



United Nations
Educational, Scientific and
Cultural Organization

IPDC THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION



Assessment
of Media
Development in

BOSNIA AND HERZEGOVINA

*Based on UNESCO's
Media Development
Indicators*



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Published in 2019
by the United Nations Educational, Scientific and Cultural Organization (UNESCO)
7, place de Fontenoy, 75352 Paris 07 SP, France

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ISBN 978-92-3-100342-4



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Graphic design: UNESCO

Cover design: Corinne Hayworth for UNESCO Publishing

Typeset: UNESCO

Printed by: UNESCO

Printed in France

Dates of research: March 2017 – May 2019

This study was launched by UNESCO at the request of Law Faculty, University of Zenica, and Centre for Media Law in view of providing a comprehensive overview of the state of the media in Bosnia and Herzegovina.

Authors:

Anja Gengo
Enis Omerović
Kristina Ćendić

Research team:

Harun Išerić
Nihad Odobašić
Samir Radončić
Azem Ahmić
Tijana Ljuboje
Elma Bešlić
Ana Miočević

Review team:

Mehmed Halilović
Adis Šušnjar
Bojan Vlaški
Peđa Đurasović

Advisory expert: Joan Barata Mir

Peer review: Silvia Chocarro Marcesse

UNESCO project management, review and editing:

Marius Lukosiunas, Programme Specialist
Dian Kuswandini, Associate Programme Specialist

Acknowledgements: This project was made possible thanks to the generous support of UNESCO's International Programme for the Development of Communication (IPDC).

Revision: If readers wish to propose any corrections to this assessment of the media sector in Bosnia and Herzegovina, these may be taken into account in a second version of the report. Should there be a second version, it will be published in electronic format and made available on the website of UNESCO.

Foreword

This study provides an overview of the media landscape in Bosnia and Herzegovina (BiH). Its findings will help public authorities, policy makers, civil society organizations, professional associations and other relevant actors to ensure a healthy media environment in the country. Implementing its recommendations can contribute to the implementation of the Sustainable Development Goals, which recognise the value of public access to information and fundamental freedoms, which in turn depend on a healthy media landscape. A free, independent and pluralistic media environment is crucial for peaceful and democratic societies. In this regard, the study can support the peacebuilding process BiH has been undertaking since the peace agreements were signed in 1995.

This research for this study was conducted between 2017 and 2019. Its findings can be a baseline that inform future developments. It also contains relevant analysis for ensuring more openness and transparency in media and strengthening media self-regulation and professional capacities among journalists. The recommendations can help BiH craft legal reforms conducive to freedom of expression, pluralism and diversity of media, as well as safety of journalists and improved journalism education.

This project is part of a wider UNESCO initiative to assess the strengths and weaknesses of national media sectors worldwide using a common analytical framework: the UNESCO Media Development Indicators (MDI). This framework and its set of indicators were endorsed by the Organization's Intergovernmental Council of the International Programme for the Development of Communication (IPDC) in 2008.

We thank all those who took part in the process of this study, including the research team, the participants in the workshops and the respondents to surveys and interviews. Their contributions have significantly enriched this report.

Guy Berger

Director, Division for Freedom of Expression
and Media Development

Table of Contents

Foreword	5
List of acronyms	9
Executive summary	11
Key recommendations	21
Introduction	23

Category 1:

A system of regulation conducive to freedom of expression, pluralism and diversity of the media	29
A. Legal and policy framework	31
B. Regulatory system for broadcasting	40
C. Defamation laws and other legal restrictions on journalists	43
D. Censorship	47
Recommendations	50

Category 2:

Plurality and diversity of media, a level economic playing field and transparency of ownership	53
A. Media concentration	55
B. A diverse mix of public, private and community media	57
C. Licensing and spectrum allocation	61
D. Taxation and business regulations	65
E. Advertising	65
Recommendations	71

Category 3:

Media as a platform for democratic discourse	73
A. Media reflect diversity of society	75
B. Public service broadcasting model	79
C. Media self-regulation	82
D. Requirements for fairness and impartiality	85
E. Levels of public trust and confidence in the media	87

F. Safety of journalists	89
Recommendations	93
Category 4:	
Professional capacity building and support for institutions that underpin freedom of expression, pluralism and diversity	95
A. Availability of professional media training	97
B. Availability of academic courses in media practice	101
C. Presence of trade unions and professional organizations	104
D. Presence of civil society organizations	107
Recommendations	110
Category 5:	
Infrastructure capacity is sufficient to support independent and pluralistic media	113
A. Availability and use of technical resources by the media	115
B. Press, broadcasting and ict penetration	119
Recommendations	124
Selected bibliography	125

List of acronyms

BHRT	Radio-Television of Bosnia and Herzegovina
BHRT Law	Law on the Public Service Broadcasting of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
BIRN	Balkan Investigative Reporting Network
CEPT	European Conference of Postal and Telecommunications
CoE	Council of Europe
CRA	Communications Regulatory Agency
CSO	Civil Society Organization
DPA	Dayton Peace Agreement
ECHR	European Convention of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
FoAIA	Freedom of Access to Information Act
HRT	Public Broadcasting Service of Croatia
IMC	Independent Media Commission
IPTV	Internet Protocol Television
ISP	Internet Service Provider
ITU	International Telecommunication Union
NGO	Non-governmental organization
OHR	Office of the High Representative
ONAuBiH	Omladinska novinska asocijacija u Bosni i Hercegovini (Youth Press Association of Bosnia and Herzegovina)
OSCE	Organization for Security and Co-operation in Europe
PSB	Public Service Broadcaster
RS	Republika Srpska
RTRS	Radio Television of Republika Srpska
RTRS Law	Law on the Public Service Broadcasting of RS
RTV	Radio-television
RTVFBiH	Radio-Television of the Federation of Bosnia and Herzegovina
RTVFBiH Law	Law on the Public Service Broadcasting of FBiH
SDA	Party for Democratic Action
SDP	Socio-Democratic Party
SDS	Serbian Democratic Party
SFRY	Socialist Federal Republic of Yugoslavia

- SNSD** Union of Independent Socio-Democrats
- UMI** Association of Media Industry
- VAT** Value-Added Tax Executive summary

Executive summary

The importance of full respect of freedom of expression in Bosnia and Herzegovina (BiH) was recognised by the international community shortly after the war 1992-1995. Having in mind the role of media in raising tensions and incitement, there was a great emphasis placed on the creation of media legislation and conducting media reform in the country. However, even though the set of legislation was updated in line with international standards and focusing on creation of pluralistic and free media landscape, the implementation of the laws in some aspects remains problematic.

The goal of the study is to identify the framework in which media operate in BiH; to determine the existing problems; and to provide recommendations in which improvements and reforms can be made – so that BiH could make another step in deepening its democracy with full respect of freedom of expression and media freedom based on international standards.

The study is a comprehensive analysis and contains evidence-based recommendations on media development. The aim is to contribute to discussions and advocacy activities regarding the media sector in the country and to serve as an instrument that clearly identifies problems to be addressed and thereby inform effective policies for the improvement of, and assistance to, the media sector in BiH.

Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media

A. LEGAL AND POLICY FRAMEWORK

Freedom of expression is protected in the legal framework of BiH. The Constitution of BiH, and the constitutions of the two entities – Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) – guarantee the right to freedom of expression to its citizens as well as other laws, such as the ones on the right to access to information, on defamation and on public information. However, to take one example, the Freedom of Access to Information Acts of BiH and its entities are not harmonised with other laws, such as the Law on Protection of Secret Data of BiH, the Law on Intelligence and Security Agency of BiH, the Law on Criminal Procedure of FBiH, and the Law on Tax Administration of FBiH. Consequently, it is still possible for the authorities to deny access to information on diverse grounds. Therefore, even though the right to freedom of expression is implemented in BiH legal system, the country's scores in various reports on media freedom do not show a very favourable situation. In addition to

inconsistencies, the implementation of existing laws regulating media freedoms is still limited in several cases, and journalists remain vulnerable to intimidation and threats due to the complicated political and economic climate.

B. REGULATORY SYSTEM FOR BROADCASTING

The regulatory system in BiH is independent according to law, but when it comes to practice, certain obstacles can be signalled as regards the independence of regulatory institutions. The main regulator in terms of broadcasting in BiH, the Communications Regulatory Agency (CRA) has contributed to the improvement of media landscape after the war but has also seen attacks on its independence.

C. DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

There are three defamation laws in BiH at the level of both entities: of the FBiH and of RS and at the level of the Brčko District of BiH. Defamation in BiH was decriminalised, but court practice varies across the country in terms of persons liable for defamation, compensation issues and its amount, leading to different decisions made by courts in different parts of the country when dealing with similar situations. Defamation laws require media to respect professional standards and to act in good faith. The importance of professional codes is underlined, such as in the Press Code and the relevant rules of the Communications Regulatory Agency. The laws on protection against defamation and the Law on Communications, as well as constitutional principles and international conventions (legally binding and applicable), represent the basic legal foundation for media activities and freedoms in BiH.

D. CENSORSHIP

In terms of positive legislation (including the provisions of the Constitution), censorship is prohibited. However, in 2015, the Law on Public Peace and Order was adopted in the entity of RS and its implementation has limited freedom of expression and has enabled a form of restriction. Therefore, it is difficult to say that freedom of expression is always respected in practice. Moreover, it has been identified that journalists in BiH are sometimes very close to the edge of a form of self-censorship due to attacks on them, insults directed at them mostly by political elites, and political influence on the media. Both journalists and citizens have a fear of becoming victims of a 'revenge' if they express their opinion – not only when it comes to political issues, but also other issues, such as of economy.

Category 2: Plurality and diversity of media, a level economic playing field and transparency of ownership

BiH has been a Council of Europe (CoE) member state since April 2002. CoE documents define pluralism and diversity in terms of structure, ownership, diversity of media, as well as political pluralism of ideas and cultural diversity. BiH is therefore expected to implement and respect these matters.

A. MEDIA CONCENTRATION

Although it can be said there are many media outlets in BiH, only a small number of them reflects diversity and a great freedom of expression. Media content are similar in many aspects, with the plurality of views and languages in the entire landscape are still missing. The CRA undertook first steps in regulating media pluralism and concentration. In accordance with the Law on Communications, the CRA is authorised to promote fair competition. In March 2004, it adopted Rule 21/20303 on media concentration and electronic and printed media ownership. The Rule has entered into force on 1 April 2004. It expired 18 months later, on 1 October 2005, and since then there has been no legal framework on ownership concentration in media in BiH. The Council of Ministers of BiH has still not adopted the Broadcasting Policy of BiH 2017-2021, which emphasizes the obligation of the state to protect pluralism and diversity of media. The policy is also expected to emphasise the task of the CRA to protect plurality and diversity of media, such as setting a limitation of concentration.

B. A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

The legislative framework in BiH does not specifically divide media into public, private or community, and the government does not promote a diverse mix of private, public and community media through its policies. At one point in 2001, BiH had reached one of the world's highest number of broadcasters per capita, and in 2016 there were 148 radio stations, 52 television stations, eight daily newspapers, 106 different types of magazines, and eight religious magazines in the country, all of them privately owned. There are three public broadcasters. Over the past few years, the main changes in the television market in BiH came with the arrival of cable and Internet Protocol TV operators. On the other hand, there is one specific licensing category for community broadcast media.

C. LICENSING AND SPECTRUM ALLOCATION

In accordance with the Law on Communications of BiH, Articles 30 and 31, and bearing in mind the public interest and importance of rational usage of the frequencies as a limited natural resource and as common good of the country, in 2009 the Communications Regulatory Agency (CRA) drafted a Spectrum Allocation Plan for BiH. The CRA awards the licenses to

private radio and television broadcasters. The Radio-Television of Bosnia and Herzegovina (BHRT), including the entity public broadcasters Radio-Television of the Republika Srpska (RTRS) and Radio-Television of the Federation of the Bosnia and Herzegovina (RTVFBiH), do not compete for the licenses as they are regulated within separate laws. Licenses are awarded on the basis of the programme and project proposals, which must include an assessment of the economic, technical and personnel viability of the project. The project proposal must contain an overview of the share of information, entertainment, cultural and other programme groups in the total schedule, the expected maximum of advertising content, the expected share of own production. The programme proposal is part of the licensing contract.

D. TAXATION AND BUSINESS REGULATIONS

BiH has a single rate of VAT (value-added tax) – 17 percent. Therefore, e.g. the VAT on the printed press, books, import of books and newspapers is 17% rate. Two years ago, the Association of Print Media in Bosnia and Herzegovina unsuccessfully initiated amendments to the Law on VAT in order to account VAT on every sold copy of daily newspapers or weekly magazine, not on every printed copy, as is prescribed by the Law. Such provision could make them less competitive on the market, as neighbouring publishers are paying lower rate of VAT. While the issue of taxation in BiH is regulated, when it comes to the transparency of media business in general, only three public broadcasters publish their reports on work and business. But even they do not do this regularly, while the ownership of private media is rather not transparent due to the lack of regulation in this respect.

E. ADVERTISING

Media outlets in BiH depend largely on advertising revenues. Public service broadcasters (PSBs) have also been turning to the government for financial support. There have been allegations that close connections between major advertisers and political circles allowed for biased distribution of state advertising, and outlets critical of ruling parties claimed they faced difficulties in obtaining advertising. These allegations, however, have so far not been officially proven because there are no analyses by relevant institutions, and no state body has accepted any responsibility for monitoring of such pressures. There is also an opposition to the proposed model of redistribution of commercial income from advertising among the three broadcasters, according to which most of the funds are to be redirected to the state-level broadcaster, disregarding the commercial success of each broadcaster within the system. It is the CRA that decides on advertising issues at PSBs. The CRA, for instance, initiated a debate on shortening the time of advertising from eight to six minutes per hour for PSBs, in order to lower the amount of money received from advertising, as it claimed that the advertising share of PSBs was too big.

Category 3: Media as a platform for democratic discourse

Since media are the pillar of a democratic discourse and democratic society, it is necessary to achieve independence, professionalism and freedom of media. Media also shape public opinion and can facilitate democratic process. In recent days, online media and social networks have significantly contributed to the development of democratic discourse, as they are gaining more and more users that has allowed for their widespread use. The growing number of media outlets in BiH, however, is not necessarily a proof of the increased democratic discourse, mainly due to concerns of the safety of journalists and a low level of public trust in media.

A. MEDIA REFLECT DIVERSITY OF SOCIETY

Apart from the constituent peoples in BiH – Bosniaks, Serbs and Croats, there are 17 national minorities listed in the Law on Protection of Members of National Minorities. Media in BiH does not refer to national minorities a lot, and there are only few programmes that are intended for them.

When referring to the structure of employees in media organizations, female employees have been marked as a minority. There are no data on employment structure of private media in BiH. Within public broadcasters, ethnic representation of staff shows the divisions along ethnic lines. Issues related to the use of language on public broadcasters are closely related to ethnic representation of staff working in these public services. In other words, journalists have the right to choose which language they will speak, which leads us to the fact that it is very hard to have equal linguistic representation of the three languages in public broadcasters.

B. PUBLIC SERVICE BROADCASTING MODEL

The service broadcasting model in BiH consists of three broadcasters: Radio-Television of Bosnia and Herzegovina (BHRT), Radio-Television of the Federation of Bosnia and Herzegovina (RTVFBiH) and Radio-Television of the Republika Srpska (RTRS). In addition, the public service broadcasting system is supposed to include the so-called 'Corporation' that gathers the three broadcasters, but it has not yet been established. Overall, the three public broadcasters are facing financial difficulties and are struggling with their sustainability and issues related to digitalisation. The PSBs are obligated to ensure diverse and balanced radio and television programmes that meet high standards of ethics and quality and respect for human life. It must also foster democratic freedoms, social justice and international understanding and peace. The PSBs have shown a lack of cooperation with civil society organizations (CSOs). Their websites are rather dysfunctional and they rarely get in touch with their audience. Some claims of discrimination regarding public broadcasting come from the representatives of the Croat population, stating that their culture and tradition is in a discriminatory position when

compared to the Bosniaks and Serbs, as they do not have a radio-television channel in their own language. Therefore, it was suggested to have one broadcaster at the state level (BHRT); one broadcaster for the FBiH in Sarajevo that would broadcast in the Bosnian language (RTVFBiH); one broadcaster in Banjaluka in the Serbian language (RTRS); and RTVFBiH-Mostar in the Croatian language. However, there has been no specific action taken in this respect so far.

C. MEDIA SELF-REGULATION

The Press Council was established in 2000 as a self-regulatory body with a mission to improve ethical and professional standards in the print and online media. This is done by supervising the application of the press code, and by offering regular education for journalists and the public about the need to respect freedom of expression and professional reporting. The Council's Press Code was amended in 2011, when online media became included in the system of self-regulation, realising the growing influence of online media and the increase of visitorship. The fact that country is still moving through the path of post-war transition – and thanks to the efforts of the Press Council and media of all forms, the culture of self-regulation in media in BiH has been increasing over the past 15 years. The Press Council also has a functioning complaint system that is highly accessible to the citizens, which allows them to file a complaint on any particular content in print or online media. For this purpose, the Press Council established the Complaints Commission that decides on the complaints submitted to the institution. After the Commission assesses the complaints and possibly decides whether the Press Code is violated, it can then require the media outlet in question to make a correction or perform a retraction.

D. REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

The CRA at first adopted two important documents regulating electronic media in BiH: Code on Broadcasting Radio-Television Programme and the Code on Advertising and Sponsorship in Programmes of RTV Stations. According to the latter, the advertisements within the programme schedule may not be higher than 15 per cent. In 2011, the CRA adopted the Code on Audio-visual and Radio Media Services that is a substitute for the two previously mentioned codes. The new Code set the basic principles of programme content of audio-visual media services and radio media services in BiH in accordance with the Constitution of BiH, Law on Communications, EU Audio-visual Media Services Directive and other applicable domestic and international legal documents. The CRA regularly reports on media compliance and violations, and has developed a complaint system concerning media content. Under this system, each complaint coming from a legal or natural person will be treated, and a request will be submitted to the media outlet in question to send a copy of the respective programme for the Agency to analyse and comment. With regards to complaint handling, the Law on Communications gives the CRA the power, among other, to: give oral and written

warnings; request concrete demands for action or cessation, to be complied within specified time limit; conduct an assessment of a financial penalty not exceeding BAM150,000 (approx. US\$88,000) in case of deliberate or negligent violation of individual provisions of the Law, or of conditions specified in the license, or in the codes of practice and rules of the Agency; create a schedule of infractions and resulting penalties, to be adopted by the Council of Ministers; send orders to interrupt broadcasting or the provision of telecommunications services for a period not exceeding three months; revoke licenses, etc.

E. LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

The most recent survey on media freedoms carried out by BH Novinari (or 'BH Journalists') in 2016 showed that citizens trusted the religious communities the most (74.6%), followed by the non-governmental sector (61.3%). Media took the third place at 52.8% – a decrease by 27% when compared to 2016, the year when citizens actually trusted media the most. Moreover, 79% of citizens thought that freedom of media did not exist or only existed partially. A high percentage of citizens (52.2%) thought that the main obstacle to the freedom of media was political dependence and influence. Television remained the medium in which citizens trusted the most (68%), followed by the Internet (23.5%), radio (5.5%), daily newspapers (2.5%) and magazines (0.5%). There are no data on responsiveness of media to public perceptions of their work. But with the increased use of new technologies, media outlets have offered various options to the public to get in touch with them more easily: via e-mails; comments and messages on their social-network pages; and – in the case of online media – via forums.

F. SAFETY OF JOURNALISTS

According to BH Novinari, there were eight threats directed at the journalists in 2016, two of which were death threats. Compared to 2015, this was a decrease by more than 50%. There were also five registered physical attacks on journalists. However, most of the attacks remain uninvestigated and the perpetrators are still free. In order to help journalists, BH Novinari established the Free Help Media Line to support and assist journalists in their daily activities, as well as to protect their rights and freedoms. It records threats to journalists and any disruption they face as they perform their duties. According to BH Novinari's report, from 2006 to 2015, only 15% of 60 crimes towards journalists that they had recorded were legally finalised. No public authority keeps a record of attacks or threats to the journalists. The courts, prosecutors and police do not pay special attention to attacks on the journalists.

Category 4: Professional capacity building and supporting institutions that underpin freedom of expression, pluralism and diversity

Professional capacity building in BiH lies in both formal and informal education. There are public and private universities that include journalism departments, but the quality of curricula raises questions. On the other hand, many experts have suggested that courses offered by journalists' associations and civil society organizations provide knowledge that is more practical and equip future journalists with adequate skills.

A. AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

Informal training courses have contributed significantly to the education of journalists and media staff. The most important characteristics of these courses are their practical orientation and flexibility, as well as their close cooperation with media outlets and regional cooperation that has helped develop an international exchange of experiences. There have been several organizations working on educational projects intended for journalists and media staff, such as: the now-defunct Media Plan Institute with its School of Journalism in Sarajevo; Mediacentar Sarajevo; and USAID'S Strengthening Independent Media (SIM) Project in BiH. The main challenge is this kind of informal or alternative education depends on foreign donations, and it is difficult to reach a level of sustainability that could guarantee a long-term education. The now-defunct School of Journalism at the Media Plan Institute, for example, was strategically intended to become a regular form of postgraduate studies and a specialised degree of journalism that are complementary to university education, but such an effort was not successful.

B. AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

There are numerous academic courses on journalism available in BiH. However, specialised courses and teaching methods need to be modernised. Students need to be equipped with multimedia skills, so they can produce videos, infographics etc. Currently, there are seven public universities in BiH offering journalism studies. However, these departments do not have enough practical training opportunities for students and rarely adjust their curriculum according to international standards and the changing journalistic environment. Overall, both public and private schools of journalism have encountered problems. The public schools are criticised for lacking in practical training and not keeping pace with modern trends, while the private ones are criticised for lacking in tradition and experienced instructors.

C. PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANIZATIONS

Journalists have the right to join a trade union within the scope of the freedom of assembly. In this manner, journalists can protect their right to freedom of expression and advocate for it. Local unions can join relevant international trade unions. There are four associations in BiH: the Association of Croatian Journalists in BiH; the Union of Journalists of BiH; the Union of Journalists of Republika Srpska; and BH Novinari. The last two are somewhat more active, especially BH Novinari. There is currently no union of journalists at the state level in BiH.

D. PRESENCE OF CIVIL SOCIETY ORGANIZATIONS

There are many civil society organizations in BiH, but the actual number is unknown since it is not possible to determine which organizations are operating and which has ceased to function. CSOs in BiH depend largely on funding, so it is difficult for them to conduct thorough media monitoring. There is a lack of cooperation between CSOs and PSBs. In addition, there is a lack of mechanism, through which regular consultative process with interested stakeholders could be conducted. Overall, media monitoring in BiH is mostly conducted by the self-regulatory body – the Press Council – and BH Novinari, while CSOs do not have enough resources to perform a comprehensive analysis and monitoring. In recent years, there have been significant efforts by civil society to promote the importance and the need for transparent ownership of media, professional media, journalists' rights, etc.

Category 5: Infrastructural capacity is sufficient to support independent and pluralistic media

Media outlets in BiH still do not have up-to-date equipment and technical resources. According to BH Novinari, the functionality and operations of media outlets in BiH are far behind media outlets in other countries in the region due to a lack of resources and issues related to management. Many local BiH television stations, for example, still use equipment from the 1980s. This situation is mainly faced by public media, whereas private outlets are in somewhat a better position as they have invested in modern technology and integrated newsrooms, as well as providing regular training to their staff.

A. AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

Although there are some positive examples of technical resources and digital tools used to advance, for example, investigative reporting, there are still no indications of journalism significantly benefiting from the increased use of Internet, or the availability of new resources. The latter is mostly the consequence of out-of-date equipment and the inability to secure enough funding for purchasing new equipment. The most concerning issue in terms of technical resources and the upgrade of programming is the one on the digitalisation in BiH, which has not been completed at the time of writing of this study. It is especially TV stations

that have outdated broadcasting technology, which resulted in the delayed digitalisation in BiH. The country did not meet the initial deadline for the digital migration of television transmission which was, according to the 2006 Geneva Agreement of European Region Broadcasters, 17 June, 2015 for all European TV stations. Generally, new technologies have made it easier for journalists in BiH to do their job, because information is more available with the Internet gaining momentum. However, the misuse of websites, blogs and forums is often the consequence of the lack of familiarity with the right to freedom of expression and its limitations, especially when it comes to hate speech.

B. PRESS, BROADCASTING AND ICT PENETRATION

According to the most recent reports, the Internet penetration in BiH has significantly increased. In 2016, the CRA found that there were 70 Internet service providers in BiH with 636,726 subscribers and 2,782,107 Internet users. In 2017, Internet penetration in BiH reached 86.77%, covering both xDSL and cable connections. Internet users in BiH mostly use the Internet to visit websites, such as Google, Facebook, Instagram, Wikipedia, etc. There are not many local websites among the top 20 websites with the highest visitorship. People connect on social networks and NGOs in BiH recognise this potential, with many of them and other activists initiating most of their campaigns on Facebook, promoting their goals and securing public support. They also use Google Groups, which is useful for creating mailing lists.

When it comes to offline media, television is the most accessible medium in BiH, since almost all households own a television set, although there are no exact data on the number of digital television sets owned. Concerning radio sets, a study showed that 67.8% of households had radio equipment in 2010, but there were no recent data available.¹ Newspapers and magazines are available in the country, but their circulation has been decreasing due to the increase in the use of online media and in the availability of media content in digital form.

Visually and aurally impaired persons have a limited access to information in all aspects of communication. However, when it comes to issues surrounding the information needs of marginalised groups in BiH, these are also connected with other factors, such as low levels of income and literacy. In addition to this, some of the constituent peoples are sometimes referred to as a marginalised group. This occurs in areas (entity or canton) where one of the constituent peoples is the minority. Many of the decisions of the Constitutional Court of BiH are based on the prevention of discrimination of certain constituent peoples in a certain part of the territory (in terms of issues related to language, active or passive voting rights etc.).

1 Džihana, Amer, Kristina Čendić and Meliha Tahmaz, Mapping Digital Media: Bosnia and Herzegovina, 2012 Data from the Media Department of Mareco Index Bosnia, "BiH Media Market Monitor – yearly publication," 13 December 2010.

Key Recommendations

1. The authorities in the Republika Srpska should amend the existing Law on Public Peace and Order so as not to limit the online expression. There should be a clearer definition of the notion 'public space', which excludes the online sphere. The enforcement scope of the Law should be more precise, so that the application of the Law does not affect the other entity – the Federation of Bosnia and Herzegovina.
2. BiH should adopt appropriate legislation on transparency in media ownership including online media. Such legislation needs to be harmonised with EU legislation and should regulate issues, such as on audio-visual media services, media services of radio, and transparency of media ownership. It should also limit concentration of media ownership.
3. There should be no pressures on the Communications Regulatory Agency (CRA) – financially and in terms of the structure of its management. The CRA should operate in an open, transparent, independent and impartial manner when performing its tasks, such as issuing licences to audio-visual media outlets.
4. The Council of Ministers of BiH should adopt the Broadcasting Policy of BiH 2017-2021, which would eventually emphasise the obligation of the state to protect pluralism and diversity of media. The Policy would also emphasise the task of the CRA to protect plurality and diversity of media and limit media concentration.
5. Radio and TV stations funded by public local authorities should foresee in their programme scheme, special programmes for members of national minorities, based on their percentage in population. They should carry out their obligations as stipulated in the Law on Protection of Members of National Minorities. Public radio media services and public audio-visual media services should carry out their obligations as stipulated in the Communications Regulatory Agency Rule 76/2015 and Rule 77/2015, which specify that 10 per cent of the total weekly news programme, other information programme and educational programme must be devoted to issues of national and other minorities, as well as those of vulnerable population groups.
6. Two main issues of public service broadcasting model should be solved: the process of digital migration of television transmission should be completed as soon as possible, and the Corporation – an entity gathering the three public service broadcasters – should be established as soon as possible.
7. Public service broadcasters should be more open in terms of communication with their audience and civil society organizations. There should be effective mechanisms of consultation and responsiveness, as well as monitoring of such mechanisms. Their websites should be more attractive and include more interactive content for visitors.

8. It is necessary to take legal measures in cases of political pressure and intimidation of journalists, and protection and law enforcement must be secured as an answer to threats against journalists.
9. Media outlets should refrain from self-censorship and adequate policies should be introduced to protect media workers. The same initiative should come from the civil society organizations, which could use promotion of speaking freely to combat self-censorship.
10. Entity-level professional associations and unions should promote stronger cooperation and evaluate the need for a joint coordination body to ensure the respect of rights of its members in the country.
11. Universities with journalism departments should consider modernising media curricula with, for example, providing teaching methods that are practical and incorporating an internship programme that would allow students to gain working experiences at media outlets. They should also consider following recommendations from UNESCO's Model Curricula for Journalism Education, as well as putting a special focus on online media.
12. It is necessary to work actively on sustainable funding mechanisms for media, which could ultimately contribute to better infrastructure and quality of media outlets.
13. It is necessary for media outlets to improve access for disabled and minority groups. Media outlets, for example, should hire more experts in sign language and offer more programmes that could be easily followed by disabled people.
14. In terms of advertising, the existing ratio of advertising revenues could be reconsidered by the public broadcasters and the authorities. There could be a ratio established that corresponds to advertising revenue of each individual broadcaster, and a certain percentage of these revenues could go to the umbrella broadcaster, BHRT.
15. It is necessary for media outlets to try to achieve a balance in terms of gender representation in staffing.
16. More programmes directed at national minorities are necessary when it comes both at national minorities outside the three constitutional peoples and in areas where one of the constituent peoples is a minority.
17. There is a dire need for newsrooms to improve their technology, especially when it comes to digitalisation process of public service broadcasters.

Introduction

This assessment provides a comprehensive analysis of current media situation in Bosnia and Herzegovina (BiH) based on UNESCO's Media Development Indicators (MDIs). The assessment has been conducted by the Law Faculty of University of Zenica and non-governmental organization Centre for Media Law. It presents a picture of the media landscape in BiH and provides recommendations, which the country can follow in order to respect international standards of the right to freedom of expression and promote free and independent media – one of contributing factors to a stronger democratic society. Policy makers will therefore have an instrument and a guideline, based on which they can make decisions and create an enabling environment for media freedom in BiH.

The MDIs are an internationally recognised framework for assessing national media landscapes and identifying media development priorities. They were unanimously endorsed by UNESCO's Intergovernmental Council of the International Programme for the Development of Communication (IPDC) in 2008. The IPDC Council called for the application of the MDIs in partnership with national stakeholders, with the objective of the MDIs serving as an analytical tool for all those seeking to develop an enabling environment for free, independent and pluralistic media.

This assessment was carried out with balanced representation of experts and researchers from all three constituent peoples of BiH – Bosniaks, Croats and Serbs, to ensure accuracy and avoid bias. This also applied to the respondents surveyed and interviewed, the researchers conducting the MDI assessment, as well as the attendees at meetings and conferences related to this report. Special attention was also given to gender balance in all of these areas.

Background Information

BiH is one of the former republics of the Socialist Federal Republic of Yugoslavia (SFRY). After the dissolution of SFRY, and after the war that lasted between 1992 and 1995, the Dayton Peace Agreement (DPA) was signed and set the foundations for the new structure of the country: divisions into two entities and one district: Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS); the Brčko District of Bosnia and Herzegovina (BD of BiH). Furthermore, FBiH is divided into 10 cantons, while RS is divided into 63 municipalities. Institutionally, the organization of the state is as follows:

Bosnia and Herzegovina, state level:

- Parliamentary Assembly (House of Representatives and House of Peoples)
- Presidency (three members from each of the constituent peoples, taking over presidency every eight months)
- Council of Ministers

Federation of Bosnia and Herzegovina: Parliament, President, Government

- Cantons: Government, Assemblies

Republika Srpska: National Assembly, President, Government

The DPA acknowledged Bosniaks, Croats and Serbs as constituent peoples and introduced the category of 'Others', which includes national minorities, people from mixed marriages, etc. The official languages are Bosnian, Croatian and Serbian, and the official alphabets are Cyrillic and Latin. According to the Institute for Statistics of the FBiH, the estimated population of BiH in 2013 was 3.5 million: in the entity of the FBiH there were 2,219,220 people (62.85%); in the entity of RS 1,228,423 people (34.79%) and in the BD of BiH 83,516 people (2.37%).² In terms of nationality, there are 50.11% of Bosniaks, 30.78% of Serbs, 15.43% of Croats and less than 3% of 'Others'. Meanwhile, 0.77% of citizens did not express their ethnic affiliation.

The DPA mentions media and freedom of expression in only three cases. In Article III, guaranteeing the enjoyment of human rights and fundamental freedoms to all persons within the territory of BiH, point h) freedom of expression; when referring to elections in Annex 3: "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process"; and when referring to the rights of refugees and displaced persons: "the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred; the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals."³

In 1998, the Peace Implementation Council, the role of which is to supervise the implementation of the DPA, issued a declaration in Madrid⁴ and gave more power to the Office of the High Representative for BiH (OHR). The OHR is an ad hoc international institution overseeing the implementation of civilian aspects of the DPA ending the war in BiH. The High Representative is "working with the people and institutions of BiH and the international community to ensure that BiH evolves into a peaceful and viable democracy on course for integration in Euro-

2 See results of the registry: Final results of 2013 Census, 2017 (Konačni rezultati popisa 2013), at: <http://fzs.ba/index.php/popis-stanovnistva/popis-stanovnistva-2013/konacni-rezultati-popisa-2013/>.

3 Dayton Peace Agreement, at: <http://www.osce.org/bih/126173?download=true>.

4 Declaration of the Peace Implementation Council, 1998, at: <http://www.ohr.int/?p=54105>.

Atlantic institutions.”⁵ The OHR was also the leading institution in media reform, with the role to “shape and suspend any media network whose program is in constant and drastic violation of the letter or spirit of the peace agreement (OHR, 1998a).”⁶

The OHR has thus become in charge of the implementation of the peace agreement through media reform, working in constant cooperation with the international community and being engaged in democratisation process of BiH.⁷

Media in BiH

It was the international community that shaped the media landscape in BiH after the war, establishing the legislative framework and policies. Later on, however, according to expert Adis Susnjarić interviewed for this study, after the international community started reducing its support and leaving BiH, there was a weakening of the process of ensuring free and independent media sector in the country.

According to the 2016 report of the Communications Regulatory Agency (CRA)⁸, a regulatory body in BiH in charge of the electronic media, there were 148 radio stations, and 52 television stations. According to the Press Council⁹ of BiH, there are eight daily newspapers, 106 different types of magazines, and eight religious magazines in the country, all of them privately owned. Regarding online media, statistics show an increase of the fixed-broadband Internet use from 25.1% in 2006 to 86.77% in 2017.¹⁰

Methodology

The MDI assessment in BiH was tailored to the specific context of the country. The project was launched in March 2017 and the initial training workshop on the MDI methodology was organised for the members of the research team, as well as the consultants and stakeholders, gathering 44 people in total.

The MDI report is based on a combination of desk-based research and field research, collecting both qualitative and quantitative data concerning the various aspects of BiH’s media sector. The desk-based research included an in-depth analysis of existing laws and regulations, and a review of existing reports and statistics produced by both local and international

5 OHR General Information, at: http://www.ohr.int/?page_id=1139.

6 Udovičić, Zoran, Tarik Jusić, Mehmed Halilović, Radenko Udovičić and Media Plan Institute Research Team, *The media at a turning point: a media landscape of Bosnia and Herzegovina*, 2001, p.33.

7 OHR, at: www.ohr.int.

8 Annual Reports of the Communications Regulatory Agency, at: <https://rak.ba/eng/index.php?uid=1273696422>.

9 See the Press Council Registry, (Štampani mediji u BiH), at: http://www.vzs.ba/index.php?option=com_content&view=category&id=5&Itemid=8.

10 Original source of information : CRA, ISP Reports, ISP 2017, published 17 April 2017 <https://rak.ba/bos/index.php?uid=1272548201>

organizations. The researchers interviewed 31 media experts, editors, journalists in print and online sector, as well as civil society representatives and authorities. No media owners were available for interviews. As media ownership is not regulated in Bosnia and Herzegovina, it is generally rather difficult to determine the real owners (this issue is elaborated further in the study). However, there were interviews with co-founders of several online media outlets.

Three coordinators (two from Center for Media Law and one from the Law Faculty, University of Zenica) led the team of seven researchers (from Sarajevo, Zenica and Mostar) which compiled the primary data collected through consultations and compared it to the information gathered through the review of previous studies and through the analysis of legal texts in order to accurately address the key indicators of the MDI framework.

On the basis of the findings and in consultation with an international legal expert, the research team proposed a set of evidence-based recommendations aimed at addressing the media development gaps identified in the report. The research identified the framework in which media operate in BiH, determined the existing concerns and thus proposed directions in which improvements and reforms are to be made so that BiH makes an important step in becoming a democratic society that fully respect freedom of expression.

The main cooperation took place between the Law Faculty of the University of Zenica and the Centre for Media Law from Sarajevo. The goal committed by the Faculty and the Centre is to: promote free and independent media; respect professional journalistic standards; respect the legislative framework; promote successful international standards and practice; and most importantly, to have a strong role in capacity building. This is because both institutions believe that it is students that can make a difference by being active defenders of freedom of expression and conducting future research in this regard, as well as influencing policy changes and practices in a long-term.

Structure

The study is built around analyses on the current media environment in BiH, based on the five categories of UNESCO's MDIs.

Category one refers to the system of regulation conducive to freedom of expression, pluralism and diversity of media. It analyses the existing constitutional and legal guarantees for freedom of expression, pluralism and diversity of the media, and the compatibility of these guarantees with international conventions. It focuses on the legal and policy framework in which the media operate, looking at issues such as freedom of expression and restrictions thereto, the right to information, editorial independence, the right of journalists to protect their sources, and the role of civil society in shaping public policy.

Category two refers to the plurality and diversity of media, a level economic playing field and transparency of ownership. It observes the extent to which the authorities actively promote

the development of the media sector in a manner which prevents undue concentration and ensures diversity and transparency of ownership and content across public, private and community media.

Category three observes media as a platform for democratic discourse and discusses the role of media in promoting democracy and dialogue, ranging from the media's ability to reflect social diversity and serve the needs of all members of society, to verifying the existence of a public service broadcasting model. It also covers media self-regulation, public trust in the media and the important topic of the safety of journalists.

Category four refers to professional capacity building and supporting institutions that underpin freedom of expression, pluralism and diversity, as well as assessing training opportunities for media professionals, focusing on both vocational training and academic courses related to media. It also analyses the presence of trade unions and Civil Society Organizations (CSOs) dealing with media issues.

Category five analyses the infrastructural capacity and its sufficiency to support independent and pluralistic media, and the extent to which all of society, including marginalized groups, has access to modern forms of communication and ICT.

Stakeholders are encouraged to use this study as an ongoing knowledge resource for individual, institutional and joint initiatives that can promote free, pluralistic and independent media in BiH.

Category 1

**A system of regulation
conducive to freedom of
expression, pluralism and
diversity of the media**



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Key Indicators

A. LEGAL AND POLICY FRAMEWORK

- 1.1 Freedom of expression is guaranteed in law and respected in practice
- 1.2 The right to information is guaranteed in law and respected in practice
- 1.3 Editorial independence is guaranteed in law and respected in practice
- 1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice
- 1.5 The public and civil society organizations (CSOs) participate in shaping public policy towards the media

B. REGULATORY SYSTEM FOR BROADCASTING

- 1.6 Independence of the regulatory system is guaranteed by law and respected in practice
- 1.7 Regulatory system works to ensure media pluralism and freedom of expression and information

C. DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

- 1.8 The state does not place unwarranted legal restrictions on the media
- 1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals
- 1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

D. CENSORSHIP

- 1.11 The media is not subject to prior censorship as a matter of both law and practice
- 1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental.

Category 1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

This category looks into the existence of a legal, policy and regulatory framework which protects and promotes freedom of expression and information, based on international best practice standards and developed in participation with civil society.

This chapter assesses the capacity of Bosnia and Herzegovina's (BiH) media regulation system to contribute to freedom of expression, pluralism and diversity of the media. It analyses the existing legal and policy frameworks and regulatory systems for broadcasting, as well as other legal provisions that may restrict the work of journalists. The assessment also contains specific recommendations for improving media regulation system in BiH. The gender and ethnic minority issue is taken into account throughout the whole report. Examples of indicators where the situation of women and members from ethnic minorities can be looked at more closely, such as in sub-sections 2.7, 2.11, 3.1, 3.2, 4.1, 4.4 and 4.7.

A. Legal and policy framework

the Constitution of BiH¹¹, and the constitutions of the two entities Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), state that “the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina” and that they “have priority over all other law.”

The Constitution of BiH guarantees the right to freedom of expression to its citizens, stating that “all persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms (. . . .); these include: h. Freedom of expression”.¹² Overall, the right to freedom of expression, the right to access to information and related rights are protected in the legislative framework of BiH. According to one observer interviewed for this study, freedom of speech is mainly respected in law, and there are no big issues in terms of

11 *Constitution of Bosnia and Herzegovina*, OHR – Office of the High Representative, at: http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_bos.pdf.

12 *Constitution of Bosnia and Herzegovina*, OHR – Office of the High Representative, at: http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_bos.pdf.

legislation. However, it is questionable whether people in BiH actually feel free to express their thoughts and opinions.¹³

1.1 Freedom of expression is guaranteed in law and respected in practice

The constitutions of the two entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), also offer protection of freedom of expression. The Constitution of FBiH¹⁴, in Chapter II, Article 1, refers to the protection of fundamental freedoms including freedom of speech and press and freedom of opinion, conscience and belief. The Constitution of RS¹⁵ in Article 25 states that “freedom of thought and affiliation, conscience and conviction, as well as of public expression of opinion shall be guaranteed”, and in Article 26 that “freedom of the press and other means of public communication shall be guaranteed. Anyone is free to establish news organizations and publishing houses, to publish newspapers or to disseminate information via other media, in accordance with the law. Censorship of the press and other media of public information shall be prohibited.”

Furthermore, the right to freedom of expression is protected through the following laws of BiH:

- **Laws on public service broadcasting:** Law on the Public Service Broadcasting System in BiH¹⁶; Law on the Public Service Broadcasting of BiH¹⁷; Law on the Public Service Broadcasting of FBiH¹⁸; and Law on the Public Service Broadcasting of RS¹⁹;
- **Laws on protection against defamation:** Law on Protection against Defamation of the Federation of Bosnia and Herzegovina²⁰; Law on Protection against Defamation of Republika Srpska²¹; Law on Protection against Defamation of Brčko District of Bosnia and Herzegovina²²;

13 Faruk Kajtaz, editor of website StarMo and Chairperson of the Club of Journalists in Mostar.

14 *Constitution of Federation of BiH* (Sarajevo, 30 March 1994), Official Gazette of FBiH No. 1/94, entered into force 30 March 1994, at: http://skupstinabd.ba/ustavi/1/ustav_federacije_bosne_i_hercegovine.pdf.

15 *Constitution of Republika Srpska* (1992), Official Gazette of RS No. 28/94, entered into force in 1994, at: http://www.ustavnisud.org/upload/4_8_2009_48_ustav_srpski.pdf.

16 *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

17 *Law on Public Radio-Television Service of BiH* (Sarajevo, December 2005), Official Gazette of BiH 92/05, entered into force 28 December 2005.

18 *Law on Public Radio-Television Service of FBiH* (Sarajevo, July 2008), Official Gazette of FBiH 48/08 entered into force 6 August 2008.

19 *Law on Public Radio-Television Service of RS* (Banja Luka, May 2006), Official Gazette of RS 49/06, entered into force 11 May 2006.

20 *Law on Protection against Defamation of FBiH* (Sarajevo, 2002), Official Gazette of FBiH No. 59/02, entered into force in 2002.

21 *Law on Protection against Defamation of RS* (Banja Luka, July 2001), Official Gazette of RS No. 37/01, entered into force on 1 August 2001.

22 *Law on Protection against Defamation of Brčko District of Bosnia and Herzegovina* (Brčko, 2003), Official Gazette of Brčko District of BiH, No. 14/03, entered into force in 2003.

- **Freedom of access to information acts:** the Freedom of Access to Information Act in Bosnia and Herzegovina²³; the Freedom of Access to Information Act of the Republika Srpska²⁴; the Freedom of Access to Information Act of the Federation of BiH²⁵;
- **In the Federation of BiH:** seven cantons passed laws on public information: the Posavina Canton²⁶, the Canton 10²⁷, the West Herzegovina Canton²⁸, the Sarajevo Canton²⁹, the Una-Sana Canton³⁰, the Zenica-Doboj Canton³¹, the Tuzla Canton³²
- **In the Republika Srpska:** the Law on Public Information³³

Although the right to freedom of expression is implemented in the legal system of BiH, the country's score in the latest Reporters Without Borders Freedom of the Press Index shows no improvement in terms of media freedom situation³⁴. The media situation in BiH is also described as "partly free" in the Freedom of the Press report by Freedom House³⁵. In addition, the IREX report³⁶ notes that the implementation of existing laws regulating media freedoms is still limited, while journalists remain vulnerable to intimidation and threats due to the complicated political and economic climate. Moreover, according to the EU Progress Report in 2015³⁷, there are concerns that the implementation of the new Law on Public Peace and Order of RS³⁸ limits freedom of expression online and possibly affects freedom of assembly and association, political and economic climate (see section 1.12 for further details). All these

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- 23 *Freedom of Access to Information Act in BiH* (Sarajevo, October 2000), Official Gazette of BiH No. 28/00, entered into force 17 November 2000.
- 24 *Freedom of Access to Information Act in RS* (Banjaluka, May 2001), Official Gazette of RS No. 30/01, entered into force 18 May 2001.
- 25 *Freedom of Access to Information Act in FBiH* (Sarajevo, July 2001), Official Gazette of FBiH No. 32/01, entered into force 24 July 2001.
- 26 *Law on Public Information*, Official Gazette of the Posavina Canton No. 3/98, entered into force in 1998.
- 27 *Law on Public Information*, Official Gazette of the Canton 10, 5/99.
- 28 *Law on Public Information*, (26 May 1998), Official Gazette of the West Herzegovina Canton, 7/98, entered into force in 1998.
- 29 *Law on Media*, Sarajevo Canton, Official Gazette of Sarajevo Canton, 13/98.
- 30 *Law on Public Information* (12 June 1998), Official Gazette of the Una-Sana Canton, No. 8/98, entered into force 15 July 1998.
- 31 *Law on Public Information*, Official Gazette of the Zenica-Doboj Canton, No. 13/98.
- 32 *Law on Public Information*, Official Gazette of the Tuzla Canton, No. 15/00.
- 33 *Law on Public Information of RS* (Banja Luka, 21 April 1997), Official Gazette of RS No. 10/97, entered into force in 1997.
- 34 *Media Freedom in Bosnia and Herzegovina*, Konrad-Adenauer-Stiftung, 2016, Lina Rusch and Rebecca Kittel
- 35 <https://freedomhouse.org/report/freedom-press/freedom-press-2017>
- 36 IREX Media Sustainability Index, 2016, at: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2016-bosnia.pdf.pdf>.
- 37 *Communication from the Commission to the European Parliament, The Council, Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Enlargement Strategy*, 2015, at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_bosnia_and_herzegovina.pdf.
- 38 *Law on Public Peace and Order of Republika Srpska*, Official Gazette of Republika Srpska, 11/15

issues are crucial to be solved on the path to the EU accession of BiH because putting in place legal, institutional and political conditions for creating an enabling environment for freedom of expression is a responsibility of the political and legislative power in the given accession country.³⁹

1.2 The right to information is guaranteed in law and respected in practice

In BiH, there are three Freedom of Access to Information Acts (FoAIA)⁴⁰: FoAIA of BiH, FoAIA of the FBiH and FoAIA of RS, which provide the public with the access to the information in possession of public authorities “to the greatest extent possible consistent with the public interest”.⁴¹ More specifically, the acts state that information in possession of public authorities is in fact public, but also determine which types of information may not be disclosed. Therefore, the FoAIA enables access to information for every person, regardless of his/her citizenship, nationality, ethnicity, or place of residence, etc. The competent authorities are obligated to provide the requested data within 15 days. In addition, there are differences between the three laws especially regarding the form of a written response of public authorities and regarding follow up sanctions. The FoAIA of BiH and the FoAIA of FBiH do not offer specific provisions regarding the appeals when requests are rejected, whereas the FoAIA of RS does not envisage an appeal at all. Furthermore, FoAIA of BiH made it obligatory for public bodies to notify requesters of their right to access the information or of the exemption of publishing in a form of a notice or official letter, hence making it not binding and not providing a possibility of appeal. Since the amendments made in 2006,⁴² public authorities at the level of BiH have been obligated to provide acknowledgements instead.

However, the application of the laws has so far shown that the authorities tend to stall the procedure and sometimes it can even take a few months. Therefore, the application of the laws significantly differs from what is stipulated in law,⁴³ and most recent analyses showed that almost every second request remains unanswered;⁴⁴ that the information is provided much after the stipulated deadline expires; or even the information that was submitted was

39 DG Enlargement, Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020, p.2

40 *Freedom of Access to Information Act of Bosnia and Herzegovina* (October 2000, Sarajevo). Official Gazette of BiH, No. 28/00. Entered into force on 17 November 2000.

41 Article 1 item b. of the *Freedom of Access to Information Act of Bosnia and Herzegovina*, Official Gazette of Bosnia and Herzegovina no. 28/00.

42 *Law on modifications and amendments of Freedom of Access to Information Act in BiH* (2006, Sarajevo). Official Gazette No. 45/06. Entered into force in 2006.

43 Centre for Investigative Reporting, “Deviation from free access to information”, 2015 (Odstupanje od slobodnog pristupa informacijama), at: <https://www.cin.ba/odstupanje-od-slobodnog-pristupa-informacijama/>.

44 MC Online, “Almost every second request according to FoAIA remains without a response”, 2016, (Skoro svaki drugi zahtjev po ZOSPI ne bude odgovoren), at: <http://media.ba/bs/magazin-medijska-politika-regulativa/vise-od-pola-institucija-ne-postuje-zospi>.

not requested at all.⁴⁵ However, some journalists are still optimistic, and there is a perception that if journalists remain very persistent, then they may be able to obtain the data, provided that they actually follow the procedure.⁴⁶

When it comes to the exemptions,⁴⁷ the disclosure of information may be justified for reasons related to the national security, defence, public security, questions of monetary policy, and prevention of crime, among others. But some experts are of an opinion that the authorities in charge make arbitrary decisions when deciding in individual cases.⁴⁸ One of them said, “public bodies do not conduct an adequate public interest test, and justifications of denial of free access to information very often cite exemptions found in law, but they do not indicate the facts of the specific case based on which the access was denied”.⁴⁹ When denying the access, authorities also often cite the lack of compliance with other laws such as the Law on Protection of Secret Data of BiH,⁵⁰ the Law on Intelligence and Security Agency of BiH,⁵¹ the Law on Criminal Procedure of FBiH,⁵² and the Law on Tax Administration of FBiH. Another problem regarding the free access to information is on the cost of the access. For example, citizens find it difficult to access even the information published in official gazettes even though these institutions are the institutions of public interest with a goal of informing the public about laws and decisions made by the authorities. The institution in RS, for example, adopted an internal decision to charge the electronic edition of Official Gazette of RS for BAM400 (approx. US\$240) per year. Citizens who cannot afford to pay such fee, therefore, cannot access such binding laws and decisions although they are published in an official gazette.⁵³

1.3 Editorial independence is guaranteed in law and respected in practice

Even though the legislative framework in section 1.1 has been assessed as rather good and compliant with international standards in its wording, one observer states, “political pressures

45 Faruk Kajtaž, editor of website StarMo and Chairperson of the Club of Journalists in Mostar.

46 Faruk Kajtaž, editor of website StarMo and Chairperson of the Club of Journalists in Mostar.

47 Articles 6,7 and 8 of the *Freedom of Access to Information Act of Bosnia and Herzegovina*, Official Gazette of Bosnia and Herzegovina no. 28/00.

48 Šušnjar, Adis, “Institutions interpret the FoAIA arbitrarily and justify withholding information with regulations of the Agency for Protection of Personal Data of BiH”, 2016 (Institucije proizvoljno tumače Zakon o slobodnom pristupu informacijama i neustupanje informacija neosnovano pravdaju propisima Agencije za zaštitu ličnih podataka BiH), at: <http://www.fairpress.eu/ba/?s=pristup+informacijama>.

49 Bojan Vlaski, senior assistant, Law Faculty, University of Banjaluka

50 *Law on Protection of Secret Data of BiH* (July 2005, Sarajevo). Official Gazette of BiH, No. 54/05 . Entered into force in 2005.

51 *Law on Intelligence and Security Agency of BiH* (2004, Sarajevo), Official Gazette of BiH, No. 12/04. Entered into force in 2004.

52 *Law on Criminal Procedure of FBiH* (August, 2003, Sarajevo). Official Gazette of FBiH, No. 35/03, 37/03 and 56/03. Entered into force on 1 August 2003.

53 Dragana Stankovic, lawyer.

in media of Bosnia and Herzegovina last too long”, and even “public service broadcasters face constant political pressures and only their intensity and directions change ... and there are no positive changes at all”.⁵⁴ Therefore, although the independence of public broadcasters within the country’s public broadcasting system was formally ensured, the Freedom House says, “politicians exert considerable pressure on journalists and media outlets tend to be aligned with political parties”.⁵⁵ Similarly, the IREX report for 2015 noted that independence of the three public broadcasters within the country’s public broadcasting system is formally ensured, but “politicisation continues to affect appointments to managerial positions at the entity’s public broadcasters”⁵⁶.

For example, the programming of certain public service broadcasters (PSBs) has seen political influence often reflected in the sources of news.⁵⁷ The primetime news programs sometimes have their sources of information primarily from the authorities and political parties, and the programmes of PSBs in general are serving political interests and their promotion.⁵⁸ For instance, the Radio-Television of Republika Srpska (RTRS) on several occasions turned to the ruling party for sources, without offering critical news regarding entity authorities, for example by inviting intellectuals with different opinions to speak to the public.⁵⁹ Other broadcasters did not express such a clear affiliation with authorities, and yet Radio-Television of the Federation of Bosnia and Herzegovina (RTVFBiH) shifted their affiliations, as there were changes in the ruling structures – either leaning to Socio-Democratic Party (SDP) or the Party for Democratic Action (SDA).⁶⁰ So far, there have been no claims of affiliations of Radio-Television of Bosnia and Herzegovina (BHRT).

1.4 Journalists’ right to protect their sources is guaranteed in law and respected in practice

The confidentiality of journalistic sources in BiH is protected by defamation laws, and this right is also recognised in the Press and Online Media Code of the Press Council in BiH. Indirectly, laws on criminal procedure of the entities are applicable too. However, one observer cautions that “there is still no adequate protection of journalistic sources”.⁶¹

⁵⁴ Marko Divković, President of the BH Novinari.

⁵⁵ *Media Freedom in Bosnia and Herzegovina*, Konrad Adenauer Stiftung Media Program South-East Europe, at: <http://www.kas.de/wf/en/71.13562/>.

⁵⁶ IREX Media Sustainability Index, 2016, at: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2016-bosnia.pdf>.

⁵⁷ Đorđe Krajišnik, a journalist and literary critic

⁵⁸ Udovicic, Radenko, *Freedom, Access, Information: Information in Minority Languages in the Western Balkans*, 2013, Mediaplan, p.38.

⁵⁹ Stanislavjević, Dragan, *Media and Public Opinion in Republika Srpska* (Mediji i javno mišljenje u Republici Srpskoj). 2010, pp. 101–102.

⁶⁰ Mehmed Halilovic, former Ombudsman for Media in Bosnia and Herzegovina

⁶¹ Amer Bahtijar, editor of news portal tacno.net

According to one report on the three laws on defamation (see section C of this Category), there is a special protection to journalists and other categories of persons regularly or professionally engaged in the journalistic activity of seeking, receiving or imparting information to the public, who obtained information from confidential source, providing the right not to disclose the identity of that source.⁶² In addition, the Criminal Procedure Code of BiH provides that a questioned witness “cannot be a person who by his/her statement would violate the duty of professional secrecy”, as that person is classified as “... a journalist to protect sources of information, unless if exempt from that duty by a special regulation or statement of the person who benefits from the secret being kept”.⁶³ There is an identical provision in the Criminal Procedure Code of the Federation BiH⁶⁴, in the Criminal Procedure Code of the Republika Srpska⁶⁵ in the Criminal Procedure Code of the Brčko District of Bosnia and Herzegovina.⁶⁶ However, in the criminal codes in force in BiH, illegal obtaining of classified information and unauthorised use of it is categorised as a criminal offense, and this might touch the press, although there have been no court proceedings against journalists so far in this regard.⁶⁷

In addition to the Criminal Code of BiH, the Law on the Protection of Classified Information⁶⁸ establishes the illegality of acquiring secret data. The Law explicitly states who has access to classified information of a certain degree, and Article 10 provides that all citizens of BiH who come into possession or gain access to classified information in a way that is not unlawful, undertake to preserve the data as secret. Therefore, an expert says that the criminal laws and the Law on Protection of Classified Information established the illegality of acquiring data as a condition for the crime.⁶⁹

62 *Freedom of expression and protection of journalistic sources: Bosnia and Herzegovina*, ELSA International & Council of Europe, 2016, at: https://files.elsa.org/AA/LRG_FoE_Final_Report.pdf

63 Article 82 of the *Criminal Procedure Code* (Official Gazette, No. 03/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09).

64 Article 96 of the *Law on Criminal Procedure of the Federation of BiH* (Official Gazette of the Federation of Bosnia and Herzegovina, Nos. 35/03, 37/03, 56/03).

65 Article 147 of the *Criminal Procedure Code of Republika Srpska* (Official Gazette of the Republika Srpska, no. 53/12).

66 Article 82 of the *Law on Criminal Procedure of Brčko District of Bosnia and Herzegovina* (Official Gazette of the Brčko District of Bosnia and Herzegovina, no. 44/10)

67 *Freedom of expression and protection of journalistic sources: Bosnia and Herzegovina*, ELSA International & Council of Europe, 2016, at: https://files.elsa.org/AA/LRG_FoE_Final_Report.pdf

68 *Law on Protection of Classified Information of Bosnia and Herzegovina* (Official Gazette BiH, 54/05 and 12/09).

69 Sevim Sali-Terzic, “International standards related to freedom of expression, access to information and the protection of national security”; “Chapter 8: Restrictions on press freedom and the protection of national security in *Media law in Bosnia and Herzegovina*, eds. Mehmed Halilovic and Amer Dzihana, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p. 229.

When it comes to self-regulation, the Press Code states that journalists have an obligation to protect the identity of those who provide information in confidence, regardless of whether or not they explicitly request confidentiality.⁷⁰

The Code of Honor of the BH Novinari (or 'BH Journalists') also declares that journalists have the right not to disclose source of information. Experts recognise the importance of protection of sources because the sources must trust journalists enough and be comfortable enough of knowing that laws protect them, as there is always a great risk when discussing important and problematic matters in general.⁷¹

Nonetheless, on several occasions, there were pressures on the media to reveal their sources. One example is a case in late 2014 involving online news portal www.klix.ba.⁷² The case saw the Cantonal Court in Sarajevo issued a court order and police raided the offices of the portal, asking its staff to leave premises and then seized computers, documents, notes and other items from the offices. This was perceived as an intrusion into the right of journalists to inform the public about public interest issues. Moreover, the editor in chief, two directors and one journalist were detained and questioned. On this attack, OSCE Representative on Freedom of the Media at the time, Dunja Mijatović, insisted that the country's authorities "do their utmost effort to stop persecuting journalists and to respect their right to protect their sources, following a raid by the police on the offices of Klix.ba in Sarajevo and subsequent detention of key staff".⁷³ The OSCE also stated that the "interrogation and pressure on members of the media to reveal their sources is simply unacceptable".⁷⁴ One positive result of this case was that journalists protested in Banjaluka and Sarajevo, showing a level of solidarity regardless of nationality and residence.⁷⁵

70 Article 13 of the *Press and Online Media Code*, the Press Council in Bosnia and Herzegovina, at: http://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9&lang=bs.

71 Mirjana Popovic, deputy editor of Center for Investigative Reporting.

72 For more about protests see: Protests of Journalists in B&H, ordered to return property of Klix, 7 January 2015 (Protesti novinara u BiH, naloženo vraćanje Klixove imovine), at: <http://www.rtvtk.ba/arhiva/vijest-cat/item/254-klub-novinara-tuzla-protest-zbog-napada-na-medijske-profesionalce>.

73 Mijatović, Dunja, OSCE Media Representative, *Labelling media "foreign agents" by politicians in Bosnia and Herzegovina unacceptable, says OSCE media freedom representative*, 28 February 2014, at: <http://www.osce.org/fom/115926>.

74 Mijatović, Dunja, OSCE Media Representative, *Labelling media "foreign agents" by politicians in Bosnia and Herzegovina unacceptable, says OSCE media freedom representative*, 28 February 2014, at: <http://www.osce.org/fom/115926>.

75 For more about protests see: Protests of Journalists in B&H, ordered to return property of Klix, 7 January 2015 (Protesti novinara u BiH, naloženo vraćanje Klixove imovine), at: [https://www.klix.ba/vijesti/bih/bh-novinari-i-novinarke-protestuju-u-banjoj-luci-zbog-slucajeva-](http://www.federalna.ba/bhs/vijest/117284/Vijesti%20u%202022; Female and male B&H journalists protesting because for cases of attacks, 5 January 2015 (Bh. novinari i novinarkе protestuju u Banjoj Luci zbog slučajeve napada), at: <a href=)

1.5 The public and civil society organizations (CSOs) participate in shaping public policy towards the media

In BiH, there are numerous CSOs, associations and foundations, but it is difficult to give a real estimate, as there are no legal requirements for liquidation in the case where an organization wish to cease operations.⁷⁶ For this reason, many organizations have ceased operations without undergoing an official liquidation, so it is difficult to find a precise number of active organizations in BiH.

CSOs recognise the importance of the media in disseminating their information, and seek to attract attention and coverage of their events⁷⁷, however, one of the concerns is that while CSOs can encourage the media to cover their organization's activities, these organizations must pay for explicitly labelled advertorials in order to ensure the actual appearance of their stories in the media. In order to achieve the full impact on society, cooperation between media and CSOs could be improved⁷⁸, even within the framework of editorial independence of the media to determine what each will cover. The lack of systematic and targeted reporting on the activities, along with the lack of information transfer to the media, makes it difficult to impact on public opinion and to help shape public policies in general and the media in particular.

On one occasion, USAID's Strengthening Independent Media Program, which was implemented by Internews, set its activities around the proposed amendments to Bosnia's Freedom of Access to Information Acts. Joint efforts by various stakeholders have successfully made the Ministry table the proposed amendments for consideration by the public. The Acts were posted on the website of the Ministry of Justice on 10 May 2013 for public discussion and comment before being sent to the parliament. Such efforts included an expert analysis by Mehmed Halilovic; wide dissemination of the amendments; and online and offline advocacy activities against adoption of the amendments. Some organizations that worked closely on this initiative were the Center for Investigative Reporting (CIN), which initially alerted the CSOs, media, and international communities to the information, and joined representatives from Open Society Foundation (Soros); the Human Rights Ombudsman Office in BiH; Mediacentar, OSCE, and PILPG (Public International Law & Policy Group).

napada/150105056; Journalist Club Tuzla – protest for attacks on media professionals, 6 January 2015 (Klub novinara Tuzla-Protest zbog napada na medijske profesionalce), at: <http://www.rtvtk.ba/arhiva/vijest-cat/item/254-klub-novinara-tuzla-protest-zbog-napada-na-medijske-profesionalce>.

⁷⁶ There are more than 12,000 NGOs and associations in Bosnia and Herzegovina, 2015 (Na teritoriji BiH postoji više od 12.000 nevladinih organizacija i udruženja), at: <https://www.klix.ba/vijesti/bih/na-teritoriji-bih-postoji-vise-od-12-000-nevladinih-organizacija-i-udruzenja/150219092>.

⁷⁷ Taylor, Maureen, *Media Relations in Bosnia: A Role for Public Relations in Building Civil Society*, 2000, at: <http://www.global.asc.upenn.edu/fileLibrary/PDFs/taylormedia.pdf>.

⁷⁸ Ana Lucic, Centre for Civic Initiatives.

B. Regulatory system for broadcasting

Although freedom of expression is guaranteed by the Constitutions and laws, an expert observes that this does not mean that one can claim that these principles are always respected everywhere.⁷⁹ Therefore, even though the regulatory system in BiH is independent according to law, the same expert says that when it comes to practice, there might be certain obstacles with regard to the independence of regulatory institutions and judiciary.⁸⁰ The main regulator of broadcasting in BiH is the Communications Regulatory Agency (CRA). The Agency has greatly contributed to the improvement of media landscape after the war, but it has also seen attacks on its independence and attempts by political elites to gain control over it and over its decision-making processes. Thus, one observer suggests that the guarantees of freedom from political control and manipulation have not been working in practice.⁸¹

1.6 Independence of the regulatory system is guaranteed by law and respected in practice

The CRA was established on 2 March 2001 to ensure the licensing and monitoring of electronic media by independent regulatory bodies and institutions. It operates on the state level and combines the competences of the Independent Media Commission (IMC) and the Telecommunications Regulatory Agency, which had previously operated separately. The Agency and its mandate are defined by the Law on Communications of BiH⁸², which was originally imposed by the Decision of the High Representative (OHR) in October 2002 and the Parliamentary Assembly of BiH adopted it in September 2003.

The CRA's independence is hence guaranteed by the Law on Communications,⁸³ which stipulates: "Recalling that the implementation of this Law and its objectives require a politically independent Communications Regulatory Agency that relies on the exceptional expertise and competence of the members of the Council of the Agency and the Director General, it is therefore necessary to ensure that the members of the Council of the Agency and the Director General are exclusively appointed on considerations based on their integrity, knowledge and professional merit". The Law places a great importance on the independence of the CRA, and thus Article 36 explicitly stipulates that: "The Council of Ministers, ministers or any other person cannot interfere in decision making process of the Agency in any way in individual

79 Amela Methadžović, lawyer.

80 Amela Methadžović, lawyer.

81 Hodžić, Sanela, *Bosnia and Herzegovina in Media Integrity Matters: Reclaiming public service values in media and journalism*, Peace Institute, Institute for Contemporary Social and Political Studies, 2014, p. 8.

82 *Law on Communications*, (Sarajevo, 2 September 2003), Official Gazette of BiH No.31/03, entered into force 21 October 2003.

83 *Law on Communications* (Sarajevo, 2 September 2003), Official Gazette of BiH No.31/03, entered into force 21 October 2003.

cases” and through provisions regulating the process of election of Director General and the Council of the Agency.

The primary reasons for establishing the CRA were, among other to avoid double or conflicting regulatory authorities at all level of government in BiH; to ensure the key role of telecommunications in economic development of any country; and to respond to the fact that the trend in communications industry towards the convergence of technology and the way of transmission requires clear and comprehensive regulatory approach.⁸⁴ In addition, there was an opinion that a unique regulator, like the CRA, will enable a quick and efficient reaction to economic and business conditions. The Decision of the Office of the High Representative (OHR) defined the structure of the CRA, which comprises two sectors: one for broadcasting and another one for telecommunications. The Agency is managed by the Director General, and its activities should engage international consultants.

The activities of the CRA helped stabilise the media sector in BiH and according to some analysts, the Agency was a key factor that contributed to the significant improvement in the overall quality of radio and TV programs in the country.⁸⁵ In spite of these successful initiatives, however, the CRA still faced clashes with local political elites, such as authorities from Republika Srpska⁸⁶, which opposed the establishment of state-level institutions in order to have a stronger entity authority. Other authorities and some media outlets close to political parties resisted the activities of the CRA as well, resulting in what one report describes as “legal documents being changed frequently due to short-term political and other interests, often resulting in conflicting legal arrangements, legal uncertainty, and regulatory chaos”.⁸⁷ Dunja Mijatovic, former director of broadcasting at the CRA agreed, saying, “pressures were continuous, and laws were changed or introduced overnight to place the agency under political control.”⁸⁸

It was especially the appointment of CRA Director General and the members of the Council that are disputable. Even though the four-year mandate expired in 2007, it was only in 2016 that this process was completed. It is the Council of Ministers that proposes the appointments, followed with an approval by the Parliamentary Assembly. There was an acting director in 2015, but in 2016, the call for applications reopened, with two candidates applying, one of

84 Mandić, Helena, “Regulation of Broadcasting in BiH”, in Halilović, Mehmed and Amer Džihana, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p. 253.

85 Irion, Kristina and Tarik Jusić, *International Assistance and Media Democratization in the Western Balkans: A Cross-National Comparison International Media Assistance in the Western Balkans*, Analitika, 2013, p. 20.

86 See: Predrag Kovač: RTRS wants to be the master of the media sky of RS, 19 September 2017 (Predrag Kovač: RTRS želi biti gospodar medijskog neba RS-a), at: <https://www.oslobodjenje.ba/dosjei/intervjui/predrag-kovac-rt-rs-zeli-biti-gospodar-medijskog-neba-rs-a>.

87 Jusić, Tarik, and Nidžara Ahmetašević, *Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina*, Analitika, 2013, p.34.

88 Dunja Mijatovic, interview for a PhD study by Nidžara Ahmetašević, in Jusić, Tarik, and Nidžara Ahmetašević, *Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina*, Analitika, 2013, p.34.

whom finally became the Director General.⁸⁹ Most recently, the mandate of the entire CRA Council expired, but new members have not been appointed yet.⁹⁰

1.7 Regulatory system works to ensure media pluralism and freedom of expression and information

Article 4 of the Law on Communications divided the regulatory principles of broadcasting and telecommunications⁹¹ by stating that: “the regulatory principles of broadcasting shall include:

- a) The protection of freedom of expression and diversity of opinion while respecting generally accepted standards of decency, non-discrimination, fairness, accuracy, and impartiality;
- b) That broadcasters shall be separate from political control and manipulation, so as to strengthen democratic principles and the foundations of a market economy;
- c) That licenses shall be awarded on the basis of a process by which appropriate professional standards of programme content, technical operation and financing are ensured;
- d) That broadcast advertising shall be regulated so as to be consistent with best European practice.”

The CRA adopted two important documents regulating electronic media in BiH, which underlines the importance of the media pluralism as a core value of the primary role of media in the dissemination of accurate information and freedom of expression and information. These documents are the Code on Broadcasting Radio-Television Programmes⁹² (that stipulates the same conditions for everyone for providing radio and television services) and the Code on Advertising and Sponsorship in Programmes of Radio and Television Stations (more in Category 2). In 2011, the CRA adopted the Code on Audio-visual and Radio Media Services, which is a substitute of the two previously mentioned codes and which set the basic principles of programme content of audio-visual media services and radio media services in BiH (see sections 3.9 and 3.10 in Category 3).

89 The appointment of Predrag Kovač to the Director of RAK is confirmed, 26 April 2016 (Potvrđeno imenovanje Predraga Kovača za direktora RAK-a), at: <http://ba.n1info.com/a92827/Vijesti/Vijesti/Predrag-Kovac-direktor-RAK-a.html>.

90 “The mandate expires to all members of the CRA Council, the Federation blocks appointment of new members” <https://www.klix.ba/vijesti/bih/kompletnom-vijecu-rak-a-istekao-mandat-federacija-bih-blokirala-izbor-novih-clanova/180630010>

91 Article 4, *Law on Communications* (Sarajevo, 2 September 2003), Official Gazette of BiH No.31/03, *entered into force* 21 October 2003.

92 All documents available in Official Gazette of BiH No.98/11 and at the website of the Agency at: <http://www.rak.ba/bih/index.php?uid=1324649058>.

C. Defamation laws and other legal restrictions on journalists

There are three defamation laws in BiH at the level of both entities: of the FBiH and of RS and at the level of the Brčko District of BiH. Defamation in BiH was decriminalised, which was a big step forward. However, one expert noted that as court practice varies across the country – in terms of persons liable for defamation, compensation issues and its amount, this leads to different decisions made by courts in different parts of the country when dealing with similar situations.⁹³

1.8 The state does not place unwarranted legal restrictions on the media

The laws on protection against defamation and the Law on Communications, as well as constitutional principles and international conventions (legally binding and applicable), serve as the basic legal foundation for media activities and freedoms in BiH. *De jure* scope of protection prescribed with these laws meets principles of media freedoms (freedom of expression on the first place). Accordingly, by analysing provisions of the laws, it could be concluded that the state does not place unwarranted legal restrictions on the media. However, *de facto* approach proves that, even though not legal, there still are some restrictions on the media placed by the state primarily reflected in the implementation of laws, as explained further in sub-section 1.9 and section B.

1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

The current legal framework on defamation in BiH decriminalised defamation and it emphasizes the importance of freedom of expression. Laws on the state and entity levels contain provisions related to civil liability and compensations instead of imprisonment and fines.

The Decision of the High Representative on Freedom of Information and Decriminalisation of Libel and Defamation passed in 1999, requiring both entities, under the guidance of the OHR, to adopt the necessary legislation to create civil remedies for defamation, libel and slander in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms.⁹⁴ When the High Representative passed the Decision, it abolished imprisonment, but it did not immediately remove a ‘criminal act’ label from defamation, which is why criminal proceedings for defamation continued in spite of the initial idea behind the

⁹³ Stojana Petrović, senior assistant, Faculty of Law, University of Banja Luka

⁹⁴ Decision of the High Representative, July 30, 1999, *Decision on restructuring Public Broadcasting System in Bosnia and Herzegovina and on the freedom of information and on abolishing penalties for defamation and insult*, at: http://www.ohr.int/decisions/mediadec/default.asp?content_id=31174.

decision.⁹⁵ Therefore, in the years that followed the Decision, there were no crucial changes in treatment of defamation before the courts in BiH. For example, a court in Sarajevo in mid-October of 2000 passed judgment against two journalists, sentencing them for the criminal act of libel with a three-month suspended sentence with one year of probation.⁹⁶ Both the FBiH and RS followed the 1999 decision.

After some delays, three defamation laws in BiH were adopted despite political obstructions:

- **In 2002, the Law on Protection against Defamation of the Federation of Bosnia and Herzegovina** published in Official Gazette of the Federation of BiH No. 59/02, and entered into force one day after it was published.
- **In 2001, the Law on Protection against Defamation of Republika Srpska**, published in Official Gazette of Republika Srpska No. 37/01, and entered into force eight days after it was published.
- **In 2003, the Law on Protection against Defamation of Brčko District of Bosnia and Herzegovina**, published in Official Gazette of Brčko District of BiH No. 14/03, and entered into force in the same year.

Under the defamation laws, criminal liability and privileged protection of state officials and national symbols are abolished, and civil liability and compensations are introduced, instead of fines and imprisonment. In addition, there is a provision to assess each specific situation in order to reach the balance between damage caused and the amount of compensation.⁹⁷ Full protection of journalistic sources is also provided, and injured person is obligated to take “all necessary measures to diminish the damage ... and particularly to make a request for publishing a correction”⁹⁸ This excluded insult, which can still be the subject of a procedure before court but on the basis of, for example, the Law on Obligatory Relations.

The defamation laws require media to respect professional standards and to act in good faith. The importance of professional codes is underlined, such as in the Press Code and the relevant rules of the CRA.⁹⁹ In order to avoid legal uncertainty in defining the term ‘defamation’ and consequently to support freedom of expression, the laws prescribe necessary elements for a defamation to occur: existence/publishing false information; identification of the injured person; damage to legal or natural person; dissemination to third persons and intention or

95 Udovičić, Zoran, Tarik Jusić, Mehmed Halilović, Radenko Udovičić and Media Plan Institute Research Team, *The media at a turning point: a media landscape of Bosnia and Herzegovina*, 2001, p. 39.

96 Udovičić, Zoran, Tarik Jusić, Mehmed Halilović, Radenko Udovičić and Media Plan Institute Research Team, *The media at a turning point: a media landscape of Bosnia and Herzegovina*, 2001, p.40.

97 Despite the fact there are no specific limits on the amount of compensation, this provision prescribes general prevention of excessive sanctions.

98 Law on Protection against Defamation of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of BiH, Number: 59/02

99 *Code on Broadcasting Radio and Television Programs*, Communications Regulatory Agency (Sarajevo, January 2008), Official Gazette of BiH No. 20/08, entered into force on 11 March 2008.

carelessness.¹⁰⁰ Furthermore, the laws state that each of them “is interpreted in such manner that the application of its provisions largely ensures the principle of freedom of expression.”¹⁰¹ Therefore, there is an emphasis on the protection of freedom of expression, but the media are also urged to perform their tasks professionally and without any malice. The Law on Protection against Defamation of RS, for example, clearly underlines the legal responsibility for every person, regardless if that person acts in a role of an author, editor, content publisher or any third person, citing circumstances, such as “intentionally or carelessly express or disseminate false facts”,¹⁰² and “cause damage to the reputation of legal or natural person by stating or disseminating something false.”¹⁰³

There are slight differences among the three laws. For example, defamatory cases are considered urgent by the Law on Protection against Defamation in the FBiH, while it is not the case for the Law of RS. There are also terminological differences: the Law of FBiH uses the term ‘false facts’¹⁰⁴, while the Law of RS goes with ‘expressing something false’.¹⁰⁵ The laws also differ in definitions of who can be liable as an author, publisher, or editor. According to the Law of FBiH, “every person . . . who makes or disseminates an expression” can be liable, while the Law of RS refers to “every person in business”.

An example of the application of defamation laws was the case that reached the European Court of Human Rights: *Medžlis of Islamic Community of Brčko and Others versus BiH*. The case treated the issue whether the right of the applicants to freedom of expressions was violated by domestic courts’ decisions rendered in the case of alleged defamation committed by the applicants against a civil servant. The Grand Chamber of the European Court in 2017 issued a decision confirming that the interference of the relevant government authorities in the applicants’ right to freedom of expressions was justified, and that they accomplished a fair balance between the applicants’ interests with regards to their rights to freedom of expression and the civil servant’s interests considering the protection of her reputation.

¹⁰⁰ Article 4 (d) of *Law on Protection against Defamation of the Federation of BiH* and Article 5 (1) of *Law on Protection against Defamation of RS*.

¹⁰¹ *Law on Protection against Defamation of RS* (Banja Luka, July 2001), Official Gazette of RS No. 37/01, entered into force on 1 August 2001, Article 2; *Law on Protection against Defamation of FBiH* (Sarajevo, 2002), Official Gazette of FBiH No. 59/02, entered into force in 2002, Article 3; *Law on Protection against Defamation of Brčko District BiH* (Brčko, 2003), Official Gazette of Brčko District of BiH No.14/03, entered into force in 2003, Article 3.

¹⁰² *Law on Protection against Defamation of RS* (Banja Luka, July 2001), Official Gazette of RS No. 37/01, entered into force on 1 August 2001, Article 2; *Law on Protection against Defamation of FBiH* (Sarajevo, 2002), Official Gazette of FBiH No. 59/02, entered into force in 2002, Article 3; *Law on Protection against Defamation of Brčko District BiH* (Brčko, 2003), Official Gazette of Brčko District of BiH No.14/03, entered into force in 2003, Article 3.

¹⁰³ *Law on Protection against Defamation of RS* (Banja Luka, July 2001), Official Gazette of Republika Srpska No. 28/94, entered into force on 1 August 2001, Article 5, paragraph 1.

¹⁰⁴ *Law on Protection against Defamation of FBiH* (Sarajevo, 2002), Official Gazette of FBiH No. 59/02, entered into force in 2002.

¹⁰⁵ *Law on Protection against Defamation of RS* (Banja Luka, July 2001), Official Gazette of RS No. 37/01, entered into force on 1 August 2001.

Consequently, the Court concluded there has been no violation of Article 10 of the Convention and that domestic courts acted in line with the highest standards.¹⁰⁶

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy¹⁰⁷, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

freedom of expression is guaranteed in BiH as one of the most important constitutional principles of democratic society. The media plays the role as a watchdog in a democratic society, and any democratic discourse is best developed in the atmosphere where media are free and where individuals enjoy their right of freedom of expression.

As stated before, in the Constitution of BiH¹⁰⁸, as well as in the constitutions of the two entities, the provisions explicitly state how “the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms are directly applicable” and “have priority over all other laws.” In that sense, all restrictions established in Article 10 (2) of the European Court of Human Rights (ECtHR) are integrated part of applicable laws in domestic jurisdiction.

However, there are restrictions that are specifically regulated in positive laws of BiH. One of these restrictions includes hate speech, which is prohibited by Criminal Codes in BiH, as an act of “inciting national, racial and religious hatred, discord and intolerance”¹⁰⁹ – with prescribed sanction of imprisonment (from three months to five years), and with possibility of a fine sanction in Republika Srpska. The issue of hate speech has turned out to be the most worrisome because, as one expert noted, “sanctioning hate speech is a rare practice and citizens are not even aware of what hate speech is, and that it is prohibited.”¹¹⁰

The Law on Protection against Defamation of the Federation of BiH and the Law on Protection against Defamation of the Republika Srpska prescribe “acceptable limits of freedom of

106 Peđa Đurasović, the defence team of the government of Bosnia and Herzegovina before the European Court of Human Rights in the case of Medžlis of Islamic Community of Brčko and Others versus Bosnia and Herzegovina

107 Whether right to private life and freedom of expression contain conflicting interests and whether there is need for balancing between the right and the freedom, see in: Enis Omerović, Right to Privacy and Freedom of Media (Pravo na privatnost i sloboda medija), *Glasnik Helsinškog komiteta za ljudska prava u Bosni i Hercegovini*, No. 11, 2008, p. 42-44.

108 *The General Framework Agreement for Peace in Bosnia and Herzegovina – Dayton Peace Agreement*, Annex 4: Constitution of Bosnia and Herzegovina (Paris, 14 December 1995), entered into force on 14 December 1995, at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/BH/BH%20CONSTITUTION%20.pdf>.

109 Article 145a of the *Criminal Code of Bosnia and Herzegovina*, Article 294a of the *Criminal Code of Republika Srpska*, Article 163 and Article 363 (2) of the *Criminal Code of the Federation of Bosnia and Herzegovina*.

110 Dragana Stanković, lawyer

expression” and “civil liability for damage caused to the reputation of a person by making or disseminating an expression of false fact.”¹¹¹ The laws also state that the provisions of these laws should be interpreted “to maximise the principle of freedom of expression”.

D. Censorship

As previously mentioned, freedom of expression is guaranteed in laws in BiH, but with some limitations. Amela Methadžović, a lawyer interviewed for this study, said, “limitation of freedom of expression exists in defamation laws and justification is provided, but there is also the Law on Public Peace and Order in Republika Srpska that limited freedom of expression to a great extent, and introduced a form of repression.” Moreover, a form of self-censorship has been noticed, as observed by Lejla Zilić from the Law Faculty of University of Zenica. She said, “[when there are] attacks on journalists and insults directed at journalists mostly by political elites. . . , then it is quite clear that we may expect less objectivity in journalistic reporting due to fear of talking about actual problems in the society in Bosnia and Herzegovina.”

1.11 The media is not subject to prior censorship as a matter of both law and practice

The laws governing the media system in BiH, as mentioned in sub-section 1.1 above, protect the media from unwarranted state interference in media content, i.e. the practice of censoring media content in accordance with the interests of the ruling structures. In positive legislation, including the provisions of the Constitution, censorship is prohibited.

However, the practice of prior censorship exists in way of avoiding certain topics and insisting on others, which is why there is a form of self-censorship. As lawyer Dragana Stanković said, both journalists and citizens have a “fear of ‘revenge’ if they express their opinion and not just when it comes to political issues, but also other issues like economy, etc.” Similarly, according to the 2016 report on Human Rights in BiH¹¹², some political parties attempted to influence editorial policies and media content through legal and financial measures. As a result, some media outlets practiced self-censorship. Moreover, some media outlets reported that officials threatened them with loss of advertising or limited their access to official information. Therefore, despite legal prohibition of censorship, it is still found in practice, along with self-censorship, although the actual data on such cases are still non-existent.

¹¹¹ *Law on Protection against Defamation of the Republika Srpska*, Article 2, *Law on Protection against Defamation of the Federation of BiH*, Article 3.

¹¹² Embassy of the United States of America in Bosnia and Herzegovina, Country Reports on Human Rights Practices: BiH, 2016, p. 12, at: <https://ba.usembassy.gov/our-relationship/official-reports/>.

1.12 The state does not seek to block or filter internet content deemed sensitive or detrimental

The practice of blocking or filtering Internet content by the state, in theory, does not exist in BiH. However, the specific case of the adoption of a new law – the Law on Public Peace and Order in Republika Srpska in 2015 may have changed this situation and made the full enjoyment of freedom of expression become questionable.

The impression of some people in BiH¹¹³ is that the Law was passed in order to keep an eye on all those who criticise the government. The main concern was that it includes social media in the definition of a 'public space'. This may give power to judges to interpret the Law differently and sanction any social media activity. Many agreed that the social media accounts of individual users cannot be seen as a 'public space', as these contain information that are strictly tight to a user's privacy.¹¹⁴

A case in 2015 involving journalist Danijel Senkic, who is also a representative of an NGO called Front, serves as an example. On his Facebook wall, Senkic shared his views on the authorities in BiH who arrested Bosniak returnees in Republika Srpska. Equating this arrest to terror, he called some police officers criminals and Bosniak politicians mute observers. One of the posts was as follows: "The police in Zvornik terrorises Bosniak population and their politicians stay silent or vaguely oppose. And so, as a Vlah, pardon me, I wish to say a few words."¹¹⁵ The post continued with reference to the father of one police officer and the murder he allegedly committed during the war between 1992 and 1995, stating that even now he terrorises the population in a nearby village and is protected by his son. The danger of this post lies in the fact that even though there are two entities in BiH: the FBiH, and Republika Srpska, and even though the Law was passed in one entity, its provisions have spread to the population in the other entity because Senkic lives in Tuzla, a city in the FBiH.¹¹⁶ Danijel Senkic was under interrogation at the police station in Tuzla, and had it been Republika Srpska, he could have been detained for 24 hours.¹¹⁷ Experts said that the only way in which it would

113 Halilović, Mehmed, *Big brother in your home*, 11 February 2015 (Veliki brat u vasoj kuci), at: <http://analiziraj.ba/2015/02/11/veliki-brat-u-vasoj-kuci/>.

114 Harun Cero, *Law on public order is an attack on human rights*, 28 January 2015, (Zakon o javnom redu je udar na ljudska prava), at: <http://balkans.aljazeera.net/vijesti/zakon-o-javnom-redu-je-udar-na-ljudska-prava>

115 *Danijel Senkic's post on Facebook*, 7 May 2015, at: <https://www.facebook.com/danijel.senkic.3/posts/10206446620113660?fref=nf>.

116 Nap.ba, *Dodik's dictatorship in FBiH, too: a person from Tuzla interrogated by the police because his status on Facebook*, 16 June 2015 (Dodikova diktatura i u FBiH: Tuzlak na saslušanju u policiji zbog statusa na FB), at: <http://www.nap.ba/new/vijest.php?id=13080>.

117 Halilović, Mehmed, *Prosecuting those who give bad news*, 2 July 2015 (Progon glasnika losih vijesti), at: <http://analiziraj.ba/2015/07/02/progon-glasnika-losih-vijesti/>.

have been possible for Senkic to come before court would be for defamation at best, and only had it been the father of the policeman himself who brought the case.¹¹⁸

This case illustrates the pragmatic consequences the Law has. Despite receiving strong criticisms from the local and international organisations, especially OSCE, Human Rights Watch and others¹¹⁹, this legislation is still in power as initially enacted. At the time of adoption of this Law, the serving Representative of the OSCE strongly objected this Law and underlined the importance of introducing the forms of self-regulation on social media as a primary mean of combating the inappropriate content, while the legal sanctions should be secondary only in cases of incitements to hatred.¹²⁰

118 Halilović, Mehmed, *Prosecuting those who give bad news*, 2 July 2015 (Progon glasnika losih vijesti), at: <http://analiziraj.ba/2015/07/02/progon-glasnika-losih-vijesti/>.

119 Katana, Gordana, *Law on Public Peace and Order of RS: who is scared of public speaking?*, 17 February 2015 (Zakon o javnom redu i miru Republike Srpske: Ko se boji javne riječi?), at: <http://www.oslobodjenje.ba/vijesti/bih-eu/zakon-o-javnom-redu-i-miru-republike-srpske-ko-se-boji-javne-rijeci>.

120 Harun Cero, *Law on public order is an attack on human rights*, 28 January 2015, (Zakon o javnom redu je udar na ljudska prava), at: <http://balkans.aljazeera.net/vijesti/zakon-o-javnom-redu-je-udar-na-ljudska-prava>

Recommendations

1. There should be more compliance with the laws protecting freedom of expression, where actual implementation of their provisions take place. This especially refers to media and journalists who are asked to reveal their confidential sources. It can also be suggested to introduce a new law with more specific provisions on the protection of sources. Those who violate legal provisions related to this matter should be clearly liable and the authorities in both Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) should ensure adequate measures against those requesting journalists to reveal their sources. The authorities themselves must also refrain from such making such requests.
2. Political parties should refrain themselves from any attempt to influence editorial policies and media content through legal and financial measures.
3. The authorities should refrain themselves from stalling processes at the Communications Regulatory Agency (CRA), and from influencing the appointment of the Agency's Director General and governing bodies. The appointment process should also involve civil society, academia, and the private sector, along with government, leading to a faster and more efficient process.
4. Judicial and other state authorities in BiH should be more familiar with freedom of expression guaranteed in international documents, as well as state and entities' constitutions and laws, and its implementation according to international standards. Conducting training on these issues would also be useful for these authorities.
5. The Law on Protection of Secret Data of BiH; the Law on Intelligence and Security Agency of BiH; the Laws on Criminal Procedure in BiH, the Laws on Tax Administration in BiH, and Freedom of Access to Information Acts of BiH and its entities should be harmonised in order to avoid contradictory provisions and solutions.
6. Access to public information should be implemented according to the Freedom of Access to Information Acts. There should be compliance with deadlines for providing the information and minimum number of refusals. In addition, the Freedom of Access to Information Act of Republika Srpska should provide the right of appeal, as well as reconsider the cost of the Official Gazette of RS.

- 7.** Self-regulatory mechanisms should be more promoted to ensure high ethical and professional standards for all type of media in BiH, without an intention to restrict freedom of expression, pluralism and diversity of the media. Self-regulation should be encouraged, such as in defamation cases, as public figures like politicians often avoid going to the Press Council. All types of media should have clear editorial guidelines guaranteeing editorial independence.
- 8.** There should be more public consultations when introducing new laws or amending the existing ones, and the authorities should take into account proposals and ideas expressed during the consultations.
- 9.** Social media behaviour should be self-regulated, where the biggest responsibility is on end-users. In this regard, it important to initiate capacity building activities on media and information literacy across all communities in the country.

Category 2

Plurality and diversity of media, a level economic playing field and transparency of ownership



Key Indicators

A. MEDIA CONCENTRATION

- 2.1 State takes positive measures to promote pluralist media
- 2.2 State ensures compliance with measures to promote pluralist media

B. A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

- 2.3 State actively promotes a diverse mix of public, private and community media
- 2.4 Independent and transparent regulatory system
- 2.5 State and CSOs actively promote development of community media

C. LICENSING AND SPECTRUM ALLOCATION

- 2.6 State plan for spectrum allocation ensures optimal use for the public interest
- 2.7 State plan for spectrum allocation promotes diversity of ownership and content
- 2.8 Independent and transparent regulatory system

D. TAXATION AND BUSINESS REGULATION

- 2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

E. ADVERTISING

- 2.10 State does not discriminate through advertising policy
- 2.11 Effective regulation governing advertising in the media

Category 2

Plurality and diversity of media, a level economic playing field and transparency of ownership

This category examines to which extent the state actively promotes the development of the media sector in a manner which prevents undue concentration and ensures plurality and transparency of ownership and content across public, private and community media.

Bosnia and Herzegovina (BiH) has been a Council of Europe (CoE) member state since April 2002. The CoE documents define pluralism and diversity in terms of structure, ownership, diversity of media and in terms of political pluralism of ideas and cultural diversity. Additionally, by signing the Stabilization and Association Agreement with the European Union (EU) in June 2008, BiH undertook the obligation to harmonise its legislation with EU laws. The Audio-visual Directive as part of EU laws has not yet been transposed into national law of BiH, but it will have to be done before BiH joins the EU.

A. Media concentration

pluralism of media is an important factor for the development of a society. It offers choices and encourages competition that “makes creators of media space improve the quality... thus contributing to a better media landscape in general.”¹²¹ Transparency in media ownership is needed, and the public must be familiar with this issue so they “can be aware of suspected misuses, which are difficult to be detected when there is no transparency in media ownership.”¹²² Overall, judging from number of media outlets in BiH, one may assume that there is media pluralism.¹²³ However, as quantity does not ensure quality, it cannot be said that there is really a plurality of media in BiH, as one expert says, “In media discourse, we cannot say that such a big number of outlets reflects diversity and a great freedom of expression.”¹²⁴

¹²¹ Mr. sc. Zlatan Omerspahić, ass. Department for national and international public law, Law Faculty University of Zenica, PhD candidate at the Law Faculty, University of Osijek

¹²² Ibid.

¹²³ Doc. dr. sc. Zlatiborka Popov-Momčinović, Faculty of Philosophy East Sarajevo Bosnia and Herzegovina

¹²⁴ Selma Alić, journalist, MA student at Marmara University in Istanbul, Turkey.

2.1 State takes positive measures to promote pluralist media

Issues related to media pluralism and concentration fall under the responsibilities of the Communications Regulatory Agency (CRA). In accordance with Law on Communications¹²⁵, the CRA is authorised to promote fair competition. In March 2004, the CRA adopted Rule 21/20303 on media concentration and electronic and printed media ownership. The Rule emphasises on three things: 1) it is forbidden for one legal entity or a person to own two or more radio or TV stations that have the same population ratio of covering citizens; 2) one legal entity or a person can own one printed media and just one additional electronic media (TV or radio); and 3) one legal entity and a person can own one radio and one TV station for population ratio of covering citizens.¹²⁶ The Rule had entered into the force on 1 April 2004, but expired 18 months later on 1 October 2005. Consequently, there has been no legal framework on ownership concentration in media in BiH ever since.

The Council of Ministers of BiH has still not adopted the Broadcasting Policy of BiH 2017-2021, which would eventually emphasise obligation of the state to protect pluralism and diversity of media.¹²⁷ The Policy is also expected to emphasise the task of the CRA to protect plurality and diversity of media by limiting media ownership concentration.

As media ownership is not regulated, the public cannot precisely know who can provide information, and even though “there are many political choices and more media outlets because of the [absence of regulation in] media ownership, such pluralism does not contribute to media quality, but rather ensures that all possible events are covered.”¹²⁸

2.2 State ensures compliance with measures to promote pluralist media

One of the key characteristics of media market in BiH is a huge absence of transparency when it comes to the media ownership,¹²⁹ directly influencing media pluralism. The European Commission in the BiH 2016 Report also stated that one of the issues which should be addressed in the future is “lack of transparency of media ownership.”¹³⁰ The Commission also stresses the obligation for BiH to adopt appropriate legislation on media ownership

125 *Law on Communications* (Sarajevo, 2 September 2003), Official Gazette of BiH No.31/03, *entered into force* 21 October 2003.

126 *Rule on Media Concentration and Cross-ownership over electronic and print media* (Rule No. 21/2003), at: <http://rak.ba/bos/aktuelnost.php?uid=1270642032>.

127 Reports of the Communications Regulatory Agency at: <https://www.rak.ba/bos/index.php?uid=1272548129>

128 Prof. Dr. Zlatan Meškić, University of Zenica, Faculty of Law

129 Lejla, Turčilo, “Media ownership and political clientelism in BiH” (Medijsko vlasništvo i politički klijentelizam u BiH), at: <http://www.magazinplus.eu/wp-content/uploads/2015/10/medijsko-vlasnistvo-i-politicki-klijentelizam-lejla-turcilo.pdf>

130 European Commission, “Bosnia and Herzegovina 2016 Report”, p. 5, at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_bosnia_and_herzegovina.pdf.

transparency, including online media.¹³¹ Even though there is a certain degree of media pluralism, the divisions within the society, in fact, “make the public follow four or five media outlets to reach a somewhat balanced image of what is happening in the country.”¹³²

The Parliamentary Assembly of BiH has adopted a decision on 30 November 2016, obligating the Council of Ministers of BiH to, within 120 days, submit to the Parliamentary Assembly of BiH the Proposal of law on media ownership transparency and limitation of media ownership.¹³³ Explaining the conclusion, a Member of the Parliament, Aleksandra Pandurević stated that “it is very important that we get such a law before the second phase of digitisation when we can expect higher concentration of media ownership, which could finally lead to endangering of freedom of speech and democratic achievements.”¹³⁴ Later, in the 86th session of the Council of Ministers on 20 December 2016, the Ministry of Communication and Transport was obligated to implement the decision. However, no draft of this law has been published so far. The Ministry has recently stated¹³⁵ that a working group on the Draft of the Law on Electronic Media was established only in July 2017. So far, it has made initial steps for making the draft of the Law. As the Law must be harmonised with EU legislations, which requests additional activities, the Ministry projects that the draft of the law will be prepared in late 2018. The Ministry also stated that the Law would regulate other issues, such as audio-visual media services, media services of radio, transparency of media ownership and limitation of media ownership concentration.

B. A diverse mix of public, private and community media

The laws on protection against defamation, laws on public service broadcasting, freedom of access to information acts and laws on public information – as mentioned in sub-section 1.1, do not specifically divide media into public, private or community, and the government does not promote a diverse mix of private, public and community media through its policies.

131 European Commission, “Bosnia and Herzegovina 2016 Report”, p. 5, at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_bosnia_and_herzegovina.pdf.

132 Borislav Vukojevic, senior assistant, Department of Journalism and Communicology, Faculty of Political Sciences, University of Banjaluka

133 Journalist interviewed (80% of them) for need of Shadow report on Bosnia and Herzegovina in 2012 (Indikatori za procjenu medijskih sloboda u zemljama članicama Vijeća Evrope: Izvještaj u sjeni za Bosnu i Hercegovinu, BH Journalists and the Press Council, Sarajevo, 2012) were thinking that Communications Regulatory Agency should have initiated Law on prohibition of media concentration.

134 Transcript of 38 session of the House of Representatives of the Parliamentary Assembly of BiH, as of 30 November 2016, p. 112.

135 E-mail communication from 25th September 2017.

2.3 State actively promotes a diverse mix of public, private and community media

At one point in 2001, BiH had reached one of the world's highest number of broadcasters per capita: 210 radio and 71 television stations were registered in a country of 3.5 million people.¹³⁶ More recently, the CRA produced a report¹³⁷ stating that in 2016 there were 148 radio stations and 52 TV stations. According to the Press Council¹³⁸ of BiH, there are eight daily newspapers, 106 different types of magazines, and eight religious magazines in the country, all of them privately owned.¹³⁹ There are three public broadcasters: Radio Television of Bosnia and Herzegovina (BHRT), Radio Television of Republika Srpska (RTRS) and Radio Television of the Federation of Bosnia and Herzegovina (RTVFBiH) (see more in Category 3). However, over the past few years, there have been many changes in the television market in BiH with the arrival of cable and Internet Protocol television (IPTV) operators.

Since 2011, the audience measurement has witnessed changes. Until 2011, Mareco Index Bosnia had conducted the measurement until a new company, Audience Measurement, took over. There were several reports of alleged misuse of audience measurement in this respect, but the actual data and information on these issues are yet to be revealed and clarified.¹⁴⁰

136 Udovicic et al., "The Media at a Turning Point." In Bratić, Vladimir (2013), *Comparative Analysis of Regulatory Media Assistance: Lessons from Bosnia and Herzegovina and Kosovo*, Working paper Series on International Media Assistance in the Western Balkans, Working paper 8/2013, prepared in the framework of the Regional Research promotion programme in the Western Balkans (RRPP) (Sarajevo: Analitika – Center for Social Research).

137 Annual Reports of the Communications Regulatory Agency, at: <https://rak.ba/eng/index.php?uid=1273696422>.

138 See the Press Council Registry, (Štampani mediji u BiH), at: http://www.vzs.ba/index.php?option=com_content&view=category&id=5&Itemid=8.

139 Jusic, Tarik, *Media Landscapes-Bosnia and Herzegovina*, at: http://ejc.net/media_landscapes/bosnia-and-herzegovina.

140 Measuring TV audience in B&H: Did crimes, politics and personal interests intervene?, 21 december 2016 (<http://www.6yka.com/novost/118685/mjerenje-gledanosti-u-bih-da-li-su-kriminal-politika-i-licni-interesi-umijesali-prste>), at: <http://www.6yka.com/novost/118685/mjerenje-gledanosti-u-bih-da-li-su-kriminal-politika-i-licni-interesi-umijesali-prste>.

Table 1: TV ratings in 2016, Annual Report of BHRT for 2016¹⁴¹

Channel	Share in %
OBN	12.58
RTVFBiH	11.04
Pink BH	8.52
RTRS	6.37
BN TV	5.75
BHRT	5.01
HAYAT TV	3.51
TV1	2.59
ATV	2.05

2.4 Independent and transparent regulatory system

There is low transparency in media ownership in BiH. The Press Council and the CRA manage two registers: printed media and electronic media. However, these registers are seen to not reflect the reality, as they contain lists of media only with formal ownerships, while the data on real owners are still hard to find.¹⁴² This means that sometimes, it is relatives or business associates of political figures who are assigned as the owners. In some other cases, it is very difficult to track the real owners, because the legal entity who owns a media outlet, for example, is owned by another legal entity.¹⁴³

Ownership transparency is partly secured through legal requests for registration of legal entities.¹⁴⁴ Among other data, name, surname and address of founder/owner of legal entity are included in the register, which is managed by the courts.

Structure of electronic media ownership is also reported to the CRA as part of the procedure to issue permits for radio and TV stations. There is also an obligation to report any change of ownership structure of more than a five percent stake.¹⁴⁵ There is a visible entrance of regional media ownership into the market of BiH. This could be done in two ways: 1) for printed media, they are published in the same way as in the neighbouring states; 2) for broadcasting media, investors enter by buying local media or forming subsidiary companies in BiH.¹⁴⁶

¹⁴¹ *Annual Report of BHRT for 2016*, p. 12.

¹⁴² Lejla, Turčilo, "Media ownership and political clientelism in BiH" (Medijsko vlasništvo i politički klijentizam BiH), at: http://www.fes.ba/files/fes/img/Bilder_Aktivitaeten/Analiza_Lejla_Turcilo.pdf.

¹⁴³ See: <http://media.ba/bs/magazin-novinarstvo/registar-medija-u-bih?>

¹⁴⁴ *Law on Registration of Legal Entities in FBiH* (Official Gazette 27/05, 68/05, 43/09 and 63/14) and the *Law on Registration of Legal Entities in RS* (Official Gazette 67/13 and 15/16).

¹⁴⁵ Rule 77/2015 on Provision of Audio-Visual Media Services (Official Gazette 3/16), article 22.

¹⁴⁶ Lejla, Turčilo, "Media ownership and political clientelism in BiH" (Medijsko vlasništvo i politički klijentizam BiH), at: http://www.fes.ba/files/fes/img/Bilder_Aktivitaeten/Analiza_Lejla_Turcilo.pdf.

According to the Law on Competition, economic entities and participants in ownership concentration (joint or merger of independent economic entities, or parts of economic entities and other forms of concentration prescribed by Article 12 of the Law) are required to submit a notification of concentration to the Council of Competition, within 15 days of the signing of the agreement and the publication of public offering or acquisition of control, depending on which comes first.¹⁴⁷ The “Report on Media Ownership and Its Impact on Media Independence and Pluralism” states that there is a lack of media ownership transparency in BiH. The Council of Competition reacts on specific complaints and it can issue decisions determining the misuse of, for example, dominant position in media of United Media Distribution S.R.L., which limited the distribution of high quality sports channels.¹⁴⁸ The records of the Council are rather scarce and certain decisions are available, but there is no actual numeric data referring to media companies.

2.5 State and csos actively promote development of community media

Community media – broadcast, print or online – are alternative media to public and commercial media, as well as to social media. They are characterised by their accountability to, and participation of, the communities they serve. They have a greater focus on local issues of concern and facilitate public platforms for debate and discussion. UNESCO advocates for community media that are independent, and which are run for and by the community.¹⁴⁹

The role of community media in BiH addresses the needs of communities that are usually not present in the other media. The CRA asked for the possibility to establish permits for the so-called ‘community radio’ in 2003 by organising a Regional Advisory Committees (a series of meeting with the representatives of electronic media), in response primarily to the needs of national minorities, as well as other interest groups that could not find their place in the existing media landscape in BiH. However, the Agency did not secure support from representatives of electronic media.¹⁵⁰

147 Law on Competition in BiH (Official Gazete 48/05, 76/07 and 80/09), Article 16.

148 Koncentracija vlasništva nad medijima u BiH: Odsutnost i potrebe regulacije
Lejla Gačanica, 2018, <http://www.media.ba/bs/magazin-novinarstvo/koncentracija-vlasnistva-nad-medijima-u-bih-odsutnost-i-potrebe-regulacije>

149 UNESCO, Community Media Sustainability, at: <http://en.unesco.org/themes/community-media-sustainability>.

150 Powlakic, Emir, “Local media and radio local communities in BiH”, 2 June 2010 (Lokalni mediji i radio lokalne zajednice u BiH), at: <http://www.media.ba/bs/medijska-politika-regulativa/lokalni-mediji-i-radio-lokalne-zajednice-u-bih>.

C. Licensing and spectrum allocation

In accordance with the Law on Communications of BiH, Articles 30 and 31, and taking into account public interest and the importance of rational usage of the frequencies as a limited natural resource and as common good of the country, in 2009 the CRA drafted a Spectrum Allocation Plan for BiH.¹⁵¹

2.6 State plan for spectrum allocation ensures optimal use for the public interest

The CRA awards licences to private radio and television broadcasters. BHRT, as well as the entity public broadcasters RTRS and RTVFBiH, do not compete for the licences as they are regulated under separate laws. Public tender for awarding licences for television and radio broadcasters is announced when there are available frequencies. It is issued online and in the Official Gazette.¹⁵²

Licenses are awarded on the basis of the programme and project proposals, which must include an assessment of economic, technical and personnel viability aspects of the project. The project proposal must contain an overview of the share of information, entertainment, cultural and other programme groups in the total schedule; the expected maximum of advertising content; and the expected share of the broadcaster's own production. The programme proposal is part of the licensing contract.¹⁵³

2.7 State plan for spectrum allocation promotes diversity of ownership and content

The Policy for the Broadcasting Sector in BiH was created in 2006 "to limit ownership concentration and to guarantee media pluralism, and to ensure equal development of all types of media in BiH."¹⁵⁴ In addition, the Spectrum Allocation Plan for BiH¹⁵⁵ has been drafted in accordance with the decrees of the European Conference of Postal and Telecommunications (CEPT) ECC/DEC(03)05 and ECC/DEC/(01)03, the report CEPT/ERC/REP 25, as well as relevant decisions, reports and recommendations of the International Telecommunications Union (ITU) and the European Conference of Postal and Telecommunications Administrations (CEPT). In addition, it has also taken into account the changes adopted during the World Radio Conference 2007 and the needs of the public in BiH. However, "there are no indications

¹⁵¹ Spectrum allocation plan for Bosnia and Herzegovina (Plan namjene i korištenja), at: <http://rak.ba/bos/index.php?uid=1269428226>.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

whatsoever that certain users, groups, or institutions are favoured by broadcasting spectrum allocation policy.”¹⁵⁶

2.8 Independent and transparent regulatory system

After the war, it was necessary to establish a body that would regulate the media landscape, and it was acknowledged that the role of international actors in these bodies “should go beyond mere consulting.”¹⁵⁷ Therefore, the Office of the High Representative (OHR) founded the Independent Media Commission (IMC) on 11 June 1998 with a crucial role in media reform, conveying international practices in the media landscape of BiH and establishing legal basis for media.

The IMC began operations on 1 August 1998, and its important role in media reform has been seen in it passing various codes and rules: the Broadcasting Code of Practice¹⁵⁸; the Code on Media Rules for Elections¹⁵⁹; the Code on Advertising and Sponsorship¹⁶⁰, Rule 1/1999 – Definitions and Obligations of Public Broadcasting; Rule 2/1999 – Compliance with Copyright Obligations¹⁶¹; and Rule 3/1999 – Broadcast License Fees.¹⁶²

On 2 March 2001, the IMC and the Telecommunications’ Regulatory Agency were merged into the CRA, which has since taken over the issue of licensing. One of the primary duties of the CRA is to provide licences for audio-visual media services and for distribution of radio and TV programmes. Rule 33/2008¹⁶³ adopted by the CRA was crucial for the regulation of licensing, as it aimed at introducing EU licensing standards and focusing on digitalisation process in the country. The goal of passing rules on licensing was “to ensure access to communications services on a transparent, objective and non-discriminatory basis, to protect the interests of all users of services, and to make the quality level of services closer to the general standards in the European Union.”¹⁶⁴

The CRA’s independence is guaranteed by the Law on Communications¹⁶⁵: “Recalling that the implementation of this Law and its objectives require a politically independent Communications Regulatory Agency that relies on the exceptional expertise and competence of the members

156 1999, *Broadcasting Code of Practice*, defining the rules and standards regarding program content

157 *Taking on the Commanding Heights*, European Stability Initiative (ESI Bosnia Project) report, 3 May 2000.

158 1999, *Broadcasting Code of Practice*, defining the rules and standards regarding program content

159 1999, *Code on Media Rules for Elections*

160 2000, *Code on Advertising and Sponsorship* referring to both public and private broadcasters and advertisements and sponsorship of their programs.

161 *Rule 2/1999 – Compliance with Copyright Obligations*

162 *Rule 3/1999 – Broadcast License Fees*

163 *Communications Regulatory Agency website-section on broadcasting*, at: <http://www.rak.ba/bih/index.php?uid=1269867979>.

164 *Communications Regulatory Agency website-section on broadcasting*, at: <http://www.rak.ba/bih/index.php?uid=1269867979>.

165 *Communication Law* (Sarajevo, 2 September 2003), Official Gazette of B-H No.31/03, *entered into force* 21 October 2003

of the Council of the Agency and the General Director, it is therefore necessary to ensure that the members of the Council of the Agency and the General Director are exclusively appointed on considerations based on their integrity, knowledge and professional merit". The Law also refers to the relation between the CRA and the Council of Ministers, stipulating that "the Council of Ministers' duties include producing and adopting policies in line with existing laws and determining the presentation of Bosnia and Herzegovina on international forums in the field of communications."¹⁶⁶

The independence of the CRA is provided by Article 36 of the Law: "The Council of Ministers, ministers or any other person cannot interfere in decision making process of the Agency in any way in individual cases". Concerning complaints handling, the Law gives the CRA the power, among other, to¹⁶⁷: give oral and written warnings; request concrete demands for action or cessation, to be complied within specified time limit; conduct an assessment of a financial penalty not exceeding BAM150,000 (approx. US\$88,000) in case of deliberate or negligent violation of individual provisions of the Law, or of conditions specified in the license, or in the codes of practice and rules of the Agency; create a schedule of infractions and resulting penalties, to be adopted by the Council of Ministers; send orders to interrupt broadcasting or the provision of telecommunications services for a period not exceeding three months; revoke licenses, etc.

The Law also envisages the financial aspects of the CRA – its funding sources (license fees, state budget, and donations) and submission of annual financial reports and budget proposal for each upcoming year to the Council of Ministers. The Council is in charge of the approval and possible alterations of the budget proposal.

The main bodies of the CRA are the General Director and the Council of the CRA. The seven Council members,¹⁶⁸ which meet at least four times a year, elect the president and the vice-president of the Council. The members of the Council are elected based on a list created by the Council, which must contain at least twice as many members as the Council has. The Council chooses the candidates from the extended list and the Parliament "accepts or rejects proposed candidates within 30 days, and in the case of rejection, the Council of Ministers has to offer an alternative candidate from the list put together by the Council of the Agency."¹⁶⁹ It is important to note that the provision of the Law on Communications states: "officials on legislative or executive positions at all levels of the government or members of bodies of political parties cannot be candidates for membership in the Council of the Agency. Moreover,

166 Article 3, *Communication Law* (Sarajevo, 2 September 2003), Official Gazette of B-H No.31/03, *entered into force* 21 October 2003

167 Article 46, *Communication Law* (Sarajevo, 2 September 2003), Official Gazette of B-H No.31/03, *entered into force* 21 October 2003

168 *Communications Regulatory Agency*, available at: <http://rak.ba/eng/index.php?uid=1272016139>

169 Mandić, Helena, "Regulation of Broadcasting in BiH", in Halilović, Mehmed and Džihana Amer, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p.257

the members of the Council have to report every interest they have in telecommunications or broadcasters operators, and they are exempted in cases of a conflict of interest.¹⁷⁰

One of the primary duties of the CRA also includes granting licenses for audiovisual media services and for distribution of radio and TV programs. Rule 33/2008¹⁷¹ adopted by the CRA was crucial for regulation of licensing, because it aims at introducing EU licensing standards and at bringing focus on digitalisation process in the country. The goal of passing rules regarding licensing was “to ensure access to communication services on a transparent, objective and non-discriminatory basis, to protect the interests of all users of services, and to make the quality level of services closer to the general standards in the European Union.”¹⁷²

The CRA took crucial steps in compliance with EU regulatory framework and amended several rules, such as Code on Broadcasting RTV Programs; Code on Advertising and Sponsorship; Rule 42/2009 on licenses for terrestrial radio-diffusion of RTV programs; Rule 36/2008 on the way of licensing and conditions of licenses for distribution of RTV programs; and Rule 41/2009 on public stations.¹⁷³ The rules aimed at adapting the BiH environment in these aspects to the fast-pacing technological development in other countries; to encourage competition among service providers; to enable a greater flexibility in financing audio-visual contents; to provide a high level of protection of consumers; and to create equal conditions for all service providers no matter which technology they use to distribute their services.¹⁷⁴

When it comes to the transparency of media business in general, only the three public broadcasters publish their reports on work and business, although this is not done regularly. In total, the citizens finance either partially or fully the work of 80 public media outlets via tax or special fees.¹⁷⁵ However, most media do not publish their reports or annual plans at all despite the provision in Rule 77/2015 on Provision of Audio-visual Media Service: “the public television station shall provide the Agency with the official financial statements no later than 31st of March of the current year, for each previous year” and “all these financial reports shall be considered public documents and, after receipt of the application, shall be available to the public.”¹⁷⁶

170 Mandić, Helena, “Regulation of Broadcasting in BiH”, in Halilović, Mehmed and Džihana Amer, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p.258

171 *Communications Regulatory Agency website-section on broadcasting*, (accessed on 5 April 2016), available at: <http://www.rak.ba/bih/index.php?uid=1269867979>

172 *Communications Regulatory Agency website-section on broadcasting*, (accessed on 5 April 2016), available at: <http://www.rak.ba/bih/index.php?uid=1269867979>

173 *Communications Regulatory Agency website – news section*, at: <http://www.rak.ba/bih/aktuelnost.php?uid=1303198557>.

174 Mandić, Helena, “Regulation of Broadcasting in BiH”, in Halilović, Mehmed and Džihana Amer, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p.264.

175 Nermina, Voloder, Information about public media work are not secret, but aren't public, 1 November 2016 (Informacije o radu javnih medija u BiH nisu tajne, ali nisu ni javne), at: <http://media.ba/bs/investigative-journalism/informacije-o-radu-javnih-medija-u-bih-nisu-tajne-ali-nisu-ni-javne>.

176 Rule 77/2015 on the Provision of Audiovisual Media Services , at: <https://www.rak.ba/eng/index.php?uid=1328108149>.

D. Taxation and business regulations

BiH has a single rate of value-added tax (VAT) of 17%,¹⁷⁷ which is applied to printed press, books (including imported books) and newspapers. Two years ago, the Association of Printed Media in BiH unsuccessfully initiated amendments to the Law on VAT in order to account VAT on every sold copy of daily newspapers or weekly magazine – instead of on each printed copy, as prescribed by the Law. The initiative was driven by the fact that such a provision could make them less competitive in the market, as neighbouring countries apply lower rates of VAT in publishing.

2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

The issue of taxation in BiH is regulated by the Law on VAT¹⁷⁸ but the general impression is that this law is not implemented and “there are no sanctions for tax evasion and violation of the law”.¹⁷⁹ The process of introduction of fiscal receipts has only become “an additional expense to the companies which operate in business-to-business segment, because when they completed any business, they had to provide invoices and thus pay the VAT.”¹⁸⁰

Recently, even the self-regulatory body spoke about the issue of VAT and online news portals, which is closely connected with media ownership issues. It was said that “media or enterprising laws must include a provision prescribing that media websites are registered and specify their ownership structure, their editor and journalists, and in this manner the citizens will know how much to trust that media... And the media will be obligated to pay the VAT too.”¹⁸¹

E. Advertising

Media outlets, including the public service broadcasters, in BiH rely on advertising revenues to a great extent. Public service broadcasters have also been turning to the government for financial support. There were allegations that close connections between major advertisers and political circles have allowed for biased distribution of advertising time, and media outlets that are critical of ruling parties have claimed they faced difficulties in obtaining advertising¹⁸², as detailed further in this section.

¹⁷⁷ Administration for Indirect Taxation, PDV general Information (PDV opće informacije), at: http://www.uino.gov.ba/b/Porezi/PDV/Opce_informacije.html.

¹⁷⁸ *ibid.*

¹⁷⁹ B&H – the tax paradise on the Earth, 24 November 2013 (Bosna i Hercegovina – poreski raj na zemlji), at: <http://balkans.aljazeera.net/vijesti/bosna-i-hercegovina-poreski-raj-na-zemlji>.

¹⁸⁰ *ibid.*

¹⁸¹ Free (falling) media in Bosnia and Herzegovina, 3 may 2016, at: <http://www.osce.org/bih/238051>.

¹⁸² Embassy of the United States of America in Bosnia and Herzegovina, Country Reports on Human Rights Practices: BiH, 2016, p. 12, at: <https://ba.usembassy.gov/our-relationship/official-reports/>.

2.10 State does not discriminate through advertising policy

The transparency of funding of public service broadcasters (PSBs) is another issue of concern. In May 2015, the Anti-Corruption Strategy 2015-2019 acknowledged the role of the media in the fight against corruption, noting that their own undisturbed operations and financial transparency are preconditions for this role.¹⁸³ Financial annual reports may be available on the websites of PSBs, but there is still no consistency nor actual proofs of financial transparency of broadcasters. Even though the audit of financial reports of PSBs identified irregularities, it does not guarantee the acceptance of the findings. In 2015, for example, the Government of Republika Srpska (RS), which provided certain amounts of funding to particular media outlets in RS, did not accept the findings of the audit.¹⁸⁴ Furthermore, there are no mechanisms “to ensure that government funding in the media in BiH is legitimate, transparent and in the service of public interest... no specific decision-making body on media subsidies exists, and such funding can easily be misused for particular political and business benefits.”¹⁸⁵

Furthermore, the advertising agencies press the media to reduce air time costs¹⁸⁶ and according to several auditing agency documents from the past five years, PSBs have been compelled to discount their official rates to a great extent, reaching even 74% for marketing agencies.¹⁸⁷

Advertising is the biggest source of the revenue of BiH television market, at 45%, followed by the 33% from the license fee, and 22% from public sources, such as direct subsidies from entity or cantonal authorities.¹⁸⁸ There is also a strong opposition to the proposed model of redistribution of commercial income from advertising among the three broadcasters, according to which most of the funds are to be redirected to the state-level broadcaster, disregarding the commercial success of each broadcaster within the system.¹⁸⁹

183 Council of Ministers of BiH, *Anti-Corruption Strategy 2015-2019*, at: http://www.vijeceministara.gov.ba/akti/prijedlozi_zakona/default.aspx?id=19336andlangTag=bs-BA.

184 Sanela, Hodžić, Monitoring EU Guidelines in Bosnia and Herzegovina: Continuing political pressures and obstructions, 21 June 2015, at: <http://mediaobservatory.net/radar/monitoring-eu-guidelines-bosnia-and-herzegovina-continuing-political-pressures-and>.

185 Ibid.

186 Džihana, Amer, Kristina Ćendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*, 2012, p.70.

187 Office for Revision of Institutions in the Federation of Bosnia and Herzegovina, *Report on Revision of Financial Reports of Public Broadcaster 'Radio-Television of Federation of Bosnia and Herzegovina'*, Sarajevo, 2010,

188 Emir, Habul, Public radio and television system in B&H – step to the collapse, 19 February 2016 (Javni RTV sistem u BiH - Korak do kolapsa), at: <http://www.media.ba/bs/mediametar/javni-rtv-sistem-u-bih-korak-do-kolapsa>.

189 Jusić, Tarik and Nidžara Ahmetašević, *Media Reforms through Intervention: International Media*

It is the CRA that decides on advertising issues within PSBs.¹⁹⁰ The Agency initiated a debate on shortening the time of advertising from eight to six minutes per hour for PSBs, aiming at lowering the amounts received from advertising. The CRA also claimed that the advertising share of PSBs is too big. In addition, in 2013, the Audit Report for RTVFBiH pointed out the broadcaster's troubles in financial functioning, such as "lack of respect of procurement procedures, unjustifiable discounts in advertising contracts with two advertising agencies."¹⁹¹

PSBs in BiH are funded by licence fees, advertising and the government. The System Law identifies licence fees as the main source of revenue. The Law stipulates that each household and each legal entity owning a radio or TV transmitter is obligated to pay the fee, based on the assumption that each of them owns at least one transmitter.¹⁹² According to this Law, it is the CRA that proposes the amount of the fee, once in every five years¹⁹³ and the Parliamentary Assembly decides on this proposal within 30 days as of its submission.¹⁹⁴

This system of collecting fees has initially gone through telecom operators, but the amount of collected fee turned out to be rather low. All households and legal entities that possess a radio or television receiver are required to pay the fee. However, the percentage of compliance has becoming lower and lower over the years. This system officially expired on 26 April 2015, and was extended until the end of 2015. When it comes to licence fees, the amount collected from licence fees as of April 2015 was BAM1.6 million (approx. US\$960,000), which was lower¹⁹⁵ than in the first four months of 2014. According to the data from the CRA, this means that only 46.5% of households paid the license fee.¹⁹⁶ The reason for this may be found in an increasing use of cell phones, while regular fixed lines have been used less and less. Another reason was political disputes, for example in the case of Croatian political parties that called the Croat people not to pay the fee, as public broadcasting system does not include a channel in Croatian language.

¹⁹⁰ Article 31, *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

¹⁹¹ *Audit Report on Financial Reports of Public Service Broadcaster RTVFBiH*, 2013, at: <http://www.saifbih.ba/javni-izvj/Report.aspx?id=7168&langTag=bs-BA>.

¹⁹² Article 17, *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

¹⁹³ Article 22, *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

¹⁹⁴ Article 22, *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

¹⁹⁵ "The System Board of PSB: alarming drop of license fee payments", 5 June 2014 (Odbor sistema JRTSBiH: Alarmantan pad naplate RTV takes), at: <http://www.klix.ba/vijesti/bih/odbor-sistema-jrtsbih-alarmantan-pad-naplate-rtv-takse/140605144>.

¹⁹⁶ Communications Regulatory Agency, *Analysis of Broadcasting Market in BiH*, 9 October 2013 (Anliza tržišta emitovanja u BiH), at: <http://rak.ba/bos/index.php?uid=1381314621>.

The introduction of a new system of fee collection through the electricity bills elicited new disputes among political parties. For example, the representatives of Serbian Democratic Party (SDS) stated during a debate at the parliament in March 2015, that RTRS serves only the interests of the ruling party in the entity of RS – Union of Independent Socio-Democrats (SNSD), making it unacceptable for all citizens to pay the fee.¹⁹⁷ On the other hand, the SNSD insisted that RTRS should be funded from the budget of RS. The only agreement achieved among broadcasters was that the fee could be collected through telecom operators until the end of 2015.¹⁹⁸ Therefore, in June 2015, the management of RTVFBiH and the Electric-Utility Company of Bosnia and Herzegovina signed the memorandum of understanding, which was the first step of transition to the new model of collection of radio-television fee.¹⁹⁹ The fee is BAM7.5 (around US\$4.7) and the first payments were made in September 2017, thus the data on the new system of payment are yet to come.²⁰⁰ On the other hand, citizens of RS pay the radio-television fee in a separate bill.²⁰¹

In general, the broadcasters are struggling to get enough resources and their revenues have been decreasing.²⁰² Public broadcasters themselves keep pointing to their difficult situation²⁰³ and urgency of rationalisation and efficient coordination between the three broadcasters. For instance, the payments of the fees were lower than 50%,²⁰⁴ which raised concerns, because the entire revenue of the broadcasters were supposed to include 60% of fees paid by the citizens.²⁰⁵ In 2018, new debates regarding the PSB system are expected, as its financial sustainability still raises concerns.

197 Sanel, Hodžić, *Flash report 6: Bosnia and Herzegovina*, 20 January 2015, at: <http://mediaobservatory.net/radar/flash-report-6-bosnia-and-herzegovina>.

198 "License fee to be paid in the same way by the end of the year", 16 April 2015 (Nastavak naplate RTV takse do kraja godine), at: <http://www.nezavisne.com/novosti/drustvo/Nastavak-naplate-RTV-takse-do-kraja-godine/300139>.

199 "Memorandum signed: license fee will be paid through electricity bills", 8 June 2015 (Potpisan Memorandum: Naplaćivanje takse putem računa za struju), at: <http://www.klix.ba/vijesti/bih/potpisan-memorandum-naplaćivanje-takse-putem-racuna-za-struju/150608078>.

200 Collection of RTV fees through electricity bills, 9 August 2017 (Napлата rtv takse putem računa za električnu energiju), at: <http://www.bhrt.ba/saopštenja-za-javnost/naplata-rtv-takse-putem-racuna-za-elektricnu-energiju-ta/>.

201 Nezakonito naplaćivanje RTV takse uz račun za struju? <https://www.slobodnaevropa.org/a/bih-rtv-taksa/29283145.html>

202 Partial solutions for salvation of RTV broadcasters, 21 August 2017 (Parcijalna rješenja za spas RTV servisa), at: <http://www.mediaonline.ba/ba/?ID=3564>.

203 Ascic, M., "Public broadcasters on the edge of existence", 5 July 2014 (Javni servisi na rubu propasti!), at: <http://www.infobiro.ba/article/877715>.

204 They do not pay the RTV fee and publicly mock payers, why they were not sued?, 4 August 2017 (Oni ne plaćaju RTV taksu i javno se izruguju platišama, zašto ih niko nije tužio?), at: <https://www.faktor.ba/vijest/oni-ne-placaju-rtv-taksu-i-javno-se-izruguju-platisama-zasto-ih-niko-nije-tuzio-259295>.

205 Saida, Mustajbegović, Public RTV broadcasters in BiH: "Bad picture" that citizens do not want to pay, 18 October 2016 (Javni RTV servisi u BiH: "Loša slika" koju građani ne žele plaćati), at: <http://www.media.ba/bs/magazin-novinarstvo/javni-rtv-servisi-u-bih-losa-slika-koju-gradani-ne-zele-placati>.

More than 150 stakeholders have filed lawsuits against the RTVBiH²⁰⁶, claiming financial damages of BAM14,140,201 (approx. US\$8.89 million) in total.²⁰⁷ However, in 2015, after all expenses deducted, RTVBiH had only BAM122,180 (approx. US\$77,000) of net revenues. At the time of writing, the case is still ongoing.

As with RTRS, in 2015, it had “short-term financial obligations of BAM4,654,141 (approx. US\$2.3 million) higher than its assets”.²⁰⁸ The umbrella broadcaster, BHRT in 2016, lost the amount of BAM9,057,283 (approx US\$5.7 million).²⁰⁹ The entity broadcasters are obligated to pay BHRT for its services too, in line with the marketing revenue pattern for public broadcasters – 50% of the revenue to BHRT and 25% to each of the entity broadcasters. The entity broadcasters, however, owed significant amounts to BHRT: RTVBiH owed BAM19,764,153 (approx. US\$1.24 million) and RTRS owed BAM12,628,250 (approx. US\$7.94 million).²¹⁰

2.11 Effective regulation governing advertising in the media

Advertising in BiH is currently regulated through a series of laws and regulations. The provisions on advertising are prescribed in the Code of Commercial Communications issued by the CRA. The Code “reflects the newly taken approach to the legal understanding of a ‘significant value’ of promoted goods and services,” and “considers any inclusion of goods and services in the audio-visual or radio programme as product placement, regardless of their value.”²¹¹ The Code was adopted in 2012 based on the production budget of electronic media outlets in BiH because “only such a wide approach would guarantee the fundamental principles governing product placement such as safeguarding editorial independence, the avoidance of undue promotional effect, of undue prominence and the obligation to inform the viewers.”²¹²

When it comes to the cases of violations of the Code, the CRA in 2016 fined media outlets on 10 occasions, based on the Code on Commercial Communication, with the amount of BAM66,500 (approx. US\$41,800). The punishment aimed at protecting the consumers

²⁰⁶ The auditors report referenced as a source for this section does not explain the subjects of these lawsuits.

²⁰⁷ *Audit Report on Financial Reports of Public Service Broadcaster RTVBiH*, 2015, at: <http://www.rtvbih.ba/doc/IZVJE%C5%A0TAJ-U-PDF-FORMATU-31122015.pdf>.

²⁰⁸ Delegates in the Assembly made Čubrilović speechless: RTRS Work Report looks like the picture book, 14 December 2016 (Delegati u skupštini zanemeli Čubrilović: Izveštaj o radu RTRS liči na slikovnicu), at: <https://www.blic.rs/vesti/republika-srpska/delegati-u-skupstini-zanemeli-cubrilovic-izvestaj-o-radu-rtrs-lici-na-slikovnicu/311c1s5>.

²⁰⁹ *Annual Report for 2016 for BHRT*.

²¹⁰ *Ibid.*

²¹¹ Maida Culahovic, Communications Regulatory Agency, 2013, Bosnia and Herzegovina: Approach to “Significant Value” Adopted, at: <http://merlin.obs.coe.int/iris/2013/1/article10.en.html>.

²¹² Maida Culahovic, Communications Regulatory Agency, 2013, Bosnia and Herzegovina: Approach to “Significant Value” Adopted, at: <http://merlin.obs.coe.int/iris/2013/1/article10.en.html>.

and to ensure compliance with the provisions of the Code and the rules of commercial communication.²¹³

Furthermore, provisions on advertising exist in, amongst other, in the Law on Consumer Protection of BiH; the Food Act; the Law on the Restriction of the use of tobacco products; the Law on Communications; the Law on Trade; and the Law on Medicines. The adoption of the law on advertising has been advocated for years by BH Novinari, and the absence of such a law on advertising is caused by the lack of institutional support for effective regulation to advertising.

²¹³ 2016 Report of the Communications Regulatory Agency, at: <https://rak.ba/bos/index.php?uid=1272548169>.

Recommendations

1. There is an absence of transparency in BiH when it comes to the media ownership, directly influencing the pluralism of media. In this regard, BiH should adopt appropriate legislation on media ownership transparency, including for online media.
2. BiH should amend the Law on VAT in order to account VAT on every sold copy of daily newspapers or weekly magazine, instead of on every printed copy. Alternatively, competent state authorities should consider a separate VAT for print media, which would be lower than 17%. In this manner, it would be more economical for buyers of print media, and therefore help to their readership and hence contribute to pluralism.
3. An independent commission in the Council for Competition should investigate allegations that close connections between major advertisers and political circles has allowed for biased distribution of advertising time, as well as the allegations that outlets who report critically on ruling parties face difficulties in obtaining advertising. The authorities should produce and adopt a specific policy on the allocation of public advertisements to the media, on the basis of objective criteria and the needs of the public, in a manner that is transparent and fair.
4. The authorities should take steps to ensure that policy guidelines and their implementation, in practice, do not discriminate the media in terms of providing access to information, and that such access does not, in particular, especially favour the publicly-owned media.
5. There should be no pressures exercised on the Communications Regulatory Agency (CRA), neither financially nor in terms of the structure of its management. It should operate in an open and impartial manner when performing its tasks.
6. The Council of Ministers of BiH should adopt the Broadcasting Policy of BiH 2017-2021, which would eventually emphasise obligation of the state to protect pluralism and diversity of media. The policy would also emphasise the task of the CRA to protect plurality and diversity of media and limitation of concentration.
7. The model of collecting radio-television fees for PSBs should be thoroughly discussed and monitored by relevant public authorities and even CSOs as it contributes to a wider goal, ensuring a stable financial source and generally a stable operation of public broadcasters. In this regard, BiH should find an adequate and self-sustainable system of collecting and getting enough resources from license fees in order to ensure that revenues of public broadcasters will not decrease.
8. Media development institutions in BiH, in cooperation with university media faculties and media outlets, should take actions to raise awareness of the importance of pluralism and diversity in the media, as well as how to enhance it.

Category 3

Media as a platform for democratic discourse



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Key Indicators

A. MEDIA REFLECTS DIVERSITY OF SOCIETY

- 3.1 The media – public, private and community-based – serve the needs of all groups in society
- 3.2 Media organizations reflect social diversity through their employment practices

B. PUBLIC SERVICE BROADCASTING MODEL

- 3.3 The goals of public service broadcasting are legally defined and guaranteed
- 3.4 The operations of public service broadcasters do not experience discrimination in any field
- 3.5 Independent and transparent system of governance
- 3.6 PSBs engage with the public and CSOs

C. MEDIA SELF-REGULATION

- 3.7 Print and broadcast media have effective mechanisms of self-regulation
- 3.8 Media displays culture of self-regulation

D. REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

- 3.9 Effective broadcasting code setting out requirements for fairness and impartiality
- 3.10 Effective enforcement of broadcasting code

E. LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

- 3.11 The public displays high levels of trust and confidence in the media
- 3.12 Media organisations are responsive to public perceptions of their work

F. SAFETY OF JOURNALISTS

- 3.13 Journalists, associated media personnel and media organisations can practice their profession in safety
- 3.14 Media practice is not harmed by a climate of insecurity

Category 3

Media as a platform for democratic discourse

This category explores to which extent the media, within a prevailing climate of self-regulation and respect for the journalistic profession, reflects and represents the diversity of views and interests in society, including those of marginalised groups. Under such a situation, there should be a high level of media literacy and information.

As media are the pillar of a democratic discourse and democratic society, "it is necessary to achieve independence, objectivity and freedom of media."²¹⁴ Media also shape public opinions and can underpin democratic process. In the case of online media and social networks today, they significantly contribute to the development of democratic discourse as their use has been widespread, with more and more users.²¹⁵ The increasing number of media outlets in Bosnia and Herzegovina (BiH), however, is not necessarily a proof of the improved democratic discourse. This is mainly due to the issues of the safety of journalists and low level of public trust in the media.

A. Media reflect diversity of society

In the past few years, the media landscape in BiH, and especially the television market has changed with the arrival of cable and Internet Protocol TV (IPTV) operators.²¹⁶ As a result, local programmes have had a wider reach and have expanded their audience. As seen in Table 1 on TV Ratings in 2016 (sub-section 2.3), there are no public broadcasters that hold a dominant position in terms of audience, and their position has become even more questionable following the arrival of new technologies. News consumption, therefore, has shifted and affected the viewership. Past analyses showed ethnic preferences within different entities, and in the case of Republika Srpska (RS), the audience turns to the channels from their own entity and neighbouring Serbia – RTRS, BN TV, ATV, PinkBH, and programmes from

²¹⁴ Mr. sc. Zlatan Omerspahić, ass. Department for national and international public law, Law Faculty University of Zenica, PhD candidate at the Law Faculty, University of Osijek.

²¹⁵ Adi Delić, MA in International public law, University of London, City Law School

²¹⁶ Džihana, Amer, Kristina Čendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*, 2012, p.21

Serbia,²¹⁷ while most Bosniak and Croat populations in the Federation turns to programmes from their own entity and from neighbouring Croatia.²¹⁸

3.1 The media – public, private and community-based – serve the needs of all groups in society

Apart from the constituent peoples in BiH – Bosniaks, Serbs and Croats, there are 17 national minorities enlisted in the Law on Protection of Members of National Minorities.²¹⁹ They make 2.82 % of BiH population according to the census from 2013.²²⁰ The same law prescribes the right of national minorities to establish TV and radio stations, and publish newspapers in their own language.²²¹ The Law also stipulates obligation of radio and TV stations founded by public authorities to foresee in their programme scheme, special programmes for members of national minorities, based on their percentage in population.²²² Radio and TV stations are also free to ensure other content on language of minorities. Furthermore, radio and TV stations of public service broadcasters (PSBs) in BiH are obligated to ensure special informative news programmes for national minorities in their language once a week.²²³

Regarding the coverage of minorities, the Communications Regulatory Agency (CRA) issued Rule 76/2015 on providing radio media services and Rule 77/2015 on providing audio-visual media services. It prescribed an obligation for public radio and TV stations to devote 10% of the total weekly news programme, other information programme and educational programme to issues of national and other minorities, as well as vulnerable population groups.

When it comes to PSBs, Radio of Republika Srpska broadcasts every second Saturday of each month a radio show called “Roots dedicated to the national minorities. Meanwhile, Radio-Television of Republika Srpska (RTRS) airs a programme called “Bona homo” on national minorities. For a while, the programme was also broadcast on Radio-Television of Bosnia and Herzegovina (BHRT). The cooperation was eventually terminated due to financial problems. Every Sunday, Radio-Television of Federation of BiH (RTVFBiH) broadcasts a programme called “National minorities”. BHRT does not have a special programme for national minorities,

217 Mareco Index Bosnia, published in Aida Hozic, “Democratizing Media, Welcoming Big Brother: Media in Bosnia and Herzegovina,” in Karol Jakubowicz and Miklos Sukosd (eds), *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, Intellect, Bristol, UK / Chicago, USA, 2008, p.155.

218 GfK BH, 2006, Elektronski mediji u BiH

219 Official Gazette of BiH 12/03, 76/05 and 93/08. Beside state Law, there are 13 additional laws on entity levels, in cantons and District Brčko.

220 See: Agency for Statistics of Bosnia and Herzegovina, Census of Population, Households And Dwellings In Bosnia And Herzegovina, 2013 Final Results, June 2016, at: <http://www.popis2013.ba/popis2013/doc/Popis2013prvolzdanje.pdf>.

221 Article 15, *Law on Protection of Members of National Minorities*, Official Gazette of BiH 12/03, 76/05 and 93/08.

222 Article 16, *Law on Protection of Members of National Minorities*, Official Gazette of BiH 12/03, 76/05 & 93/08.

223 Similar provisions could be found in other 13 laws.

but BiH Radio, through daily informative shows, shares stories about national minorities.²²⁴ Most programmes for national minorities are provided by local radio and television stations. One example is Radio Prnjavor, which, for more than ten years, airs a programme about Slovenian national minority “Lipa”, and another one called “Little Europe” on culture and challenges faced by the national minorities.

The level of quality of news reporting on persons with disabilities is still low. When reporting about persons with disabilities, the focus of the information is placed on their shortcomings, rather than on their abilities and ways of how they can protect their rights or get involved in some activities that are specific to them. In addition, marginalised groups are rarely covered by the media in general. For example, in the case of the biggest community, the Romani, which account to 35,000 and 80,000 people.²²⁵ Poverty, unemployment, and unequal social representation of the Roma population have all been the cause of various negative stereotypes.²²⁶ Another worrisome issue regarding marginalised groups can be seen in the Gay Festival held 10 years ago, which was cancelled after at least eight people got injured by hooligans attacking both the participants and the journalists covering the event.²²⁷ Even the Rule 41/2009²²⁸ of the CRA on Public Service Broadcasters urges that a special attention should be paid to minorities and other vulnerable groups, and that 10 percent of the programming should be dedicated to the issues of refugees and displaced persons, to national minorities and to vulnerable groups of the population. Unfortunately, however, there is no research that shows the extent to which marginalised groups can access certain forms of communication. Moreover, they are mostly absent from the programming itself, “especially when it comes to disabled persons, LGBTIQ persons, returnees, etc.”²²⁹

In addition, the female population has been marked as a minority group in media. In 2015, news subjects on female in radio, TV, newspapers, Internet and Twitter were rather rare: women were present in only 14% in print, 15% in radio and 18% in TV, whereas men were present in 82%-85% news in all media.²³⁰ This trend is shown in news coverage related to politics and government, because men are still portrayed in all media as key actors in the political sphere, and significantly more male subjects were quoted as sources, whereas

²²⁴ Interview with Jasna Nikšić-Božić on 15 May 2017.

²²⁵ Marko, 2010, *Mediji i Manjine*, p. 146. In Džihana, Amer, Kristina Čendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*, 2012.

²²⁶ Džihana, Amer, Kristina Čendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*, 2012.

²²⁷ VIDEO: Queer festival in BiH canceled due to violence, 25 September 2008 (VIDEO: Zbog nasilja otkazan Queer festival u BiH), at: <http://dnevnik.hr/vijesti/svijet/video-na-otvaranju-gay-festivala-u-sarajevu-ozlijedzeno-osmero-ljudi.html>.

²²⁸ Džihana, Amer, Kristina Čendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*, 2012

²²⁹ Inela Hadžić, coordinator, Sarajevo Open Center.

²³⁰ Global Media Monitoring Project 2015, National Report: Bosnia and Herzegovina, p. 5, at: http://cdn.agilitycms.com/who-makes-the-news/imported/reports_2015/national/Bosnia-Herzegovina.pdf.

female subjects were quoted as sources of information in only 14% of local, 14% of national, i.e. 16% of sub-regional news, which is part of the national figure.²³¹

3.2 Media organizations reflect social diversity through their employment practices

There are no data on employment practices of private media in BiH. The data presented below are related to employment in PSBs. Ethnic representation of staff shows divisions along ethnic lines. RTRS Report on Work and Businesses in 2014 states that it had 548 employees – 227 women (41.7%) and 321 men (58.3 %). Only eight employees were members of national minorities (1.5%). According to the analysis of human resources in RTVFBiH in 2016, the broadcaster had 335 employees – 214 were women (63.9%) and 121 were men (39.1%). Eleven employees were members of national minorities (3%). BHRT Report on Work and Businesses in 2016 reported²³² that the broadcaster had 143 employees – 52.4% were woman and 47.6% were men. None of the reports contained data on minority or marginalised groups (LGBTIQ [lesbian, gay, bisexual, transgender, intersex, and queer], people with disabilities, etc.) employed in the PSBs. The table below shows the ethnic composition of employees in the PSBs, compiled from annual reports of each broadcaster.

Table 2: Employees of public service broadcasters according to ethnic groups

	Bosniak	Serbs	Croats	Others
BHRT ²³³	58.7%	13.9%	14.6%	12.5%
FTV ²³⁴	66%	8%	9%	16%
RTRS ²³⁵	2%	93%	3%	2%

Issues related to the use of language in the PSBs are closely related to ethnic representation of staff working in the broadcasters. In other words, the authors of news have the right to choose which language they will speak, which leads us to the fact that it is very hard to have equal linguistic representation of the three languages in the public broadcasters. This contributes to the overall tension related to the rights of citizens to have programmes in their own language. According to the data from 2013, 83% of journalists in news programmes at RTVFBiH spoke Bosnian, 11% Croatian and 6% Serbian. In news programmes of BHRT, 61%

²³¹ Ibid.

²³² *Radio-Television of BiH Report on work and businesses 2016*, at: www.parlament.ba.

²³³ BHRT Annual Plan 2017, November 2017 (Programski planovi rada za 2017), at: <http://www.bhrt.ba/wp-content/uploads/2014/01/Programski-planovi-BHRT-2017-bosanski.pdf>

²³⁴ RTRS Annual Report 2014 (Izveštaj o poslovanju RTRS-a 2014), at: http://lat.rtrs.tv/comp/doc/izvjestaj_2014-latinica.pdf

²³⁵ RTVFBiH Annual Plan 2015 at: http://www.rtvfbih.ba/loc/template.wbsp?wbf_id=166§ion=info

journalists spoke Bosnian, 30% Serbian and 9% Croatian. On the other hand, all journalists of RTRS speak Serbian language in news programmes.²³⁶

B. Public service broadcasting model

PSB model in BiH consists of three broadcasters: BHRT; Radio-RTVFBiH; and RTRS. In addition, the public service broadcasting system was supposed to include another component called the 'Corporation', which gathers the three broadcasters. The Corporation, however, has not yet been established. Overall, the three public broadcasters are facing financial difficulties and struggling with their sustainability, and issues related to digitalisation (see more in Category 5).

3.3 The goals of public service broadcasting are legally defined and guaranteed

The Office of the High Representative (OHR) and international actors had to introduce a number of decisions and actions from 1997 until 2005 in order to create preconditions for the establishment of public service broadcasters in BiH.²³⁷

The laws, as listed previously in section 1.1, stipulate the goals of the PSBs, and in the case of Law on Bosnia and Herzegovina Radio-Television System²³⁸, it prescribes in Article 5 and Article 26 that programmes of public service broadcasting serve public interest and must be in accordance with professional standards, rules and regulations of the CRA.

Article 5 states that "the principal responsibility of the public broadcasting services is to accurately inform the public about political, economic, social, health, cultural, educational, scientific, religious, ecological, sport and other events; support democratic processes; ensure an adequate proportion of impartial news and programs on current events in prime time and other times, of news, cultural, artistic, educational, children's, sports, and entertainment programming, as well as to ensure the highest quality programming is available to the public of Bosnia and Herzegovina, by presenting diverse and factual information."²³⁹

Article 26 specifies that "the public broadcasting services' programming shall serve public interest and shall be in accordance with professional standards and the rules and regulations of the CRA. The PSBs shall be obliged to ensure diverse and balanced radio and television programmes that meet high standards of ethics and quality, show respect for human life,

²³⁶ Udovicic, Radenko, *Freedom, Access, Information: Information in Minority Languages in the Western Balkans*, 2013, Mediaplan, p.38.

²³⁷ Office of the High Representative, Decisions, at: <http://www.ohr.int/decisions/mediadec/archive.asp?m=andyr=1999>.

²³⁸ *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

²³⁹ *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

dignity and the physical integrity of persons, and foster democratic freedoms, social justice and international understanding and peace.” Paragraphs 3 and 4 of the Article, respectively, refer to the respect of “ethnic, regional, traditional, religious, cultural, linguistic and other specific features of the constituent peoples and all citizens of Bosnia and Herzegovina,” and “the rights of the constituent peoples and Others and shall be equally edited in the three official languages and two alphabets.”²⁴⁰

Therefore, the public broadcasters were envisaged to have independence in terms of programme policy, finances, legal representation; share resources through the Corporation²⁴¹; have a similar internal structure when it comes to human resources, business policies, etc.; and they were supposed to cooperate in terms of new technologies, digitalisation, advertising and others.²⁴² However, there is still no harmonisation concerning the editorial matters and independence.²⁴³

3.4 The operations of public service broadcasters do not experience discrimination in any field

Some claims of discrimination in public broadcasting came from the representatives of Croat people, who stated that their culture and tradition are in a discriminatory position when compared to the other two peoples (Bosniaks and Serbs) because they do not have a radio-television channel in their own language. Moreover, the Croat claimed that the programmes of two other channels (RTVFBiH and RTRS) were mostly in Bosnian and Serbian languages, and that Croats in BiH cannot be satisfied with occasional news shows, and other special shows, such as on Catholic holidays, which are often in poor Croatian language.²⁴⁴

The aspect of language is hence another issue burdening the PSBs, and there was a proposal to introduce a Croatian language channel.²⁴⁵ The Croat political parties suggested to have one broadcaster at the state level (BHRT); one broadcaster for the FBiH in Sarajevo that would broadcast in the Bosnian language (RTVFBiH); one broadcaster in Banjaluka in the Serbian

240 Article 26, *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005.

241 A public service broadcasting Corporation which was intended to coordinate the three distinct PSBs as well as to manage the equipment and the transmission network, and be in charge of sales and advertising.

242 *Law on Public Radio-Television System of BiH* (Sarajevo, October 2005), Official Gazette of BiH 78/05, entered into force 8 November 2005, Article 6.

243 OSCE, *Analysis of the Laws Pertaining to the Public Service Broadcasting System of Bosnia and Herzegovina*, 2012, at: <http://www.osce.org/fom/94107?download=true>.

244 Constitutional Court of BiH, 2005, *The decision of the Constitutional Court of BiH in case no. U-10/05*, at: <http://www.ccbh.ba/bos/odluke/index.php?src=2#>.

245 We do not suggest RTV channel in Croatian, but three channels in three languages, 7 March 2016 (Ne predlažemo RTV kanal na hrvatskom jeziku, već tri kanala na tri jezika), at: <https://www.vecernji.ba/vijesti/ne-predlazemo-rtv-kanal-na-hrvatskom-jeziku-vec-tri-kanala-na-tri-jezika-1066050>.

language (RTRS); and RTVFBiH-Mostar in the Croatian language.²⁴⁶ However, there have been no specific actions taken in this respect so far.

3.5 Independent and transparent system of governance

As far as the system of governance is concerned, the PSBs are supposed to comprise the Corporation, the System Board and the Director General. All of the governing bodies are governed by the System Law in Articles 7, 8, 12, 13 and 15, in which the basic principles and the liabilities of the authorities (the Corporation, System Board and Director General) are regulated.

The System Board consists of 12 members, four from each of the management boards of the three public broadcasters (BHRT, RTVFBiH and RTRS). They become *ex officio* members of the System Board. However, this structure was challenged by the Croat representatives at the System Board who pointed at the structure of the System Board and prevented the Law on RTVFBiH be adopted. They stated that due to the fact that the minimum of seven members need to be present for the decision making, and due to the fact that decisions are made by simple majority, it means that only four members of the System Board can make decisions that are highly important for the three constituent peoples.²⁴⁷ The structure had not changed, however, at the time of this study.

The Director General is appointed by the decision of the System Board. The System Board is in charge of the coordination programming scheme and proposing the amount of radio-television license fee – among others. The System Board also performs as a Supervisory Board of the joint Corporation of the PSB System, and adopts codes of conduct that refer to the entire PSB System. All three broadcasters – BHRT, RTRS and RTVFBiH – have the Supervisory Board and Managing Board as bodies in charge. The Supervisory Board of BHRT consists of four people – one from each of the three constituent peoples and one representing the “others”. The Parliamentary Assembly of BiH selects these members after it receives a list from the CRA containing the names of candidates. RTRS and RTVFBiH have the same bodies, but unlike BHRT, their Managing Boards are not required to have equal representation of all constituent peoples.²⁴⁸

²⁴⁶ The Croatian channel in B&H stirred the spirits , 15 January 2013 (Hrvatski kanal u BiH uzburkao duhove), at: <http://balkans.aljazeera.net/vijesti/hrvatski-kanal-u-bih-uzburkao-duhove>.

²⁴⁷ Jusić, Tarik and L. Kendall Palmer. "The Media and Power-Sharing: Towards an Analytical Framework for Understanding Media Policies in Post-Conflict Societies. Public Broadcasting in Bosnia and Herzegovina". *Global Media Journal—Polish Edition* No 1 (4). 2008.130.

²⁴⁸ Jusić Tarik and Amer Džihana "Bosnia and Herzegovina" in Bašić-Hrvatini, Sandra, Mark Thompson and Tarik Jusić, eds. *Divided They Fall: Public Service Broadcasting in Multiethnic States*. Sarajevo, Mediacentar Sarajevo, 2008. 101

3.6 PSB engage with the public and CSOs

In order to illustrate the current practice in BiH regarding the engagement of PSBs with the public and CSOs, it is useful to make a comparison between the public broadcasting service of BiH (BHRT) and the public broadcasting service of Croatia (HRT). RTVFBiH and RTRS do not usually cooperate with CSOs and there are no specific types of involvement of the CSOs in the operations of broadcasters, whereas HRT has institutionalised its relationship with the civil society by introducing the representatives of the CSOs in its 'Programme Council'. This way, the relationship of the public broadcaster with the public and the civil society is upgraded to a higher level.²⁴⁹ In the case of BHRT, the situation is different. Governing bodies of the BiH public broadcasters do not have representatives of the CSOs as valid members, which might be a setback for the public broadcasting service. According to Inela Hadžić, coordinator of Sarajevo Open Center, the only way to improve the cooperation between CSOs and PSBs would be "for public broadcasters to produce a plan which would make broadcasting that include topics that we call 'socially responsible' and educational, and to include the institution of the Ombudsman".

C. Media self-regulation

The idea behind self-regulation is the protection of the rights of journalists, their right to have independence and impartiality, and "to be judged for their professional mistakes by their colleagues and not the authorities."²⁵⁰ The primary aim of introducing self-regulation in BiH was thus to ensure the standards for accuracy, professional ethics, protection of privacy, protecting freedom of expression, and the pluralism of ideas and opinions.

3.7 Print and broadcast media have effective mechanisms of self-regulation

The engagement of Organization for Security and Co-operation in Europe (OSCE) and OHR fostered the establishment of the Press Council in 2000 – the first body of that kind in the countries of former Yugoslavia, and drafted the Press Code. The Press Council is a self-regulatory body with a mission to improve ethical and professional standards in the print and online media by supervising the application of the Press Code and by offering regular training courses to journalists and the public about necessities to respect freedom of expression, as well as responsible and professional reporting.²⁵¹

249 IPDC, *Assessment of Media Development in Croatia*, at: http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/croatia_report_final.pdf.

250 Zlatev, Ognian, "Media accountability systems (MAS) and their application in South East Europe and Turkey", in *Professional Journalism and Self-regulation – New Media, Old Dilemma in SEE and Turkey*, Paris: UNESCO, 2011, pp. 17-39.

251 *The Press Code of BiH, Sarajevo*, 29 April 1999, at: http://english.vzs.ba/index.php?option=com_contentandview=article&id=220&Itemid=6&lang=en.

The Press Code consists of the basic principles contained in the Memorandum of Understanding that was signed by the Independent Union of Professional Journalists of BiH, the Association of Journalists of BiH, the Independent Union of Journalists from Republika Srpska, the Association of Journalists of Republika Srpska and the Union of Professional Journalists of Federation BiH. Media owners are not represented in the MoU. The purpose of the Code is “to establish the foundation of a system of self-regulation in print and online media, which shall be considered morally binding for reporters, editors, owners and publishers of print and online media.”²⁵²

The Press Code states that “journalists and their publications have an obligation to the public to maintain high ethical standards at all times and under all circumstances. It is the duty of journalists and publishers to respect the needs of citizens for useful, timely and relevant information and to defend the principles of freedom of information and the right to fair comment and critical journalism.”²⁵³

The Press Code was amended in 2011 when the online media was included in the system of self-regulation, following its growing influence and its increased number of visitors.²⁵⁴ The goal of this merger was to address the problem of hate-speech online, to support the education of journalists in the new media, and to acknowledge the importance of online media which had become a common source for the news in traditional media, and thus raise ethical standards.²⁵⁵

The Press Council gathers the representatives of the media industry, public and journalists in its bodies, and it has multi-ethnic structure. The role of the Council is “to increase professional standards through self-regulation in line with the Press Code, and to act as a complaints mediator that resolves disputes between citizens and the press.”²⁵⁶

The Complaints Commission of the Press Council consists of eight members: four representatives of newspaper publishers; two journalists and two representatives of the general public. The Press Council, however, does not have the power to fine media or punish them, it approaches “disputes by the means of the right of reply and the publishing of retraction, apology and denial.”²⁵⁷

²⁵² *The Press Code of BiH, Sarajevo*, 29 April 1999, at: http://english.vzs.ba/index.php?option=com_contentandview=articleandid=220andItemid=6andlang=en.

²⁵³ *The Press Code of BiH, Sarajevo*, 29 April 1999, at: http://english.vzs.ba/index.php?option=com_contentandview=articleandid=220andItemid=6andlang=en.

²⁵⁴ Cendic, Kristina, *Evolution of the Media Market and Its Legal Framework in Bosnia and Herzegovina Since the Independence: Special Focus on Defamation*, 2016p.113

²⁵⁵ Šutalo, Milan, “Online media of Bosnia and Herzegovina included in the Press Council”, 3 January 2011 (Bosanskohercegovački online mediji u Vijeću za tisak), at: <http://www.dw.com/bs/bosanskohercegova%C4%8Dki-online-mediji-u-vije%C4%87u-za-tisak/a-14748669>.

²⁵⁶ Jusić, Tarik, and Nidžara Ahmetašević, *Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina*, Analitika, 2013, p.48

²⁵⁷ *Ibid.*

The Press Council is formally an NGO and is primarily funded by foreign donors such as Swedish Helsinki Committee for Human Rights (SHC), Open Society Institute (OSI), OSCE Mission to BiH, Swedish International Development Agency (SIDA), IFA Im-Pakt-Media, European Commission, Embassy of the Great Britain in B&H, Press Now, Embassy of U.S.A. in BiH, Council of Europe, German Embassy in BiH, and Konrad Adenauer Stiftung.

3.8 Media displays culture of self-regulation

the culture of self-regulation in media has been increasing over the past 15 years due to the fact that BiH is still moving through the path of post-war transition, and that the Press Council and media of all forms have made certain efforts in this regard.

Journalists and editors of print and online media are expected to respect generally accepted ethical principles and protect the professional integrity of journalism. In addition to the Press Code, laws and other legal regulations constitute the framework in which print and online media operate in BiH.²⁵⁸

The Press Council also has a functioning complaint system, called the Complaint Commission, which is highly accessible to the citizens who wish to file a complaint on particular content in the print or online media. The Complaint Commission decides on the complaints submitted to this institution but it does not have the power to fine or sanction media outlets in question. The Press Council reported²⁵⁹ that most violations of the Code are related to Article 9 (on privacy) and Article 4 (on discrimination), due to the political situation in the country.²⁶⁰ For example, in 2010, many daily newspapers “published a story on the Minister of Security of BiH who was accused of sexually abusing a girl whose identity was revealed (as published in *Nezavisne novine*, *Dnevni avaz*, *Glas Srpske* and *SAN*).”²⁶¹

The Complaint Commission thus places a great emphasis when it comes to privacy and protection of children and minors – all in line with Article 11 of the Press Code. The Article says: “When treating children and minors, journalists have the obligation to be extremely careful, respecting ethical norms and the Convention on Children’s Rights, starting with the child’s interest. Journalists are obligated to protect the child’s identity in procedures not

258 *The Press Code of BiH*, Sarajevo, 29 April 1999, at: http://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9&lang=bs

259 Press Council of B-H, *Report No.2 on continuous monitoring of print media: April-May 2004*, at: <http://www.media.ba/mcsonline/bs/tekst/izvjestaj-vijeca-za-stampu-bih-o-krsenju-kodeksa-za-stampu-u-2004-godini>.

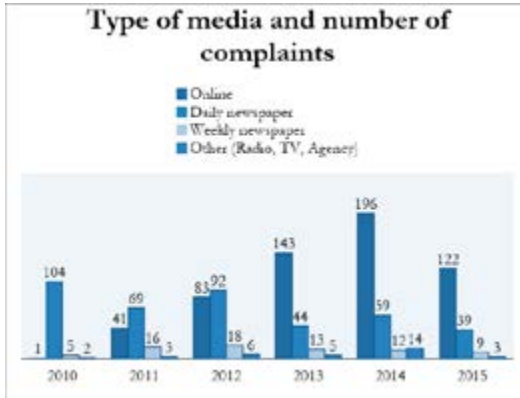
260 Out of 108 cases of discrimination, 102 cases refer to ‘Glas Srpske’, out of which 67 were on the topic of foreign affairs, more specifically, Kosovo.

261 *Nezavisne novine*, complaint of Organization “Zdravo da ste”, regarding text “Ahmetović under investigation because of pedophilia”, 16 March 2010, complaint 398/10.; *Dnevni avaz*, complaint of Organization “Zdravo da ste”, regarding text “Sex affair: Ahmetović is a victim of the author of a phony list of terrorists”, 17 March 2010, complaint 399/10., etc. in Halilović, Mehmed and Amer Džihana, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012

involving the public.”²⁶² The Press Council also clearly distinguishes between public curiosity and public interest, “

emphasising that journalists should not publish everything they find, but should adhere to the principle that journalistic curiosity should not harm any person.”²⁶³

Graph 1: Type of media and number of complaints



Source: The Press Council

Overall, the Press Council’s work has attracted feedback throughout the years. For example, it received only seven complaints in 2001. In 2016, the number of complaints increased to 361. This shows that both the media and the civil society have recognised the role of the Press Council, because they increasingly approached the self-regulatory body, suggesting that there is an effective mechanism of self-regulation.”²⁶⁴

D. Requirements for fairness and impartiality

The CRA at first adopted two important documents regulating electronic media in BiH: the Code on Broadcasting Radio-Television Program²⁶⁵ and the Code on Advertising and Sponsorship in Programs of RTV Stations²⁶⁶. The first Code placed a great emphasis on “encouraging, representing and promoting ethnic, national or religious intolerance and violence, protection

²⁶² Article 11, *Press Code of B-H*, Sarajevo, 29 April 1999, (accessed on 5 April 2016), available at: http://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9&lang=bs

²⁶³ Halilović, Mehmed and Amer Džihana, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p.224

²⁶⁴ Press Council statistics, at: http://vzs.ba/index.php?option=com_contentandview=category&id=22:kr-atak-pregled-albi-po-godinamaandItemid=23.

²⁶⁵ All documents available in Official Gazette of BiH No.98/11 and at the website of the Agency at: <http://www.rak.ba/bih/index.php?uid=1324649058>.

²⁶⁶ Code of Advertising and Sponsorship for Radio and Television, 14 November 2006 (Kodeks o oglašavanju i sponsorstvu za radio i televiziju), at: <http://www.fmks.gov.ba/kultura/legislativa/bih/29.pdf>.

of children and minors from possibly inappropriate contents broadcasted at inappropriate hours” and ensures “the right to freedom of expression stipulated by the European Convention of Human Rights and in the Constitution of BiH, while respecting the general standards of decency, non-discrimination, fairness, and accuracy”.²⁶⁷ The Code on Advertising and Sponsorship in Programs of RTV Stations was created in line with the European Union (EU) standards found in the Convention on Trans-frontier Television. According to this Code, the advertisements within the programme schedule may not be higher than 15%.

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

In 2011, the CRA adopted the Code on Audio-visual and Radio Media Services that is a substitute for the two previously mentioned codes. The new Code set the basic principles of programme content of audio-visual media services and radio media services in BiH in accordance with the Constitution of BiH, Law on Communications, EU Audio-visual Media Services Directive and other applicable domestic and international legal documents.²⁶⁸ The CRA evoked Article 4 of this Code²⁶⁹ on several recent occasions during protests in 2014, and insisted that “the owners of licenses [must] respect the Code for audio-visual media services and radio media services, particularly in relation to information that appeared in public, which indicate reportedly increased possibility of an outbreak of armed conflict in Bosnia and Herzegovina.”²⁷⁰ In 2015, the CRA used the Code when referring to the programming schedule of reality shows, thus in December that year, the CRA adopted the proposed amendments of the Code in order for reality shows to be broadcasted only after midnight.

3.10 Effective enforcement of broadcasting code

The CRA annually reports on media compliance and violations by producing reports with information on which media outlets that were involved in violations and the types of violations. The CRA developed a complaint system concerning media content. Under this system, each complaint coming from a legal or natural person will be treated, and a request will be submitted to the media outlet in question to send a copy of the respective programme for the Agency to analyse and comment. When there are cases of particular importance to public interest or those that severely violate the codes, the Director General can require an expert

²⁶⁷ Mandić, Helena, “Regulation of Broadcasting in BiH”, in Halilović Mehmed and Džihana Amer, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p.261.

²⁶⁸ *ibid.*

²⁶⁹ Article 4, paragraph 8 of the Code: *Audiovisual and radio media services shall not include material which carries a clear and immediate risk of causing harmful effects, including, but not limited to death, injury, damage to property or other types of violence, or the diversion of police, medical services or other forces of public order from their normal duties.*

²⁷⁰ Communications Regulatory Agency, “CRA appeals to compliance with the code for audiovisual media services and radio media services”, 11 February 2014, at: <http://rak.ba/eng/aktuelnost.php?uid=1394449122>.

opinion from a consulting committee consisting of experts in different fields (law, journalism, literature, technical science, etc.)²⁷¹ The CRA then announces its decision to both the media outlet in question and the public. The Council of the CRA can receive a form of an appeal from the outlet in question, and in this case, the CRA will refer to the Law on Managing Procedures.

When deciding on suspected violations by electronic media during the election period, the CRA will refer to the Election Law and the “Rule Book on Media Coverage of Political Entities”, which is issued and promoted by the Central Election Commission starting from the day elections are announced until the Election Day.

More precisely, according to the most recent report in 2016²⁷², the CRA imposed the following sanctions on electronic media outlets:

Table 3: Sanctions imposed on electronic media outlets

Type of sanction	Number of cases
Fines	42 (amounting to BAM253,500 or approx. US\$160,000 in total)
Written warning	20
Oral warning	10
Suspension	8
Total	80

Precisely, there were 27 cases related to violations of the Code on Broadcasting Radio-Television Program, most of which referred to the protection of minors (14 cases), whereas other violations referred to commercial issues. In this respect, there were six written warnings that referred to public broadcasters.

E. Levels of public trust and confidence in the media

The level of public trust in the media has decreased to some extent because “the citizens expected media actions to bring positive changes, but no such changes have appeared yet.”²⁷³ When it comes to PSBs, another reason for a low trust may be “the low quality of the programme of broadcasters and so the citizens do not trust them enough... the only broadcaster trying to be objective is BHRT, but it has the lowest viewership, so it seems that citizens do not even want objective information”.²⁷⁴

²⁷¹ Mandić, Helena, “Regulation of Broadcasting in BiH”, in Halilović, Mehmed and Džihana Amer, *Media law in Bosnia and Herzegovina*, Internews in Bosnia and Herzegovina, Sarajevo, 2012, p.265.

²⁷² CRA Report 2016, at: <https://rak.ba/bos/index.php?uid=1272548169>.

²⁷³ Marko Divković, President of the BH Novinari.

²⁷⁴ Momčilo Novaković, Chairperson of the Committee for Transport and Communications of the House of Representatives, Parliament of Bosnia and Herzegovina.

3.11 The public displays high levels of trust and confidence in the media

The most recent survey on media freedoms²⁷⁵ showed that surveyed citizens trusted the religious communities the most (74.6%), followed by the non-governmental sector (61.3%), and the media (52.8%). When compared to 2015, this means a decrease of surveyed citizens' trust in media by 27 %. In that same year, the citizens trusted the media the most.²⁷⁶ Moreover, 79% of citizens think that freedom of media does not exist or just partially exist. A high percentage of citizens (52.2%) thinks that the main obstacle to the freedom of media is political dependence and influence. Moreover, 24.7% of the survey sample in RS approve of attacks on journalists²⁷⁷, while in FBiH, the percentage amounts to 6%.²⁷⁸

According to the survey conducted by BH Novinari, television remains the medium that respondents trust the most (68%), followed by the Internet (23.5%), radio (5.5%), daily newspapers (2.5%) and magazines (0.5%).²⁷⁹

3.12 Media organizations are responsive to public perceptions of their work

There are no data on responsiveness of media to public perceptions of their work. But with the increased use of new technologies, media outlets have offered various options to the public to get in touch with them more easily: via e-mails; comments and messages on their social-network pages. In the case of online media, the public can interact in forums.

The three PSBs, BHRT²⁸⁰, RTVFBiH²⁸¹ and RTRS²⁸², update their Facebook pages regularly, allowing the public to comment and react to news. Other televisions (OBN, Al Jazeera, N1, etc.) have the same options offered on their Facebook and Twitter pages, allowing them to reach out to more people, while at the same time establishing a direct contact with the public. Klix.ba, the online news portal with the highest visitorship in BiH according to Alexa.com, offers not only the option to comment on the articles, but also discuss issues on its forum.

275 BH Novinari, *Media freedoms in BiH 2016, Comparative report 2009-2016*, April 2016 (Medijske slobode u BiH 2016: usporedni izvještaji 2009. – 2016.), at: http://bhnovinari.ba/wp-content/uploads/2016/05/fes_medijske_slobode_2016.pdf.

276 According to *Media freedoms in BiH 2016, Comparative report 2009-2016*, citizens' trust in media ranged as follows: 2009 – 72%, 2010 – 76%, 2011 – 82%, 2012, 2013, 2014 – 80%, 2015 – 80,6% and 2016 – 79,2%.

277 The types of attack were not defined.

278 BH Journalists, *Media freedoms in BiH 2016, Comparative report 2009-2016*, April 2016 (Medijske slobode u BiH 2016: usporedni izvještaji 2009. – 2016.), at: http://bhnovinari.ba/wp-content/uploads/2016/05/fes_medijske_slobode_2016.pdf.

279 Ibid.

280 See at: <https://www.facebook.com/BHRT.Public/>.

281 See at: <https://www.facebook.com/federalna/>.

282 See at: <https://www.facebook.com/rtrs.vijesti/>.

The portal's Facebook page²⁸³ reached around 358,000 likes as of January 2018. However, the actual data on media being responsive to the public comments and suggestions through these platforms are still missing.

F. Safety of journalists

According to the "Indicators of Level of Media Freedoms and Safety of Journalists in Bosnia and Herzegovina"²⁸⁴, there were eight threats to journalists recorded in 2016, two of which were death threats. Compared to 2015, this was a decrease by more than 50%. There were also five registered physical attacks on journalists. However, most of the attacks remain not investigated and perpetrators are still free.²⁸⁵

3.13 Journalists, associated media personnel and media organizations can practice their profession in safety

The European Commission in its report for BiH in 2016 stated that it is necessary to take legal measures in cases of political pressure and intimidation of journalists, and protection and law enforcement must be secured as answer to the threats against journalists.²⁸⁶ Besides a special report on the status and cases of threats against journalists in BiH²⁸⁷, which was published by the Ombudsman for human rights, BiH did not conduct any further action. There are indications that there are "at least 120 claims submitted before courts in BiH regarding the attacks on journalists, but that the proceedings have started only for 22 cases so far."²⁸⁸ Moreover, it is not only physical danger that journalists fear, but "they are [also mostly worried about their financial security because they have a low salary – BAM400-500 (approx. US\$250-315), and that their contracts are renewed every 15 days or every month".²⁸⁹ In fact, employees are economically dependent on their employers, especially in the private sector, which is why they are often unable to exercise the right to freedom of expression due to the fear of consequences.²⁹⁰

²⁸³ See at: <https://www.facebook.com/Klix.ba/>.

²⁸⁴ Adilagic, Rea, *Indicators of levels of media freedom and journalists' safety in Bosnia and Herzegovina*, 2016 (Indikator nivoa medijskih sloboda i bezbjednosti novinara [Bosna i Hercegovina]), at: <http://safejournalists.net/wp-content/uploads/2016/12/Full-BiH-BiH-Digital.pdf>.

²⁸⁵ Dunja Mijatović, former OSCE Representative on freedom of media stated that: "Journalists' security is still the main threat to media freedom in BiH, as well as in other member states, and therefore the fight to eradicate the practice of impunity in this area has essential character." (Statement of N1 TV, 3 May 2016).

²⁸⁶ European Commission, "Bosnia and Herzegovina 2016 Report", p. 21, at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_bosnia_and_herzegovina.pdf.

²⁸⁷ The Institution of Human Rights Ombudsman of Bosnia and Herzegovina, *Special report on the status and cases of threats against journalists in Bosnia and Herzegovina*, June 2017, at: http://www.ombudsmen.gov.ba/documents/obmdudsmen_doc2017082415202346eng.pdf.

²⁸⁸ Marko Divković, President of the BH Novinari.

²⁸⁹ Marko Divković, President of the BH Novinari.

²⁹⁰ Professor Goran Marković, professor of the Constitutional law at the University of East Sarajevo

In order to help journalists, BH Novinari established the Free Help Media Line to support and assist journalists in their daily activities, as well as to protect their rights and freedoms. It records threats to journalists and any disruption they face as they perform their duties. According to BH Novinari's report, from 2006 to 2015, only 15% of 60 crimes towards journalists that they had recorded were legally finalised, that is, the court proceedings were completed.

The biggest invasion in freedom of media in BiH in recent years is known as the case "Dva papka", which occurred in late 2014. The case was related to the protection of journalist sources. In this case, the Cantonal Court in Sarajevo issued a court order and police raided offices of the most popular Bosnian news portal www.klix.ba. The raids were intended to disclose the identity of sources that provided the news portal with a tape, which recorded Prime Minister Željka Cvijanović allegedly bribing of members of RS Parliament. The police asked the staff to leave premises and then seized computers, documents, notes and other items from the offices, which was perceived as an intrusion into the right of journalists to inform the public about public interest issues.²⁹¹ Moreover, the editor in chief, two directors and one journalist were detained and questioned. On this, the Organization for Security and Co-operation in Europe (OSCE) reacted by saying, "interrogation and pressure on members of the media to reveal their sources is simply unacceptable."²⁹²

Over the past few years, there have also been other alarming events. In September 2015, during a promotional event of one book, Prime Minister of Una-Sana Canton stated that journalists working on the public media have to work "the way the State tells them to work", adding that they have "no freedom". He also referred to them as "members of the fifth column in the service of foreign occupiers", stating that they "should be expelled".²⁹³ The screening of the film "Neđo od Ljubuškog" in July 2012 caused a public lynching of Štefica Galić, editor of the portal Tačno.net. This forced her to move to Mostar city. Milorad Dodik, the President of Republika Srpska, made certain verbal comments directed at journalists. In March 2015, for example, he told the journalist of *Oslobodenje* newspaper: "When I look at you, I understand why you are always negative. Because you can never have anything positive... You come from the media that is like that... from the people who are such..."²⁹⁴ This attack was described as "unacceptably chauvinist and racist".²⁹⁵ In December 2016, he described a journalist of N1

²⁹¹ Ibid.

²⁹² Ibid.

²⁹³ Federalna.ba, "Izudin Saračević accuses journalists of public broadcasters", 24 September 2015 (Izudin Saračević optužio novinare javnih emitera), at: <http://www.federalna.ba/bhs/vijest/142259/premier-usk-a-novinare-nazvao-pripadnicima-pete-kolone>.

²⁹⁴ "See how Dodik insulted a journalist of *Oslobodenje*", 15 March 2015 (Pogledajte kako je Dodik izvređao novinarku *Oslobodenja*), at: <http://www.bh-index.com/pogledajte-kako-je-dodik-izvrijedao-novinaruku-oslobodenja-video/>.

²⁹⁵ "Reactions to Dodik insulting journalist: Unacceptable chauvinism and racism", 16 March 2015 (Reakcije na Dodikovo vrijeđanje novinarkе: Nedopustiv šovinizam i rasizam), at: <https://www.slobodnaevropa.org/a/reakcije-na-dodikovo-vrijeđanje-novinarke-sovinizam-i-rasizam/26903774.html>.

BiH as “revolutionist” and “the enemy”.²⁹⁶ For these reasons, many journalists do not believe that they are safe, and there is the perception that “a journalist who is critically examining the society is an easy target of nationalistic and criminal groups” and “the authorities have a certain animosity towards journalists. The police and judiciary are controlled by the authorities, and even encourage attacks on journalists.”²⁹⁷

There is no public authority that keeps records on attacks and threats made to the journalists, although this could be part of government monitoring progress towards achieving sustainable development goal 16.10 on “public access to information and fundamental freedoms”. The courts, prosecutors and the police are not sensitive and do not pay a special attention to the attacks on the journalists. Due to the fact that the country’s Criminal Code does not define a journalist as an official person, any attack on journalists is not considered as an attack on an official performing his/her obligations.

BiH has co-sponsored all eight UN General Assembly and UN Human Rights Council resolutions on the safety of journalists passed since 2012, demonstrating its willingness to address this issue. However, no specific action plan has been designed to implement their commitments.

3.14 Media practice is not harmed by a climate of insecurity

BiH in general is not a dangerous country, but the police and prosecutors are still expected to do more when investigating attacks and threats to the journalists.²⁹⁸ It was primarily the non-governmental organizations (NGOs) that condemned the attacks and threats, not the authorities.²⁹⁹ The OSCE Mission in BiH published the “Media Guidelines for Dealing with Police”³⁰⁰ and the “Police Guidelines for Dealing with the Media”³⁰¹, which have not influenced any changes in legislations or practices. In fact, according to Faruk Kajtaz, editor of StarMoonline portal and Chairperson of the Club of Journalists in Mostar, “the issue of journalists’ safety in BiH, in a way, is in a ‘grey zone’ because the implementation of law rarely contributes to that safety.”

One example of the attacks on journalists in BiH and the insecure climate for journalists was only noticed when the political party SNSD posted a statement on their official website saying

296 “Dodik attacks N1 again: you are revolutionaries and enemies”, 28 December 2016 (Dodik ponovo napao N1: Vi ste revolucionari i neprijatelji), at: <http://ba.n1info.com/a129832/Vijesti/Vijesti/Dodik-ponovo-napao-N1-Vi-ste-revolucionari-i-neprijatelji.html>.

297 Amer Bahtijar, editor of news portal tacno.net

298 *Report on freedom of speech and media freedoms in BiH*, 18 July 2016, at: http://static.parlament.ba/doc/91916_lzvjestaj%20o%20slobodi%20govora%20i%20stanju%20medijskih%20sloboda%20u%20BiH.pdf.

299 There are similar recommendation of Human Rights Watch: *A Difficult Profession: Media Freedom under Attack in Western Balkans*, USA, 2015.

300 Media Guidelines in Dealing with the Police, at: http://vzs.ba/index.php?option=com_content&view=article&id=207&Itemid=14.

301 Police Guidelines in Dealing with the Media, at: http://vzs.ba/vzsen/index.php?option=com_contentandview=article&id=208&Itemid=13&lang=en.

a number of “false NGOs” and media outlets are engaged by foreign countries for “stimulating disturbances and undermining of the constitutional order.” The media outlets listed are BUKA, *The Srpska Times*, frontal.ba, frontal.rs, and abc.ba.³⁰² The OSCE Representative on Freedom of the Media reacted to the statement, claiming it as a danger to the safety of journalists, which also brings a chilling effect to the entire media landscape in the country.³⁰³

In general, not many journalists report cases of threats, mainly due to the fear of losing their jobs. Hence, they accept the lack of protection of professionalism in reporting in return for salaries. Those that do hold onto their role as public watchdogs are very often exposed to pressures, threats and assaults, with the Free Media Help Line having registered around 40 different kinds of pressures and infringements of media freedom per year, involving more than a dozen of threats and several physical attacks.³⁰⁴ For example, the employees of radio Studio N, Livno, were in 2000 labelled as foreign mercenaries and betrayers of the Croatian people in a pamphlet that was distributed in the local community, and this was an open call for lynching.³⁰⁵

302 Mijatović, Dunja, OSCE Media Representative, *Labelling media “foreign agents” by politicians in Bosnia and Herzegovina unacceptable, says OSCE media freedom representative*, 28 February 2014, at: <http://www.osce.org/fom/115926>.

303 Mijatović, Dunja, OSCE Media Representative, *Labelling media “foreign agents” by politicians in Bosnia and Herzegovina unacceptable, says OSCE media freedom representative*, 28 February 2014, at: <http://www.osce.org/fom/115926>.

304 Hodžić, Sanela, *Bosnia and Herzegovina in Media Integrity Matters: Reclaiming public service values in media and journalism*, Peace Institute, Institute for Contemporary Social and Political Studies, 2014, p. 162.

305 Hodžić, Sanela, *Bosnia and Herzegovina in Media Integrity Matters: Reclaiming public service values in media and journalism*, Peace Institute, Institute for Contemporary Social and Political Studies, 2014, p. 162.

Recommendations

1. Public radio and TV stations should include special programmes for members of national minorities. They should implement their obligations under the BiH Law on Protection of Members of National Minorities. Public radio media services and audio-visual media services should fulfil their obligations as stipulated in the CRA Rule 76/2015 and Rule 77/2015, respectively, which requires 10% of the total weekly news programme, other information programme and educational programme to be devoted to issues of national, other minorities and vulnerable population groups.
2. Public service broadcasters should adopt non-discriminatory policies in terms of language of programming, so that the languages of constituent peoples are used adequately.
3. The “Corporation”, the missing segment of the public service broadcasting system, should be established by the three public service broadcasters as soon as possible. It is supposed to be an umbrella body that gathers the three public service broadcasters in BiH.
4. It should be assessed whether the system of licence fee collection for the public broadcasting service through electricity bills would be effective, and whether this method of collecting financial resources could be applicable in the whole territory of the country.
5. The cooperation between CSOs and public service broadcasters should be improved in a way that public broadcasters should produce a plan in their programming that would include topics that are ‘socially responsive’ and educational.
6. The judiciary should act more quickly and efficiently in the cases of political pressure and intimidation of journalists, and protection and law enforcement must be secured as an answer to the threats against journalists.
7. Public authorities should keep records of attacks or threats made to the journalists. The courts, prosecutors and the police should be more sensitive and monitor, as well as pursue justice, in case of attacks on journalists.
8. Public service broadcasters should have a more open contact with both the audience and CSOs. There should be a mechanism of consultation and responsiveness, as well as a monitoring on such mechanisms. The websites of the media outlets should be more interactive in terms of contents, and have a more attractive design and approach to visitors.
9. There should be stronger and joint campaigns of media and civil society organizations to try increase trust in media and lower the percentage of people who support the attacks. Stronger cooperation in terms of such advocacy would be crucial in order to present the problems media are facing and their work in general.
10. The authorities should encourage media outlets to refrain from self-censorship and introduce adequate policies to protect media workers. The same initiative should come from the CSOs, which should promote the freedom to expression in order to combat self-censorship.

Category 4

**Professional capacity building
and support for institutions
that underpin freedom of
expression, pluralism and
diversity**



Key Indicators

A. AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

- 4.1 Media professionals can access training appropriate to their needs
- 4.2 Media managers, including business managers can access training appropriate to their needs
- 4.3 Training equips media professionals to understand democracy and development

B. AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

- 4.4 Academic courses accessible to wide range of students
- 4.5 Academic courses equip students with skills and knowledge related to democratic development

C. PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANIZATIONS

- 4.6 Media workers have the right to join independent trade unions and exercise this right
- 4.7 Trade unions and professional associations provide advocacy on behalf of the profession

D. PRESENCE OF CIVIL SOCIETY ORGANISATIONS

- 4.8 CSOs monitor the media systematically
- 4.9 CSOs provide direct advocacy on issues of freedom of expression
- 4.10 CSOs help communities access information and get their voices heard

Category 4

Professional capacity building and support for institutions that underpin freedom of expression, pluralism and diversity

This category finds out to which extent media workers have access to professional training and development, both vocational and academic, at all stages of their career, and the media sector, as a whole is both monitored and supported by professional associations and civil society organizations.

Professional capacity building in Bosnia and Herzegovina (BiH) lies in both formal and informal education. There are public and private universities that include journalism departments, but the quality of curricula still raises questions. According to experts interviewed in this study, courses and training with more practical knowledge are offered instead by associations of journalists and civil society organizations (CSOs), equipping future journalists with adequate skills. Moreover, as suggested by an expert, “it is very important to have more post-war capacities to enable a better understanding of the role of media, information received, or at least to initiate the need for receiving correct and timely information.”³⁰⁶

A. Availability of professional media training

Informal training outside universities have given significant contributions to the education of journalists and media staff. This alternative form of education offers practical orientation and flexibility, as well as providing opportunities for close cooperation with media outlets and regional cooperation, from which international exchange experiences are developed.

4.1 Media professionals can access training appropriate to their needs

There have been several organizations working on educational projects intended for journalists and media staff, such as the Media Plan Institute in Sarajevo with its now-defunct School of Journalism; the Mediacentar Sarajevo; and USAID with its Strengthening Independent Media (SIM) Project in BiH.

The Media Plan Institute's School of Journalism was a nine-month programme organised according to the standards of similar modern schools in Europe. Today, the Institute still functions as an independent organization, but focuses on media analyses, occasional training for media professionals and activities related to defence of human rights.³⁰⁷ In the past, it was active in the field of research and education, and organised many seminars and training courses, such as on fundamentals of informational writing, news writing skills, video journalism, reporting on multicultural values, etc.³⁰⁸ The school received students from all over the region of South East Europe who spoke Bosnian, Serbian and Croatian. It focused on practical training (70%) and theory (30%). Today, the Media Plan Institute organises specialised seminars and workshops for young people, experienced journalists, editors and other media staff. There was also Summer Media School in Neum, attended by approximately 150 professionals from the Balkans each year.

The Media Plan Institute founded non-governmental organization (NGO) called Media Initiatives in 2005, which aimed at raising public awareness of the importance of the development of democracy and tolerant public dialogue, as well as the respect for human rights and differences.³⁰⁹ Media Initiatives eventually took over the founding rights and obligations of the Institute's School of Journalism and transformed it into the Center for Practical Education in Communication in 2005, focusing on research and training, while contributing to the development of modern media and professional standards and ethical norms.³¹⁰ It offered various training, such as 'Practical training for graduates and final year journalism students, from the former Yugoslavia region – preparation for work in media', 'the Dialogue of diversity', 'Corruption interruption', etc.

Another important actor in informal education of journalists in BiH is Mediacentar Sarajevo. The NGO offers numerous training for participants from BiH and the region of the Western Balkans. Its primary focus is on the development and support of independent and professional journalism and the enhancement of media freedom in BiH.³¹¹ It offers training on writing skills, radio journalism, and television journalism. It also includes training on investigative journalism; media management; Internet for journalists; computer assisted reporting (CAR); business reporting; data journalism; as well as on specific issues and concerns in the society, such as human trafficking; organised crime; protection of the environment; and human rights.³¹²

³⁰⁷ See: <https://mediaplaninstitut.org/o-nama/>

³⁰⁸ Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017.

³⁰⁹ Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017.

³¹⁰ Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017.

³¹¹ Ibid.

³¹² Ibid.

Since 2005, there is Balkan Investigative Reporting Network (BIRN) that supports quality media and civil society through research and training on topics such as online reporting; data journalism and fact-checking; new technologies; social networks; video editing; video analytics; and investigative journalism and reporting, where journalists learn how to creatively structure stories and use various databases and other investigative tools.³¹³

BH Novinari also organises specialised thematic sessions and in-house training courses, workshops and seminars for the development and improvement of knowledge and skills of journalists and students in areas relevant to the rights of journalists, such as freedom of expression and the implementation of the Law on Protection against Defamation and the Freedom of Access to Information Act. This is in line with its goals to protect and advance of the freedom, rights, and responsibilities of journalists; to protect of the reputation and dignity of journalism; and to advance the right of the public to be informed about the developments in the society.³¹⁴

Furthermore, the Press Council supports the enhancement and protection of the journalistic profession, following closely media compliance with professional standards, and issues of media freedom and freedom of information.³¹⁵ The Council carries out various training courses on self-regulation of media; media ethics for students; freedom of information; etc. More activities of the Council can be found in Category 3, Section C.

From 2010 until 2015, USAID funded the Strengthening Independent Media (SIM) Project, which was implemented by Internews. The project offered a number of training and conferences, and focused largely on the education of young journalists and lawyers through a set of media law workshops. The workshops targeted around 600 students, offering practical knowledge on freedom of expression issues, in which students were taught to both exercise and defend the right to freedom of expression. The project worked closely with some faculties of journalism and law in the country.

However, as this kind of informal training depends on foreign aids, it is therefore difficult to reach the level of sustainability, which could guarantee long-term education. Media Plan Institute's School of Journalism, for example, was strategically intended to become complementary to a higher education – as a regular form of postgraduate studies and a practical specialisation for journalists. However, this effort was not successful.

4.2 Media managers, including business managers can access training appropriate to their needs

The issue of training for media managers correlates with the issue of media ownership. For privately owned media outlets, the owners also often hold the post of director. Due to the

313 Ibid.

314 Ibid.

315 Ibid.

unregulated media ownership, it is difficult to separate the types of media when it comes to their owners/managers.

Therefore, most managers are primarily either political figures or businesspeople, who oversee a great number of media outlets. An example of a businessperson who owns several media outlets is the owner of Pink Media Group – the largest private commercial broadcaster of entertainment programmes and the largest media group in Southeast Europe. Besides owning Pink BH, the company in 2013 launched around 100 channels, which are made available online and in part through cable distributors in BiH.³¹⁶

The ownership of some TV stations has been alleged to be connected with certain political parties. For example, the hidden owner of TV1 is speculated to be a businessperson who was an advisor to Haris Silajdžić, the leader of the Party for BiH, during his term in office as a member of the Presidency of BiH.³¹⁷ In addition, “suspicions about political affiliations with the Party for BiH were strengthened by the fact that TV1 started to broadcast in 2010, preceding the general election campaign.”³¹⁸ Furthermore, the owner of *Dnevni Avaz* daily, has been closely connected with political elites. The content of the newspaper changed as he left the Party for Democratic Action (SDA) and started his own party, the Union for Better Future (SBB).

Due to this cross-media ownership, there are no specific data on managers/owners attending training for the purposes of managing media. Apart from this, there are still no complete data on media ownerships. Even if there was a willingness of managers to attend some type of training, an expert said that “education opportunities for media managers are rather rare in my opinion, and the focus [of such training] is mainly on the content and media reporting, not management. After all, however, media outlets are companies, and they must have a functioning business in the market. Therefore, it would be quite useful to offer business courses in this respect.”³¹⁹

4.3 Training equips media professionals to understand democracy and development

The role of media in democracy, freedom of expression and the rights and professional obligations of journalists have been common topics in various and numerous training workshops and conferences organised in BiH in the past two decades (some training are specified in sub-section 4.1). Over time, the practice has somewhat been established. Taking into account the background and complexity of the BiH society, many training initiatives directed at media professionals referred to the issue of hate speech.

³¹⁶ PINK BH, at: <http://www.pink.co.ba/kompanija/onama/>.

³¹⁷ Hodžić, Sanela, *Bosnia and Herzegovina in Media Integrity Matters: Reclaiming public service values in media and journalism*, Peace Institute, Institute for Contemporary Social and Political Studies, 2014, p. 132.

³¹⁸ Hodžić, Sanela, *Bosnia and Herzegovina in Media Integrity Matters: Reclaiming public service values in media and journalism*, Peace Institute, Institute for Contemporary Social and Political Studies, 2014, p. 132.

³¹⁹ Faruk Kajtaz, editor of website StarMo and Chairperson of the Club of Journalists in Mostar.

One of the specific tasks of journalists is to cover the election and the electoral process, thus numerous training courses revolved around this topic. However, journalists in BiH are still under strong influence of political parties during the election period for more than two decades.³²⁰ In addition, it was noticed that the media in BiH have improved to some extent when reporting about elections. In 2012, for example, BH Novinari expressed that “it was a big surprise to see that the Communications Regulatory Agency (CRA) and the Press Council did not intervene too much this year, because there were not too many complaints against unprofessional reporting, incitement, and encouragement of interethnic tensions.”³²¹ However, “the media reported in a rather routine manner, because there was no enthusiasm to explore programmes of parties, to criticise candidates and parties, to expose problems of local communities, etc.”³²²

B. Availability of academic courses in media practice

There are numerous academic courses available to those who wish to study journalism in BiH. However, as one expert interviewed for this study said, “specialised courses need to be modernised and old form of lecturing should be abandoned and [there should be efforts to] equip students with multimedia skills, so they can produce videos, infographics, etc. on their own. This of course, does not mean that students should not learn how to write [for print], but we must realise that the future of journalism is online.”³²³ But as the “task of media is to produce quality content, the task of faculties is to train and teach students how to be skilled and competent for such production too.”³²⁴

4.4 Academic courses accessible to wide range of students

Young journalists in BiH often complete their studies without knowing the fundamental principles and rights guaranteed by the European Convention on Human Rights and Fundamental Freedoms.³²⁵ BiH is one of the countries in the region with a rather large number of journalism departments.³²⁶ Currently, there are seven public universities in the

320 Vlastimir Mijović in interview for Deutsche Welle: Samir Huseinović, Media in Bosnia and Herzegovina: “More for stupefying than for enlightening”, 3 March 2017 (Mediji u BiH: “Više za zaglupljivanje nego za prosvječivanje”), at: <http://www.dw.com/bs/mediji-u-bih-vi%C5%A1e-za-zaglupljivanje-nego-za-prosvje%C4%87ivanje/a-38671889>.

321 BH Novinari, E-novinar no. 4/2012, at: http://bhnovinari.ba/wp-content/uploads/2012/06/bhn_e-novinar-oktobar2012.pdf.

322 BH Novinari, E-novinar no. 4/2012, at: http://bhnovinari.ba/wp-content/uploads/2012/06/bhn_e-novinar-oktobar2012.pdf.

323 Borislav Vukojević, senior assistant, Department of Journalism and Communicology, Faculty of Political Sciences, University of Banjaluka.

324 Doc. dr. sc. Zlatiborka Popov-Momčinović, Faculty of Philosophy East Sarajevo Bosnia and Herzegovina

325 Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017.

326 Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017.

country offering journalism studies. However, these departments do not provide enough practical training opportunities for students and rarely update their curriculum to follow the international standards and the changing journalistic environment. The universities offering journalism studies are as follows:

1. Faculty of Political Science, University of Sarajevo, Department of Journalism (www.fpn.unsa.ba): established in 1961 as former High School of Political Science in Sarajevo. The Faculty offers subjects, such as general communicology; history of communication; media theory; information theory; business communication; modern communication systems; mass media marketing; public relations; media regulation; opinion journalism; radio journalism; journalism stylistics; print journalism; television journalism; and most recently, online journalism.
2. Faculty of Philosophy, University of Tuzla, Department of Journalism (www.ff.untz.ba): offers a Journalism Programme with the “four + one” structure (graduate + postgraduate studies). It focuses on both theory and practice, and includes up-to-date and specialised courses, such as citizen journalism, media literacy, ethics, etc.
3. Faculty of Philosophy, University of Mostar, Department of Journalism (www.ff.sve-mo.ba): the Department of Journalism was established in 2001. There is a three-year graduate degree and a two-year postgraduate degree programmes, with general courses making up 25% of the programme, and specialised courses in communication and journalism being the rest of 75%. Within the faculty's Media Center, there are a student radio station, a website called treći.ba, a TV station and a newspaper. The student newspaper becomes a special annex of the *Večernji list BiH* daily, making it the first project in the Western Balkans region that gives students the opportunity to create a special section within mainstream media outlets. Such an opportunity has helped the students acquire the necessary journalistic knowledge and practical skills, allowing them to become more competitive in the labour market.
4. Faculty of Political Science, University of Banja Luka, Department of Journalism (www.fpn.unibl.org): established in 2009 with Journalism and Mass Communication as one of its study programmes. There is a four-year graduate programme and a one-year post-graduate programme. Courses specifically oriented on media are mainly offered from the second year of studies. The courses offered include communication theories; media analysis; journalism and politics; internet and new

media technologies; media and globalisation; documentary journalism; and methodology of scientific work.

5. Faculty of Humanities, Dzemal Bijedic University, Mostar (<http://fhn.edu.ba/>): includes the Department of Communicology which offers journalism studies under the “four + one” system (graduate + postgraduate studies).
6. Faculty of Philosophy, University of East Sarajevo (<http://www.ues.rs.ba/filozofski-fakultet/>): the Department of Journalism is organised according to the “four + one” system (graduate + postgraduate). Graduate studies offer general courses, with specialised journalism courses making up a very small share of the programme. The programme includes a mandatory internship for students in their third and fourth year of studies, offering them practical insights into the work of television, radio, news agencies, print media and online media.
7. Faculty of Philosophy, University of Zenica (<https://ff.unze.ba/>): Media Culture is one of the subjects included in the Cultural Studies course.

Specialised journalism courses are also offered in faculties of private universities, such as the Faculty of Media and Communications in Travnik, the Faculty of Journalism and Communication at the University of Business Studies with campuses in Banjaluka, Bijeljina and East Sarajevo.

Both public and private schools of journalism have received criticism. While the public schools have been criticised for lacking in practical training and not keeping pace with modern trends, the private schools were said to be lacking in tradition and experienced instructors.³²⁷

4.5 Academic courses equip students with skills and knowledge related to democratic development

Generally, the divided landscape of BiH makes it hard for courses in ethics and professional standards to be fully and adequately applied in practice.

The general perception is that journalism departments in BiH offer mainly theoretical knowledge to students, “which is why students arrive at editorial houses unprepared”, said an expert, adding that the reason for this being “the insufficient collaboration between the academia, the media, and the non-governmental sectors, the poor economic state of the media, the assignment of enormous work load to journalists, the small editorial houses...”.

³²⁷ Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017.

In addition, politicisation in the media field makes compliance with professional standards difficult, because "...most of the media are politically controlled... and not just online sites, but also national TV stations that are directly dependent on politics".³²⁸ Moreover, even universities have been said to be subjects of politicisation. However, it has been acknowledged that some measures could still be taken, as said by an expert, "Education on democracy and corruption is necessary. The young should be taught to fight corruption in order to be able to exercise their own rights. The education currently does not help to achieve this."³²⁹

C. Presence of trade unions and professional organizations

Journalists have the right to join a trade union within the scope of the freedom of assembly. In this manner, journalists can protect their right to freedom of expression and advocate for it, and further on, local unions can join relevant international trade unions. Today, there are four associations in BiH: the Association of Croatian Journalists in BiH; the Union of Journalists of BiH; the Union of Journalists of Republika Srpska; and BH Novinari. The last two are somewhat more active, especially BH Novinari. However, "the inability to exercise solidarity within the sector and defend labour rights has led to a situation of widespread self-censorship due to the exposure of journalists to their superiors – media owners and editors."³³⁰

4.6 Media workers have the right to join independent trade unions and exercise this right

There is no union at the state level in BiH. Unions exist at the entity level, such as Media and Graphic Union RS and FBiH Union of publishing, printing and media workers of BiH. "The situation in the whole country is poor, only 16 percent of the media are organised into trade unions – journalists are afraid," said Adis Šušnjar.³³¹ Media companies with a large number of employees have their own unions. The two public service broadcasters, Radio-Television of the Federation of Bosnia and Herzegovina (RTVFBiH) and Radio-Television of Bosnia and Herzegovina (BHRT), have unions: Independent Union of Public Service Broadcasting of Republika Srpska (RTRS) and Independent Union of Employees of Public Services. In addition, there are two parallel unions within BHRT. Still, only a little over 20% of journalists in the

³²⁸ Interview with Rubina Čengić, in *Back to the drawing board: Crafting the ideal journalism curricula in Southeast Europe*, School of Journalism and Public Relations Institute of Communication Studies, Skopje, FYR Macedonia, 2017, p. 31.

³²⁹ Interview with Vuk Vučetić, senior teaching assistant at the Faculty of East Sarajevo, in *Ibid.* p. 31.

³³⁰ DG Enlargement, *Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020*, p.2

³³¹ "Many journalists in BiH are not legally employed", 26 November 2015 (Veliki broj novinara u BiH radi na crno), at: <http://ba.n1info.com/a71360/Vijesti/Vijesti/Veliki-broj-novinara-u-BiH-radi-na-crno.html>.

Republika Srpska (RS) are members of the only union representing journalists – Media and Graphic Union RS.³³²

BH Novinari gathers around 750 members³³³ from across BiH and from all types of media. About 500 are actively engaged in various activities, such as creating strategies and work programmes, and acting in response to problems or in cases where they want to change something in the Organization's work. In addition, BH Novinari established a network of BH Journalists Clubs in nine cities dealing with journalists' issues³³⁴ in local communities.

4.7 Trade unions and professional associations provide advocacy on behalf of the profession

There are six associations whose one of the goals is to promote the quality of journalism and development of the media landscape in BiH. There is the Youth Press Association of Bosnia and Herzegovina (ONAuBiH) that promotes and offers youth education in the field of media. The Association of Media Industry (UMI) represents media owners and directors, and it is funded by the Association of the Advertisers in BiH, the Association of Independent Electronic Media and the Association of Private Radio and Television Stations in Bosnia and Herzegovina. There is also the Association of Graphic, Publishing, and Media Employees in BiH, and the Association of Local Broadcasters of the RS.

The members of Media and Graphic Union RS provide individuals with free legal assistance and representation in court, which would otherwise cost a lot. Membership in the Union also provides information, education and any other form of professional training in the field of law, on the basis of labour and labour relations. Furthermore, a certain type of financial assistance is provided in case of illness, death, poor financial situation, job losses, school continuation, etc.³³⁵

BH Novinari provides its members with free legal and professional assistance – the protection of journalists and media in cases of physical, political, economic and other pressures, as well as in cases of violations on journalists' rights and freedom of expression. Experts and lawyers assist journalists and the media in legal and other disputes in order to ensure the protection of their rights. These services are available 24 hours a day to members of the Association, as well as other journalists and media staff through the Free Media Help Line (FMHL), which operates as a separate service within the Association. The FMHL has a team of technical and legal assistance dedicated to journalists, which consists lawyers and experts

332 Interview with Adis Susnjar.

333 "We are thinking of temporarily 'closing' BH Journalists' office", 17 December 2014, at: <http://www.media.ba/en/magazin-novinarstvo/we-are-thinking-temporarily-closing-bh-journalists-office>.

334 "We are thinking of temporarily 'closing' BH Journalists' office", 17 December 2014, at: <http://www.media.ba/en/magazin-novinarstvo/we-are-thinking-temporarily-closing-bh-journalists-office>.

335 Mariana Šarčević, President of the Media and Graphic Union RS; Radenko Udovičić: Work conditions of journalists in Bosnia and Herzegovina, Sarajevo, February 2015.

in media law and human rights. From 2004 to 2011, the FHML had helped journalists and the media in nearly 300 different cases of violations on media freedoms and rights through various kinds of pressures. It has also defended journalists in trials related to their work (production articles, stories of investigative journalism, TV reports and analysis of corruption and criminal activities). Members are also provided with social services and protection – in terms of technical and legal assistance, in the cases of violations on journalists’ rights in employment and improvement of the collective agreement for the press and their working conditions. The Association also provides assistance in the organization of trade unions by offering the ability to regulate health and pension insurance, as well as emergency financial support in the cases of sudden illness or termination of employment.³³⁶

In its press releases, BH Novinari condemned various threats and hate speech directed at journalist Dragan Bursać and two N1 journalists Adisa Imamović and Amir Zukić. In the case of Dragan Bursac, he published on 8 July 2017 a post titled “Does Banja Luka celebrate Srebrenica Genocide?” on a social network, which was related to a rally in support of Ratko Mladic in Banja Luka on 11 July 2017.³³⁷ After the publication of the article, he received a series of death threats, which were not followed up with effective measures by the police.³³⁸ There were verbal attacks, death threats and hate speech directed at journalist of Vecernji list, Hassan Haidar Diabo, who wrote a story that revealed data from a classified document referring to citizens from BiH, Serbia and Kosovo who went to wars in Syria and Iraq. There were also cases of hate speech on a national and religious basis directed at journalists of N1 TV, Adisa Imamovic and Amir Zukic, following a story on an iftar in Konjevic Polje on 23 June 2017. This case indicates a failure of competent authorities to do an effective follow-up, as the hate speech continued to happen, even after the journalists filed a lawsuit. Another more recent attack occurred in August 2018 when two masked assailants attacked and a BNTV reporter, Vladimir Kovacevic who at the time reported on an anti-government rally. The BH Novinari stated that the goal of the attack was to “intimidate independent media and blamed authoritarian Bosnian Serb leader Milorad Dodik for leading a campaign against independent media by proclaiming their reporters ‘enemies, spies and foreign stooges’”.³³⁹

³³⁶ See at: http://www.bhnovinari.ba/index.php?option=com_contentandview=articleandid=359andItemid=219andlang=bs.

³³⁷ Police and judiciary must investigate and sanction death threats to journalist Dragan Bursać, 8 July 2017 (Policija i pravosuđe moraju istražiti i sankcionirati prijetnje smrću novinaru Draganu Bursaću), at: <http://bhnovinari.ba/bs/2017/07/08/policija-i-pravsudje-moraju-istraziti-i-sankcionirati-prijetnje-smrcu-novinaru-draganu-bursacu/>.

³³⁸ Council of Europe warns of hate speech, verbal attacks and threats addressed to journalists in Croatia and BiH, 10 July 2017 (Vijeće Evrope upozorilo na govor mržnje, verbalne napade i prijetnje upućene novinarima u Hrvatskoj i BiH), at: <http://bhnovinari.ba/bs/2017/07/10/vijece-evrope-upozorilo-na-govor-mrznje-verbalne-napade-i-prijetnje-upucene-novinarima-u-hrvatskoj-i-bih/>.

³³⁹ Correction: Bosnia-Journalist Beaten story <https://www.apnews.com/2e8576b75226465fa1dc4180cdda6644>

Journalist associations condemned these events, but the full protection of journalists still does not exist in BiH.³⁴⁰

The improvement of labour rights is the subject of interest for press associations and unions. According to Borka Rudić, Secretary General of BH Novinari, this organization often deals with issues of workers' rights, but emphasises that the reaction from inspection authorities is not always appropriate in the cases of violations of labour rights. As he said, "We are dealing with union activities simply because existing unions do not work enough in this field. We provide legal protection of journalists and we lead labour disputes in the name of journalists. Very often we react towards inspection, especially labour and tax inspections, but unfortunately, we do not always have adequate answers from the tax authorities. Inspection authorities are not ready to interfere, especially with the private media, because somehow they think if they do, they will cause themselves problems."³⁴¹

D. Presence of civil society organizations

As mentioned before, there are many CSOs in BiH, but the actual number is unknown since it is not possible to determine which organizations are still operating and which have ceased to function.³⁴²

4.8 CSOs monitor the media systematically

CSOs in BiH depend largely on funding, and thus it is difficult for them to conduct thorough media monitoring. Overall, thorough media monitoring in BiH is conducted by either the self-regulatory body – the Press Council – or BH Novinari, while CSOs do not have enough resources to perform comprehensive monitoring and analysis.

Adis Susnjar³⁴³, project coordinator of the Association of BH Journalists, believes that civil society and the media are behaving more like competitors and less like partners, abandoning the fact that the goal of workshops or any other projects is actually to develop cooperation and stimulate discussion between the media and civil society. In BiH, there is a lack of regular monitoring on media compliance with professional standards, and regulators do not even analyse media reporting and coverage. Only a few organizations and media research institutes, such as the Mediacentar Sarajevo and the Center for Social Research Analitika,

³⁴⁰ Council of Europe warns of hate speech, verbal attacks and threats addressed to journalists in Croatia and BiH, 10 July 2017 (Vijeće Evrope upozorilo na govor mržnje, verbalne napade i prijetnje upućene novinarima u Hrvatskoj i BiH), at: <http://bhnovinari.ba/bs/2017/07/10/vijece-evrope-upozorilo-na-govor-mrznje-verbalne-napade-i-prijetnje-upucene-novinarima-u-hrvatskoj-i-bih/>.

³⁴¹ Mariana Šarčević, President of the Media and Graphic Union RS; Radenko Udovičić: Work conditions of journalists in Bosnia and Herzegovina, Sarajevo, February 2015.

³⁴² "There are more than 12,000 NGOs and associations in Bosnia and Herzegovina", 20 February 2015 (Na teritoriji BiH postoji više od 12.000 nevladinih organizacija i udruženja), at: <https://www.klix.ba/vijesti/bih/na-teritoriji-bih-postoji-vise-od-12-000-nevladinih-organizacija-i-udruzenja/150219092>.

³⁴³ Interview with Adis Susnjar.

that monitor media compliance with professional standards. Mediacentar Sarajevo³⁴⁴, whose training role was described earlier supports the development of independent and professional journalism in BiH. Furthermore, its monitoring and research activities focus on the challenging future of public television in the digital environment; media regulation and self-regulation; and the role of media in democratisation processes. In addition, Mediacentar Sarajevo provides consulting and educational services in the field of communication management and public relations. It has a unique digital archive called INFOBIRO, comprising an online database and a regular database of daily and weekly newspapers and magazines.

The Center for Social Research Analitika³⁴⁵ is a non-profit NGO based in Sarajevo. The Center enhances public policy process by conducting research on rule of law, public administration reform with a focus on local self-government, as well as media and communication. Among other, Analitika conducted a regional project on the future of public service broadcasting in South-East Europe, which identified weaknesses and challenges faced by public broadcasters, content issues, models of financing and digitalisation issues. It also offered recommendations for possible future activities.

As part of USAID's SIM Project mentioned earlier, the Media Watchdog Platform, www.analiziraj.ba, was launched in 2014 to monitor media reporting in pre- and post-elections period, as well as to expand media coverage to other socio-political topics. It was designed to rebuild the professionalism and credibility of media, gain public trust, and engage citizens to think critically and demand accountability. The platform aims at showing professional and civic journalists, editors and media consumers on what constitutes professional and ethical journalism, and what does not. It also aims at inspiring and encouraging journalists and media outlets to improve their content and abandon the practice of incendiary and one-sided journalism.

4.9 CSOs provide direct advocacy on issues of freedom of expression

in recent years, there have been significant efforts by the civil society to promote the importance and the need for transparent ownership of media, professional media, and journalists' rights in BiH. CSOs that advocate for the issues of freedom of expression are mainly those mentioned in sub-sections 4.1 and 4.8, as well as others such as the Centre for Media Law. The Centre was created as a result of activities by a network of students and young experts participating in the International Price Media Law Moot Court held in Oxford, United Kingdom. One of the Centre's projects was "Learn about Freedom of Expression", which was implemented in 2015 and 2016 through a set of workshops in cooperation with the Faculty Law of University of Sarajevo, the Faculty Law of University of Zenica, and the Faculty of Philosophy of University of Mostar. As part of the project, three workshops were organised for 65 students, focusing

³⁴⁴ See: www.media.ba.

³⁴⁵ See: www.analitika.ba.

on current trends such as freedom of expression in online sphere and students' perception of their rights and obligations in the digital age. The workshops also identified crucial issues related to international and local legislative frameworks, while also reflecting the aspects of hate speech, privacy, free access to information and defamation in online sphere. Within the project, the Centre also produced a video on the perception of freedom of expression by the students and their opinions on what should be changed.

4.10 CSOs help communities access information and get their voices heard

cSOs in BiH actively work to help communities to access information and get their voices heard. For example, ONAuBiH provides young people the opportunity to become familiar with the media, by learning more about them and taking part in the creation of media space. ONAuBiH is a full member of European Youth Press, a European organization for youth media. They aim at improving the quality of media through education, information and critical reporting, as well as by providing a media space without censorship and political pressure. Another example is the workshop organised by BH Novinari in 2016 called "Cooperation between Civil Society Organizations and the Media". The workshop focused on the discussion of the social role and importance of civil society and the media, and their relationship in the spirit of strengthening partnerships to contribute to positive changes in society.

CSOs operate mainly via websites and social networks, and advocate for "humanitarian actions, protection of animal rights, protests against football hooliganism, and promotion of certain policy options made through editorial comments."³⁴⁶

For example, the Sarajevo Center for Investigative Reporting produced an analysis on demonstrations by members of the Dosta (means 'enough') movement and many other citizens, emphasising the problem of safety in the capital of BiH after a series of attacks on citizens, which culminated in the murder of a teenager on a tram.³⁴⁷ In addition, in 2010, there was an initiative called "Locked" that was supported by several NGOs in BiH. The initiative was about using new information technologies to highlight the issue of violence against women. As a result, six local digital stories were produced, highlighting the experiences of female convicts and the conditions in prisons across the country.³⁴⁸

³⁴⁶ Džihana, Amer, Kristina Ćendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*.

³⁴⁷ Center for Investigative Reporting, "Analysis of resignation", 15 July 2009 (Analiza ostavke), at: <http://www.cin.ba/Stories/AdHoc/?cid=920,2,1>

³⁴⁸ Džihana, Amer, Kristina Ćendić and Meliha Tahmaz, *Mapping Digital Media: Bosnia and Herzegovina*, 2012. See <http://www.mojevijesti.ba/novost/63498/odrzana-radionica-o-zaustavljanju-nasilja-nad-zenama>.

Recommendations

1. Ministries of education in the entities and in the district should align educational standards in the entire country (Republika Srpska, Federation of Bosnia and Herzegovina and Brčko District of Bosnia and Herzegovina), through the harmonisation of syllabi and teaching programmes.
2. Public authorities should monitor private educational institutions and encourage improvements in order to accomplish competitiveness and alignment within the public education system, as well as to improve the quality of provided education.
3. Faculties should have an access to human and financial resources to improve their educational capacities in journalism education and media training.
4. Ministries of education in the country should provide enough funds for state-owned faculties, which will allow them to upgrade their equipment in order to ensure that the practical aspect of journalism can be taught appropriately.
5. Faculties with journalism departments should consider modernising media curricula, for example by establishing new specialised courses, incorporating a more practical teaching method and integrating internship at media outlets into its programme. In addition, a special focus should be paid on online media and on using UNESCO's Model Curricula on Journalism Education. New specialised courses in media should also be considered.
6. Training in media business should be introduced for the management of media outlets in BiH.
7. Associations and CSOs should offer more courses (especially on online media and digital sphere, and media law and policy), seminars, and conferences facilitated by field experts to improve the capacity of media outlets and their employees.
8. Entity-level professional associations and unions should promote stronger cooperation and evaluate the need for a federal coordination body to ensure the respect of rights of its members.
9. Existing trade unions should have activities that are more concrete in terms of creating social awareness about the importance of media freedom, including within the EU enlargement process, and greater openness to international cooperation with interested organizations.
10. CSOs and relevant institutions and associations should carry out a comprehensive study on the media training available in BiH, in order to identify gaps and needs.
11. CSOs should have a greater involvement and more active participation in the field of media through concrete activities in the field. This could include creating proposals for improvement of legislation, strengthening the education of media owners and general media workers in the country, as well as creating wide, continuous campaigns on the promotion of media freedom and rights.

12. There should be more monitoring on media reportage by CSOs. The state should also allocate more funds for this purpose.
13. There should be campaigns by CSOs to clarify the role of media as the means of disseminating the citizens' voices and promoting the right to information, especially when it comes to marginalised groups.
14. The government, in cooperation with CSOs and media outlets, should put in place educational programmes to promote media and information literacy in the country. It is important to encourage media users to be critical from a young age.
15. There should be regular training courses that are conducted by CSOs and are supported by international institutions. There should be training courses on issues, such as online sphere and media, understanding media democratic role, as well as ethics and professional standards.

Category 5

**Infrastructure capacity
is sufficient to support
independent and pluralistic
media**



Key Indicators

A. AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

- 5.1 Media organizations have access to modern technical facilities for news gathering, production and distribution

B. PRESS, BROADCASTING AND ICT PENETRATION

- 5.2 Marginalised groups have access to forms of communication they can use
- 5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Category 5

Infrastructure capacity is sufficient to support independent and pluralistic media

This category verifies if the media sector has high or rising levels of public access, including among marginalised groups, and whether it efficiently uses technology to gather and distribute news and information, appropriate to the local context.

Media outlets in Bosnia and Herzegovina (BiH) still do not have up-to-date equipment and technical resources. According to the BH Novinari, the functionality and operations of media outlets in BiH are far behind media outlets in other countries in the region, due to the lack of resources and issues related to management. As the association's assessment said, "many equipment for producing and distributing news are out of date," and "many local BiH television stations still use equipment from the 1980s".³⁴⁹ Such a situation mainly happens in public media outlets, whereas private ones are in a somewhat better position as they have invested in modern technology and integrated newsrooms, and provide continuous training for their staff. For example, N1 invested €3 million (around US\$3.67 million) to equip their three regional studios in Sarajevo, Zagreb, and Belgrade.³⁵⁰

A. Availability and use of technical resources by the media

Although there are some positive examples of technical resources and digital tools used to advance, for example, investigative reporting, there are still no indications that journalists significantly benefit from the increase of Internet use or the availability of new resources. The latter is mostly the consequence of outdated equipment and inability to ensure enough funding to purchase the new ones. The most concerning issue in terms of technical resources and the upgrade of programming is digitalisation in BiH, the process of which is still not completed.

³⁴⁹ The BH Novinari, *Assessment of the media sector in Bosnia and Herzegovina*, 2016.

³⁵⁰ *Ibid.*

5.1 Media organizations have access to modern technical facilities for news gathering, production and distribution

Generally, new technologies have made it easier for journalists in BiH to perform their job, because information become more available as the Internet is gaining momentum. However, there are often misuses of websites, blogs and forums, which are the consequence of the lack of familiarity with the right to freedom of expression and its limitations, especially when it comes to hate speech. Therefore, even though new technologies opened a vast amount of opportunities for exercising the right to freedom of expression, an expert interviewed for this study³⁵¹ alerted that the media in BiH could promote refraining from hate speech on the Internet and condemn any type of discrimination – either through posting, disseminating, ‘liking’ or creating false profiles on social networks.

In terms with facilities, it is mostly television stations that do not have up-to-date broadcasting technology. As a result, the digitalisation process – the switchover process from analogue to digital terrestrial television that was meant to be led by public broadcasters in BiH – is yet to be completed. The country did not meet the initial deadline for the digitalisation, which, according to the 2006 Geneva Agreement of European Region Broadcasters, was on 17 June 2015 for all European television stations. In addition, the Bosnian governments in the past years had missed deadlines and failed to undertake the required reforms to allow digitalisation of local television stations.³⁵²

In 2009, the Council of Ministers adopted the Strategy on the Digital Switchover to guide the process of digitalisation, establishing financial and technical conditions for the switchover and requiring the state to provide the funding needed for the development of transmitting network.³⁵³ The strategy resulted in the establishment of a body called the Digital Terrestrial Television Forum, which is composed of representatives of the Council of Ministers (the Ministry of Transport and Communications) and the Communications Regulatory Agency (CRA), as well as an expert working group in charge of technological, socio-economic, programming, and legal issues.³⁵⁴ The entire process of digitalisation therefore reached a certain stage by the end of 2014. Although the so-called “Corporation”, which was supposed to lead the process, was not established (as discussed previously in Category 3, Section B), public service broadcasters (PSBs) managed to digitise the production capacities and ensure the equipment for the digital network of public service broadcasters.³⁵⁵ However, this refers only to the work conducted in the Federation of Bosnia and Herzegovina (FBiH),

351 Prof. dr Spahija Kozlić, Law Faculty, University of Zenica

352 See: Digital Deadline Threatens Bosnia TV Stations, 17 June 2015, at: <http://www.balkaninsight.com/en/article/bosnia-crisis-threatens-its-tv-programs>.

353 See: What is the DDT Forum of BiH, at: http://www.dtt.ba/eng/dtt_sub_08_dttstruktura.html.

354 See: What is the DDT Forum of BiH, at: http://www.dtt.ba/eng/dtt_sub_08_dttstruktura.html.

355 See: The first phase of digitization of BHRT is finished, 20 November 2014 (Završena prva faza digitalizacije BHRT-a), at: <http://teve.ba/article/19559/završena-prva-faza-digitalizacije-BHRT-a>.

where transmitters and digital equipment were installed, while there were no such activities in Republika Srpska (RS).³⁵⁶ There were requests of Radio-Television of Republika Srpska (RTRS) to get a licence for transmitting 'their own signal' but the CRA could not provide it because the three broadcasters may only ask for joint licences for transmission.

It was the CRA that insisted on speeding up the process of digitalisation and pointed at possible consequences. In April 2015, the CRA stated that the main conditions for digitalisation were fulfilled, but due to disagreement between broadcasters, unsuccessful tenders for equipment and control over the equipment by each broadcaster, and a lack of cooperation, the digitalisation was to be delayed.³⁵⁷ They often pointed at challenges and negative results in case the digitalisation could not be completed on time. For example, the analogue signals in BiH will be disturbed by digital ones from neighbouring countries, therefore the audience will have no access to the programmes of PSBs. The budget of BiH will also suffer greatly because the CRA will not be able to provide invoices for broadcasting licenses fees.³⁵⁸

Another reason for not meeting the deadline was the lack of cooperation among public broadcasters. RTRS, for example, even started its own test with digital broadcasting using different standards from those formally adopted by the CRA. The advisor to the Minister of Communications and Transport, Mehmed Agovic, claimed that in the territory of FBiH, the technical part was completed in January and February 2015, however, he explained that the problem was with the RS. The RS was not willing to accept the installation of equipment, insisting that this step must be under the possession of the entity-level government and so it refused to accept any reform which they saw as undermining their entity's power, and empowering a state-level public broadcasting system.³⁵⁹ Former media freedom representative of OSCE, Dunja Mijatović, asked the country's broadcasters and authorities to take a more active role and acknowledge the urgency of digitalisation because it could jeopardise media freedom in country. She emphasised that it was high time that there was a way to make progress and ensure a long-term sustainability of public service broadcasters in BiH.³⁶⁰

Moreover, there were several unsuccessful public tenders regarding the purchase of equipment. In 2016, the process of installation of equipment was completed, and it connected five informative-technical centres in Sarajevo, Banjaluka and Mostar in the system of digital

³⁵⁶ See: The regime TV still obstructing digitization, 16 October 2014 (Režimska TV i dalje opstruira digitalizaciju), at: <http://teve.ba/article/19208/rezimska-tv-i-dalje-opstruira-digitalizaciju>.

³⁵⁷ "Digitalization is now a political issue", 20 April 2015 (Digitalizacija je sada političko pitanje), at: <http://www.media.ba/bs/press-release/buducnost-javnog-rtv-servisa>.

³⁵⁸ Helena Mandić, "Ghosting after June 17", 3 March 2015 (Snijeg na ekranu nakon 17. juna), at: <http://www.media.ba/bs/magazin/snijeg-na-ekranu-nakon-17-juna>.

³⁵⁹ Elvira M. Jukić, "Digital Deadline Threatens Bosnia TV Stations", 17 June 2015, at: <http://www.balkaninsight.com/en/article/bosnia-crisis-threatens-its-tv-programs>.

³⁶⁰ Dunja Mijatovic, at: <http://www.oscebih.org/News.aspx?newsid=2066&lang=BS>

connections and transmitters for digital signal coverage.³⁶¹ At that point, it seemed that the transmission of digital signal would begin soon, but RTRS quickly announced that they were not ready to launch their signal at the same time as Sarajevo and Mostar. The public were not given the details of this cancellation. Furthermore, the second stage of digitalisation was being prepared and it was supposed to include “the procurement, installation, and testing of equipment that would digitalise more hubs in BiH and connect the country with its neighbours – the job is meant to be finished by early 2018.”³⁶²

However, the public is not yet ready for the digitalisation either, as they still do not own set-up boxes and digital receivers. It is estimated that only 50 per cent of the population has been prepared for the digitalisation process.³⁶³ The audience using analogue antennas can still watch TV channels, because the analogue transmitters were not automatically shut down. The subscribers of cable distributors have more at their disposal because “these distributors are required to include local media (i.e. those that can provide their signals) in their offers.”³⁶⁴

In order to complete the digitalisation, BiH approved BAM19 million (approx. US\$11 million), and the initial plan was to have 80 per cent of BiH territory covered by digital signal by mid-2018. But it was again due to complaints related to tenders and the issuance of relevant regulations that the process was stalled. The Minister of Transport and Communication decided to merge two upcoming stages of digitalisation in an attempt to speed up the process and thus the new plan was to complete the digitalisation by the end of 2018.³⁶⁵ However, at the time of writing this report, the process has still not happened yet, and it is still unknown when this can be completed apart from acknowledging that it should be solved urgently.³⁶⁶

Therefore it is technical, tender and regulation issues that are slowing down the process, but “the valid licenses are not affected in the segment of programming, so the broadcasters are able to continue to air programmes under the same terms, but the technical conditions

361 “Digitalni signal u BiH od 15 marta” [Digital Signal in BiH from 15 March], TeVe.ba, March 1, 2016.

In Nidžara Ahmetašević and Tea Hadžiristić, *The Future of Public Service Broadcasting in Bosnia and Herzegovina*, Analitika, 2017, p.40

362 Fena, “Objavljen međunarodni tender za drugu fazu digitalizacije RTV servisa u BiH” [International Tender Announced for Second Phase of Public Broadcaster Digitalization in BiH], Klix.ba, March 16, 2017.

In Nidžara Ahmetašević and Tea Hadžiristić, *The Future of Public Service Broadcasting in Bosnia and Herzegovina*, Analitika, 2017, p.40

363 Time Zero of the Digital Switchover in SEE, The Civil Society Facility, *Media Freedom and Accountability Programme*, EuropeAid/134613/C/ACT/MULTI, 2016, p.19.

364 Time Zero of the Digital Switchover in SEE, The Civil Society Facility, *Media Freedom and Accountability Programme*, EuropeAid/134613/C/ACT/MULTI, 2016, p.19.

365 Odobreno 19 miliona KM za završetak projekta digitalizacije- druga i treća faza istovremeno, 26 July 2018 <https://istinomjer.ba/odobreno-19-miliona-km-za-zavrsetak-projekta-digitalizacije-druga-i-treca-faza-istovremeno>

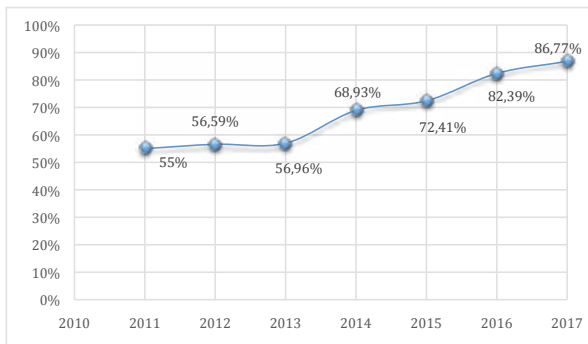
366 <https://www.klix.ba/biznis/digitalizacija-u-bih-zapela-zbog-opstrukcija-uvodjenje-4g-mreze-neizvjesno-i-u-2019-godini/181203037>

permits cease to be valid.”³⁶⁷ Since the CRA does not issue licences and does not invoice the fees for broadcasting licensees, which is why it is expected that the state budget will also suffer financial consequences.³⁶⁸

B. Press, broadcasting and ict penetration

According to the most recent reports, the Internet penetration in BiH has significantly increased. The CRA in 2017 published the Report on Results of an Annual Survey of the Internet Service Providers. The report found that there were 70 Internet service providers in BiH, with 700,578 subscribers and 3,064,072 Internet users. The Internet penetration, as a fixed broadband in BiH in 2017, was recorded at 86.77 %, which is an increase by more than 25% when compared to 2016.³⁶⁹ According to the report, the type of Internet access that was mostly used was xDSL (56,83% users), followed by cable access (33,41%). The CRA expects that the introduction of new digital technologies will grow stronger, as the information society can reach its full social and economic development through meaningful access that requires faster and more affordable Internet. The graph below shows the Internet penetration growth in BiH for the period of 2011-2017.³⁷⁰

Graph 2: Penetration growth of fixed broadband Internet in BiH



³⁶⁷ Time Zero of the Digital Switchover in SEE, The Civil Society Facility, Media Freedom and Accountability Programme, EuropeAid/134613/C/ACT/MULTI, 2016, p.19.

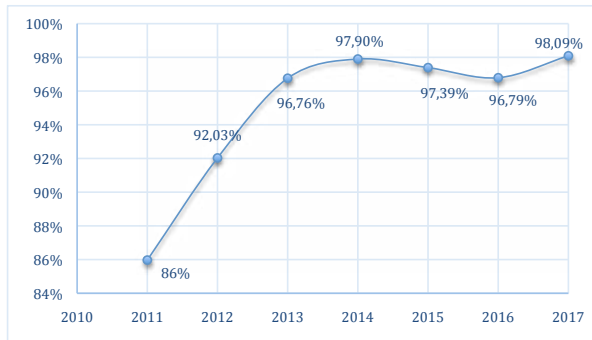
³⁶⁸ Ibid.

³⁶⁹ See: ISP Reports (ISP Izvještaji) at: <http://rak.ba/bos/index.php?uid=1272548201>.

³⁷⁰ Original source of information : CRA, ISP Reports, ISP 2017, published 17 April 2017 <https://rak.ba/bos/index.php?uid=1272548201>

According to the International Telecommunication Union (ITU), the penetration of mobile Internet users in BiH in 2017 was 100 per cent.³⁷¹ Graphic 3 below shows an immense growth in the number of mobile Internet subscribers in the past eight years.³⁷²

Graph 3: Growth of mobile-cellular telephone subscriptions per 100 inhabitants in BiH



The main Internet service provider (ISP) in BiH is public company called BH Telecom, followed by the Telecom of Srpska and HT Mostar. BH Telecom, as the biggest ISP, provides services in fixed, mobile and Internet networks. It has 20 direct networks with foreign operators and with two other BiH's biggest operators, Telekom Srpska and HT Mostar, as well as with 12 alternative operators. In 2015, BH Telecom became a part of the BIX (Budapest Internet Exchange), where it established a direct Internet peering with Google in order to further improving Internet services for the customers in BiH. The company is a member of ITU, European Telecommunications Networks Operators' Association (ETNO), European Telecommunications Satellite Organization (EUTELSAT), International Telecommunications Satellite Organization (INTELSAT), International Maritime Satellite Organization (INMARSAT), and New Sky Satellites (NSS).³⁷³ The average speed of mobile Internet access in 2017 was 7.2 Mbp/s, which according to the Digital Global Report for 2018³⁷⁴, is very low compared to the first-ranked Norway that stands at 61.2 Mbp/s. It is challenging to find official statistics on the average price of the mobile Internet access in BiH, as these are usually offered in bundles that include phone and SMS services.

³⁷¹ Records for 2017 available at: <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx/Mobile-cellular-subscription>

³⁷² Statistics gathered from the ITU's Report of Mobile-Cellular Internet 2000-2017 available at: <https://www.itu.int/en/ITU-D/Statistics>

³⁷³ See: Business activity, at: https://www.bhtelecom.ba/en_portal.html.

³⁷⁴ Digital in 2018 Global Overview Report, available at: <https://www.slideshare.net/wearesocial/digital-in-2018-global-overview-86860338>

Internet users in BiH, according to Alexa.com,³⁷⁵ mostly access websites such as Google, Facebook, Instagram and Wikipedia. In the list of top 20 websites with the highest visitorship, there are not many local websites, as can be seen the table below.

Table 4: Local websites with the highest visitorship

Website	Daily Time on Site	Daily Pageviews per Visitor	% of Traffic From Search	Total Sites Linking In	Ranking according to Alexa
Olx.ba	10:31	8.48	16.10%	352	6
Klix.ba	7:50	4	14.90%	973	7
Cazin.net	3:21	2.5	6.90%	489	9
Avaz.ba	7:14	3.4	15.90%	1,282	12
Dnevnik.ba	5:22	3.1	6.90%	399	15

It is worth noted that Olx.ba is a website for advertisements, online sales and purchases. The other five are news websites, with Avaz.ba being the online edition of the daily newspaper *Dnevni Avaz*.

When it comes to dissemination of information, Internet users in BiH primarily turn to social networks, where 48 per cent are active users.³⁷⁶ Some civil society stakeholders are of an opinion that non-governmental organizations (NGOs) and groups of activist mostly use Facebook to reach the targeted audience in order to promote their goals and securing support. According to data from SimilarWeb, Viber is the most used application for communication, followed by Messenger and WhatsApp. Messaging application Telegram is not even in top 50 list.³⁷⁷ Although it is challenging to access to any systematic research on the presence of propaganda and disinformation in the online media, some media experts note that there is a high presence of these in the country's public discourse, with the social media allowing quicker dissemination of this type of content that directly influences the public opinion.³⁷⁸ On a more positive note, a trend of addressing this concerning matter is growing. For example, there are more discussions devoted to improving the digital literacy of end-users and more concrete actions by the Government. Such actions, for example the adoption of the *Decision on adoption of politics of development of Information Society in Bosnia and Herzegovina for the period of 2017-2021*³⁷⁹, and the support from leading private sector ICTs companies such as Microsoft in BiH to increase the awareness of citizens on the importance of digital agenda.

³⁷⁵ See: www.alexa.com.

³⁷⁶ Digital in 2018 Global Overview Report available at: <https://www.slideshare.net/wearesocial/digital-in-2018-global-overview-86860338>

³⁷⁷ <https://www.similarweb.com/apps/top/google/store-rank/ba/all/top-free>

³⁷⁸ Amir Sužanj, Presence of fake news in BiH (Koliko su u BiH prisutne fake news ?). Available at : <https://www1.wdr.de/radio/cosmo/programm/sendungen/radio-forum/region/bih-fake-news100.html>

³⁷⁹ Available at : http://www.mkt.gov.ba/dokumenti/informatizacija/ostali_propisi/default.aspx?id=5843&langTag=bs-BA

Other efforts include activities to improve digital literacy³⁸⁰; capacity building initiatives by international organizations, such as the Organization for Security and Co-operation in Europe (OSCE) Mission in BiH³⁸¹; and engagements of the academia and NGOs in the development of studies on the importance of digital literacy, along with recommendations and ways forward.³⁸²

5.2 Marginalised groups have access to forms of communication they can use

Citizens with hearing and vision impairment have limited access to information in all aspects of communication. Visual translations or subtitling are used in some television programmes to accommodate audience members with impaired hearing, but, for example, when it comes to the media in RS, only the PSBs provide news programmes with a sign language interpreter in the morning.³⁸³ People with visual impairment cannot follow foreign production programmes because they are not synchronised to any Bosnian and Herzegovinian languages.³⁸⁴

When it comes to the access to media, it is the breakdown between urban and rural population that can illustrate media consumption and availability of different platforms. Although Internet use was primarily associated with the younger generation, and especially the urban population, it seems that the situation is changing in BiH. In fact, half of rural households own computers, usually with an Internet connection – mostly a broadband one. However, the primary way for them to obtain information is still through television.³⁸⁵ In addition, two-thirds of rural households live in areas covered by mobile phone networks. A large majority (more than 90%) of young people in both rural and urban areas had experiences in using both computers and the Internet, with usage tending to be 3–4% higher in urban areas. The large majority of infrastructure utilities, such as roads, electricity, telephone, broadband Internet, water and sewerage, require a physical connection to each and every dwelling, so it costs a lot more to install and maintain services to widely-spaced homes.³⁸⁶ Furthermore, BiH's hilly topography means that the mobile phone system is not yet a universal solution, though it is conceivable that in the long term satellite-based services will totally render rurality irrelevant to the delivery of telephone, TV and Internet services.

380 Available at : <http://bit-alliance.ba/microsoft-bih-i-bit-alijansa-potpisali-memorandum-o-razumijevanju/>

381 Available at: <https://www.osce.org/bs/mission-to-bosnia-and-herzegovina/377968>

382 See : "Comparative Analysis of the ambience related to media literacy and education of journalists", Radno Udovičić, available at <http://www.mediaonline.ba/ba/pdf.asp?ID=3559&n=DVIJE%20STRANE%20MEDIJSKE%20MEDALJEČ>, or

383 See: www.rtrs.ba.

384 See: About us (O nama), at: <http://www.nestovise.org/bs/o-nama.html>.

385 Rural development in Bosnia and Herzegovina: Myth and reality, UNDP, 2013

386 Rural development in Bosnia and Herzegovina: Myth and reality, UNDP, 2013

5.3 The country has a coherent ict policy which aims to meet the information needs of marginalised communities

The Constitution of BiH in its preamble defines Serbs, Bosniaks, Croats and “others” as the constituent peoples.³⁸⁷ Protecting the rights and non-discrimination of all constituent peoples and others in the entire territory is proclaimed not only by the Constitution, but also by the European Convention on Human Rights (ECHR) and rulings of the European Court for Human Rights, both directly applied in BiH. In addition, as previously explained, the Law on Protection against Discrimination³⁸⁸ proclaims the protection of equal rights and opportunities for all regardless if these are natural or legal persons.

However, when it comes to the information needs of marginalised groups in BiH, this also relates to other factors, such as low levels of income and literacy. In addition to this, even some of the constituent peoples are referred to as a marginalised group in areas (entity or canton) where they are the minority. Many of the decisions of the Constitutional Court of BiH are based on the discrimination of certain constituent peoples in a certain part of the territory (language, active or passive voting rights etc.).³⁸⁹

In general, national minorities are often discriminated on the basis of their status, and are rarely present within dedicated topics in the media, but their legislative and political status remains unchanged.³⁹⁰

The Government of BiH recognizes the importance of the ICTs and showcased a concrete action-oriented will in improving this area. For example, in the recently adopted *Decision on Politics of the development of the information society in BiH for the period 2017-2021*³⁹¹, the Internet was recognised as a ‘significant mean for economic and social activities’. In particular, the Decision notes the importance for the Government to ensure access of people with disabilities to websites that belong to the public sector, including making them and their content disabled-friendly.³⁹² It also underlines the importance of improving access in schools, as well as adjusting the existing legislative to ensure that women with infants and small children can formally work from home.³⁹³ The Decision also promulgates the importance of e-Learning and commits to ensure its availability to all of its citizens.³⁹⁴

³⁸⁷ The General Framework Agreement for Peace in Bosnia and Herzegovina – Dayton Peace Agreement, Annex 4: Constitution of Bosnia and Herzegovina (Paris, 14 December 1995), entered into force on 14 December 1995, at: http://www.ohr.int/dpa/default.asp?content_id=379

³⁸⁸ Law on Prohibition of Discrimination. BiH Official Gazette No. 59/09, published on 28 July 2009. Entered into force on 5 August 2009.

³⁸⁹ Safet Softić, U 7/15, Ustavni sud BiH, 2016.

³⁹⁰ Marko Divković, President of the BH Novinari.

³⁹¹ Available at: http://www.mkt.gov.ba/dokumenti/informatizacija/ostali_propisi/default.aspx?id=5843&langTag%e2%80%8e=bs-BA&langTag=bs-BA

³⁹² Ibid. Section 3.6 VI (11), page 12

³⁹³ Ibid. Section 3.6 VI (5 and 7), page 12

³⁹⁴ Ibid. 3.6 VI (13), page 12

Recommendations

1. It is necessary for the authorities to actively work on the mechanisms for exploring other financing sources than fees collected from the citizens, which could ultimately contribute to the better infrastructure of media outlets. It is recommended to apply for international funds that can be used to improve the media infrastructure and equipment of the PSBs. National stakeholders should support the development of local applications and websites, through which domestic advertisements can be mainly explored, in addition to international advertisements. In particular, the Government should support local innovative start-ups by strengthening their networks, providing grants and introducing tax benefits.
2. Media outlets, both public and private, should ensure access for marginalised groups to their content. This, for instance, by offering sign interpretation in more programmes and synchronising other programmes when necessary, among other things.
3. The *Decision on Politics of the development of the information society in BiH for the period 2017-2021* should be fully implemented by the set deadline, with regular reporting period to the citizens. It is recommended to facilitate a multi-stakeholder consultative process for brainstorming on best options for implementation of objectives, and developing cooperation with relevant stakeholders from the private sector, the technical community, academia, NGOs and other forms of CSOs.
4. Government and leading ISPs should focus on bringing meaningful access to rural areas, in line with the principle of inclusiveness.
5. Costs for access, both broadband and mobile Internet, should be assessed by the national authority in charge, and then compared to the country's Gross Domestic Product (GDP) and other practices. This will allow the society to have official information on which further actions can be developed.

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List of Interviewees and Contributors

1. Adil Kulenović, President of the Association of the Independent Intellectuals "Krug 99" Sarajevo, January, February 2018
2. Amela Methadžović, lawyer, May, June 2017
3. Amer Bahtijar, editor of news portal tacno.net. January, February 2018
4. Adi Delić, MA in International public law, University of London, City Law School, October 2017
5. Bojan Vlaski, senior assistant, Law Faculty, University of Banjaluka, January 2018
6. Borislav Vukojević, senior assistant, Department of Journalism and Communicology, Faculty of Political Sciences, University of Banjaluka. Interview conducted in July, 2017 and January 2018
7. Ana Lucic, Centre for Civic Initiatives, non-governmental organization. Interview conducted in July, 2017
8. Dragana Stanković, lawyer. Interview conducted in July, 2017 and January 2018
9. Faruk Kajtaz, editor of website StarMo and Chairperson of the Club of Journalists in Mostar, December, January 2018
10. Inela Hadžić, coordinator at non-governmental organization Sarajevo Open Center, December, January 2018
11. Jasna Nikšić-Božić, editor of BHRT. April, May 2017
12. Lejla Zilić, dipl.iur., junior assistant, Law Faculty, University of Zenica. Interview conducted in June, July, 2017,
13. MA Stojana Petrović, senior assistant, Law Faculty, University of Banja Luka, December 2018
14. Marko Divković, President of the BH Novinari, December 2018
15. Mehmed Halilović, former Ombudsman for Media in Bosnia and Herzegovina. Interview conducted in July, October 2017
16. Mirjana Popović, deputy editor of Center for Investigative Reporting. April, September 2017, January 2018
17. Momčilo Novaković, Chairperson of the Committee for Transport and Communications of the House of Representatives, Parliament of Bosnia and Herzegovina, January 2018

18. Mr. sc. Zlatan Omerspahić, ass. Department for national and international public law, Law Faculty University of Zenica, PhD candidate at the Law Faculty, University of Osijek, September 2017, January 2018
19. Peđa Đurasović, a member of the defence team of the government of Bosnia and Herzegovina before the European Court of Human Rights. Interview conducted in May 2017
20. Prof. dr Zlatan Meškić, Law Faculty, University of Zenica, January 2018
21. Prof.dr Goran Marković, professor of the Constitutional law at the University of East Sarajevo. Interview conducted in July, 2017
22. Selma Alić, journalist, MA student at Marmara University in Istanbul, Turkey, January 2018
23. Prof. dr Spahija Kozlić, Law Faculty, University of Zenica, February 2018
24. Šušnjar, Adis, editor of online news portal Inforadar.ba, May, October 2017, January, April 2018
25. Doc. dr. sc. Zlatiborka Popov-Momčinović, Faculty of Philosophy East Sarajevo Bosnia and Herzegovina. January, February 2018
26. Aleksandra Tolj, journalist. January, February 2018
27. Đorđe Krajišnik, a journalist and literary critic. Interview conducted in July, 2017
28. Ministry of Communications and Transport, communication through E-mail on 25 September 2017
29. Tomislav Stjepanović, Head of the Government Department for Professional and Administrative Affairs, June 2017

Assessment of Media Development

The UNESCO/IPDC Media Development Indicators are a useful diagnostic tool for all stakeholders to assess the level of media development in a given country. The MDI studies serve to map the strengths and weaknesses of the national media environment and propose evidence-based recommendations on how to address the identified media development priorities. The MDIs have been endorsed by the Intergovernmental Council of UNESCO's International Programme for the Development of Communication (IPDC). They have proved invaluable in contributing to an improved environment for free, pluralistic and independent media in many countries, thereby supporting national democracy and development.

List of countries in which MDI-based assessments have been completed to date: *Bhutan, Bosnia and Herzegovina, Croatia, Curaçao, Dominican Republic, Ecuador, Egypt, Gabon, Jordan, Libya, Madagascar, Maldives, Mongolia, Mozambique, Myanmar, Nepal, Palestine, South Sudan, Swaziland, Timor-Leste, Tunisia, and Uganda.*

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