carried out by the Press Helpline has shown that judges in smaller cities and municipal courts tend to be more biased in favour of the parties. However, the same monitoring has shown that judges are now more acquainted with the rights of journalists as a group of professionals engaged in specific work compared to those of “ordinary” citizens. Most courts take into account the publishing of retraction, apologies, and corrections made by the media.<sup>26</sup> Due to the lack of a single database, so far no comprehensive review of court judgements against media or compatibili-

ty of the case law with that of the Strasbourg Court has been made, except for a few expert analyses of existing laws and individual cases<sup>27</sup>.

Defamation lawsuits are considered by the media community as political and financial pressures on the media to stop them from reporting critically on issues of public interest and to consume the right to freedom of expression without political restrictions. The prevailing view among journalists is that lawsuits brought against them by politicians or representatives of the judiciary are “lost battles” for journalists as judges are more inclined towards plaintiffs.<sup>28</sup> On the other hand, an increasing problem is the (ir)responsibility of editors and journalists to the information they publish. The constant race to be the first to publish information often leads to the publication of unverified and untrue allegations that are not factually substantiated, which then lead to lawsuits filed by those who were “named”.<sup>29</sup>

## A3 Protection of political pluralism in the media

Respect for the pluralism of information and the diversity of political, religious, and other ideas is an integral part of the Entity laws on public service broadcasting. The BiH Communications Law states that the broadcasting regulatory principles include the protection of freedom of expression and diversity of opinion “by respecting generally accepted standards of conduct, non-discrimination, fairness, accuracy and impartiality”<sup>30</sup>

It follows that the Communications Regulatory Agency (CRA) is required to monitor the compliance with the political pluralism principle in broadcast media throughout the year, regardless of elections. However, the CRA does so only during the election campaign or upon decisions on the monitoring of individual media.<sup>31</sup>

21 Biljana Radulovic, Legal Expert and Attorney at the Press Helpline, Interviewed by Maja Radevic, 12 November 2019.

22 Radiosarajevo.ba, „Arnaut uputio inicijativu: Političarima otežati proces tužbe novinara za klevetu“, 21.08.2019. Accessed on 23 September 2019 <https://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/arnaut-uputio-inicijativu-politicarima-otezati-proces-tuzbe-novinar-a-za-klevetu/348315>

23 The Press Helpline is a special service of the BH Journalists Association that provides legal and professional assistance to media professionals in BiH.

24 According to information available to BH Journalists Association, the High Judicial and Prosecutorial Council of BiH has requested judges and prosecutors across the country to specifically label cases against journalists and the media so that they can be identified and recorded as such in the case management system (CMS), and later used to produce relevant databases.

25 Una Telegrafić, coordinator of the Press Helpline, interviewed by Maja Radevic

26 Una Telegrafić, coordinator of the Press Helpline, interviewed by Maja Radevic

27 Mehmed Halilović, „Tužbe za klevetu protiv novinara - sredstvo pritiska na medije“, Accessed on 14 September 2019 [http://safejournalists.net/wp-content/uploads/2018/01/MH\\_BOS.pdf?fbclid=IwAR2dHMYQY6olacjKX83kF6U0S\\_FC9cFvTE03tybXF\\_LnLcd0wO1kbwqJpifMA](http://safejournalists.net/wp-content/uploads/2018/01/MH_BOS.pdf?fbclid=IwAR2dHMYQY6olacjKX83kF6U0S_FC9cFvTE03tybXF_LnLcd0wO1kbwqJpifMA)

28 Zinaida Đelliović, „Odnos između pravosuđa i medija u BiH“, Sarajevo, 15.07.2019. Accessed on 04 October 2019 <https://bhnovinari.ba/wp-content/uploads/2019/07/Odnos-izmedju-pravosudja-i-medija-u-BiH-1.pdf>

29 Lejla Turčić, interviewed by Maja Radevic, 15 September 2019

30 BiH Communications Law, Article 4

31 Klix.ba, „RAK analizirao dnevnik javnih emitera u BiH, žestoke kritike na račun RTRS-a zbog pristrasnosti“, 30.10.2017. Accessed on 19 September 2019 <https://www.klix.ba/vijesti/bih/rak-analizirao-dnevnik-javnih-emitera-u-bih-zestoke-kritike-na-racun-rtrs-a-zbog-pristrasnosti/171030113>

In the 2018 election year, the CRA in 51 cases imposed measures on the grounds of a violation of the relevant provisions of the applicable rules and codes of the Agency, the Law on Communications, the BiH Election Law, and the Rulebook on Media Coverage of Political Entities from the day elections are announced until the Election Day. Out of the total number of fines imposed, in 17 cases fines of BAM 181,500 (cumulative) were imposed, as well as 19 written and 3 verbal warnings, 3 license suspensions and 9 license revocations (Source: 2018 CRA Annual Report).

The activity of public and private media during the election campaign is regulated in Article 16 of BiH Election Law.<sup>32</sup> The media rules in this Law mostly refer to electronic media, the press is mentioned only in two places, while on-line media are not covered at all.<sup>33</sup> Due to non-compliance with the rules of equal and fair representation of all political subjects in the media, it is possible to sanction only radio and TV stations, but not other media. Adherence to professional standards in print and on-line media is monitored by the Press Council and On-line Media in BiH, which is a self-regulatory body.

NGO monitoring shows that certain media and public service broadcasters are more inclined to favour certain political parties and candidates than others, and that they do not respect legal obligations and regulatory rules.<sup>34</sup> During the 2018 General Election campaign, some unacceptable rule violations were observed, especially public service broadcasters, prompting several politicians to publicly react and file bias complaints to the regulator.

Some public service broadcasters promoted certain political candidates before the official start of the election campaign on September 7, 2018, as was the case with Radio-Television of Republika Srpska (RTRS), which twice hosted the then RS president and candidate for the BiH Presidency Member, Milorad Dodik. Following these guest appearances, Mladen Ivanić, then-BiH Presidency member sent a letter to RTRS

editor, asking when he would get a time-slot in the RTRS programme.

On 27 September 2018, Mirsad Hadžikadić, independent candidate for Bosniak member of BiH Presidency, left the debate broadcast on the public service of the Federal Television (FTV) in protest, claiming that FTV and Radio FBiH make editorial decisions “which are not neutral and therefore not in the public interest”.

Also, there was a tendency among politicians themselves to choose in which media they would present their electoral program, thus sending a message to the public about the media whose content they approve or disapprove of, who, in their opinion, are “unwanted” and unfair in their reporting.<sup>35</sup>

#### A4 Freedom of work and association of journalists

Journalists in Bosnia and Herzegovina are not required to have state licenses and no attempts have been made to introduce such licenses so far. In many cases, employers in the media do not require a university degree as a condition for journalists.

In 2019, there were several cases of denial or restriction on the right of journalists to report. Deutsche Welle journalist, Ajdin Kamber has been removed from the HQ of the Una-Sana Canton (USK) Government building, despite presenting a journalist accreditation at the request of a police officer.<sup>36</sup> Journalists who covered “Justice for David” rallies in Banja Luka, and migrant crisis in the USK, complained about police too frequently checking their accreditations and thus hindering their work. The Nova TV cameraman and a Klix.ba reporter were expelled from the polling station in Mostar, where they covered the presidential election in Croatia. They were told that they could shoot “only in the corridors”, but not at the polling station.<sup>37</sup>

Freedom to work and industrial action (unions) in the media industry is defined by existing Entity labour laws

32 Izbora.ba, Izborni zakon Bosne i Hercegovine. Accessed on 18 September 2019 <http://www.izbori.ba/Documents/documents/ZAKONI/POIzpw110508.pdf>

33 In September 2019, the Central Election Commission (CEC), in cooperation with the CRS, the Press Council and BH Journalists, launched a process of consultations on changes to the BiH Election Law to regulate hate speech and other areas of traditional and new media

34 The results of the 2018 election campaign media coverage monitoring (jointly conducted by the BH Journalists Association and the Coalition “Pod Lupom” (Under the Magnifier)) showed that a significant number of media have based their reporting on the principles of fair and balanced journalism, however, some media did show either positive or negative bias towards some political entities. When it comes to public service broadcasting, the examples of bias were most commonly reported on RTRS.

35 Analiziraj.ba, „Svi su kandidati jednaki, samo su neki jednakiji”, 24.09.2018. Accessed on 26 September 2019 <https://analiziraj.ba/2018/09/24/svi-su-kandidati-jednaki-samo-su-neki-jednakiji/>

36 Deutsche Welle, „Premijer lično izveo novinara DW-a iz zgrade Vlade USK”, 06.11.2019. Accessed on 23 November 2019 <https://www.dw.com/bs/premijer-li%C4%8Dno-izveo-novinar-dw-a-iz-zgrade-vlade-usk/a-51125442>

37 Klix.ba, „Pogledajte kako su reporter Klix.ba i kameraman Nove TV izbačeni s biračkog mjesta u Mostaru”, 22.12.2019. Accessed on 24 December 2019 <https://www.klix.ba/vijesti/bih/pogledajte-kako-su-reporter-klix-ba-i-kameraman-nove-tv-izbaceni-s-birackog-mjesta-u-mostaru/191222014>

and several other laws<sup>38</sup>. Unions and industrial action in the media industry are divided across Entity lines and Brčko district. Public service unions are the largest in number, and their leaders claim not to have suffered employer pressure.<sup>39</sup> The Press Helpline received reports on pressures exerted on unions and staff councils in several local public media outlets (RTV Zenica, RTVUSK and TVSA) by ruling political parties in these areas.

There are no accurate figures on the number of journalists who are part of media unions. The best organised unions are those in public service broadcasters and the worst in private media. According to estimates, unions exist in only about 16% of private media.<sup>40</sup>

The BHRT Independent Workers Union has 500 members, 70% of whom participate in the programme production.<sup>41</sup> BHRT has been having two separate unions for years. They have poor cooperation and often differing opinions on labour disputes. The RS Media and Graphic Artists Union has some 800 members.<sup>42</sup>

The protection of journalists' labour rights is largely provided by journalists' associations, most notably the BH Journalists' Association, which, through its Press Helpline, has been providing free legal assistance in labour disputes for two decades. In addition to BH Journalists, there are also BiH Journalists' Society, the RS Association of Journalists and the Society of Croatian Journalists in BiH, which operate outside the local framework. It is estimated that about 50% of BiH journalists are members of one of these journalists' associations. BH Journalists Association has been suffering political pressures, verbal attacks (especially through social networks) and threats of lawsuits over publicly expressed views and reactions in cases of violations of journalists' rights and media freedoms.<sup>43</sup>

Political and regional divisions in BiH are deeply reflected in the journalist solidarity and the possibility of forming a single media union that would bring together journalists from across the country. Most journalists and editors agree that there is a strong need to form a

state-level journalist union<sup>44</sup>, while current union leaders believe that the representativeness of that union and its impact would be questionable since the labour legislation in BiH exists at the Entity, not the State level.<sup>45</sup>

In December 2018, then BiH Presidency Chairman, Milorad Dodik organised a press conference at the RS Government Administration Centre in East Sarajevo. Ahead of the start of the press conference, Dodik demanded that the journalists/ reporters be divided into two groups. His protocol said that journalists/reporters could join any group they wanted. However, Dodik first addressed a group of media from the RS and then journalists from the FBiH. (<https://www.klix.ba/vijesti/bih/dodikov-protokol-podijelio-novinare-prvo-press-za-medije-iz-rs-a-a-onda-za-sedmu-silu-iz-fbih/181211098>)

The BiH Press and On-line Media Council is a self-regulatory body, the governing bodies of which bring together representatives of the media industry, the public and journalists. Under the BiH Press and On-line Media Code, the Council decides the complaints made by the public against the non-professional writing of print and on-line media, but these decisions are not binding on the media.

## A5 Protection of journalists' sources

Bosnia and Herzegovina has good legislation on the protection of journalists' sources. Several laws define this area: defamation laws of the Federation of BiH, the Republika Srpska, and the Brčko District of BiH. However, BiH regulations do not foresee a situation or sanction for a journalist or a third party who violates the confidentiality of an information source.<sup>46</sup>

The protection of source identity is also highlighted in the codes of the Communications Regulatory Agency (CRA) and the Press and On-line Media Council of BiH, while Entity and State-level Criminal Procedure Codes stipulate that a journalist cannot be heard as a criminal witness for the purpose of protecting the information source.

38 *BiH criminal legislation, laws on strike, laws on public order and peace, defamation laws, anti-discrimination laws, etc.*

39 Damir Smital, President of SSR BHRT, interviewed Maja Radević, 26 September 2019. Nikola Šobat, president of the RS Media and Graphic Artists Union, interviewed by Maja Radević, 27 September 2019

40 RTRS, „Kakav je položaj novinara privatnih medija u Brčko Distriktu”, 13.05.2018. Accessed on 13 November 2019 <https://lat.rtrs.tv/vijesti/vijest.php?id=297936>

41 Damir Smital, interviewed by Maja Radević, 26 September 2019

42 Nikola Šobat, interviewed by Maja Radević, 27 September 2019

43 Borka Rudić, Secretary-General of the BH Journalists Association, interviewed by Maja Radević, 05 October 2019

44 *Megafon.ba*, „Šta kažu novinari: Je li vrijeme za jedinstven novinarski sindikat?“, 23.12.2017. Accessed on 12 November 2019 <https://megafon.ba/sta-kazu-novinari-je-li-vrijeme-za-jedinstven-novinarski-sindikatu/>

45 Nikola Šobat and Damir Smital, interviewed by Maja Radević

46 Sena Bajraktarević, Nihada Jeleč: „Zaštita povjerljivosti novinarskih izvora“, 27.12.2013. Accessed on 04 November 2019 <https://www.parlament.ba/Publication/Read/3945?title=zastita-povjerljivosti-novinarskih-izvora-&pageId=0>

Despite these legal provisions, journalists in BiH are often asked to disclose sources of information, especially when writing about corruption affairs in their articles and stories. It is indicative that pressures on journalists to disclose their sources in the past year have come mainly from judicial institutions.<sup>47</sup> Such was the case with the journalists of the on-line magazine Žurnal, who were interviewed at the Prosecutor's Office of BiH for their articles.<sup>48</sup>

Following these cases, the BH Journalists' Association has publicly warned that such treatment of Žurnal's journalists by the BiH Prosecutor's Office constitutes a violation of Article 82 of the Criminal Procedure Code of Bosnia and Herzegovina, according to which a journalist cannot be heard as a criminal witness for the purpose of protecting the information source "unless he or she was released from that duty by a special regulation or statement of the person who benefits from the secret being kept".

There were no formal requests from institutions and court orders for journalists to disclose sources of information. Journalists claim they freely access their sources of information and protect their confidentiality, regardless of any pressures or legal sanctions they may face.<sup>49</sup>

## A6 Right to access to information

State and Entity laws on freedom of access to information guarantee the exercise of this right to all BiH citizens, including journalists.<sup>50</sup> The exception is information that is deemed to be harmful to the security of the state or compromise the right to protect personal and confidential commercial information.

Nevertheless, BiH is among the countries with the lowest degree of transparency and openness of institutions towards citizens in the region.<sup>51</sup> A significant number of institutions and public companies do not comply with the provisions of the FOIA, and they either breach the statutory deadline for replies or misinterpret the provisions or simply deny access to information. Journalists' access to information is still at a very low level, and in most BiH institutions there is no developed awareness of their obligation in this regard towards both journalists and the public. Journalists argue that the frequent denial of access to information is also a form of pressure to "stifle" investigative journalism.<sup>52</sup>

The results of 2019 BiH Transparency International Survey show that only 51.77% of the total number of public enterprises surveyed submitted responses to requests for access to the information within the statutory deadline: 51.85% of enterprises in Republika Srpska and 50% in the Federation of BiH, while all State-level enterprises responded within the legal deadline. The most common reasons for denying access to public information are "the volume of documentation, lack of obligation of public authorities to create new information, the invocation of privacy and the Law on Personal Data Protection."<sup>53</sup>

Journalists and editors agree that the current law is too inefficient and slow for "fast" journalism, which is why by the time a public institution responds to a journalist's request, the public is no longer interested in the topic for which the information was needed. Under media pressure, the requested institutions often respond with announcements or provide information on anything but the information requested or they provide some irrelevant information.<sup>54</sup>

The BiH Prosecutor's Office is an example of a non-transparent institution. The spokesperson of this institution, Boris Grubešić, has been targeted by many journalists/reporters and editors who have been sending them press releases for months, which, according to the general assessment, were completely irrelevant to the media. In response to press inquiries about any case, Grubešić almost always provides the same answer: "No comment".

47 NI BiH, „Savjet Gordane Tadić novinarka: Dokaze donesite prvo u Tužilaštvo“, 19.04.2019. Accessed on 04 October 2019 <http://ba.n1info.com/Vijesti/a339198/Savjeti-Gordane-Tadic-novinarima.html>

48 Al Jazeera Balkans, „Novinar Žurnala saslušan u Tužilaštvu BiH u 'slučaju selefije'“, 25.03.2019. Žurnal.info, „Državno tužilaštvo isljedivalo novinarku Žurnala zbog slučaja diploma“, 08.03.2019. BH novinari, 22.4.2019. <https://bhnovinari.ba/bs/2019/04/22/uo-bhn-ostre-osude-nedozvoljenog-mijesanja-tuzilastva-bih-u-rad-novinaru-i-medija/>; BH novinari, 19.6.2019. <https://bhnovinari.ba/bs/2019/06/19/uo-bhn-reakcija-na-saopcenje-tuzilastva-bih/> Accessed on 18 November 2019

49 Arijana Saračević-Helać, Andriana Pisarević, Fuad Kovačević, Leila Kurbegović, interviewed by Maja Radević, September 2019

50 The laws explicitly state that "every natural and legal person has the right to access information that is under the control of a public body, and every public body is required to disclose such information."

51 Vedrana Faladžić, PARCO Office, interviewed by Maja Radević, 03 October 2019

52 Merima Himjica, Centre for Investigative Journalism, interviewed by Maja Radević, 28 September 2019

53 Damjan Ožegović, project researcher, Transparency Internationala in BiH, interviewed by Maja Radević, 28 September 2019

54 Arijana Saračević-Helać, Andriana Pisarević, Fuad Kovačević, interviewed by Maja Radević, September 2019

Media coverage of court proceedings depends on the decision of the judges in individual cases. At the State level, no indictments can be obtained, and only 10-minute long audio and video recordings of the trial are shared with the media. Access to information is hampered by unlawful acts by public institutions against journalists, which include frequent checking of credentials and unnecessary identification checks of journalists.<sup>55</sup> Another obstacle is that some BiH institutions require that requests for access to information be submitted by fax or conventionally, via post rather than e-mail, which further slows down the whole process.

Journalists reporting from sessions of the FBiH Parliament for years face administrative obstacles every time they wish to attend a session of one of the chambers or to approach Parliament at a time when there are no sessions.<sup>56</sup> At the same time, journalists who monitor the work of the State Parliament cannot access the press room in the BiH Parliamentary Assembly on days when there are no sessions.<sup>57</sup>

It is a general assessment of journalists that governments and ministries at all levels are not sufficiently open to the media, although there are some positive examples. Also, the cooperation of journalists and spokespersons with the media is not always effective in practice, as the spokespersons are often in service of ministers, directors or presidents of the institutions in which they work, rather than in the service of the public.<sup>58</sup>

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55 Merima Hrnjica, Centre for Investigative Journalism, interviewed by Maja Radević, 28 September 2019

56 Faktor.ba, „Kad Parlament FBiH glumi gospodu šalterušu: Novinar, gdje si poš'o? Fali ti papir!“, 16.05.2019. Accessed on 23 October 2019 <https://faktor.ba/vijest/kad-parlament-fbih-glumi-gospodu-salterusu-novinar-gdje-si-poso-fali-ti-papir/36427>

57 Glas Srpske, „Armat traži nesmetan pristup novinara zgradi Parlamenta“, 10.10.2019. Accessed on 23/10/2019 [https://www.glassrpske.com/lat/novosti/vijesti\\_dana/armat-trazi-nesmetan-pristup-novinar-a-zgradi-parlamenta/294549](https://www.glassrpske.com/lat/novosti/vijesti_dana/armat-trazi-nesmetan-pristup-novinar-a-zgradi-parlamenta/294549)

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58 Nataša Kršman, „Portparol – državni službenik, novinar i urednik“, 04.09.2019. Accessed on 24/10/2019 <https://bhnovinari.ba/bs/2019/09/04/portparol-drzavni-službenik-novinar-i-urednik/>

# B

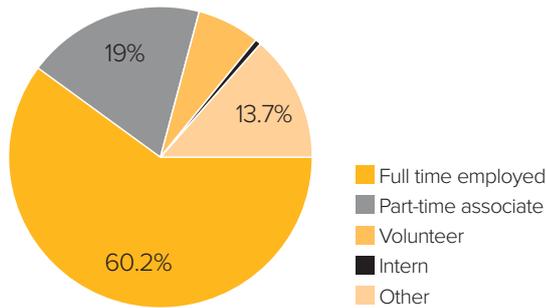
## Journalists' position in the newsrooms

### **B1 Economic restrictions on journalists' work**

The continuous decline in revenues that many media in BiH have faced in recent years inevitably reflects on the economic position of journalists and the conditions in which they work. Unfavourable employment contracts and various forms of labour rights violations are a frequent topic of informal discussions among journalists.

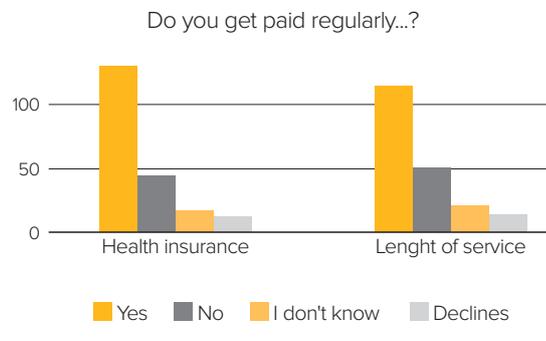
According to a survey conducted by the BH Journalists Association with more than 300 journalists from public and private media from all over Bosnia and Herzegovina, 60.2% of journalists have full-time contracts and 19% are hired on service contracts.

What is your working status in the media you work for?



The average net salary of a journalist in BiH is BAM 880 (around EUR 440). For comparison, the average monthly net earnings per employee in BiH in May 2019 was BAM 926.<sup>59</sup> The amount of salary often depends on the ownership structure of individual media. Journalists working in public service broadcasters are generally better paid and have better working conditions than those working in privately-owned media.

Overtime is not paid (a common belief is that this type of work is “normal” for a journalist), and journalists often complain that they are not paid travel allowances. Many media outlets make irregular payments for health and retirement benefits.



New forms of employment, such as signing short-term service contracts with employers (usually for a period of three to six months, and in some public services even for one month), the constant increase of work volume and work for several media platforms simultaneously (newspaper, web, TV), and the increasing merger of journalists' and technical activities, put additional strain on journalists. The provisions of col-

lective agreements are often violated and collective agreements are unilaterally terminated.<sup>60</sup>

Between 2016 and 2019, the Press Helpline recorded 23 cases of violations of journalists' labour rights. Of that number, five cases have been tried in court. Among the most common violations of labour rights are breaches of employment contract provisions, unlawful dismissal of journalists and demotion to “lower” positions, dismissals, and threats of dismissal if they do not work as required by editors or media owners. There have also been cases of violations of journalists' rights through irregular recruitment procedures.<sup>61</sup>

There are still very few applications for mobbing. Most often, journalists exposed to mobbing do not report this because of fear of dismissal and mistrust of judicial institutions, but also because of negative reactions of colleagues towards whistle-blowers.

## B2 Independence from media owners and managers

According to the survey, 82.9% of journalists indicated that the media for which they work have a clear and precise organisational structure. When asked if there is a clearly defined relationship between journalists and editors in the media in which they work, 83.2% of the respondents said “yes” and 13 answered “no”.

In most private media, newsrooms are physically separated from management and marketing departments, but given the lack of internal rules, this means that there are no formal guarantees of journalists' and editorial independence from management and media owners. An exception is media companies that are part of larger regional networks, such as N1 and *Al Jazeera*, where such rules exist.<sup>62</sup> Private media, as well as public service broadcasters, are subject to codes of ethics, but the degree of compliance with these rules varies from media to media.

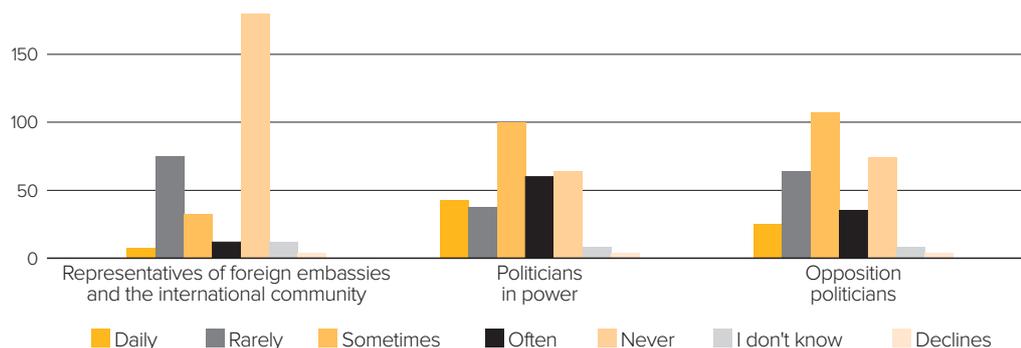
<sup>59</sup> Data downloaded from the website *Plata.ba*, accessed on 04 October 2019

<sup>60</sup> Daniela Jurčić, „Sigurnost novinara u BiH – Nužnost efikasnije institucionalne i društvene zaštite, 03.2018. Accessed on 07 October 2019 <http://safejournalists.net/wp-content/uploads/2018/03/Daniela-Jurcic-BHS.pdf>

<sup>61</sup> *Una Telegraf*ić, interviewed by Maja Radević, 27 September 2019.

<sup>62</sup> Rea Adilagić, “Indicators of the Media Freedoms and Security of Journalists in BiH”, 2018.

In your daily work, how much do you, as a journalist, face the pressures by...?



Political influence continues to be one of the main forms of pressure on the media, and in recent years the term “regime media” has been increasingly in the public space. Most media in BiH are influenced by either a political party or individuals within different political parties who misuse their positions in government institutions, or the budgetary resources at their disposal to finance the media to create their own positive image or degrading competition. The owners and members of the governing boards of the media are mainly in the service of various political centres of power and require journalists to act in accordance with the demands of political masters.<sup>63</sup>

Economic pressures on the media in BiH are largely politically motivated. The private media are most exposed to such pressures, when government institutions, enterprises, and political parties select the media for their advertising. Public enterprises under the control of political parties often deny advertisements opportunities to particular media whose content they dislike.<sup>64</sup>

An example of how politics can lead to a demise of private media and those who in the public eye have a reputation of independent, uncompromising editors and journalists is the fate of the Sarajevo-based weekly *Slobodna Bosna*, the last issue of which was printed in December 2015.

“We did not have enough audience and marketing support, and the biggest funders are always State-owned public enterprises, or “party press”, so there is no enough room there”, says Senad Avdić, editor-in-chief of *Slobodna Bosna*, which exists today in the form of a web portal.

### B3 Independence of the journalists in the public broadcasters

Several laws provide that any function in a political party is incompatible with the appointment of public bodies to the governing structures.<sup>65</sup> The rules of the Communications Regulatory Agency (CRA) stipulate that editors and directors of public broadcasters must not hold office within a political party or organisation affiliated with a political party and, upon their appointment, are required to submit a statement to the CRA confirming this.<sup>66</sup> Although the rules are in place, the CRA does not monitor appointments in the public media.

The Law on the Public Broadcasting System of BiH, as well as Entity laws, which are harmonised with the State-level law, stipulate that “public broadcasting services are independent in performing their activities, have editorial independence and institutional autonomy”.<sup>67</sup> Except these laws, there are no specific internal rules and documents that would guarantee the independence of newsrooms from the management of public services.

Public services have their own internal codes, but their content is often unknown to the employees themselves, so they are not even implemented in practice, and promotion regulations are not publicly available. In a survey conducted by BH journalists, when asked about “the prescribed criteria for career advancement” in the media outlet where they work, the employees of public service

63 Anonymous, interviewed by Maja Radević, 12 October 2019.

64 Radenko Udovičić, “Druga strana medija”, *Bulletin E-novinar*, Issue 46, Accessed on 11 October 2019 <http://bhnovinari.ba/wp-content/uploads/2017/09/46enovinar.pdf>

65 Law on Ministerial, Governmental and Other Appointments (FBiH and RS), Law on Conflict of Interests in Government Institutions (BiH, FBiH, RS), Law on Public Enterprises (FBiH, RS, BD). This provision is also included in the statutes of certain local public media

66 Communications Regulatory Agency, Rule 76/2015, Article 31, and Rule 77/2015, Article 32.

67 Law on Public Broadcasting System of Bosnia and Herzegovina, Article 4

broadcasters responded that these are “ethnicity and aptitude” and “closeness to the leadership”, or that they did not know, or that such parameters do not exist.

The prevailing opinion within the professional community, as well as in much of the public, is that Bosnia and Herzegovina’s Radio Television (BHRT) and Entity Public Broadcasters of Republika Srpska (RTRS) and Federal Television (FTV) are under the direct and agreed political control of the ruling parties at higher levels, while local public media are controlled by local authorities.<sup>68</sup>

Economic pressures are the most common form through which political structures control the work of local public media. Up to 93% of the funding for local public services is received directly through municipal, city and cantonal budgets, and the absence of clear media financing criteria leaves room for arbitrariness and abuse in making money allocation decisions, as well as for political conditioning. The public local media in BiH do not publish financial documents on their websites or otherwise, even though are required to do so under the Entity laws on public enterprises.<sup>69</sup>

The system for collecting RTV subscription has not been adequately resolved for years - in the past ten years, contracts have been signed with public enterprises to collect RTV subscription fees (for a while through telephone or electricity bills), which is also a kind of economic pressure and uncertainty for the survival of the public service system. RTV fee collection systems differ by Entity, which is contrary to the Law on the Public Broadcasting System of BiH. BHRT and RTV FBiH have signed an agreement with Elektroprivreda BiH to collect RTV fees through electricity bills, but citizens, when paying the bill, have the opportunity to subtract the amount of RTV fee and pay only electricity.<sup>70</sup> In Republika Srpska, the citizens can pay RTV fee in post offices, without commission.<sup>71</sup>

Also, too much discretionary power regarding appointments enables political parties to appoint to positions of directors and editors the persons loyal to their political party and their interests.<sup>72</sup>

The impact of politics on public services is best illustrated by the example of Sarajevo Television (TVSA). Sarajevo Canton Prime Minister Edin Forto described his experience with a reporter on this TV station who asked him before taking a statement: “What do you want me to ask you?” (Source: Analiziraj.ba, „Ima li korupcije na TVSA: Medij koji potpuno kontrolira politika“ <https://analiziraj.ba/2019/05/28/ima-li-korupcije-na-tvsa-1-medij-koji-potpuno-kontrolira-politika/>)

#### B4 Independence of the journalists in the non-profit sector

Media that manage to resist political domination in BiH are mostly financed with money from international organizations, various grants, or their ownership structure is unrelated to Bosnia and Herzegovina and the political and social environment here. Some non-profit media have their own internal codes that insist on independence and respect for professional standards. Examples are the on-line media Žurnal, the Centre for Investigative Reporting (CIN) and BIRN, which are considered “independent” media and publish investigative stories that generally evoke the greatest public interest.

It is precisely this public perception that makes the journalists and editors of these media exposed to many pressures in recent years, mainly by political structures, but increasingly by representatives of judicial institutions. The politicians they write about tend to connect them with their opponents and try to discredit their sources of information.

Pressures coming from judicial institutions have taken much more serious form in the past year. In several cases, journalists have been asked to disclose their sources during a hearing at the BiH Prosecutor’s Office, where they have been interrogated after they published stories about several major affairs.<sup>73</sup>

The President of the High Judicial and Prosecutorial Council (HJPC) of BiH, Milan Tegeltija, published his own text stating, among other things, that “most of these ‘free and independent’ media in BiH (with some exceptions) have once been a means of war propaganda, and now they become means of cold-war propaganda in BiH.”<sup>74</sup> Vice-president of HJPC, Ružica Jukić posted on her Facebook profile a text entitled “When Journalists Do Gestapo Jobs”, comparing her inter-

68 Predrag Zvijerac, Radio Free Europe, interviewed by Maja Radević, 25 October 2019.

69 Law on amendments to the Law on Public Enterprises in the Federation of BiH (Article 2, point 3), Law on Public Enterprises in RS (Article 2, point 3)

70 Klix.ba, „Elektroprivreda BiH: „Sistem naplate RTV takse je zakonit, ombudsmen nije uočio razliku“, 19.06.2019. Accessed on 07 October 2019 <https://www.klix.ba/vijesti/bih/elektroprivreda-bih-sistem-naplate-rtv-takse-je-zakonit-ombudsmen-nije-uocio-razliku/190619073>

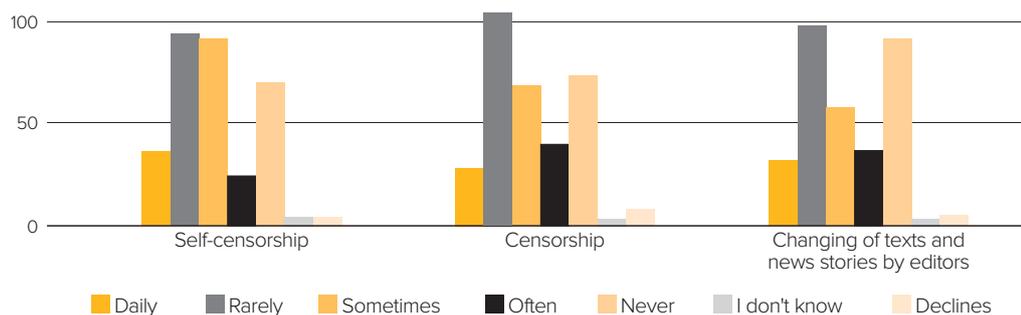
71 Slobodna Evropa, „Nezakonito naplaćivanje RTV takse uz račun za struju?“, 11.06.2018. Accessed on 07/10/2019 <https://www.slobodnaevropa.org/a/bih-rtv-taksa/29283145.html>

72 Sanela Hodžić and Anida Sokol, „Javni lokalni mediji između javnog interesa i finansijske ovisnosti“, Mediacentar Sarajevo, 2018. Accessed on 13 October 2019 [https://www.media.ba/sites/default/files/javni\\_lokalni\\_mediji\\_izmedu\\_javnog\\_interesa\\_i\\_finansijske\\_ovisnosti\\_final\\_za\\_stampu.pdf](https://www.media.ba/sites/default/files/javni_lokalni_mediji_izmedu_javnog_interesa_i_finansijske_ovisnosti_final_za_stampu.pdf)

73 Žurnal.info, Reagirali BH novinari: Tužilaštvo BiH vrši nedozvoljen pritisak na novinare Žurnala, 25.03.2019. Accessed on 14 October 2019 <https://zurnal.info/novost/21978/tuzilastvo-bih-vrsi-nedozvoljen-pritisak-na-novinare-zurnala>

74 RTRS, „Tegeltija: Slobodni i nezavisni mediji ili ipak samo – medijske sponzoruše?“, 04.10.2019. Accessed on 14 October 2019 <https://lat.rtrs.tv/vijesti/vijest.php?id=353088>

In your daily work, how much do you, as a journalist, face with...?



view with a BIRN reporter with interrogation by a Gestapo investigator.<sup>75</sup>

The professional community interprets such comments and the fact that officials of the highest judicial institution in the country afford themselves to evaluate the work of journalists as another form of pressure on free and independent journalism.<sup>76</sup>

Non-profit media reporters are also exposed to frequent physical assaults and threats by those they report on in their stories. One of the most brutal examples in the past year was a threat to Avdo Avdić, who received a video-threat by a man whom Avdo described in one of his texts as an alleged member of a drug cartel in which he threatened the journalist that “he will sleep with fish”.<sup>77</sup>

## B5 Freedom of journalists in the news production process

The survey results show that many journalists are not free to fully decide on the stories they write. The most common forms of restriction on this freedom are the editing of texts and footages by editors, censors, and self-censorship, which has become an increasingly common occurrence in recent years.

In most newsrooms, journalists have daily meetings in which they agree with the editors on topics they will work on. However, it is often the case that editors “persuade” them to give up some stories, or not to publish their texts because someone “may not like it”. It is similar when it comes to the choice of the interviewee, where many editors also order reporters who they should or should not contact.<sup>78</sup>

In addition to the obvious political influence on the editorial policy of most media outlets, an alarming number of media outlets are also owned by certain political structures.<sup>79</sup>

“The media outlet I work for is under political influence, which results in the selective broadcast of information and their certain interpretation. In this respect, it is not significantly different from the vast majority of media in BiH, which are influenced by either a political party or individuals within different political parties who misuse their positions in government institutions or the budgetary resources available to those institutions to fund them, thus creating one’s own positive image or degrading political opponents, “says one journalist employed by the media, often criticized by the public, as well as by some politicians in BiH, for alleged political bias.

Most of the journalists we contacted for this part of the survey insisted to remain anonymous.

Recently, there has been an increase in the number of internet portals that are in the service of certain political parties, which very actively market their content through social networks.<sup>80</sup>

75 Facebook, Ružica Krešić-Jukić, Accessed on 23 October 2019 <https://www.facebook.com/ruzica.kresicjukic/posts/10214848270908047>

76 Bhnovinari.ba, Javni protest zbog neprimjerene komunikacije sa medijima i uskracivanja informacija novinarima o radu VSTV-a, 17.10.2019. Accessed on 26 October 2019 <https://bhnovinari.ba/bs/2019/10/17/javni-protest-zbog-neprimjerene-komunikacije-sa-medijima-i-uskracivanja-informacija-novinarima-o-radu-vstv-a/>

77 Žurnal.info, „Mirza Gačanin prijeti novinaru Žumala (VIDEO): Potraživat će ga po kanalima!“, 24.10.2019. Accessed on 26/10/2019 <https://zurnal.info/novost/22484/potrazivat-ce-ga-po-kanalima>

78 Centar za postkonfliktna istraživanja, izvještaj “Stvarni glas novinarstva”, maj 2018. Accessed on 26 October 2019 <http://safejournalists.net/wp-content/uploads/2018/12/stvarni-glas-novinarstva-16-5-2018.pdf>

79 Fuad Kovačević, editor of Al Jazeera Balkans, interviewed by Maja Radević

80 Arijana Saračević-Helać, editor and reporter of the Federation TV (FTV), interviewed by Maja Radević

When it comes to self-censorship, it is most evident in the public media, in which the professional as well as labour arrangements of journalists, depend directly on the interests of the ruling parliamentary majority that controls the budget from which the media is financed.<sup>81</sup> A considerable number of journalists claim to face self-censorship on a daily basis (16.1%) or frequently (9.9%), compared to the presence of censorship (daily 11.6% and often 12%).

The only possible way for media employees not to succumb to political pressure is to do their work professionally, responsibly and objectively. However, in practice, journalists often knowingly neglect ethical standards under the pressure of their editors i.e., management and for fear of losing their jobs.<sup>82</sup>

## B6 Position of women in journalism

The employment arrangement of journalists depends on the media, but the fact is that employers are much more cautious when hiring women journalists. Women journalists are often recruited on fixed-term contracts because employers fear that they will take maternity leave or will often take sick leave for their children. Many women journalists had their contracts terminated shortly before they went to maternity leave, and consequently, they lost their benefits and health care.<sup>83</sup>

Another problem is precarious work (journalists engaged based on service contracts) or undeclared work (journalists working without a contract, so that employer does not have to pay any contributions).<sup>84</sup>

For the most part, women journalists do not recognise violence or attacks against them as being gender-motivated because they are not sufficiently aware and educated about their rights and the various manifestations of mobbing, discrimination and pressure. Assaults, threats and other forms of female journalist abuse are manifested in a different way from their male counterparts - they are characterized by brutality, insults at the expense of their appearance, hate speech and discriminatory rhetoric, and

long-term and targeted focus on a particular person, often through on-line violence and organised “chases” on social networks.<sup>85</sup>

In 2019, a total of 19 cases of threats and violence against female journalists were reported. Particularly drastic attacks and threats were targeted at a female journalist from Sarajevo, Kristina Ljevak (hate speech, death threats, ethic intolerance), a blogger and author from Mostar, Martina Mlinarević (hate speech, death threats, sexual harassment via social networks), a female journalist from Banja Luka, Vanja Stokić (harassment by RS police) and Meliha Smajkić from Mostar (physical assault while filming on a job).<sup>86</sup>

The Press Helpline database shows that female journalists are often offended by attackers alluding to their physical appearance: “Second-hand wife”, “prostitutes”, “freaks”, as well as “whores”, “bitches” and the like. Particularly concerning is the fact that many such insults come from politicians and government officials at all levels of government.

Women hold less than 30% of managerial positions in the BiH media. The share of women in the position of a media director is 25.3% vs. men 74.7%. The smallest percentage of women directors is in the television sector - 15.8%. The highest number of women editors-in-chief is in the radio sector (44.7%) and the smallest in the on-line media (21.7%).<sup>87</sup>

Media where working conditions are good, wages are regular and women’s rights are respected are more the exception than the rule. Many young female journalists, when they are just starting out, encounter sexism in the workplace, and because of their inexperience and lack of awareness about their rights, they do not know how to counter it. As many as 83.7% of female respondents believe that mobbing against female journalists is partly or fully present in the media in BiH.<sup>88</sup> Mobbing cases are reported to the Press Helpline and Human Rights Ombudsmen, but not to the competent courts, for their lack of confidence in the positive outcome of court proceedings.<sup>89</sup>

81 Nermina Šunj-Kušjugić, editor of Megafon.ba portal, Bulletin E-novinar, Issue 69 Accessed on 22 October 2019

82 Fuad Kovačević, interviewed by Maja Radević

83 Media.ba, “Novinarke između porodičnog odsustva i otkaza saradnje: O svojim problemima šute”, 06.12.2018. Accessed on 14 October 2019 <https://www.media.ba/bs/magazin-novinarstvo/novinarke-izmedu-porodijnog-odsustva-i-otkaza-saradnje-o-svojim-problemima-sute>

84 Bhnovinari.ba, “Mobing i diskriminacija - učestali oblici kršenja prava novinarki”, 29.06.2019. Accessed on 12 October 2019 <https://bhnovinari.ba/bs/2019/06/29/mobing-i-diskriminacija-ucestali-oblici-kršenja-prava-novinarki/>

85 Milica Samardžić, coordinator of Female Journalists Network, interviewed by Maja Radević, 22 October 2019.

86 Una Telegrafčić, interviewed by Maja Radević

87 Amer Džihana, “Žene i mediji - zaposlenice i upravljačke strukture”, Sarajevo, april 2018. Accessed on 12 October 2019 <https://bhnovinari.ba/wp-content/uploads/2018/07/Zene-i-mediji-13maj2018-FINAL.pdf>

88 Zorfa Hrnjić Kuduzović, Zlatiborka Popov Momčinović, Amela Delić, “Položaj novinarki u BiH – interdisciplinarna studija”, Accessed on 12 October 2019

89 Una Telegrafčić, interviewed by Maja Radević



## **C1** Statistics on the attacks on journalists and impunity

In 2019, a total of 56 cases of attacks, threats, and pressures against journalists in Bosnia and Herzegovina were registered. Of these, 19 cases were threats and violence against female journalists. During 2019, a total of 8 death threats and 13 verbal and other forms of threat to journalists were reported<sup>90</sup>. Registered were 3 attacks and threats against media outlets, as well as 9 assaults against journalists and media employees. This number increased compared to 2018 and 2017 when 6 assaults were registered.

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<sup>90</sup> In addition, ten cases of different forms of political pressure on journalists and media outlets have been registered.

## The number of reported attacks on journalists in 2019

Categories	Number	Description
Death threats and the threat of inflicting grievous bodily harm	8	These were threats addressed verbally, in writing, or through third parties where journalists, as well as members of their families, have been threatened with death and violence.
Other forms of threat to journalists	13	Threats that include aggressive statements by public officials towards journalists, harassing phone calls, threats from citizens, and other forms of pressure that can jeopardize the safety of journalists during their professional activities.
Threats addressed to media outlets and organisations	2	Verbal or written threats involving attacks against property or staff of media outlets and organisations, sent directly or through third parties, communicated electronically or physically.
Attacks on journalists	9	Assaults against journalists, forcible prevention, and disabling of journalists to perform their professional tasks, seizure, or damaging the equipment.
Killing journalists	0	Being killed in a crossfire, in an ambush, as a result of a bomb blast, being beaten to death.
Attacks on media outlets and organisations	1	Attacks against the property of media outlets and organisations, damaging or seizing the property.

There is an increased number of attacks and on-line violence against female journalists (misogyny, harassment, incitement) that can be considered professional and gender-based violence. In 2019, registered was a total of 8 physical and verbal assaults against female journalists. Recent examples include the cases involving journalists and activists Kristina Ljevak, Martina Mlinarević and Vanja Stokić.<sup>91</sup>

When it came to physical assaults, the case that triggered a major public reaction in 2019 was the case of a cameraman of on-line magazine Žurnal, Adi Kebo, who was assaulted by a prominent member of the Party of Democratic Action (SDA) who tried to prevent him from video-recording in a public place.<sup>92</sup> A cameraman of RTV TK, Ademir Mešanović was attacked while he was trying to make footage of the evictions of two families from the vicinity of the Kreka mine, on which occasion his camera was damaged and thrown into the mud.<sup>93</sup> Late in September, two people who posed as supporters of the Sarajevo Football Club held hostage an editor-in-chief of RadioSarajevo.ba portal. They threatened to kill journalists and editors, as well as their families unless the published text about one of the

supporters of this club being convicted to five years in prison for drug possession is deleted from several portals.<sup>94</sup>

No journalist killing has been reported in Bosnia and Herzegovina in the last 20 years. During the 1992-95 war in BiH, 80 media workers were murdered or killed, of which 11 were foreign nationals. However, the circumstances of the casualties were not identified in either case nor were there any trials in connection with the reporter killings.<sup>95</sup> The most radical attack in the post-war period occurred on October 22, 1999, when Željko Kopanja, the founder and publisher of Nezavisne Novine from Banja Luka, was seriously injured as a result of a planted car bomb. Kopanja lost both legs in this attack. It has been two decades since, but the perpetrators and those who commissioned this attack have not yet been identified.<sup>96</sup>

The number of assaults against journalists in BiH is on the rise. Particularly concerning is an increasing incidence of on-line violence and threats that journalists/reporters receive through social networks and comments on the internet portals. Despite reporting threats to the police, in most cases, those behind the threatening messages remain anonymous and unpunished, which further discourages media professionals and undermines their confidence in the police and justice system.<sup>97</sup>

91 Radiosarajevo.ba, "BH Journalists argued: A politically orchestrated and xenophobic hunt for Ljevaković", 25 July 2019 Accessed on 23 November 2019. <https://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/bh-novinari-porucili-politicki-orkestrirana-i-ksenofobicna-hajka-na-ljevak/345459>. Safejournalists.net, "Regionalna platforma: Call for urgent action against on-line threats and verbal violence against Martina Mlinarević", 23 August 2019 Accessed on 26 November 2019 <https://safejournalists.net/ba/regionalna-platforma-hitno-procesuirati-online-prijetnje-i-verbalno-nasilje-nad-martinom-mlinarevic/>

92 Žurnal.info, "Predsjednik SDA Novi Grad (VIDEO): Huso Cesir physically assaulted a Žurnal's photographer! ", 28 March 2019 Accessed on 13 November 2019 <https://zumal.info/novost/21986/huso-cesir-fizicki-nasmuo-na-fotografu-zumala>

93 A company whose security guards are suspected of attacking Mešanović has filed a defamation lawsuit against BH Journalists who issued a statement regarding the attack

94 NI, "Hooligans Intrude on Radio Sarajevo Portal, Threatened journalists with death", 27 September 2019 Accessed on 13 November 2019 <http://ba.n1info.com/Vijesti/a380862/Huligani-upali-u-redakciju-portala-Radio-Sarajevo-prijetili-smrcu-novinarima.html>

95 BH Journalists have created a list of journalists/reporters and media professionals who were murdered, killed or went missing in the war. The database will be shared with the competent judicial authorities for war crimes investigation and prosecution purposes.

96 Nezavisne novine, "20 godina nisu našli atentatora na Željka Kopanju", 22 October 2019 Accessed on 24 November 2019 <https://www.nezavisne.com/novosti/drustvo/20-godina-nisu-nasli-atentatora-na-Zeljka-Kopanju/564591>

97 Una Telegrafčić, interviewed by Maja Radević

## C2 State institutions' and political actors' behaviour concerning journalists' protection

State institutions do not keep a record of attacks on journalists, nor do they have special mechanisms in place to protect journalists in the off-line and on-line space. Journalist associations, primarily BH Journalists, are the only ones who systematically monitor attacks and threats against media workers. The Press Helpline maintains a comprehensive database of attacks, threats and pressures made on journalists/reporters in BiH.

At the proposal of the BH Journalists Association from 2016/2017, which was supported by both the Ombudsmen Institution and the BiH Ministry of Justice, the High Judicial and Prosecutorial Council (HJPC) of BiH issued a decision ordering courts, prosecutors' offices and registry offices to keep a record of lawsuits and court proceedings against journalists and the media. This way of recording cases is important for monitoring defamation lawsuits, criminal offences against journalists and the media, as well as labour-social disputes, i.e., monitoring the efficiency of the judiciary and the application of EU standards and practices in protecting media freedom and freedom of expression.<sup>98</sup> In 2019, the RS Interior Ministry also began to monitor and record cases of attacks on journalists and lawsuits filed against journalists.

Politicians, i.e. representatives of authorities and institutions at all levels of government in BiH, have declared their commitment to protecting journalists and their rights. However, the practice says otherwise.

After Huso Ćesir, president of the Municipal Committee of SDA Novi Grad Sarajevo, physically assaulted Adi Kebo, a cameraman of Žurnal, SDA president, Bakir Izetbegović, tried to justify Ćesir's behaviour by saying that his party colleague did not attack the cameraman, but "the camera". SDA President ignored a number of requests by the media community and journalist associations to sanction Ćesir for physically assaulting a cameraman of Žurnal, noting that "we all know what misery they (journalists/reporters) have caused us. Source: <http://ba.n1info.com/Vijesti/a325394/Je-li-napadnuta-kamera-ili-kamerman.html>

When it comes to BiH officials, there is ample evidence of inappropriate treatment of journalists. While delivering a press statement, BiH Presidency member

Milorad Dodik publicly called Avdo Avdić, a journalist of Žurnal, a "jerk".<sup>99</sup>

Such and similar statements by leading politicians in the country certainly influence public opinion when it comes to attitudes towards journalists and the need to protect their rights. According to research conducted by the BH Journalists Association and the Friedrich Ebert Foundation in 2019, as many as 21% of BiH citizens justify violence against journalists, which is an increase of as much as 14 percent compared to 2018. Also, most respondents believe that the work of journalists in BiH is politically motivated.<sup>100</sup>

On the other hand, some encouraging initiatives have been launched in parallel in the Federation of BiH and Republika Srpska to amend criminal laws that would allow more effective protection of journalists while performing their work.

In April this year, members of the Parliament of the Federation of Bosnia and Herzegovina adopted the Initiative to amend the Federation Criminal Code with provisions that would protect journalists at work. In Republika Srpska, deputies of the Democratic Progress Party (PDP) have proposed changes to the Criminal Code that would sanction attacks on journalists more severely but the RS National Assembly has not yet considered these amendments.<sup>101</sup> The Board of Directors of the BH Journalists Association has sent amendments to the criminal codes of BiH, the Federation of BiH, Republika Srpska and the Brčko District of BiH to all relevant institutions seeking more effective judicial protection of journalists and other media professionals exposed to various types of attacks, threats, pressures and other forms of security threats.<sup>102</sup>

No specific legal provisions are governing the relationship between journalists/reporters and the police or the army. The OSCE has issued Police Guidelines for dealing with the media and Media Guidelines

98 Una Telegrafčić, interviewed by Maja Radević

99 Faktor.ba, „Dodik vrijeđao novinara: „Avdo Avdić je najobičniji kretan... Evo, izvinjavam se, povlačim to“, 22.05.2019. Accessed on 18 November 2019 <https://faktor.ba/vijest/dodik-vrijeđao-novinara-avdo-avdic-je-najobicniji-kretan-evo-izvinjavam-se-povlacim-to/37440>

100 "Media Freedoms 2019 - Comparative Report 2014-2019. " Accessed on 23 November 2019 <https://bhnovinari.ba/wp-content/uploads/2019/05/Medijske-slobode-u-BiH-2019-FES-I-BHN-.pdf>

101 Srpskainfo.com, „Ko im prijete ide u zatvor: Stanivuković predlaže izmjene Krivičnog zakona i stroge kazne za napade na novinare“, 14 April 2019. Accessed on 12 November 2019 <https://srpskainfo.com/ko-im-prijete-ide-u-zatvor-stanivukovic-predloze-izmjene-krivicnog-zakona-i-stroge-kazne-za-napade-na-novinare/>

102 Bhnovinari.ba, „BH novinari traže efikasniju pravosudnu zaštitu“, 11 May 2019. Accessed on 12 November 2019 <https://bhnovinari.ba/bs/2019/05/11/bh-novinari-traze-efikasniju-pravosudnu-zastitu/>

for dealing with the police.<sup>103</sup> Some judicial institutions, such as the BiH High Judicial and Prosecutorial Council (HJPC), the Court of Bosnia and Herzegovina and some prosecutor's offices also have manuals for dealing with the media i.e., journalists.<sup>104</sup>

When it comes to cooperation between journalist associations and state institutions, institutions at all levels are formally open to cooperation and willing to participate in systemic solutions that serve to better protect journalists, but specific proposals are often rejected. There is room for improvement of cooperation, especially when it comes to the agility of the institutions to respond to particular proposals of the association, such as amendments to the criminal legislation.

The House of Representatives of the BiH Parliament did not accept the amendments to the Public Services Law proposed by BH Journalists, and the RS Government rejected the proposal by BHN and Transparency International to amend the RS Criminal Code to better protect the rights and security of journalists (2016). The proposal of non-governmental organisations to amend the RS Law on Public Order and Peace (2015) was also rejected. The RS government and the RS Ministry of Interior subsequently accepted proposals made by BH Journalists and NGO groups regarding amendments to the Law on Public Order and Peace.

In 2019, BH Journalists initiated activities to develop a unified methodology and other systemic solutions for monitoring court proceedings against journalists and the media, as well as for more effective ways of conducting investigations and completing court proceedings in the interests of journalists and media freedom. To this end, it is planned to form an inter-sectoral group, which will include representatives of institutions at different levels of government.<sup>105</sup>

The monitoring of electronic/telephone communications of journalists and editors was recorded in an investigation against Fahrudin Radončić, president of the Alliance for a Better Future (SBB) and founder of

the daily Dnevni Avaz, who was accused in 2016 of obstructing the work of the judiciary and trade in influence. During the trial of Radončić and others, which lasted from March 30, 2016 to mid-May 2018, the Prosecution of Bosnia and Herzegovina presented as evidence intercepted telephone conversations, text messages and Viber messages of individual journalists and editors. The Trial Chamber of the BiH Court on this occasion took into account the privacy of the wire-tapped and monitored persons, consequently only the details of the interviews and the messages related to the particular case were presented at the trial.<sup>106</sup>

### C3 Judicial system's efficiency regarding journalists' protection

There are no specific institutions/units dedicated to protecting and investigating attacks against journalists in BiH, except for the aforementioned Press Helpline, which, among other things, reports threats, monitors trials and provides free legal assistance for journalists. Women as a vulnerable category are exposed to various forms of discrimination in society, which is reflected in the position of female journalists in BiH and their ability to perform their professional tasks freely and without pressure, that is, to have an equal position with men in the media industry. Female journalists are often exposed to offensive and sexist comments at the expense of their physical appearance or their private life, and are far more often than their male counterparts targeted by on-line attacks and threats. Due to frequent attacks on female journalists, BH Journalists Association initiated and established a Network of Female Journalists to educate female journalists/reporters, female editors and female journalism students on gender policies, equality and equal access to editorial, managerial and governing positions, advocating for the respect of the rights of female journalists and other female media professionals, and providing legal services and psychosocial assistance to female journalists whose rights are being violated.<sup>107</sup>

103 Rea Adilagić, "Indikatori nivoa medijskih sloboda i bezbjednosti novinara 2018."

104 Sud BiH, Smjernice za novinare, Accessed on 23 November 2019 <http://www.sudbih.gov.ba/stranica/25/pogled>, Detektor.ba, „Banjalučko tužilaštvo prihvatilo smjernice“, 27.11.2014. Accessed on 23 November 2019 <http://detektor.ba/banjalucko-tuzilastvo-prihvatilo-smjernice/>

105 The Ombudsmen Institution, the BiH Ministry of Human Rights and Refugees and the Sarajevo Canton Ministry of Interior are among the institutions that have expressed their willingness to participate in the development of the methodology <https://bhnovinari.ba/bs/2019/08/22/jedinstvena-metodologija-za-pracenje-napada-na-novinare-i-sudskih-postupaka-protiv-medija/>, <https://bhnovinari.ba/bs/2019/08/28/ministar-katica-mup-ks-ce-se-ukljuciti-u-projekat-udruzenja-bh-novinari/>

106 Pogled.ba, „Nastavljeno suđenje: U sudnici pušteni razgovori Radončića s Dautbašićem i Oručevićem“, 08.02.2017. Accessed on 16 November 2019 <http://m.pogled.ba/clanak/nastavljeno-sudjenje-u-sudnici-pusteni-razgovori-radoncica-s-dautbasicem-i-orucevicem/108008>

107 Milica Samardžić, a co-ordinator of the BiH Female Journalists Network, interviewed by Maja Radević

According to the BH Journalists Association, only 27% of court cases involving attacks on journalists in Bosnia and Herzegovina have been resolved in favour of journalists. Such a small percentage points to the frequently inadequate prosecution, the superficial and lengthy investigation of attacks against journalists, which ultimately results in the impunity of the perpetrators.

In the past two decades, there has been only one case of awarding police protection to a journalist in Bosnia and Herzegovina. Namely, the police protection was granted to Bakir Hadžiomerović, a journalist and a former editor of the political show called “60 Minutes”, who has been under police protection for several years after a series of serious threats addressed to him and his family.<sup>108</sup>

In many cases of brutal physical assaults on journalists, those who commissioned the attacks are never identified and punished, and investigations and trials take months, sometimes several years. In July 2019, Marko Čolić from Banja Luka was sentenced to four years in prison for assaulting Vladimir Kovačević, an RTV BN journalist on account of attempted murder. A few months later, another suspect in the case of the attack on Kovačević was arrested. This was Nedeljko Dukic, who had been the target of a search for months. However, to date, the motives behind this attack have not been revealed nor were identified those who commissioned them.<sup>109</sup> Attackers on the editor of RadioSarajevo.ba and the cameraman of the on-line magazine Žurnal are still at large. In the first case, the court allowed the suspects to be on bail pending trial, while in the second case, the investigation of the Cantonal Prosecutor’s Office of Sarajevo Canton is still ongoing, with no one being detained.<sup>110</sup> The case involving the attack on Ademir Mešanović is pending before the Cantonal Prosecutor’s Office of Tuzla Canton.<sup>111</sup>

Training/education courses for police officers and judicial staff in the field of protection of freedom of speech and the media occur sporadically and mainly at the initiative of representatives of international organisations in BiH: the EU, the Council of Europe and the OSCE (e.g. through the JUFREX project supported by the Council of Europe and the EU) and journalists associations and other non-governmental organisations. Arben Murtezić, director of the Federation Judicial Training Centre, feels that there should be more such activities to better acquaint lawyers and judges with the rights of journalists, but also to improve the legislation in cases involving attacks on journalists and the media.<sup>112</sup>

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108 Source.ba, „Bakir Hadžiomerović u opasnosti?“, 25.02.2015. Accessed on 16 November 2019 <http://forum.source.ba/clanak/BiH/276729/Bakir-Hadziomerovic-u-opasnosti>

109 Nezavisne novine, „Kovačević: Pravda koliko-toliko zadovoljena, ali još nemamo imena nalogodavaca“, 12.07.2019. Accessed on 18 November 2019 <https://www.nezavisne.com/novosti/hronika/Kovacevic-Pravda-koliko-toliko-zadovoljena-ali-jos-nemamo-imena-nalogodavaca/548003>

110 Radiosarajevo.ba, “Osumnjičeni za napad na redakciju Radiosarajevo.ba pušteni da se brane sa slobode“, 29.09.2019. Accessed on 18 November 2019 <https://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/osumnjiceni-za-napad-na-redakciju-portala-radiosarajevoba-pusteni-na-slobodu/352460>

111 At the information request the Press Helpline filed to the Tuzla Cantonal Prosecutor’s Office on 16 December 2019, we were told that the case is still under review and that “a prosecutorial decision will be issued soon”

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112 Arben Murtezić, „Zakon o zaštiti od klevete: od revolucije do reakcije?“, bilten E-novinar br. 65, Accessed on 22 November 2019 <https://bhnovinari.ba/wp-content/uploads/2019/07/65-IZDANJE-E-NOVINAR-FINAL-FINALA-1.pdf>

**An overview of the actions taken to address some of the most difficult cases that have occurred in the last five years**

Year	2015	2016	2017	2018	2019
Case					
1	Death threats and physical assault against BN TV, ATV and HIT TV teams (31 May 2016)		<b>15 February 2017</b> - The Modriča Basic Court rendered a conviction finding Predrag Stević guilty and sentenced him to a fine of BAM 800. The judgement is final as of 04 December 2017.		
2	Physical Assault against Fedžad Forto, a reporter and editor of FENA (02 July 2016)		After reporting it to the police, the case was referred to the Sarajevo Cantonal Prosecutor's Office for action. The Sarajevo Municipal Court confirmed and failed an indictment against the accused Admir Zoranić.	A judgement was rendered finding the accused guilty of the criminal offence of violent conduct. The judgement was rendered on 07 February 2018 and became final on 28 June 2018.	
3	Threats to Milanka Kovačević, a reporter of portal Direkt (29 March 2018)			<b>27 June 2018</b> - The first hearing was held before the Trebinje Basic Court. 04 December 2018 - Preparatory hearing held. Judgement was delivered in favour of the journalist, and became final. <b>13 December 2018</b> - The Sarajevo Municipal Court upheld the indictment against Emila Hamzić and Suad Lelo for violent behaviour.	
4	Physical assault on Kemal Softić, a photo-reporter of Klix.ba and Mirsad Bukvić, a cameraman of Al Jazeera Balkans (26 June 2018)			<b>13 December 2018</b> - The Sarajevo Municipal Court upheld the indictment against Emila Hamzić and Suad Lelo for violent behaviour.	<b>25 February 2019</b> - Scheduled main trial before the Sarajevo Municipal Court. <b>19 June 2019</b> - The trial in the case of Emila Hamzić and Suad Lelo who were charged for assault on Kemal Softić and Mirsad Bukvić during a rally of demobilised soldiers in July 2018 commenced by reading the indictment in the Sarajevo Municipal Court. First instance judgement delivered in favour of Kemal Softić and Mirsad Bukvić
5	Physical assault on Vladimir Kovačević, a journalist of BN TV (26 June 2018)			<b>27/09/2018</b> - Banja Luka District Prosecutor's Office reported that one of the perpetrators of the crime, Marko Čolić, has been found and detained.	<b>21 February 2019</b> - A trial to Marko Čolić, who was charged with the attempted murder of Vladimir Kovačević, has begun. <b>08 July 2019</b> - The main hearing was held, and both parties made their closing arguments. <b>12 July 2019</b> - In the first instance, Marko Čolić was sentenced to four years in prison for the attempted murder of journalist Kovačević <b>03 September 2020</b> - The RS Supreme Court in the final verdict increased Čolić's sentence to five years in prison.
6	Death threats to journalist and columnist Dragan Bursać on Facebook (07 August 2017)		August 2017 - RS MUP detained Aleksandar Bursać, a suspect, for threatening messages he sent to journalist and columnist Dragan Bursać via his Facebook profile. Following the investigation, the case was referred to the Banja Luka District Prosecutor's Office, which filed an indictment against Aleksandar Bursać.		<b>12 September 2019</b> - The Banja Luka Basic Court rendered a judgement ordering the accused, Aleksandar Bursać to pay a fine of BAM 600 for the criminal offence under Article 150, Paragraph 1 (Threatening Security) of the RS Criminal Code and to pay an additional BAM 150 of court costs

# Conclusions and Recommendations

## Conclusions

Key issues in the work of media and journalists in Bosnia and Herzegovina include political control over public services and the Communications Regulatory Agency (CRA), a large number of defamation claims as a form of political and financial pressure on the media, and biased media coverage in accordance with the demands of political, ethnic and other power centres, instead of in the public interest. Few unions are bringing together journalists and other media professionals, but they are passive in protecting labour rights. They are not sufficiently involved in addressing the rights of media professionals within media outlets and other activities that contribute to improving the social and employment status of media professionals. There are more and more direct pressures on journalists coming from representatives of judicial institutions. In 2019, there have been several attempts of the prosecutor's office or police to force journalists to disclose sources of information or to interview them in the capacity of "witnesses". Institutional transparency and access to public information are at a very low level, despite the law requiring them to respond to requests for access to information within the prescribed time. Institutions and spokespersons are given the discretion to choose whether they will respond to or ignore media, which makes the work of journalists very difficult.

The poor material status of most journalists, inadequate remuneration in relation to the volume of work, signing of temporary contracts with employers and other forms of violation of labour rights reflect on the quality of journalists' work and media content itself. Economic dependence on the employer is often used as a form of blackmail to produce reports and texts in line with the wishes of political and economic power centres. Year after year, the number of media outlets that manage to resist political influence shrinks, leaving only a handful of media - mainly those that are founded or funded by foreign donors - that retained an epithet of "independent". The public media depend on budget money, as they have no permanent and sustainable system of charging the radio and television subscription. Authorities at all levels have almost absolute control over the creation of programme through the boards, managers and editors, whose election and appointments are directly interfered with by the ruling political parties. Most journalists do not have the freedom to make their own choices in developing the stories they work on. Female journalists are often victims of discrimination and mobbing in the workplace, which are generally not reported due to a lack of trust in the work of institutions. Researches show that citizens believe that politicians and political parties have the greatest influence on the work of the media in BiH, and therefore they question the credibility of media content.

The number of physical assaults on journalists in BiH is steadily increasing, as is the number of threats against journalists and bloggers through social networks and web portals. The increase in violence against journalists is a direct consequence of inadequate response of the judicial institutions to physical and verbal attacks, including death threats and security threats. Lengthy investigations and court processes, which in only 30% of cases end in favour of journalists, discourage media professionals from reporting the attacks, which is why many attacks go unreported. This is the reason why there is no comprehensive database on attacks in BiH. On the other hand, ineffective investigations, impunity and relatively lenient criminal policies towards attackers against journalists only encourage new attacks, even by public officials and politicians who are supposed to protect journalists' rights and media freedom, and who instead increasingly publicly insult and humiliate media professionals. During 2019, several initiatives have been launched to amend criminal laws to more effectively protect the safety and professional integrity of journalists, but their adoption is still uncertain.

In 2019, no significant changes were observed in protecting media freedom and improving the position of journalists. The media scene and the daily engagement of journalists across the country are mostly laden with political influences from different power centres. Politicians are increasingly open in showing their ambi-

tion to rule the media, and at the same time, within the media community there are no initiatives nor effective (self) regulatory mechanisms in place for preserving the independence and public reputation of the media. In order to promote media freedoms, it is necessary to ensure the financial and political independence of public services, and to urgently regulate the transparency of media ownership and the advertising market. Journalist associations/unions and non-governmental organisations need to undertake more concrete advocacy activities to consistently enforce existing media laws and improve criminal legislation. In this regard, it is necessary to establish more intensive cooperation with parliamentarians at all levels of the legislative branch, as well as with representatives of judicial institutions, in order for all attacks on journalists to be effectively and adequately prosecuted. Professional solidarity and undivided support are important instruments by which journalists and editors can resist the pressure and increase public awareness of the importance of free and independent media in a democratic society. In addition, it is necessary to continue working to strengthen ethical and professional standards in journalism, where journalist associations and self-regulatory bodies, in cooperation with international organisations and other NGOs, can also make a significant contribution to enhancing the quality and responsible journalism.

## **Recommendations**

- Actively work on the adoption of the Law on Transparency of Media Ownership and Legal Regulation of the Advertising Market in BiH, based on a proposal submitted by the civil society to the relevant ministries and parliaments;
- Ensure the political and economic independence of the Communications Regulatory Agency (CRA), in particular through the process of appointing members of the CRA Council and the Director-General, in accordance with the recommendations of the European Commission;
- Define clear policies, criteria and procedures for the allocation of funds to the media from the budgets of state institutions and public enterprises;
- Ensure full institutional autonomy and editorial independence of public broadcasters at the State and Entity levels, as well as of local public media in cantons and municipalities;
- Adopt necessary amendments to criminal and defamation laws to ensure more effective protection of journalists and court proceedings following the practice of the European Court of Human Rights in Strasbourg;
- Harmonise the legal provisions and practices of the institutions in the application of the Law on Free Access to Information, with a focus on increasing the transparency of institutions towards the media and accepting or rejecting requests for access to information;
- Work to strengthen media pluralism and diversity of information sources, especially in public service broadcasters and through the introduction of more content for minority and vulnerable groups;
- Advocate for the establishment of the Ombudsman for the Media, as an independent institution or a special division within the existing Ombudsmen Institution of Bosnia and Herzegovina, with the aim of better protection of the rights of journalists and media freedoms in BiH, as well as a more efficient response of competent institutions (police, prosecutors, courts) in investigating and prosecuting attacks on journalists;
- Work to improve working conditions for journalists through strengthening media unions and journalists' associations to ensure adequate working contracts and better remuneration and to develop mechanisms to combat mobbing, censorship and self-censorship within newsrooms; encourage journalists to report the attacks, political and economic pressures they are exposed to and to speak about it publicly and without fear;
- Strengthen the capacities of media professionals in the field of their rights and freedoms, as well as the improvement of ethical standards and professional competencies in journalism through continuous education programmes and development of internal rules (codes) on the separation of ownership structure and commercial interests in the media from editorial policy and journalist reporting standards;
- Promote greater accountability and increase the awareness of politicians and holders of public office in state and judicial institutions, as well as the general public, of the importance of the work of free and independent media in a democratic society;
- Work to strengthen the professional solidarity and interest-driven bonding among journalists and media professionals in general, journalist associations and media unions, including media organisations and human rights NGOs to create a broad movement in BiH to protect media freedoms, responsible media work in the public interest and economic strengthening of the media industry in BiH.



