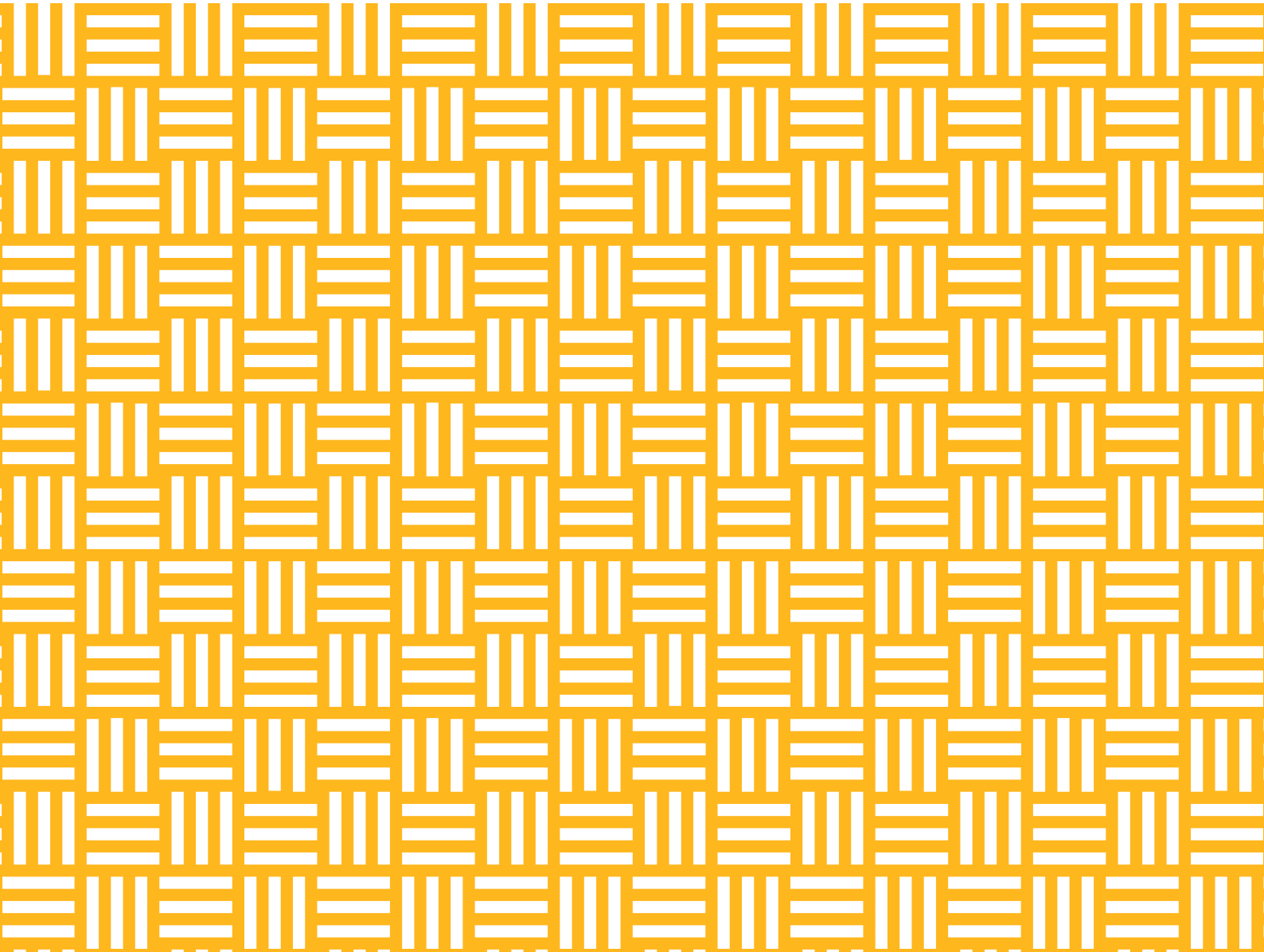




safejournalists.net

**BOSNIA AND
HERZEGOVINA**
Indicators on
the level of
media freedom
and journalists'
safety 2020



**BOSNIA AND
HERZEGOVINA
Indicators on the
level of media
freedom and
journalists' safety
in Bosnia and
Herzegovina 2020**

**Author:
Maja Radević**

Original title

Bosnia and Herzegovina – Indicators on the level of media freedom and journalists' safety in Bosnia and Herzegovina 2020

Publisher

BH Journalists Association
Sarajevo, 2021

**Author**

Maja Radević

Reviewer

Prof. Dr. Lejla Turčilo

Translation

Lejla Efendić

Circulation

50 copies

Design

comma | communications design

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the Independent Association of Journalists of Bosnia and Herzegovina and do not necessarily reflect the views of the European Union.



Project Overview and Scope	4	B Journalists' Position in the Newsrooms	18
A Note on the Methodology	5	B1 Economic restrictions on journalists' freedom	18
INTRODUCTION	7	B2 Editorial independence in the private media	19
A Legal Protection	9	B3 Editorial independence in the Public Service Broadcaster	20
A1 Legal guarantees for media and journalists' freedom and their application in practice	9	B4 Editorial independence in the non-profit sector	21
A2 The effects of defamation laws on journalists	11	B5 Freedom of journalists in the news production process	22
A3 Legal protection of political pluralism in the media	13	B6 Economic position of women journalists	23
A4 Freedom of journalists' work and association – legal guarantees and practice	14	C Journalists' Safety	25
A5 Legal protection of journalists' sources	15	C1 Statistics of safety and impunity	25
A6 Protection of the right to access to information	16	C2 State institutions' and political actors' behavior concerning journalists' protection	28
		C3 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists	30
		Conclusions and recommendations	33

Project Overview and Scope

It is the fifth year in a row that journalists' associations from the Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo, and Serbia), with the support of the European Commission,¹ monitored the development of media freedom and journalists' safety in their countries. In 2020 two more countries will work on such assessments – Albania and Croatia. The research methodology developed in 2016² was fine-tuned over the years to standardize the data collection and analysis and to adjust the research focus to the developments in both traditional and online media environment in the Western Balkan countries. Based on these standardized research tool, journalists' associations assessed the newest developments in their countries and engaged in various advocacy activities to advance the political, legislative, and institutional environment in which the journalists and media work.

-
- 1 In December 2019, the European Commission approved the three-year project Safejournalists.net, aimed at empowering national journalists' associations in the Western Balkan's countries to become effective and accountable independent actors in advocating applications of EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This Action represents an up-scaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The Civil Society Facility and Media Programme 2018-2019 Support to regional thematic networks of civil society organisations, support to a regional network for women's rights and gender equality and support to small scale projects promoting cooperation between communities and citizens from Serbia and Kosovo.*
 - 2 The fifth adapted edition of the research methodology for this advocacy research project was developed by Snezana Trpevska and by Igor Micevski, research fellows of the Research Institute on Social Development RESIS from North Macedonia (www.resis.mk).*

A Note on the Methodology

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations.³ In the course of the previous years the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in the seven countries.

A range of various research methods were applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies and other documents;
- Qualitative analysis of legal documents;
- Retrieval and analysis of information published on the web sites of public institutions and other organizations and bodies;
- Retrieval and analysis of press releases, announcements and other information produced by professional organisations;
- Secondary data collected by journalists' associations;
- In-depth-interviews with experts, journalists, policy makers etc.;
- Focus groups with journalists, and Surveys with journalists (in some of the countries).

At national level, journalists' associations nominated national researchers to carry out the data collection and to draft the narrative reports, which were then reviewed by nominated national experts and by lead researcher. In Bosnia and Herzegovina, the BH Journalists Association nominated Maja Radevic as national researcher and prof. dr. Lejla Turcilo as media expert to review the report.

The three groups of indicators which were used in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

Table 1: Indicators about the level of media freedom and journalists' safety

A. Legal protection	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Legal guarantees for media and journalists' freedom and their application in practice	B.1 Economic restrictions on journalists' freedom	C.1 Safety and impunity statistics
A.2 The effects of Defamation Law on journalists	B.2 Editorial independence in the private media	C.2 State institutions and political actors' behaviour concerning journalists' protection
A.3 Legal protection of political pluralism in the media	B.3 Editorial independence in the public service broadcaster	C.3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A.4 Freedom of journalists' work and association –legal guarantees and practice	B.4 Editorial independence in the not-for-profit	
A.5 Legal protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Protection of the right to access of information	B.6 Economic position of women journalists	

³ 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 2020 coronavirus pandemic took a significant toll, primarily economic one, on the work of journalists and the media in Bosnia and Herzegovina. Immediately after the proclamation of the state of natural or other disasters⁴ in mid-March, about 10% of journalists and other media workers lost their jobs, and media outlets have terminated their contracts with part-time associates and freelancers. Most media outlets have been left without permanent sources of funding from the advertisers.⁵ Although journalists' associations and the media community, as well as members of the European Parliament, have proposed the establishment of a fund for financial assistance to the media, the relevant institutions have not considered such initiatives.⁶

Corruption remains one of the main problems with a strong impact on social and political developments in Bosnia and Herzegovina.⁷ In 2020, the system in which privileged individuals misuse public money, making millions of profits “under the radar” and with the support of the government were best illustrated by two big scandals revealed by journalists in the Federation of BiH – the so-called “The Ventilator Affair” – a BAM 10 million investment in the extremely dubious purchase of Chinese ventilators and the

⁴ This decision was published in Official Gazette of BiH

⁵ According to some estimates, the commercial income of the media has been reduced by between 30 and 50%, it was said at the conference in Sarajevo on 21.12.2020. <https://bhnovinari.ba/bs/2020/12/21/urednici-i-vlasnici-medija-bh-vlasti-moraju-doniti-poseban-program-podrske-medijima/>

⁶ BH novinari, “Members of the European Parliament are asking for a special package of assistance for PBS in BiH”, Sarajevo:2020, accessed: 20.12.2020. <https://bhnovinari.ba/bs/2020/11/24/zastupnici-evropskog-parlamenta-traze-poseban-paket-pomoci-pbs-u-bih/>

⁷ VoA News, “Anti-Corruption Day: BiH is heading towards lawlessness and the collapse of institutions”, Sarajevo: 2020, accessed: 15.12.2020. <https://ba.voanews.com/a/bih-dan-borbe-protv-korupcije/5692799.html>

purchase of a mobile hospital in RS for BAM 4.6 million, whose real value is many times less than that paid. The Prosecutor's office opened an investigation and took legal actions in both aforementioned cases.

The work of journalists during the pandemic was also marked by restrictions on media freedom, i.e., restrictions on access to information imposed by the competent institutions, especially crisis headquarters and public hospitals. Local elections were held in BiH in November and December, and the ruling national parties SDA and SNSD lost in several important centers, including the capital Sarajevo and Banja Luka. During the election campaign, there were not many complaints about the unequal representation of political entities in the media. However, the political influence on the media is still evident and is especially manifested in the increased number of online portals that emerged before and during the election campaign, which were funded by individual political structures.

According to the Communications Regulatory Agency (RAK), in BiH, there are 43 televisions and 143 radio stations broadcast via terrestrial broadcasting, three public broadcasting services, and 53 licenses for broadcasting through other communication networks. According to the BiH Press Council, there are nine daily newspapers, 189 magazines (weekly, monthly, or periodical), and eight news agencies. There is still no register of online media, hence their exact number is not known, but it is assumed that there are about 2,000 of them. Recording the exact number of media, especially when it comes to web portals, is further complicated by the fact that there is no legal obligation to register ownership, or publicly display media masthead.⁸

In terms of ownership and sources of income, there are three types of media: private, with majority commercial income, public broadcasting system, and local radio and TV stations, financed from the budgets of cantons and municipalities. The public broadcasting system consists of the Radio and Television of Bosnia and Herzegovina (RTVBiH), the Radio and Television of the Federation of BiH (RTVFBiH), and the Radio and Television of the Republika Srpska (RTRS), which are financed through RTV subscriptions. There are also two news agencies – FENA and SRNA, which are funded from the budgets of entity governments. Several online media operate as part of non-governmental organizations and are funded from international funds.

According to the Media Freedom Index of Reporters Without Borders (RSF), in 2020, BiH ranked 58th out of 180 countries in the world, which is five places better position than in 2019. The RSF report points to the polarized political climate, marked by constant verbal attacks and nationalist rhetoric, which has created a hostile environment for press freedom in BiH, with editorial policies reflecting ethnic divisions and hate speech.⁹ The 2020 European Commission Report indicates that serious concern persists over political pressure, intimidation, and threats against journalists, and particularly women journalists, while the authorities continue to downplay their importance and respond poorly to such phenomena.¹⁰

8 *Media.ba, "Samoregulacija online medija u BiH: Dezinformacije, anonimni portali i govor mržnje", Sarajevo: 2020, accessed on: 25.10.2020. <https://www.media.ba/bs/magazin-novinarstvo/samoregulacija-online-medija-u-bih-dezinformacije-anonimni-portali-i-govor>*

9 *Reporters without Borders, "BiH: Further collapse of public service broadcasters", Paris: 2020, accessed on: 15.04. 2020. <https://rsf.org/en/bosnia-herzegovina>*

10 *European Commission, "Bosnia and Herzegovina 2020 Report", Brussels: 2020, accessed on: 15.10.2020, http://europa.ba/wp-content/uploads/2020/10/2020_bosnia_and_herzegovina_report.pdf*

A1 Legal guarantees for media and journalists' freedom and their application in practice

Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet?
Are the legal guarantees implemented in practice?

Although media and legal experts agree that BiH generally has good quality laws, which guarantee the media freedoms and safety of journalists, including the freedom of expression on the Internet, which are largely in line with EU standards, the inefficient implementation thereof as well as differing case law and standards in BiH entities and Brčko District remain the problem. The laws governing the media and media activity in 2020 did not change, even though journalists, media workers, and professional associations warned of the need for improving the criminal legislation to ensure more efficient prosecution of those responsible for threats and attacks on journalists. At the same time, they were pointing to the failure to comply with the existing laws, which left many threats and attacks on journalists and media workers go unpunished.¹¹

¹¹ Nedim Pobrić, "Istrage i procesuiranje napada na novinare i medijske radnike u BiH", Sarajevo: 2020; accessed on 12.12.2020. <https://bhnovinari.ba/wp-content/uploads/2020/11/Istrage-i-procesuiranje-napada-na-novinare-u-BiH.pdf>

Was media legislation developed in a transparent and inclusive process in consultation with the relevant professional associations?

In 2020, there were several initiatives to amend criminal and defamation laws with the aim of improving the safety of journalists and media freedoms.¹² The experts argue that the existing laws do not provide adequate access to information for journalists and that legislation in BiH does not recognize the attack on journalists as a separate criminal offense, which should be amended given the fact that journalists and media engage in activities of wider public importance.¹³ The lack of a single media register, i.e., the Law on Transparency of Media Ownership and Transparent Media Financing remains the problem.

Were there attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and Internet-based media? Do these requirements go beyond a mere business and tax registration?

During 2020, there were no changes in the terms for the establishment of print and online media, but in general, the work of all media was much more difficult than in previous years due to the health crisis caused by the pandemic. Some of the measures taken by the BiH authorities in response to the COVID 19 pandemic – decisions, decrees, and orders – also affected the work of journalists and restricted the right to freedom of expression. Explaining it as a fight against false news and preventing the spread of panic, the authorities rendered special decisions envisaging heavy fines not only for journalists but also for citizens who use social networks.¹⁴ Under the pretext of protection against the spread of the virus, press conferences were organized without the presence of journalists, with pre-conceived and selected questions. Some of the press conferences have even become platforms for lashing out at journalists for alleged “inaccurate and malicious reporting and accusing investigative journalists of “taking over the role of institutions”.¹⁵

Have there been attempts by the state authorities to restrict the right to Internet access or seek to block or filter Internet content?

In early April 2020, Željka Cvijanović, the President of the Republika Srpska, at the motion of the RS Ministry of the Interior passed a legislative Decree banning the causing of panic and disorder during a state of emergency.¹⁶ The Decree referred to “expressing or transmitting false news or allegations causing panic or seriously disturbing public order or preventing or significantly impeding the implementation of decisions and measures of state bodies, other institutions and organizations exercising public authority.” This ban, as it was pointed out, “also applies to actions committed through the media, social networks or other similar means” (Article 2 of the Decree, paragraphs 1 and 2), which are punishable by a fine ranging from BAM 1,000 to 9,000. Shortly after the RS Government decree, the Emergency HQ of Brčko District also issued an order banning the expressing and transmitting false information regarding coronavirus in public.¹⁷ At the same time, by the end of March, the Federal Police Administration (FUP) had filed five complaints with prosecutors about cases of “spreading panic through social media by posting misinformation and false news”¹⁸, and appointed a team to “monitor 24/7 all criminal events or abuses of office as well as the spreading of panic” and threaten the misinformation producers with blocking their profiles on social networks.” Similar measures, i.e., orders, which the media community interpreted as a gross attack on media freedom and attempted censorship, were also adopted at the local level.¹⁹ Under pressure from the media, journalists’ associations, and the public, as well as some international organizations, the contested decrees, and decisions were eventually revoked in both BiH entities, and misdemeanor proceedings against 18 people for allegedly spreading panic and false news were suspended.

12 In June 2020, the RS National Assembly did not accept an initiative to prescribe “obstructing the performance of journalistic duties” a special criminal offense. The BiH Parliament has accepted the initiative to amend the Law on Protection against Defamation.

13 Jasminka Džumhur, BiH Human Rights Ombudsman, interviewed by: Maja Radević, 3.12.2020

14 Mehmed Halilović and Amer Džihana, “Ograničavanje prava na slobodu izražavanja u BiH u toku trajanja pandemije COVID-19”, Sarajevo: 2020; accessed on 13.11.2020.

15 *ibid*

16 Official Gazette of Republika Srpska, No. 32, April 6, 2020.

17 Official Gazette of the Brčko District of BiH, No. 15/2020.

18 Detektor.ba, “Podneseno pet prijava za širenje panike na internetu u Federaciji”, Sarajevo: 2020, accessed: 8.04.2020. <https://detektor.ba/2020/03/30/podneseno-pet-prijava-za-sirenje-panike-na-internetu-u-federaciji/>

19 BH novinari: Javni zahtjev Općinskom štabu CZ Stari Grad Sarajevo za povlačenje naredbe o cenzuri medija, Sarajevo: 2020, accessed on 13.11.2020. <https://bhnovinari.ba/bs/2020/04/20/bh-novinari-javni-zah-tjev-opcinskom-stabu-cz-stari-grad-sarajevo-za-povlacenje-naredbe-o-cenzuri-medija/>

Is the regulatory authority performing its functions in an independent and non-discriminatory manner? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?

For years, the Communications Regulatory Agency (CRA), which is responsible for the regulation of electronic media, has been receiving complaints implying it to have been operating under political influence. The latest argument in support of such claims was the election of a new CRA director, Draško Milinović, who was appointed to the post by the BiH Council of Ministers in July. Milinović is a former director of RTRS, a public broadcasting service repeatedly sanctioned by the RCA for violating the code and tendentious reporting.²⁰

Plamenko Čustović, a former chairman and member of CRA Council, who resigned from this position after the majority CRA Council members nominated Draško Milinović as a new Director, confirmed that the CRA Council members work under political influence.

– These are evidently political pressures. Even before the vacancy was announced, there were rumors that Mr. Milinović will be appointed director of CRA, which we thought it was funny, because how can anyone predict that we will vote for Mr. Milinović. We even made fun of it ... Unfortunately, when the vote took place, it turned out that it was not an empty threat, it was already rigged – Čustović said.

Are the legal provisions on state advertising in the media abused for political influence over their editorial policy? Is the allocation of state funds transparent, fair and non-discriminatory?

Amounts of budget allocations to the media are generally not publicly available, and the allocation criteria are not clearly defined at no level of government (state, entity, local). In 2020, some media received funds from the entity governments as part of economic support to mitigate the consequences of the pandemic, but the media owners and editors argue that this support was insufficient to cover the drastic plunge of revenues in public and private media.²¹ There are no special funds for the production of media content of public interest.

20 Media.ba, "Draško Milinović imenovan za novog direktora RAK-a", Sarajevo: 2020, accessed on 13.11.2020. <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/drasko-milinovic-imenovan-za-novog-direktora-rak>
21 BH novinari, "Urednici i vlasnici medija: Bh. vlasti moraju donijeti poseban program podrške medijima", Sarajevo, 2020; accessed on 15.11.2020 <https://bhnovinari.ba/bs/2020/12/21/urednici-i-vlasnici-medija-bh-vlasti-moraju-donijeti-poseban-program-podrske-medijima/>

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

There is no special funding mechanism within the public media for producing media content targeted at national minorities, despite the legal obligation to produce content in the languages of national minorities at least once a week.²²

Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independence and stability? Is the supervisory body representative of society at large?

The three public broadcasters in BiH are still exposed to strong political influences, especially through politically controlled boards of directors, with a worrying trend of self-censorship. The State has not introduced an appropriate model for collecting broadcasting fees that would ensure their financial sustainability and political independence. The Public Service Corporation, as prescribed by the relevant law, was never established. The 2003 Law on the Public Broadcasting System is only partially implemented, and the Entity laws are not harmonized with it. Due to non-compliance with EU practice, the current way of financing local public broadcasters, which are funded from the budget, opens the doors to political pressure and influence.²³

A2 The effects of defamation laws on journalists

Are the provisions in the defamation laws severe and protective of state officials? What are the main shortcomings of these laws?

Although defamation laws, which exist at the Entity levels and in the Brčko District, are generally well written, their provisions are not harmonized, and their major common shortcoming is the non-compliance with the case-law of the European Court of Human Rights in Strasbourg in their application. Encouraging is the initiative made by an MP, Damir Arnaut, to amend the existing defamation laws to provide for a "stricter" standard of admissibility, tolerance, and proof of defamation

22 Law on Protection of the Rights of National Minorities in BiH, Articles 15 and 16.
23 European Commission Report on BiH for 2020, accessed on 23.12.2020. http://europa.ba/wp-content/uploads/2020/10/2020_bosnia_and_herzegovina_report.pdf

in case of lawsuits of public figures relative to private individuals, which is a standard of the ECHR. The initiative was endorsed in the Parliamentary Assembly of BiH.²⁴ It will take some time before this initiative is translated into amended laws, but the fact that the majority of politicians in the State Parliament have recognized this problem is commendable and gives hope that the number of lawsuits filed by public officials against journalists will decrease in the future and that the local courts will approximate their work to European practice.²⁵

How many lawsuits have been initiated against journalists by state officials and politicians in the past year?

Journalists in BiH continue to face a large number of defamation lawsuits filed against them by political officials, judicial officials, and other public officials. According to the register of the Free Media Helpline, in July 2020, there were 289 pending defamation lawsuits against journalists and the media.²⁶

To what extent are court decisions against some journalists politically motivated? What kinds of penalties have been imposed?

Lawsuits by politicians and representatives of the judiciary against journalists draw public attention due to a large number of such lawsuits, but also because these two professions demonstrate their social power by bringing journalists to courts, thus putting political and institutional pressure on the media. However, an ever more frequent topic in the public is the possible pressure exerted by media on prosecutors and judges through the publication of certain content.²⁷

Do the courts recognize the established self-regulatory mechanism (if any)? Do they accept the validity of a published or disseminated reply, correction or apology?

When examining defamation lawsuits most BiH courts take into account retractions, apologies, and corrections of incorrect allegations in the media and seldom award non-pecuniary damage over BAM 5,000 (approximately EUR 2,500). For the sake of legal certainty, the media community is proposing to set by the law the ceiling of non-pecuniary damage, while legal experts are calling for the possible introduction of a special fee for initiating defamation lawsuits, as a significant number of lawsuits were ultimately dropped.²⁸

The courts in BiH very rarely apply the stated practice of the European Court, although according to Article II of the BiH Constitution they are obliged to do so. A shining example of domestic practice is the decision of the Court from Visoko, which in its judgment rejecting a defamation lawsuit against journalists and the media filed by the Municipality Mayor explicitly referred to the practice of the ECtHR. However, that such cases are the exception rather than the rule is proved by the judgments of the Banja Luka Basic Court, which in two identical defamation lawsuits filed by journalist Vladimir Kovačević, rendered two completely different verdicts. <https://bhnovinari.ba/wp-content/uploads/2020/11/Presude-za-klevetu-Banja-Luka-BOS..pdf>

What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?

Journalists generally perceive lawsuits as a form of pressure on their work, especially when sued by public officials and persons in positions of power, and they do not trust the work of the judiciary. In parallel with filing defamation lawsuits, the plaintiffs often make ultimate demands to the media to delete the contested content.²⁹ The US State Department Report on the state of human rights in the world³⁰ indicated that courts in BiH continuously fail to differentiate between different media genres, in particular, between news and commentary, while long court procedures and legal and financial battles are financially exhausting to journalists and media outlets. “Years of incorrectly implementing the law

24 BH novinari, “Političari moraju prihvatiti kritiku u medijima kao dio slobode izražavanja, a ne kao klevetu”, accessed on 28.09.2020. <https://bhnovinari.ba/bs/2020/03/17/politiciari-moraju-prihvatiti-kritiku-u-medijima-kaodioslobode-izrazavanja-a-ne-kaoklevetu/>

25 Damir Arnaut, interviewed by Maja Radević, 25.04.2020.

26 Media.ba, “U BiH aktivno 289 tužbi za klevetu protiv novinara i medija”, Sarajevo: 2020, accessed: 25.12.2020. <https://media.ba/bs/vijesti-i-dogadaji-vijesti/u-bih-aktivno-289-tuzbi-za-klevetu-protiv-novinara-i-medija>

27 Arben Murtezić, Director of the Judicial Training Center of the Federation of BiH, interviewed Maja Radević, 23.12.2020.

28 Biljana Radulović, lawyer working at the Free Media Helpline, interviewed by Maja Radević, 15.12.2020.

29 Focus group with local media journalists in BiH, 18.12.2020.

30 State Department, “Bosnia and Herzegovina 2019 Human Rights Report”, accessed on 15.12.2020. <https://ba.usembassy.gov/wp-content/uploads/sites/270/BOSNIA-AND-HERZEGOVINA-2019-HUMAN-RIGHTS-REPORT.pdf>

had caused direct pressure against journalists and media and such pressure jeopardized journalists' right to freedom of expression", says the Report.

A3 Legal protection of political pluralism in the media

Is political pluralism in the media regulated by media legislation outside the election processes? What are the obligations of the PSB and what of the private broadcasters concerning political pluralism outside election processes?

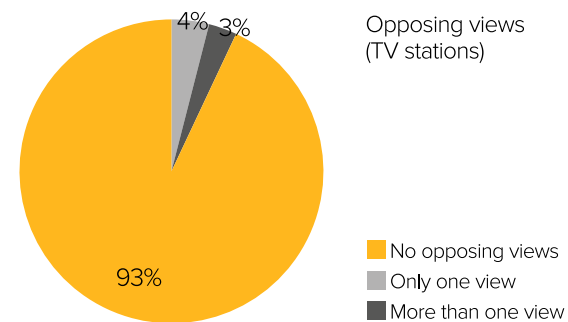
Respect for information pluralism and the diversity of political, religious, and other ideas is part of the Entity laws on public service broadcasting, as well as of the Law on Communications of BiH, which says that the regulatory principles of broadcasting shall include the protection of freedom of expression and diversity of opinion while respecting generally accepted standards of conduct, non-discrimination, fairness, accuracy, and impartiality.³¹

Is the regulatory authority obliged to monitor and protect political pluralism outside election processes? What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

The Communications Regulatory Agency (CRA) is obliged to monitor the compliance with the requirement for political pluralism in the electronic media throughout the year, but monitoring is done only based on specific requests of the audience and during election campaigns. The activities of the media during the election campaign are regulated by the BiH Election Law. The shortcoming of this Law is that its provisions mostly apply to electronic media and to a lesser extent to print media, while online media are not subject to legal rules at all. Compliance with professional standards in print and online media is monitored by a self-regulatory body for press and online media, the Press Council in BiH.³²

Do political parties and candidates have fair and equal access to media outside election processes?

Media content rarely includes more than two interlocutors/sources for a particular topic with rare exceptions in pre-election debate shows. As many as 95% of media content in the local media provide no opposing views and confronting arguments, which is an absolute indicator of the absence of pluralism.³³



Picture 1: The presence of conflicting opinions in the content of local media

Do political parties and candidates have fair and equal access to media during election campaigns?

No permission of the regulator is required to establish an online media, and as a result, a large number of new online portals are emerging, in particular ahead of the election campaigns. Under the guise of "informative" news portals, they create space for certain politicians or political parties, favoring them and reporting in their favor. On the other hand, they portray political opponents in a negative light or completely disregard the content related to their activities.³⁴ Observers of the Coalition "Pod lupom" [Under the Magnifying Glass] recorded 79 cases of biased media coverage in the run-up to the 2020 Local Elections, and the transmission of inappropriate speech by officials or election candidates. In 19 municipalities i.e., cities, the media have been exposed to various types of pressure.³⁵

31 BiH Communications Act, Article 4.

32 "The 2019 Report on media freedom level and journalists' safety indicators in Bosnia and Herzegovina, Maja Radević

33 BH Journalists, Monitoring the content of local media in BiH, Sarajevo: 2020, accessed on 25.11.2020. <https://bhnovinari.ba/wp-content/uploads/2020/11/Lokalni-mediji-%E2%80%93-kvalitet-medjiskih-sadr%C5%BEaja-i-informacija-za-gra%C4%91ane-pluralizam-mi%C5%A1ljenja-i-razli%C4%8Ditost-izvora-informacija.pdf>

34 Vuk Vučetić, PhD in Communication and Prof. at the Faculty of Philosophy, University of Istočno Sarajevo, interviewed by Maja Radević, 19.9.2020.

35 Coalition "Pod lupom", Report on Long-Term Observation of the 2020 Local Elections in BiH, Sarajevo: 2020, accessed on 18.12.2020 file:///D:/Downloads/Drugi%20preliminari%20izvjestaj%20o%20dugorocnom%20posmatranju%20Lokalnih%20izbora%202020.%20godine.pdf

A4 Freedom of journalists' work and association – legal guarantees and practice

Do journalists have to be licensed by the state to work? Were there any attempts in the past year to introduce licenses by the state?

Journalists in Bosnia and Herzegovina need not be licensed by the State and in 2020 there have been no attempts to introduce such licenses. Most media, when hiring a journalist, require certain qualifications such as a university diploma in journalism or another social science discipline. Freedom of work and association in the media industry is defined by the existing Entity labor laws, as well as by some other laws (BiH criminal legislation, strike laws, laws on public order and peace, defamation laws ...)

Are journalists organized in trade unions and if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions?

There are several trade unions of media workers at the State and Entity levels, as well as within the public broadcasting services. The largest are the Union of Media Workers and Graphic Artists with about 800 members, and the Independent Union of Workers in the BHRT with about 500 members. Generally, media workers, including journalists, are mostly members of the unions of PBSs and public local RTV stations. Most of their demands are related to employment contracts, the level of benefits, and promotion.³⁶ The prevailing opinion among journalists is that the public media mostly do not have quality unions and that the union representatives favor certain political structures. Journalists have very little knowledge of their own rights, codes, and regulations on the work of the media outlets in which they work and are generally passive when it comes to improving their status.³⁷

Are journalists organized in professional associations and if yes how? Are there pressures on their organization or on individual members?

Several professional associations and organizations are dealing with the protection of the rights of journal-

ists and media in BiH, the most active of which are the Udruženje/udruga BH novinari, Društvo novinara BiH, Udruženje novinara RS, Sindikat medija i grafičara RS, the Human Rights Ombudsman Institution, the Press Council and the Communications Regulatory Agency (CRA). There is no trade union with exclusively journalist membership that deals only with their rights. The journalist community has been pointing to the need for having a union of journalists at the State level for years. This need was re-tabled at the session of the Board of BH Journalists in October 2020 and later accepted at the Assembly of the Association.³⁸ Journalists most often turn to the Association BH novinari for the protection of their rights (23.7%), then to the Communications Regulatory Agency (11.1%), and the Press Council in BiH and the Human Rights Ombudsman Institution (10.1% each).³⁹ However, the level of trust in institutions dealing with the protection of the rights of journalists and the media is relatively low.

Journalists who are not members of the professional associations often claim, as a reason, that such associations have become an end to themselves, focusing on their own interests. They do not trust the work of such associations and are bothered by disunity among journalist associations.⁴⁰

In 2020, BH novinari have been subject to pressures on several occasions. In March this year Fahrudin Radončić, the then chairman of the BiH Coordination Body for Protection and Rescue and the BiH Minister of Security, tried to challenge the legitimate request of BH novinari to form a media pool and create epidemiologically and health-safe working conditions for journalists following the coronavirus, using political manipulations and incorrect interpretation. Ivan Šušnjar, the owner of the Poskok.info portal, wrote posts on social media accusing the general secretary of BH novinari, Borka Rudić, "of inviting Serbs from Konjic and Jablanica during the war to report to the camps". Following the publication of the text written by the then president of the HJPC, Milan Tegeltija, about journalists and secret filming, some fellow journalists criticized the Association for inviting Tegeltija to express his views on this topic.

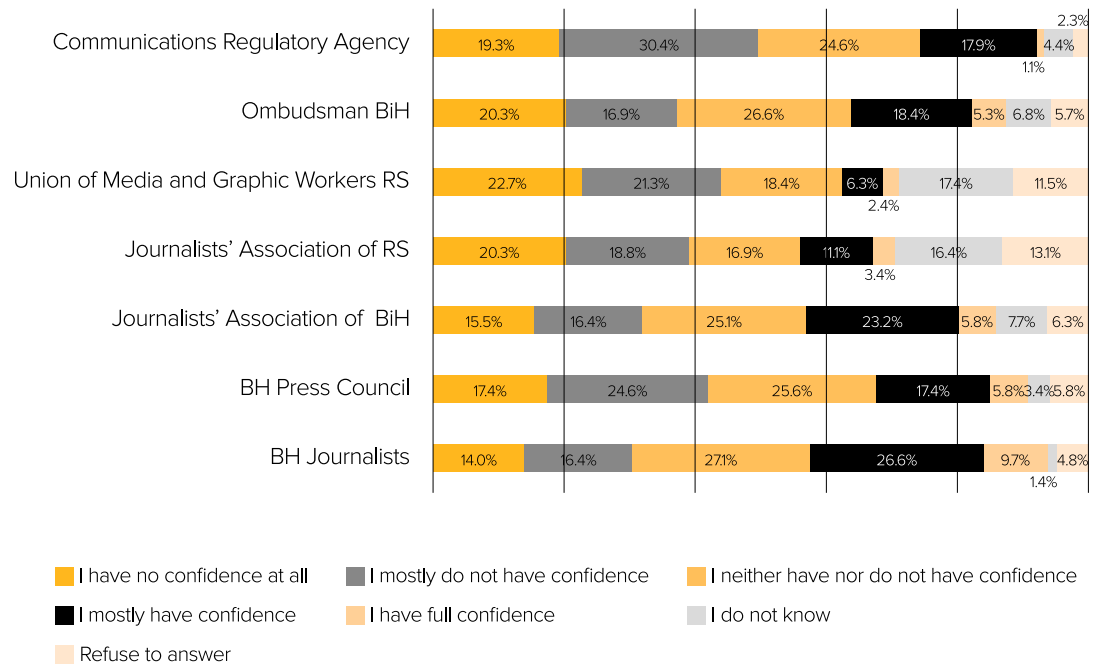
³⁶ Damir Smital, President of SSR BHRT, interviewed by Maja Radević, 26.9.2019

³⁷ Focus group with local media journalists in BiH, 18.12.2020.

³⁸ BH Journalists, "Izveštajna skupština BH novinara: U protekle tri godine 500 novinara koristilo usluge Linije za pomoć novinarima", Sarajevo: 2020, accessed on 12.11.2020 <https://bhnovinari.ba/bs/2021/01/15/izveštajna-skupština-bh-novinar-a-u-protekle-tri-godine-500-novinar-a-koristilo-usluge-linije-za-pomoc-novinarima/>

³⁹ BH novinari and Pro Educa, "Ljudska prava novinara u BiH 2019", Sarajevo: 2019, accessed on 12.11.2020. <https://bhnovinari.ba/wp-content/uploads/2020/09/Ljudska-prava-novinar-a-2019.pdf>

⁴⁰ Ibid



Picture 2: The level of trust of the respondents in the institutions dealing with the media

Is there a Press Council and how is it organized? Are there pressures on the representatives of the Press Council?

The Press Council in BiH, which acts as a self-regulatory body, received a total of 915 complaints in 2020. The vast majority of complaints were about hate speech in the comments of web portal visitors, breach of the right to reply, editorial responsibility, and accurate and fair reporting.⁴¹ Although not exposed to direct threats, members of the Press Council were exposed to unpleasant reactions from complainants and media editors dissatisfied with the outcomes of their complaints.

A5 Legal protection of journalists' sources

How is confidentiality of journalists' sources guaranteed by the legislation? Under what circumstances, the right to protect their sources may be subject to limitations?

Defamation laws define that "a journalist and any other natural person regularly or professionally engaged in the

journalistic activity of seeking, receiving or imparting information to the public, who has obtained information from a confidential source has the right not to disclose the identity of that source. This right allows the journalist not to disclose any document or fact that could reveal the identity of the source.⁴² The confidentiality of journalistic sources is also defined by the Press and Online Media Code of BiH⁴³, as well as criminal procedure codes.⁴⁴ The protection of journalistic sources was one of the main topics of the media and judicial community in BiH during 2020. Legislation in this area is well regulated, but some politicians and representatives of the highest judicial institutions questioned the sources of publication of secretly made audio and video recordings and photographs in the media. Criminal procedure codes stipulate that a journalist may not be heard as a witness for the purpose of protecting the source of information, but at the same time

42 Law on Protection against Defamation of FBiH, Article 9. This provision is identical in the laws of the RS and Brčko District <https://advokat-prnjavorac.com/zakoni/Zakon-o-zastiti-od-klevete-FBiH.pdf>

43 BiH Press and Online Media Code, Article 13 https://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9

44 BiH Criminal Procedure Code <https://www.paragraf.ba/propisi/bih/zakon-o-krivicnom-postupku-bosne-i-hercegovine.html>

FBiH Criminal Procedure Code <https://www.paragraf.ba/propisi/bih/zakon-o-krivicnom-postupku-federacije-bosne-i-hercegovine.html>

RS Criminal Procedure Code <https://www.paragraf.ba/propisi/republika-srpska/zakon-o-krivicnom-postupku-republike-srpske.html>

BD Criminal Procedure Code <https://www.paragraf.ba/propisi/brcko/zakon-o-krivicnom-postupku-brcko-distrikta-bosne-i-hercegovine.html>

41 Dženana Burek, President of the Press Council in BiH, interviewed by Maja Radević, 26.12.2020.

define “unlawful acquisition of classified information” and its unauthorized use as a criminal offense.⁴⁵

One of the biggest media scandals in 2020 was stirred by an audio recording published by the portal Istraga.ba, featuring the President of the High Judicial and Prosecutorial Council (HJPC) of BiH, Milan Tegeltija, talking to a member of the HJPC, Milijana Buha, about hiring her sister in judicial institutions. Following the release of this audio, Tegeltija publicly accused the employees of the BiH Intelligence and Security Agency of recording him illegally and sharing the recordings with the media, claiming that thus his life and security were jeopardized. Under pressure from the public and the international community, Tegeltija resigned as president and member of the HJPC shortly after the recording was released.

At the same time, under the law, only by a court decision can be established if a “secret recording” is a criminal offense or whether a journalist acted in the public interest.⁴⁶ However, journalists argue that such provisions cannot apply to them in situations when they publish secretly recorded content obtained through their sources, which serve the public interest as they reveal corruption or other criminal offenses.⁴⁷ On the other hand, public officials who were secretly filmed deny any public interest in such situations and argue that the media violated their right to privacy by publishing such footage.⁴⁸

Is confidentiality of journalists’ sources respected by authorities? Were there examples of ordering journalists to disclose their sources and was that justified to protect the public interest?

Competent institutions in BiH so far have not officially required journalists to disclose their sources of information. However, journalists often claim that after the release of investigative stories, they are indirectly ex-

posed to various types of pressure to disclose how they obtained certain information.⁴⁹

Do journalists feel free to seek access to and maintain contacts with sources of information?

Information source protection is often contested by those about whom the media reports, thus trying to put pressure on journalists to reveal the sources, i.e., prove that the publication of certain data is not in the public interest. It is a confrontation between the principle of government, which wants to protect its non-transparency and possible criminal acts, and the principle of publicity and media as an instrument of citizens to demand that everything in the public interest be accessible, visible, and verifiable, even if the information does not always come in an “admissible” way. While they largely succeed in protecting their sources, investigative journalists feel that this is a lopsided struggle for as long as the legal, repressive levers and tools are in the hands of the authorities.⁵⁰

A6 Protection of the right to access to information

What are the legal rules on access to official documents and information which are relevant for journalists? Do the journalists use these rules? Do the authorities follow the rules without delays?

The right to access information in BiH is regulated by the laws on freedom of access to information adopted at the State and Entity levels in 2000 and 2001 respectively. Evident weaknesses in the application of the law on the part of public bodies are manifested in: delaying the decision-making process on FOIA requests (in the first and second instance proceedings), rendering decisions that preclude the right to appeal, formally accommodating the journalists’ requests but denying all requested information, and a frequently used practice by public authorities – denying access to information by invoking the protection of personal data.⁵¹

45 Sena Bajraktarević, Nihada Jeleć, “Zaštita povjerljivosti novinarskih izvora”, Sarajevo: 2013, accessed on 25.10.2020. <https://www.parlament.ba/Publication/Read/3945?title=zastita-povjerljivosti-novinarskih-izvora-&pagelid=0>

46 Article 188 of the FBiH Criminal Code reads: “Whoever by use of special devices without authorization taps or records a conversation or a statement which was not intended for him, or enables an uninvited person to have knowledge of a conversation or a statement that was tapped or recorded without authorization, or whoever without authorization taps or records somebody else’s messages from a computer, shall be punished by a fine or imprisonment for a term not exceeding three years.”

47 Senad Avdić, “O prisluškivanju, medijima i cijeni istraživačkog novinarstva”, BH Journalists, 23.9.2020, accessed on 10.11.2020. <https://bhnovinari.ba/bs/2020/09/23/senad-avdic-o-prisluškivanju-medijima-i-cijeni-istrazivackog-novinarstva/>

48 Milan Tegeltija, “Zašto novinar nema pravo da objavi nezakonito sačinjen snimak”, BH Journalists, 22.9.2020., accessed on 10.11.2020. <https://bhnovinari.ba/bs/2020/09/22/milan-tegeltija-zasto-novinar-nema-pravo-da-objavi-nezakonito-sacinjen-snimak/>

49 Zinaida Đelilović, “Ako snimak otkriva krivično djelo, onda je javni interes iznad privatnog”, bilten E-novinar br. 76, accessed on 10.11.2020. https://bhnovinari.ba/wp-content/uploads/2020/09/76-IZDANJE-E-NOVINAR_BHS-converted_final.pdf

50 Senad Avdić, Editor-in-Chief of Slobodna Bosna, interviewed by Maja Radević, 20.11.2020

51 Institucija Ombudsmena za ljudska prava BiH, “Specijalni izvještaj o iskustvima o primjeni zakona o slobodi pristupa informacijama u BiH”, Banja Luka: 2019, accessed on 24.11.2020. https://www.ombudsmen.gov.ba/documents/obudsmen_doc2020020515415139bos.pdf

Are state authorities in general transparent? Do they employ open, non-discriminatory and fair media relations or tend to work in secrecy? Do state institutions treat preferentially politically friendly media? How open to the public are the Government and the respective ministries?

Transparency International (TI) research⁵² from 2020 showed that progress has been made in terms of access to information held by public institutions and public enterprises compared to previous years, but it is still insufficient. Due to the silence of the administration, or complete disregard for the request, TI BiH filed complaints against more than 100 of the 737 public institutions included in the survey. Year after year, the number of complaints to the Human Rights Ombudsman Institution for violation of the right to free access to information is increasing.⁵³ Many public institutions took advantage of the COVID-19 pandemic to introduce “silent censorship” and restrict access to public information. A survey conducted by BH novinari showed that more than 83% of journalists believe that the emergency headquarters did not provide objective and comprehensive information to citizens about the coronavirus. More than 39% of respondents claim to have received partial information at press conferences, and only 16.7% said that the responses they received have contained the key information.⁵⁴ Under the guise of fighting the false news and preventing the spread of panic, some BiH authorities rendered special decisions envisaging heavy fines not only for journalists but also for citizens who use social networks.⁵⁵ Observed were situations of selective provision of information to some media and denying the same information to others⁵⁶, decision banning the presence

of journalists at press conferences⁵⁷, and public officials avoiding to answer critical questions, including those on the relevance of some pandemic-related measures⁵⁸.

Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?

Journalists and media experts openly criticize the non-transparency of judicial institutions, in particular the closedness of the BiH Prosecutor’s Office. Gordana Tadić, the Chief Prosecutor of the BiH Prosecutor’s Office, does not allow prosecutors to communicate directly with the media and appear in public, which makes it impossible for the media to adequately report on the work of this institution.⁵⁹

Is public access to parliamentary sessions provided? Are there restrictions for the journalists to follow parliamentary work?

Most Parliament sessions in 2020 were held through online platforms that journalists could follow without hindrance, and some of the sessions were also broadcast live on TV.

52 Vidportal.ba, “TI BiH: Napravljene pomoci u pristupu informacijama, ali nedovoljni”, Sarajevo: 2020, accessed on 24.11.2020. <https://vidportal.ba/2020/09/transparency-international-napravljeni-pomaci-u-pristupu-informacijama-ali-nedovoljni/>

53 Institucija Ombudsmana za ljudska prava BiH, “Specijalni izvještaj o iskustvima o primjeni zakona o slobodi pristupa informacijama u BiH”, Banja Luka: 2019, accessed on 24.11.2020. https://www.ombudsmen.gov.ba/documents/ombudsmen_doc2020020515415139bos.pdf

54 A sample of the survey conducted by BH novinari “Access to public information related to COVID-19” included 102 journalists https://bhnovinari.ba/wp-content/uploads/2020/06/Anketa-BH-novinara-Pristup-javnim-informacijama-u-vezi-sa-COVID-19-BHS_compressed.pdf

55 Mehmed Halilović and Amer Džihana, “Ograničavanje prava na slobodu izražavanja u BiH u toku trajanja pandemije COVID-19”, Sarajevo: 2020, accessed on 23.9.2020. <https://bhnovinari.ba/bs/2020/06/04/ogranicavanje-prava-na-slobodu-izrazavanja-u-bih-u-toku-trajanja-pandemije-covid-19/>

56 BH Novinari, “Javni poziv kriznim štabovima Federacije BiH i Kantona Sarajevo”, Sarajevo: 2020, accessed: 23.9.2020. <https://bhnovinari.ba/bs/2020/03/31/bh-novinari-javni-poziv-kriznim-stabovima-federacije-bih-i-kantona-sarajevo/>

57 BH novinari, “Protest Kriznom štabu/stožeru HNK zbog kršenja prava na slobodu izražavanja”, Sarajevo: 2020, accessed: 23.9.2020. <https://bhnovinari.ba/bs/2020/04/22/bh-novinari-protest-kriznom-stabu-stozeru-hercegovačko-neretvanskog-kantona-zbog-kršenja-prava-na-slobodu-izrazavanja/>

58 BH novinari, “Javni protest Fadila Novaliću, premijeru FBiH”, Sarajevo: 2020, accessed: 26.9.2020. <https://bhnovinari.ba/bs/2020/03/24/bh-novinari-javni-protest-fadila-novalicu-premijeru-fbih/>

59 Detektor.ba, “Branjenje državnim tužiocima da govore za medije povećava netransparentnost Tužilaštva BiH”, Sarajevo: 2020, accessed on 12.12.2021. <https://detektor.ba/2021/01/05/branjenje-drzavnim-tuziocima-da-govore-za-medije-povecava-netransparentnost-tuzilastva-bih/>

B

Journalists' Position in the Newsrooms

B1 Economic restrictions on journalists' freedom

How many journalists have signed employment contracts?
Do they have adequate social security? How high are
the journalists' salaries? Are they paid regularly?

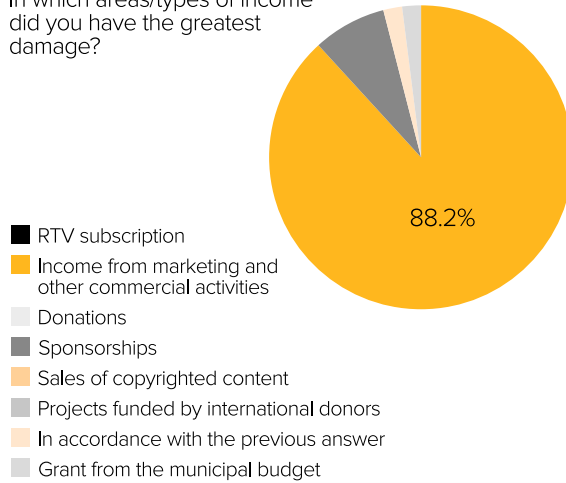
Coronavirus pandemic has taken an economic toll on the work of media and journalists in BiH. Many media outlets have faced a drastic drop in income, which led to reducing the number of employees or part-time employees. Many journalists have been signing new employment contracts that reduced their existing or set new minimum wages.⁶⁰ According to the survey of BH novinari,⁶¹ 57.5% of journalists are full-time employed, while 19.3% of them have the status of part-time associate. The income of journalists usually ranges between BAM 500 and 1,000 (29%) and BAM 1,000 and 1,500 (20.8%). Every tenth journalist (7.2%) has a monthly income of up to BAM 500, and only 4.9% receive over BAM 1,500.⁶² In general, a journalist's salary often depends on the ownership structure of the media, so it can be said that journalists in PBSs are better paid, and have better working conditions compared to those who work in private me-

60 Media.ba, "Padaju prihodi, a raste broj otkaza", Sarajevo: 2020, accessed on 12.12.2020. <https://www.media.ba/bs/magazin-novinarstvo/padaju-prihodi-raste-braj-otkaza>

61 The survey was conducted on a sample of 200 journalists from public and private media

62 BH novinari and Pro Educa, "Ljudska prava novinara u BiH 2019", Sarajevo: 2019, accessed on 28.11.2020. <https://bhnovinari.ba/wp-content/uploads/2020/09/Ljudska-prava-novinara-2019.pdf>

In which areas/types of income did you have the greatest damage?



Picture 3: Financial damage in public and private media during the pandemic

dia.⁶³ However, this average is often “boosted” by managers’ salaries in PBSs, which are up to five times the average salary in the country.⁶⁴

More than 88% of public and private media in BiH suffered financial damage during the pandemic. The largest plunge was noted in revenue from marketing and other commercial activities (88.2%), sponsorship revenue (7.8%), and budget grants (2%).⁶⁵ PBS is estimated to have suffered a drop in RTV subscription revenue of up to 20 percent.

The current value of the BiH media market is about 61% lower than 10 years ago. Apart from the shrinking market, the main concern is the outflow of advertising revenues to global communication platforms and TV channels from the region broadcast in BiH.⁶⁶ Editors and media owners have no hopes for receiving adequate aid from the State. They believe that the struggle with the economic consequences of the pandemic will continue in the coming years, which could lead to the shutdown of the media, especially in local communities.⁶⁷

63 Fena.ba, “Prosječna novinarska plata u BiH ispod prosjeka primanja u zemlji”, Sarajevo: 2020, accessed on 28.11.2020. <https://birt.ba/prosječna-novinarska-plata-u-bih-ispod-prosjecka-primanja-u-zemlji/>

64 Data from the research of the Udruženje novinara Srbije “Economic and social position of journalists”

65 BH novinari, “Anketa sa vlasnicima medija o COVID-19 i ekonomskim posljedicama na medije u BiH”, Sarajevo: 2020, accessed: 12.12.2020. <https://bhnovinari.ba/bs/2020/06/29/covid-19-i-ekonomske-posljedice-formirati-nezavisni-fond-za-pomoc-medijima-u-bih/>

66 EU TASCO 3, “Sustainability of professional journalism in the media business environment of the Western Balkans”, June 2020; accessed on 10.11.2020. <https://media.ba/sites/default/files/tasco.pdf>

67 BH novinari, Javna diskusija o posljedicama COVID-19 na medije i novinarstvo u BiH, Sarajevo: 2020, accessed on 21.12.2020. <https://bhnovinari.ba/bs/2020/12/21/urednici-i-vlasnici-medija-bh-vlasti-moraju-donijeti-poseban-program-podrske-medijima/>

In April 2020, the Board of Directors of the Association of BH novinari called on the competent governments, media institutions and international donors to set up an emergency fund for the media to mitigate the economic consequences of a pandemic. Also, in early November 2020, Members of the European Parliament sent a letter to members of the BiH Presidency urging the BiH authorities to consider adopting a special assistance package for the Public Broadcasting System (PBS). None of the mentioned initiatives have been implemented.

In what state are journalists’ working conditions? What are the biggest problems they face in the workplace?

In addition to having small salaries, the journalists are often faced with late and irregular payment of their pensions and health insurance contributions. In 2020, the Free Media Helpline noted 6 incidents of violation of labor rights and mobbing.

B2 Editorial independence in the private media

Have private media outlets adopted organizational documents according to which the newsrooms are kept separate and independent from managers and marketing departments?

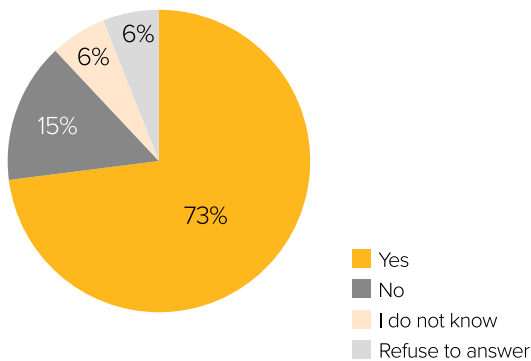
According to journalists, most private media have a clear organizational structure and a defined relationship between journalists, editors, and media owners. Nearly 20% of journalists claim that no such thing exists in the media outlets in which they work.⁶⁸ However, it is not possible to say exactly how many media outlets have formally adopted documents related to the organizational structure.

Do private media outlets have other rules adopted to safeguard editorial independence from media owners and managing bodies? Are those rules respected?

When it comes to the existence and application of formal or informal rules which ensure the editorial independ-

68 BH novinari and Pro Educa, “Raspodjela moći u medijima u BiH 2019.”, Sarajevo: 2019, accessed on 29.11.2020. <https://bhnovinari.ba/wp-content/uploads/2020/09/Raspodjela-mo%C4%87i-u-bh-medijima-2019.pdf>

Are the relationships between journalists and editors clearly defined?



Picture 4: Relationship between journalists and editors in newsrooms

ence of journalists in newsrooms, a conclusion can be indirectly drawn from journalists' answers about their relationship with editors, managers, and media owners. Most journalists describe their relationship with superiors as "mainly good" (35.7%) or "excellent" (24.6%), while some claim that this relationship varies between good and bad. Depending on how much the media outlet is exposed to political and economic pressures, in some media outlets journalists have more freedom than others. Relationships within the newsroom can significantly affect the quality of media content, and editorial intervention is often actually censorship.⁶⁹ This is a direct consequence of the connection of certain media owners and editors with political and economic centers of power.

Do private media outlets' newsrooms have internal codes of ethics or they comply to a general code of ethics?

Most private media have no internal codes of ethics, hence journalists and editors are mostly guided by their own ethical norms and principles, or they rely on the BiH Press and Online Media Code.⁷⁰ The general assessment of the professional community is that respect for journalistic ethics is not at an enviable level, especially in the online media, where the speed of publishing news, clickbait, and sensationalism often override the ethics.⁷¹

69 Prof. Dr. Belma Buljubašić, Department of Journalism/ Communication FPN Sarajevo, interviewed by Maja Radević, 28.12.2020.

70 Vzs.ba, *The Press and Online Media Code*, accessed on 25.12.2020 https://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9

71 Dženana Burek, interviewed by Maja Radević, 26.12.2020.

What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?

When it comes to pressures, journalists most often mention the opinions imposed by their editors, who impose not only the topics but also the interlocutors for certain topics.⁷² The level of income is also one of the main forms of pressure on journalists, and the subservient attitude towards advertisers and political officials is increasingly threatening the journalistic profession.⁷³ Journalists cite professionalism, responsibility, initiative, and quality of work as important prerequisites for career advancement. Promotion, however, depends on the subjective assessment of management, as most media do not have written, clear and precise criteria such as age and length of service, level of education, and professional development. Besides these criteria, journalists often mention party and ethnic affiliation and nepotism as important criteria for professional advancement.⁷⁴

What was the most illustrative example of the pressure exerted by media owners or managers on an entire newsroom or individual journalist in the past year?

Media professionals in the private media were most exposed to economic pressures in the year of the pandemic. Some media outlets laid off some employees due to financial crisis and declining advertising revenues, as was the case with *Oslobođenje*, the oldest daily in BiH.⁷⁵ Many journalists were forced to work for months on a minimum wage, while at the same time their workload significantly increased.

B3 Editorial independence in the Public Service Broadcaster

Does the PSB have an adopted code of journalists' conduct and editorial independence? Do journalists comply with this code? Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?

72 Focus group with private media journalists, 20.12.2020.

73 Belma Buljubašić, interviewed by Maja Radević, 28.12.2020.

74 Focus group with Private media journalists, 20.12.2020, 2020.

75 Media.ba, "Padaju prihodi, a raste broj otkaza", Sarajevo: 2020, accessed on 22.12.2020. <https://www.media.ba/bs/magazin-novinarstvo/padaju-prihodi-raste-broj-otkaza>

According to the Law on Public Broadcasting System BiH and Entity laws relating to public broadcasters, PBSs must be “independent in performing their activities, must have editorial independence and institutional autonomy.”⁷⁶ There are no special internal regulations and documents that would guarantee the independence of editors from the PBS management.

What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?

Although the working conditions for journalists are generally better in public media than private media outlets, the fact is that public services are much more exposed to economic and political pressures. No matter which party is in power, be it on the right or the left side of the spectrum, they all try to control PBSs because they are still considered the most credible and most trusted media, despite all the shortcomings.⁷⁷

Prevailing popular opinion is that BHRT and Entity PBSs (RTRS and FTV) are managed by people close to ethnic and nationalist parties, which is directly reflected in their program content. The program councils of the PBSs, which are in charge of representing and protecting the interests of the public through credible monitoring of programs and the improvement of audiovisual content, do not fulfill their legal role, and the Boards are most often perceived as politically biased.⁷⁸

At the end of 2019, the famous BiH author Ferida Duraković submitted an irrevocable resignation to the position of a member of the BHRT Program Council, stating as a reason that the management of this public service had neither an ear nor interest in advice, suggestions, and generally for cooperation with the Program Council. The current chairwoman of the BHRT Program Council, Sanja Vlajsavljević, is also an advisor at the BiH Ministry of Civil Affairs.

Local public media are financed from the budget of municipal and cantonal authorities. There is no transparent and publicly available data on these amounts, but the FBiH is estimated to have allocated more than BAM 12.5 a year for public broadcasters, and Republika Srpska more than BAM 4 million a year. There are also exam-

ples of public media that have more founders, so they are financed from several public budgets.⁷⁹

In addition to the non-transparent allocation of budget funds, the system of collecting the RTV fee has not been resolved yet, and many citizens, dissatisfied with the program content and political bias of public broadcasters, refuse to pay this fee.⁸⁰ The digitization process is slow, and even politicians themselves, i.e., MPs, admit that there is no political will for amending the laws to improve the operation of the PBS.⁸¹

Among the instances of pressure on public media in 2020 is an attempted political removal of the director of TVSA Duška Jurišić, which was initiated by the staff of the Party of Democratic Action (SDA) after the change of government in the Sarajevo Canton. In August, a censorship incident on BHRT, when a film critique of longtime journalist Mirza Skenderagić was published on the web portal of this public service, and shortly afterwards deleted have caused quite a stir. When this information hit the public, BHRT said that the text was deleted due to “non-compliance with the work system”, as well as due to BHRT’s responsibility towards “subscribers and business partners”.

B4 Editorial independence in the non-profit sector

What are the most common forms of pressure over the non-profit media outlets?

Non-profit media journalists funded by donor funds and money from international organizations are considered politically impartial, investigative journalists, and their stories generally attract great public interest. Due to several major scandals and corruption cases revealed in 2020, political pressure on journalists and editors of independent media has never been stronger.

⁷⁶ Law on Public Broadcasting System of Bosnia and Herzegovina, Article 4.

⁷⁷ Dženana Burek, interviewed by Maja Radević, 26.12.2020.

⁷⁸ Zekerijah Smajić. “Četvrt stoljeća dejtionske ‘reforme’ bh. televizije”. Al Jazeera Balkans, accessed on 23.12.2020. <https://balkans.aljazeera.net/opinions/2020/12/21/cetvrt-stoljeca-dejtionske-reforme-bh-televizije>

⁷⁹ “Finansiranje medija iz javnog sektora”, editor: Sanela Hodžić, Sarajevo: 2019, accessed on 23.12.2020. <https://bhnovinari.ba/wp-content/uploads/2019/10/Finansiranje-medija-iz-javnog-sektora.pdf>

⁸⁰ BNTV, “Sud plijeni stvari zbog neplaćanja pretplate RTRS”, Bijeljina, 2020, accessed on 23.12.2020. <https://www.rtvbn.com/3986806/sud-plijeni-stvari-zbog-neplacanja-pretplate-rtrs>

⁸¹ RadioSarajevo.ba, “Državna televizija: BHRT smanjio broj zaposlenih na 875”, accessed on 24.12.2020. <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/drzavna-televizija-bhrt-smanjio-broj-zaposlenih-na-875/397502>

In the Federation of BiH, journalists exposed the so-called “Ventilator Affair”⁸², related to the multimillion-dollar illegal procurement of Chinese ventilators involving top officials, after which they were subjected to months of pressure⁸³, attempts to discredit them in public, fictitiously linking them to certain political structures in order to portray them not as “independent” as they appear.

Journalist of the Fokus.ba portal Semira Degirmendžić, who was the first to write about the illegal procurement of ventilators in the FBiH, was even accused of an attempted coup, given that one of the accused in this affair was the Prime Minister of the Federation of BiH Fadil Novalić (SDA).

– These accusations were mostly made by people who hide behind fake names on social networks. I think that these are the so-called bots, people paid by certain political parties. And some politicians, in the present case primarily from the SDA, tried to put the blame on the media because they exposed the affair, and did not name those responsible for it – Degirmendžić said.

What was the most illustrative example of the pressure exerted over the non-profit media?

Editor and journalist of the independent portal Istraga.ba, Avdo Avdić published an audio recording featuring Milan Tegeltija, the then president of the HJPC BiH, arranging with Milijana Buha, a member of HJPC, the employment of her sister in the judiciary.⁸⁴ Following the release of the audio, Tegeltija was forced to resign. He publicly accused journalist Avdić of publishing what he claimed was an “illegally made” and “doctored” audio, linking him to the BiH Intelligence and Security Agency (OSA) and its director Osman Mehmedagić. FBiH Interior Minister, Aljoša Čampara, attacked Avdić with similar accusations.⁸⁵

For independent media journalists, the pressures and even threats are seen as an inevitable part of their

job, given that the focus of their work is corruption and crime. However, they take any threat seriously and report it to competent institutions.⁸⁶

B5 Freedom of journalists in the news production process

How often do journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)? How much freedom do journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?

Journalists attend editorial board meetings where topics are agreed upon, but this does not guarantee them freedom of work. The freedom of journalists to choose topics and ways of creating media content directly depends on the editorial policy. Journalists working in non-profit and private media outlets claim to have much more freedom compared to journalists employed in public media, although this is not always the rule. Some journalists reported pressures from their editors trying to “impose an opinion” on them, order which interlocutors to contact for a certain topic and which not, change the contents of articles and their products without consulting the authors first...⁸⁷

Journalists employed in those media outlets that have openly sided with certain political options are most exposed to pressure from the editors, i.e., the owners and the management.

– I do not have any freedom in choosing topics, except when what I propose is to work on is in accordance with the editorial policy. It is the same with the interlocutors. It happened to me that before I even returned from the assignment to the editorial office, the interlocutor had already called the editor and suggested what should be pointed out in the text – said a journalist from a portal, which was often portrayed as a “regime” media outlet.

On the other hand, journalists working in the media outlets registered as non-governmental organizations and funded mostly from various grants claim to have full freedom in their work and that this freedom is limited

82 Fokus.ba, “Poljoprivredno gazdinstvo dobilo posao od 10,5 miliona maraka za nabavku respiratora”, Sarajevo: 2020, accessed on 26.12.2020. <https://www.fokus.ba/vijesti/bih/poljoprivredno-gazdinstvo-dobilo-posao-od-105-miliona-maraka-za-nabavku-respiratora/1753735/>

83 BH novinari, “Sramotna hajka na novinarke i novinare koji pišu o aferi Respiratori”, Sarajevo: 2020, accessed on 26.12.2020. <https://bhnovinari.ba/bs/2020/06/04/bh-novinari-sramotna-hajka-na-novinarke-i-novinare-koji-pisu-o-aferi-respiratori/>

84 Istraga.ba, “Poslušajte kako Milan Tegeltija obećava imenovanja u pravosuđu”, Sarajevo: 2020, accessed on 26.12.2020. <https://www.istraga.ba/poslusajte-kako-milan-tegeltija-obecava-imenovanja-u-pravosuđu-neka-se-prijavi-za-gradisku-i-prijedor-pa-cemo-je-kasnije-prebaciti/>

85 Dnevnik.ba, “Čampara: Osmica naručuje tekstove od Avdića”, Sarajevo: 2020, accessed on 26.12.2020. <https://www.dnevnik.ba/vijesti/campara-osmica-naručuje-tekstove-od-avdica-mostar-i-stolac-najvaznije-tocke-za-obranu-bih-i>

86 Gracija.ba, “Dragan Bursać i Aladin Abdagić: Za šta su krivi novinari?”, Sarajevo: 2020, accessed on 26.12.2020. <https://gracija.info/2021/01/08/dragan-bursac-i-aladin-abdagic-za-sta-su-krivi-novinari/>

87 Focus group with journalists from public and private media, 20.12.2020.

only by diligent fact-checking before publishing content. According to them, this is also why they have almost no defamation lawsuits comparing to colleagues from other media.⁸⁸

How many journalists report censorship by the editors? How many journalists report they succumbed to self-censorship due to fear or losing their job or other risks? What are the journalists' self-perceptions on the extent to which they have been influenced by different risks and sources of influence?

The journalists themselves claim to be more subject to self-censorship than classical censorship. Most of them feel that censorship or attempted censorship are not worth reporting because it can only lead them to lose their job.⁸⁹ In the media under political influence, it is already predetermined what a story should look like and how it is to be presented in public, while in independent media outlets self-censorship is a consequence of difficult or impossible access to information and facts, as well as the commitment not to publish anything that has not been previously verified and documented.

The majority of BiH citizens (more than 70%) believe that media freedom in the country is not present at all or is partially present, and more than half of BiH citizens believe that political dependence is a major obstacle to the work of the media in BiH.⁹⁰

B6 Economic position of women journalists

Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men? How high are their salaries in comparison to men's?

More than 10 percent of women journalists in BiH have lost their jobs and income since the beginning of the COVID-19 pandemic.⁹¹ Most women journalists state that the scope of their work has increased significant-

ly. As many as 33.3% of them claim their work obligations have increased up to 50%, while 5.4% claim to have twice the workload relative to the period before the pandemic. Despite the increased scope of professional tasks, only 13% of women journalists were paid extra for their work, while for the rest, the salaries remained the same as before.

Alarmingly, more than 77% of women journalists reported the adverse effects of pandemic-related crises on their mental stability and mental health, and 25% reported the adverse effects on their physical health.

Are they subject to specific gender-based pressures?

In the last five years, the Free Media Helpline recorded about 70 cases of human rights violations and pressure on women journalists in BiH. When it comes to pressures, most of them are sexually motivated violence, misogyny, discrimination, uncivilized methods, and street language.⁹² Although they are generally less exposed to physical assaults than their male colleagues, the trend of increasing online threats and attacks on women journalists has been observed in the last two years. One of the major problems is that women journalists are not sufficiently educated about their rights, mechanisms for the protection of their labor and social rights, and different ways in which they can protect themselves against gender discrimination.⁹³

Although most women journalists claim to have formally the same conditions as men, they often have problem of balancing their professional and private obligations, which especially pronounced during the pandemic. "The outbreak of the pandemic only increased the pressure. Unfortunately, I have witnessed many situations, like most of us, that women journalists have been exposed to many pressures, gender-based insults, name-calling, and even violence," says a woman journalist. Another said that for a woman it is very difficult to organize the work from home: "Private and business obligations are intertwined, so most of us ended up working from early in the morning to late at night."

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ BH novinari and Friedrich Ebert Stiftung, "Medijske slobode u BiH 2020.", Sarajevo: 2020, accessed on 27.12.2020. <https://bhnovinari.ba/wp-content/uploads/2020/05/sloboda-medija-u-BiH-2020.pdf>

⁹¹ Survey of BH novinari on the impact of COVID-19 on the position of women journalists in BiH conducted on a sample of 150 women journalists. <https://bhnovinari.ba/wp-content/uploads/2020/07/Anketa-sa-novinarkama-BiH-compressed.pdf>

⁹² Milica Samardžić, coordinator of the Network of Women Journalists in BiH, interviewed by Maja Radević, 28.11.2020

⁹³ Focus group with private media journalists, 13.12.2020.

Do women tend to hold leading editorial positions in the newsrooms, as much as men?

Representation of women in management positions in the BiH media is still very low. According to a survey of BH novinari, men hold more than two-thirds of director and editor-in-chief (68.5%) positions, while the share of women in such positions is below one-third (31.5%).⁹⁴

The largest disparity in the representation of women and men in the top management positions is in the television sector, whereas many as three-quarters of directors and editors-in-chief are men. The share of women in the positions of media director is 25.3 percent as opposed to 74.4% of men.

⁹⁴ Amer Džihana, "Žene i mediji: zaposlenice i upravljačke strukture", Sarajevo: 2018., accessed on 26.11.2020. <https://bhnovinari.ba/wp-content/uploads/2018/07/Zene-i-mediji-13maj2018-FINAL.pdf>



C1 Statistics of safety and impunity

In 2020, the database of Safejournalists.net had a total of 26 cases of attacks, threats, and pressure on journalists and media in Bosnia and Herzegovina. Of that number, 5 were cases of threats and violence against women journalists. During 2020, there were a total of 6 death threats to journalists and 10 verbal and other forms of threats, 7 attacks and threats against media outlets, and 3 physical attacks on journalists and media employees. The Free Media Helpline (FMHL), which operates within the Association BH novinari, recorded 69 cases of violations of journalists' rights and media freedoms during the year. In addition to the cases recorded in the Safejournalists database, FMHL also monitors the violation of journalists' labor rights, mobbing, defamation lawsuits, and violations of the right to free access to information.

Table 2: Number of registered attacks on journalists in 2020

Categories	No	Opis Description
<p>Non-physical threats and harassments</p> <p>The non-physical threats and harassments include:</p> <ul style="list-style-type: none"> – surveillance or trailing; – harassing phone calls; – arbitrary judicial or administrative harassment; – aggressive declarations by public officials; – other forms of pressure that can jeopardise the safety of journalists in pursuing their work. <p>These types of threats do not include mobbing and bullying in the working environment</p>	10	<ul style="list-style-type: none"> – Photojournalist Muhidin Živojević verbally assaulted by an unknown man while photographing the arrival of a deputy of the Sarajevo Canton Assembly at the session; – Milorad Dodik exerting political pressure on BNTV and Klix journalists, labeling the media as “traitors” and “enemies”; – Members of the BiH Border Police exerted pressure and threatened journalist Ajdin Kamber; – Pressure on the journalists of the Focus and Report portals after the disclosure of the “Ventilators” affair; – Journalist Nidžara Ahmetašević verbally attacked by the police; – Mustafa Cerić called Faktor journalist Nedim Pobrić “a Counterintelligence Service agent”; – Columnists and bloggers Dragan Bursać and Srđan Puhalo reported to FMHL threats addressed to them via social networks during the election campaign in BiH.
<p>Threats against the lives and physical safety of journalists</p> <p>These may include:</p> <ul style="list-style-type: none"> – references to killing journalists, journalists’ friends, family or sources; – references to making physical harm against journalists, journalists’ friends, family or sources. <p>These threats may be:</p> <ul style="list-style-type: none"> – made directly or via third-parties; – conveyed via electronic or face-to-face communications; – may be implicit as well as explicit. 	6	<ul style="list-style-type: none"> – Journalist Vanja Stokić was threatened by a man via FB with “decapitation”; – N1 journalist Nikola Vučić was threatened with death via social networks; – Dragan Bursać threatened by death via social networks; – Journalist Jelena Dešić received several death threats via Facebook; – A man arrested for sending disturbing messages to RTRS journalists; – A man called the editorial office of Nezavisne novine by phone and saying that “they will all be dead today”.
<p>Actual attacks on journalists</p> <p>Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	3	<ul style="list-style-type: none"> – RTV Zenica journalist Sinan Gluhić was physically attacked by politician Sulejman Spahić; – Police officers of the Tuzla Police Department seized recording devices of the RTV Slon and deleted the recordings; – Physical and verbal attack of the Head of Public Relations Department of the City of Bijeljina, Predrag Lopandić, on BN TV journalist, Ljiljana Faladžić-Jekić.
<p>Killings of journalists</p> <p>(in the past 15-20 years)</p> <p>Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death, etc.</p>	0	
<p>Threats and attacks on media institutions, organizations, media, and journalists’ associations</p> <p>Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.</p>	7	<ul style="list-style-type: none"> – Decree of the RS Government against the publication of news “spreading panic”; – Monitoring and supervision of posts on social networks, as per the decision of the FBiH Government and initiating criminal proceedings for alleged dissemination of false information; – The Mayor of Zenica publicly insulted the Association BH novinari; – Hacker attacks on the Patria News Agency (NAP); – Duško Perović, Head of the RS Representation in Russia, sent threats to the editorial staff of the Capital portal; – Pressure on the journalists of the Focus and Report portals after the disclosure of the “Ventilators” affair; – Intrusion of two people into the editorial office of the Faktor portal, with threats and requests to remove the published text.

During 2020, the most numerous were cases of threats and intimidation of journalists, as well as various forms of pressure, which often came from representatives of government institutions. When it comes to threats and harassment, the number of cases of threats to journalists through social networks, i.e., online violence, has increased. Here we will describe some of the cases in 2020, which most strongly resonated in the media community and general public:

After receiving an explicit death threat via Facebook, the journalist and editor of the portal E-trafika Vanja Stokić filed a criminal complaint against the attacker, but the Banja Luka District Public Prosecutor's Office concluded that there were no grounds for investigating because the attacker, through a threat of "decapitation", generally expresses his attitude and dissatisfaction", which "cannot be considered a direct threat."⁹⁵

The head of the Republika Srpska Representation in Russia, Duško Perović, sent open threats to the editorial staff of the Capital portal and the editor-in-chief, Siniša Vukelić, for publishing the story about the Russian investor Rašid Serdarov and the company "Comsar Energy."⁹⁶ Although the Banja Luka District Public Prosecutor's Office has decided to suspend the investigation against Perović, the positive development, in this case, was that SNSD President and Serb member of the BiH Presidency Milorad Dodik condemned Perović's threats, while adding that "the media should try to be objective" and "not to speculate."⁹⁷

After making a post on Twitter in May, N1 television journalist Nikola Vučić was exposed to several calls to violence, insults, and hate speech on social networks, even from part of the media from Herzegovina.⁹⁸ Journalist Jelena Dešić from Drvar,⁹⁹ and columnist Dragan Bursać and blogger Srđan Puhalo from Banja Luka also received numerous death threats via Facebook after the stories they published. In December, an unknown man

called the Nezavisne novine editorial office and threatened employees, saying "everyone will be dead today."¹⁰⁰ In all these cases, the police conducted an investigation, but the attackers have not yet been punished.¹⁰¹

When it comes to physical attacks, in April the Tuzla Police stopped the RTV Slon team, and seized their mobile phones, and deleted all recordings of the event they were reporting on, although the reporter team had valid press accreditations and permission to move during curfew. The police investigated this case and punished the police officer with a "written reprimand" for a minor violation of official duty.¹⁰²

Sinan Gluhić, a journalist for RTV Zenica, was physically attacked in early June by Sulejman Spahić, a member of the A-SDA party. The attack was preceded by days of verbal threats and insults directed at Gluhić by the A-SDA leader over the phone and on social media. The case was referred to the Prosecution for further action.¹⁰³

The target of the physical attack in November was BNTV journalist Ljiljana Faladžić-Jekić, who was physically and verbally attacked by the head of the Public Relations Department of the City of Bijeljina, Predrag Lopandić. Although the incident was recorded on video and took place in front of numerous witnesses, Lopandić has not been held accountable for the attack on the journalist until today.¹⁰⁴

Media houses and organizations were not spared of attacks and pressures this year either. Seven such cases were registered, among others to the journalists of the portal Fokus.ba and Raport.ba, who were exposed to protracted online violence due to the investigation of corruption scandals.¹⁰⁵ On April 14, two women entered

95 Safejournalists.net, "Obustavljena istraga protiv Gorana Živanovića koji je prijetio Vanji Stokić", Banja Luka: 2020, accessed on 21.11.2020, <https://safejournalists.net/obustavljena-istraga-protiv-gorana-zivanovica-koji-je-prijetio-smrcu-novinarki-vanji-stokic/>

96 Safejournalists.net, "Regionalna platforma: Osuda verbalnih prijetnji redakciji portala Capital.ba", accessed on 22.11.2020, <https://safejournalists.net/ba/portfolios/regionalna-platforma-osuda-verbalnih-prijetnji-redakciji-portala-capital-ba/>

97 Capital.ba, "Dodik osudio prijetnje Perovića redakciji Capitala", Banja Luka: 2020, accessed on 22.11.2020 <https://www.capital.ba/milorad-dodik-osudio-prijetnje-perovica-redakciji-capital-a/>

98 BH novinari, "Osuda prijetnji Nikoli Vučiću zbog objave na Twitteru", Sarajevo: 2020, accessed on 23.11.2020. <https://bhnovinari.ba/bs/2020/05/29/bh-novinari-osuda-prijetnji-nikoli-vucicu-novinaru-n1-tv-zbog-objave-na-twitteru/>

99 Media.ba, "BH novinari traže da se istraže prijetnje smrću upućene dopisnicima Sme", Sarajevo: 2020, accessed on 23.11.2020. <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/bh-novinari-traze-da-se-istraze-prijetnje-smrcu-upucene-dopisnici-sme>

100 Nezavisne.com, "Brojne osude prijetnji Nezavisnim: Istražiti slučaj i sankcionirati odgovorne", Banja Luka: 2020, accessed on 21.12.2020 <https://www.nezavisne.com/novosti/drustvo/Brojne-osude-prijetnje-Nezavisnim-Istražiti-slučaj-i-sankcionirati-odgovorne/637102>

101 According to the RS Ministry of the Interior, the threats against Bursać and Puhalo were made by a person residing in Germany. After receiving this information, Puhalo and Bursać dropped the charges.

102 Vijesti.ba, "Nezakonito sprečavanje ekipe RTV Slon u obavljanju radnih zadataka", Tuzla: 2020, accessed on 23.11.2020. <https://vijesti.ba/clanak/489209/nezakonito-sprečavanje-ekipe-rtv-slou-u-obavljanju-radnih-zadataka>

103 Safejournalists.net, "Safejournalists: Novinara iz BiH Gluhića fizički napao političar Spahić", accessed on 23.11.2020. <https://safejournalists.net/ba/portfolios/safejournalists-novinara-iz-bih-gluhica-fizicki-napao-politicar-spahic/>

104 Rtvbn.com, "Javnost zgrožena zbog napada na novinarku BN TV", Bijeljina: 2020, accessed on 28.11.2020. <https://www.rtvbn.com/3995020/javnost-zgrozena-zbog-napada-na-novinarku-bn-tv>

105 Safejournalists.net case database <https://safejournalists.net/ba/reports/other-threats-to-journalists-fokus-ba-and-raport-ba-sarajevo-04-06-2020/>

the editorial office of the Faktor.ba portal, threatening and cursing their employees, and demanding that an article be removed from the black chronicle.¹⁰⁶ The Patria news agency was the target of strong hacker attacks¹⁰⁷, and the employees of the Association BH novinari were publicly insulted and threatened by the Mayor of Zenica, Fuad Kasumović.¹⁰⁸

C2 State institutions' and political actors' behavior concerning journalists' protection

Are there specific provisions in the laws or other mechanisms aimed at supporting journalists' safety, offline and online?

There are no special legal provisions, mechanisms, and guidelines in place aimed exclusively at supporting media freedom and the safety of journalists in online and offline spaces. In 2019, the Association BH novinari sent to the governments of FBiH and Republika Srpska, as well as to the Government of Brčko District, amendments to the criminal laws related to endangering security, to introduce journalists into these laws as a profession that needs special and more effective protection against attacks and other criminal offenses. Apart from the fact that the initiative was positively regarded by the Government of the Brčko District and PDP representatives in the RS National Assembly, so far there have been no concrete steps in this regard.¹⁰⁹

In April 2019, members of the House of Representatives of the FBiH Parliament adopted the Initiative to amend the FBiH Criminal Code with provisions that, according to the proponents, would protect journalists on the job. Depending on the gravity of the crime, prison sentences ranging from three months to five years have been proposed for attacks on journalists.¹¹⁰ However, this initiative has not yet been implemented, nor have concrete proposals to amend the existing legal solution been presented to MPs. The initiator, SDP MP Senaid Begić,

claims that the parliamentary majority has repeatedly refused to include this item on the agenda.¹¹¹ The situation is similar in the Republika Srpska, where the proposed amendments to the RS Criminal Code were submitted by a PDP deputy, Draško Stanivuković, in April 2019.¹¹² Amendments to the Criminal Code were discussed in the National Assembly of the RS in June 2020, but the proposal to stipulate "obstruction of journalists on the job" as a separate criminal offense was not approved. It was explained in the rationale that such an offense and special protection of journalists on the job can be stipulated only when the preconditions are met for integrating into criminal code the crimes against honor and reputation."¹¹³

Are there documents (protocols, rules of procedure etc.) adopted by state institutions that give additional guidelines to military and police how to conduct with journalists?

Except for the Police guidelines for dealing with the media and Journalists' guidelines for dealing with the police issued by the OSCE,¹¹⁴ which are not legally binding, no special legal provisions are regulating the relationship between journalists and the police, i.e., the army. Some judicial institutions have adopted guidelines for journalists and the media.¹¹⁵

Are there any mechanisms for monitoring and reporting on threats, harassment and violence towards journalists? Do state institutions publish data about attacks on journalists and impunity?

The CMS system in the judiciary does not provide for recording cases related to journalists because the cases are not entered in the system by the profession of the injured party. Also, criminal codes BiH do not rec-

106 Safejournalists.net case database, <https://safejournalists.net/ba/reports/other-threats-to-journalists-faktor-ba-sarajevo-14-04-2020/>

107 Safejournalists.net case database, <https://safejournalists.net/ba/reports/other-threats-to-journalists-novinska-agencija-patria-sarajevo-06-02-2020/>

108 Safejournalists.net case database, <https://safejournalists.net/ba/reports/threats-against-media-outlets-and-organizations-bh-journalists-sarajevo-26-08-2020/>

109 Borka Rudić, Secretary General of the BH Journalists Association

110 CIN.ba, "Usvojena inicijativa za zaštitu novinara", accessed on 28.11.2020. <https://www.cin.ba/usvojena-inicijativa-za-zastitu-novinar/>

111 Nedim Pabrić, "Istrage i procesuiranje napada na novinare u BiH", Sarajevo, Decembar 2020. <https://bhnovinari.ba/wp-content/uploads/2020/11/Istrage-i-procesuiranje-napada-na-novinare-u-BiH.pdf>

112 Srpskainfo.com, "Stanivuković predlaže izmjene Krivičnog zakona i stroge kazne za napade na novinare", accessed on 3.12.2020. <https://srpskainfo.com/ko-im-prijeti-ide-u-zatvor-stanivukovic-predlaze-izmjene-krivnog-zakona-i-stroge-kazne-za-napade-na-novinare/>

113 Draft Law on Amendments to the RS Criminal Code <https://www.narodnaskupstinars.net/?q=la/akti/zakoni-u-proceduri/nacr-zakona-o-izmjenama-i-dopunama-krivi%C4%8Dnog-zakonika-republike-srpske>

114 OSCE, "Smjernice za policiju u ophodnju s medijima", Sarajevo: 2007, accessed on 22.11.2020. <https://bhnovinari.ba/wp-content/uploads/2007/11/osceputezapolicijuuophodnjusmedijima.pdf>

115 Sud BiH, Smjernice za novinare, accessed on 22.11.2020. [http://www.sudbih.gov.ba/stranica/25/pregled; Detektor.ba, "Banjalučko tužilaštvo prihvatilo smjernice", accessed on 23.11.2020. http://detektor.ba/banjalucko-tuzilastvo-prihvatilo-smjernice/](http://www.sudbih.gov.ba/stranica/25/pregled; Detektor.ba,)

ognize “attacks on journalists” as a separate crime ¹¹⁶ (for the time being, only the RS Ministry of the Interior keeps a separate record of attacks on journalists). Upon a proposal made by Association BH novinari in 2016/17, the HJPC rendered decision ordering courts, prosecutor’s offices, and registry offices to register lawsuits and court cases filed by and against journalists and the media, but this decision has not yet taken root in judicial institutions. The judicial staff themselves feel that this initiative should finally be implemented to have a clear insight into criminal and civil cases concerning journalists. With electronic case records and a publicly available database of cases related to media freedoms and the safety of journalists, one could monitor the efficiency of the judiciary, and insight into case law and cases related to journalists would greatly facilitate the work of judges themselves.¹¹⁷

Are the attacks on the safety of journalists recognized by the state institutions as a breach of freedom of expression and criminal law? Do government officials make clear statements condemning attacks upon journalists?

Politicians and public officials rarely condemn attacks on journalists and are most often in the role of those who attack journalists and seek to restrict media freedom. Journalists, especially those involved in investigative journalism, are often targeted by politicians and public officials as “foreign goons”, “intelligence agents” and the like.¹¹⁸

The year 2020 more than any other year showed the attitude of politicians towards the media and their attempts to limit media freedoms in all ways, using the pandemic as an excuse.

– I think that the selection of the media to those “chosen” and others has never been clearer than this year when it comes to access to information. Journalist questions are being completely pushed out of the media space and we have come to the point that the question of journalists is perceived as an insult, which is a complete absurdity – says Vildana Selimbegović, editor-in-chief of the daily Oslobođenje.

Do state institutions cooperate with journalists’ organisations on journalists’ safety issues?

Particularly worrying is the fact that institutions do not take seriously the threats and intimidation of journalists, which is why they do not pay enough attention to the investigation of these cases. Police and judicial institutions not having enough knowledge about journalistic rights and European legislation governing this area adversely affects the efficiency of investigations in these cases. They mostly treat these cases as a security issue,¹¹⁹ paying limited attention to the human rights obligations.¹²⁰

Guaranteeing freedom of expression and protection of journalists, especially by ensuring proper prosecution of threats and violence against journalists and media workers is one of the 14 priorities set in the European Commission Report on BiH application for membership in the EU. The Analytical Report of the European Commission¹²¹ pays special attention to intimidation and physical and verbal attacks on journalists, highlighting that these take place without a systematic institutional response and effective safeguards.

According to the European Commission, authorities in BiH often downplay the intimidation of journalists, and the government’s response is weak, including public condemnation of attacks and threats.

– The police and the judiciary must ensure impartial, prompt, thorough, independent and efficient investigations and prosecutions in cases of threats and violence against journalists and media workers. Appropriate police protection should be provided to journalists who have been threatened. Authorities are expected to act quickly and show zero tolerance for threats or attacks on the media, and to refrain from making statements that could create an environment conducive to freedom of expression.

EC Analytical Report.

¹¹⁶ Nedim Pabrić, author of analysis “Istrage i procesuiranje napada na novinare i medijske radnike u BiH”, interviewed by Maja Radević, 22.11.2020.

¹¹⁷ Arben Murtezić, Director of the Judicial Training Center of the FBIH, interviewed by Maja Radević, 23.12.2020.

¹¹⁸ Deutsche Welle, “Mediji u BiH: Na udaru bahatih političara”, Sarajevo: 2020, accessed on 23.11.2020. <https://www.dw.com/bs/mediji-u-bih-na-udaru-bahatih-politi%C4%8Dara/a-54477259>

¹¹⁹ Misdemeanor related to endangering public order and peace, author’s note. Maja Radević

¹²⁰ Jasminka Džumhur, BiH Human Rights Ombudsman, interviewed by Maja Radević, 3.12.2020.

¹²¹ Analytical report of the European Commission for BiH, accessed on 5.12.2020. http://dei.gov.ba/dei/direkcija/sektor_strategija/Upitnik/misljenje/default.aspx?id=21759&langTag=bs-BA

In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?

During 2020, not surveillance of electronic/telephone communications of journalists and editors was noted. The last such case was recorded in the period 2016-2018 during the investigation and trial against Fahrudin Radončić, President of the Alliance for a Better Future (Savez za bolju budućnost – SBB) and founder of the daily Dnevni Avaz, when the Prosecutor's Office of BiH presented as evidence the intercepted telephone conversations, SMS and Viber messages of some journalists and editors. On that occasion, the Trial Chamber of the Court of BiH took into account the privacy of the wiretapped and monitored persons, and only the details of the conversation and the messages related to the present case were presented at the trial.¹²²

C3 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists

Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists? Do the Public Prosecutor's office and Ministry of Interior Affairs provide adequate resources to cover investigations into threats and acts of violence against journalists?

Within institutions, there are no special departments/teams dedicated to investigating and prosecuting attacks on journalists. When it comes to prosecuting attacks and threats, the current case law does not bring a sense of security and protection among journalists and media workers in BiH. This was also reiterated in October 2020, at the hearing of representatives of journalists' associations before the Ad Hoc Inquiry Commission on the judiciary of the House of Representatives of the Parliamentary Assembly of BiH.¹²³ Professionals are particularly concerned about the increasing incidence of

online violence, and the growing number of threats that journalists receive through social networks and in comments on Internet portals. The persons who make such threats generally go unpunished.

These views are confirmed by one of the latest epilogues of cases related to threats to journalists. The Banja Luka District Public Prosecutor's Office rejected the appeal of the editor-in-chief of the e-Trafika portal, Vanja Stokić, upholding the order to suspend the investigation against Goran Živanović, who threatened Vanja Stokić on Facebook with "decapitation". In the rationale of the decision, the prosecution concluded that Živanović's threats were "addressed to an unspecified person" and that they represented "an expression of dissatisfaction and personal opinion".

Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, impartially and efficiently? Are there measures of protection provided to journalists when required in response to credible threats to their physical safety?

Even in the case of physical attacks on journalists and media employees, the court's epilogue is highly questionable. Thus, in November 2020, the Sarajevo Canton Prosecutor's Office issued an order not to investigate Huso and Muamer Ćesir, who in 2019 physically attacked photographer Adi Kebo on the job.¹²⁴ Following Kebo's appeal and pressure from the media community, the Chief Cantonal Prosecutor ultimately issued a decision approving the appeal, explaining that the earlier decision of the Prosecution was "incorrect" and that a new, appropriate decision would be made.¹²⁵

In cases of final verdicts, are the sanctions imposed only to perpetrators or to instigators/masterminds also?

Pressure from the media and the public also resulted in the rejection of a plea agreement between the Banja Luka District Prosecutor's Office and Nedeljko Dukić, accused of attempting to kill journalist Vladimir Kovačević. After Dukić entered into an agreement with the Prosecution confessing to the crime in exchange

122 2019 Media Freedoms and Journalist Safety Indicators in BiH

123 Detektor.ba, "Istražna komisija: Zbog stanja u pravosuđu novinari se osjećaju nesigurno i nezaštićeno", Sarajevo: 2020, accessed on 23.11.2020. <https://detektor.ba/2020/10/12/istrazna-komisija-zbog-stanja-u-pravosuđu-novinari-se-osjećaju-nesigurno-i-nezaštićeno/>

124 Žurnal.info, "Tužilaštvo KS odlučilo: Huso Ćesir neće odgovarati zbog napada na fotografa Žurnala!", Sarajevo: 2020, accessed on 3.12.2020. <https://zurnal.info/novost/23579/huso-cesir-nece-odgovarati-zbog-napada-na-fotografa-zurnala>

125 Žurnal.info, "Rješenje glavne kantonalne tužiteljice: Naredba da se neće provoditi istraga protiv Ćesira je nepravilna!", Sarajevo: 2020, accessed on 28.12.2020. <https://zurnal.info/novost/23646/naredba-da-se-nece-provoditi-istraga-protiv-cesira-je-nepravilna>

for a three-year prison sentence, the Banja Luka District Court rejected the agreement because the Trial Chamber ruled that the sentence was not large enough, so the trial continued.¹²⁶ Finally, Dukić was sentenced to four years in prison.

Although he had no objections to the course of the trial and the sanctions imposed on his attackers, journalist Kovačević felt that the major shortcoming of the whole process was that the perpetrators of the attack were not discovered, nor did the investigation ever go in that direction. According to Kovačević, the Banja Luka District Public Prosecutor's Office at no time have shown any intention to investigate the perpetrators of the attack.

– I even hinted at one of the first interviews who I suspect, but the Prosecution never summoned them, at least to dispel the suspicion. They did no work whatsoever towards discovering those who ordered it, said Kovačević.

Do the institutions organize appropriate trainings for police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?
Do they organize these trainings in cooperation with journalists' associations?

According to media experts, the BiH judiciary is generally distrustful of journalists and the media. Also, they feel that criticism of the judiciary in the media is most often generalized and addressed to everyone without distinction.¹²⁷ One often gets the impression that it is about opposing parties, and some NGOs believe that some court decisions are politically motivated.¹²⁸ In this sense, a significant number of private lawsuits initiated by judicial officeholders against journalists does not help, because the situation where the plaintiff is a high-ranking judicial officeholder leaves a bad impression not only with the defendant but also with the general public, irrespective of the outcome of the proceedings.¹²⁹

It is unacceptable that public institutions in BiH have not yet started collecting data on attacks on journalists, said the ambassador Johann Sattler, Head of the Delegation of the European Union to BiH.

– It is great that associations like BH novinari do it, but it should be done by state institutions, as it is the case in other EU countries. Another problem is the small number of incidents that have been fully investigated and resolved. Many journalists I have spoken to here have expressed concern for their own safety while doing their job and this is unacceptable – Sattler said at the presentation of the report “Indicators on the level of media freedom and journalists’ safety in Bosnia and Herzegovina 2019” in Sarajevo.

According to the last European Commission Report for BiH¹³⁰ published on October 6, 2020, the BiH authorities have made no progress on guaranteeing freedom of expression and of the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers. As one of the recommendations for BiH, if it is to gain the candidate status for EU membership, is to ensure the protection of journalists and a systematic institutional follow-up on threats and violence against them in 2021.

126 RTVBN.com, “Odbačena nagodba Nedeljka Dukića i Tužilaštva”, Banja Luka: 2020, accessed on 28.12.2020. <https://www.rtvbn.com/3992316/odbacena-nagodba-nedeljka-dukica-i-tuzilastva>

127 Mehmed Halilović, interviewed by Maja Radević, 16.12.2020.

128 Jasminka Džumhur, interviewed by Maja Radević, 3.12.2020.

129 Arben Murtezić, interviewed by Maja Radević, 23.12.2020.

130 European Commission, “Bosnia and Herzegovina 2020 Report”, Brussels: 2020, accessed on: 23.12.2020. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf

Table 3: Chronicle of court cases against journalists

Year	2016	2017	2018	2019	2020
Case					
1. Attempted murder of BN TV journalist Vladimir Kovačević (26.08.2018)				<p>12.7.2019 – The Banja Luka District Court sentenced Marko Čolić to four years in prison;</p> <p>20.11.2019 – After several months of hiding, Nedeljko Dukić, the second suspect in this case, surrendered to the police.</p>	<p>9.3.2020 – The RS Supreme Court increased the sentence to Marko Čolić to five years in prison;</p> <p>3.6.2020 – The trial of the second accused Nedeljko Dukić has begun at the District Court in Banja Luka;</p> <p>17.11.2020 – Nedeljko Dukić sentenced to four years in prison.</p>
2. Physical assault by Hussein and Muammar Ćesir against Adi Kebo, photographer of the Žurnal magazine (March 2019)					<p>20.11.2020 – The Sarajevo Canton Prosecutor's Office issued an order not to investigate Hussein and Muammar Ćesir, with the explanation that there are no grounds for suspicion that the reported perpetrators committed a criminal offense;</p> <p>3.12.2020 – The Sarajevo Canton Prosecutor's Office upheld the appeal of Adi Kebo against the decision not to conduct an investigation; The Office of the Chief Prosecutor announced the re-opening of this case.</p>
3. Death threats to Vanja Stokić, editor-in-chief of the Etrafika.net portal (23.5.2020)					<p>14.7.2020 – The Banja Luka District Public Prosecutor's Office suspended the investigation against the man who threatened Stokić with "decapitation" via Facebook, explaining the decision with a thesis that the threats were "an expression of dissatisfaction and personal opinion"; The prosecution rejected the appeal of lawyer Vanja Stokić against the said decision.</p>
4. Duško Perović's threats to the editorial staff of the Capital.ba portal (21.2.2020).					<p>27.5.2020 – The Banja Luka District Public Prosecutor's Office issued an order suspending the investigation against Duško Perović for the criminal offense of Endangering Security under Article 150, Paragraph 2. of the RS Criminal Code, because "the act committed by the suspect is not a criminal offense." The injured parties filed a complaint against the prosecutor's decision, which will be considered by the prosecutor's office.</p>
5. Death threats against journalist Milkica Milojević (13.2.2019)				<p>13.5.2019 – Indictment filed against Mile Pavlović for the criminal offense of Endangering Security under Article 150, Paragraph 1. of the RS Criminal Code, committed against Milkica Milojević.</p> <p>10.7.2019 – The Basic Court in Banja Luka confirmed the indictment.</p>	
6. Physical assault against journalist Nedžad Latić (20.2.2018)			<p>2.7.2018 – The Sarajevo Canton Prosecutor's Office has filed an indictment against Armin Šabanović.</p>		<p>The trial before the Sarajevo Municipal Court is still ongoing.</p>
7. Threats to Nermin Demirović, journalist of "Dnevni Avaz" (23.5.2019).				<p>15.10.2019 – The Sarajevo Canton Prosecutor's Office issued an order not to conduct an investigation.</p>	

Conclusions and recommendations

Amendments to media laws and legislation in this area are necessary to create a safer environment for the free and safe work of media professionals in BiH. There should be stronger advocacy for amendments to criminal codes and stronger pressure exerted on the authorities to more effectively prosecute attacks on journalists. Despite the recommendations of the European officials and the fact that it is one of the priorities of the BiH's integration in the EU, the journalists, and their safety are not on the list of priorities of the BiH legislative and executive branches. The legislative framework needs to be improved in many segments to free the media and editors from political influence – especially when appointing administrative and supervisory bodies in PBS and local public media. The adoption of the Law on Transparency of Media Ownership and the criteria and methods for allocating budget funds to the media, and making such information publicly available is also part of BiH's priority. There is still no progress in amending the Freedom of Access to Information Act, which makes it more difficult for journalists to access public information and leads to lawsuits against institutions that violated this right. Media professionals are advocating to shorten the legal deadline of 15 days in which institutions must respond to the request for information, in particular in the light of the speed at which the news is to be published in the modern media.

The poor economic position makes journalists susceptible to political influences and does not motivate them to take a professional approach to work. Many have below-average wages and irregular incomes, their pension, and health insurance contributions are not paid regularly, and their contracts are signed every month or for a slightly longer period. All this creates a feeling of constant economic insecurity and concern for existence, and in many newsrooms, it directly leads to (self) censorship, selective publication of information, and various types of pressure and mobbing. (In)dependence from political influences has essentially nothing to do with the form of media ownership. Although PBSs are expected to be impartial, in reality, they are most exposed to political pressure and censorship. The PBS program councils and the Communications Regulatory Agency do not comply with their obligation of monitoring and ensuring political pluralism in public services and professional reporting and work in the public interest. There is growing political and economic pressure from the current authorities on public media in local communities. Private media survive in the market thanks to advertisers, which is why they are most affected by the economic consequences of the pandemic. They are forced to lay off the staff and/or reduce wages. A small number of non-profit media focused on investigative journalism survive thanks to donor support. In absence

of adequate institutional protection and support mechanisms, the pressures and threats to these media are becoming more pronounced and serious. Instead of providing support, it is the political leaders who often publicly attack and try to discredit investigative journalists.

Threats and intimidation of journalists are constantly increasing, as well as pressure from individuals from the state and judicial institutions. Online violence against journalists (especially women journalists) is on the rise, as well as hate speech, threats, and harassment via social networks. In most cases, the attackers go unpunished. The passivity of institutions, above all prosecutors' offices and courts, opens space for new attacks and encourages those who believe they can commit violence without being punished. Almost no progress has been made in the conduct of judicial institutions in investigating and sanctioning attacks on journalists. Investigations take an unreasonably long time, and prosecutors often reject reports of attacks, not taking them seriously enough. Uneven case law often results in completely different judgments in the same cases, with only 30% of cases decided in favor of journalists. Neither judiciary nor any other competent institution, other than the RS Ministry of the Interior, has established a single database on attacks on journalists. All this has led to mutual mistrust between the media and the judiciary. The European Commission also recognized the seriousness of the problem and criticized the BiH authorities in the 2020 report for failing to make progress in guaranteeing freedom of expression and the media and protecting journalists through adequate court actions. Frequent and increasingly harsh criticism from local media organizations and international officials has not prompted the BiH authorities and judicial institutions to act more effectively in protecting the freedom and safety of journalists.

This has been one of the most difficult years for the media business, and the negative economic consequences of the pandemic will be felt for a long time. The position of journalists, in particular women journalists, in newsrooms, is directly affected by the reduced media revenues and increased workload. Authorities show no willingness to establish a media assistance fund, while politicians are very active in trying to control editorial policies and the development of media content. There is less and less talk about the public reputation of the media and the preservation of their independence. One gets the impression that journalists, media owners, and editors have "made peace" with political influences and pressures. The promotion of media freedoms should begin with ensuring the full financial and political independence of public broadcasters, followed by legal regulation of the transparency of media ownership and the advertising market, and the harmonization of defamation laws throughout the country. Improving criminal legislation and more intensive cooperation with representatives of the legislature and judicial institutions is imperative for more efficient processing of attacks on journal-

ists. Most of the initiatives and proposals for amending the laws and improving the working conditions of journalists and the media have so far come from journalists' associations and non-governmental organizations. Yet, these initiatives lacked the strong voice of the journalists' union as the most important partner in the dialogue with employers and the authorities in the sphere of regulating labor and social rights, which is why journalists are seeking its formation. Along these lines, there are more and more demands for joint action of the media and journalistic community in BiH to harmonize the proposals to local authorities and demand, with one voice, the protection of media freedoms and safety of journalists in accordance with European standards and practice.

Recommendations

- Ensure the editorial independence of PBSs at the State and Entity levels, as well as local public media
- Adopt the Law on Transparency of Media Ownership, define criteria and ensure transparent financing of the media from budgets at all levels of government
- Amend the Defamation Law to ensure the implementation of the case-law of the European Court of Human Rights and harmonization of case law in BiH, and reduce the number of defamation lawsuits filed against journalists by politicians and other public officials
- Amend the Freedom of Access to Information Act to provide journalists with adequate and timely access to information of public interest, and at the same time improve the transparency of the work of institutions
- Develop special institutional mechanisms and legal solutions to combat hate speech, online violence, and threats to journalists on web portals and social networks and insist that online media have clearly marked impressum
- Encourage journalists to report violations of labor rights, mobbing, and pressure within newsrooms, strengthen the capacity and awareness of media workers about the importance of establishing a single journalists' union
- Create a unique CMS system within judicial institutions – a database of lawsuits related to journalists and media
- Following the recommendations of the European Commission, put pressure on the competent institutions to ensure more adequate protection of journalists through changes in criminal legislation and efficient processing of attacks on journalists within the judicial system.
- Request the authorities to establish special funds to assist the media at the Cantonal, Entity, and State levels to at least partially remedy the economic consequences of the pandemic and avoid shutting down certain media outlets.

