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BOSNIA AND HERZEGOVINA

Indicators of the level of media freedoms and safety of journalists in BiH 2021



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in BiH 2021**

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A PROJECT OF THE GERMAN MARSHALL FUND

| | | | |
|--|-----------|---|-----------|
| Introduction | 7 | | |
| A Legal Protection | 9 | | |
| A1 Legal guarantees for media freedom and journalists and their implementation in practice | 9 | | |
| A2 The effect of the Defamation law on journalists | 11 | | |
| A3 Legal protection of political pluralism in the media | 12 | | |
| A4 Freedom of work and association of journalists – legal guarantees and practice | 14 | | |
| A5 Legal protection of journalistic sources | 15 | | |
| A6 Protection of the right to access information | 15 | | |
| B Journalists' Position in the Newsrooms | 17 | | |
| B1 Economic constraints on journalists' freedom | 17 | | |
| B2 Editorial independence in private media | 18 | | |
| | | B3 Editorial independence in public service broadcasters | 19 |
| | | B4 Editorial independence in non-profit organizations | 20 |
| | | B5 Freedom of journalists in the news development production process | 21 |
| | | B6 Economic position of female journalists | 21 |
| | | C Journalists' Safety | 23 |
| | | C1 Safety and impunity statistics | 23 |
| | | C2 Conduct of state institutions and political actors regarding the protection of journalists | 26 |
| | | C3 Conduct of criminal and civil justice concerning threats and violence against journalists | 27 |
| | | Conclusions and Recommendations | 31 |

Overview and Scope of the Project

Associations of journalists from the Western Balkans, with the help of the European Commission¹, have established a common platform [Safejournalists.net](https://www.safejournalists.net) to monitor changes in the legislation of their respective countries but also in practice, as well as to engage in various advocacy activities to improve the political, legislative and institutional environment in which journalists and the media work. Since 2020, members of the platform are monitoring the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, Northern Macedonia, Montenegro, Kosovo² and Serbia). The situation is assessed every year based on a standardized methodology for data collection and analysis³, while the focus of advocacy research is on change in the traditional and online media environments in the Western Balkans.

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- 1 In December 2019, the European Commission approved the three-year [Safejournalists.net](https://www.safejournalists.net) project, which aims to strengthen national journalists' associations in the Western Balkans to become successful and accountable independent actors in advocating for the application of EU standards in the field of media freedom, with a long-term goal of promoting the right of citizens to informed choice. This action is a follow-up to the previous project (Regional Platform for the Western Balkans for Advocacy for Media Freedom and Safety of Journalists) and is based on the knowledge and experience built in the period 2016-2018. The Program for civil society organizations supports the action and media 2020-2022, Support to regional thematic networks of civil society organizations.*
 - 2 This name is without prejudice to the status and is in line with United Nations Security Council Resolution 1244 and the opinion of the International Court of Justice on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the Advocacy Survey Methodology was developed in 2016 and refined over the years to reflect the situation in the Western Balkans. The advocacy research was designed and coordinated by Snezana Trpevska and Igor Micevski, researchers at the RESIS Institute for Social Development Research in Northern Macedonia. (www.resis.mk).*

Methodological Note

The research methodology includes three groups of indicators developed based on a systematic analysis of various guides issued by relevant international organizations. Over the past four years, initially developed indicators have been tested and refined to take account of the characteristic socio-political context in the region and reflect the specific needs and interests of journalists in the seven countries.

A series of different research methods were used to collect and analyze the data and answer the indicative questions for each specific indicator:

- Desk research (review of studies, analysis of research reports, policy documents, strategies, and other documents);
- Qualitative analysis of legal regulations;
- Collecting and analyzing information published on the websites of public institutions and other organizations and bodies;
- Collecting and analyzing press releases, notices, and other information published by professional organizations;
- Secondary data collected from journalists' associations and trade unions;
- In-depth interviews with experts, journalists, and decision-makers;
- Focus groups with journalists;
- Surveys with journalists (in some countries).

At the national level, journalists' associations and trade unions appointed national researchers to collect data and write narrative reports, which were then reviewed by appointed experts and a lead researcher for each country. In Bosnia and Herzegovina, the Association BH novinari appointed Maja Radević as the lead national researcher, while Prof. Dr. Lejla Turčilo was selected as the media expert to review the report.

Table 1: Indicators of the level of media freedoms and safety of journalists in BiH

| A Legal protection | B Journalists' position in the newsrooms | C Journalists' safety |
|--|--|---|
| A1 Legal guarantees for media freedom and their implementation in practice | B1 Economic constraints in the work of journalists | C1 Safety and impunity statistics |
| A2 The effect of the defamation law on journalists | B2 Independence of journalists in private media | C2 Conduct of state institutions and political actors regarding the protection of journalists |
| A3 Protection of political pluralism in the media | B3 Journalists' independence in public services | C3 The attitude of the justice system toward threats and acts of violence against journalists |
| A4 Freedom of work and association of journalists | B4 Journalists' independence in the non-profit sector | |
| A5 Protection of journalistic sources | B5 Freedom of journalists in the process of news development | |
| A6 The right to access information | B6 The position of women in journalism | |

List of Abbreviations

| | |
|----------|--|
| CRA | Communications Regulatory Agency |
| BHRT | Radio and Television of Bosnia and Herzegovina |
| CEC BiH | Central Election Commission of Bosnia and Herzegovina |
| RTRS | Radio and Television of Republika Srpska |
| FTV | Radio and Television of the Federation of Bosnia and Herzegovina |
| EMA | Electronic Media Association |
| FPS | Faculty of Political Sciences |
| BIRN BiH | Balkan Research Network BiH |
| EU | European Union |
| RWB | Reporters Without Borders |
| CMDA | Center for Media Development and Analysis |

According to many analysts, in 2021, Bosnia and Herzegovina⁴ faced the biggest political crisis since the early 90s. After then-High Representative Valentin Inzko imposed amendments to the BiH Criminal Code banning genocide denial and glorification of war criminals in July that year, political leadership from Republika Srpska, led by the ruling party SNSD and the Serb presidency member Milorad Dodik, raised the issue of returning to the entity level of the competences and institutions assumed by the state, thus causing a deep political crisis, including the blockade of the work of the state parliament.⁵ The announcements about the Entity of Republika Srpska separating from BiH, a step that would lead to a complete collapse of the existing constitutional order underpinned by the Dayton Peace Accord, were getting louder. Listening to the “inflammatory” statements of politicians from all parts of BiH, many citizens feared new armed conflicts. At the same time, the economic crisis caused by the coronavirus pandemic has further deepened, and the prices of basic foodstuffs have risen significantly.

In such an environment, journalists and media faced multiple problems. The Free Media Helpline received a large number of reports on politicians and institution representatives restricting access to information and non-transparent treatment of journalists and media. While there were fewer physical assaults and threats relative to the previous period, the political pressures and attempted censorship were more frequent, direct, and pronounced. Politicians have been very active in trying to control editorial

4 24sata, “Analysts: Milorad Dodik is waging a political war, not armed conflict in BiH”. Accessed on 12.11.2021. <https://bit.ly/3JxXnPM>

5 Slobodna Evropa, “Representatives from the Republika Srpska blocking the work of the BiH Parliament”. Accessed on 12.11.2021. <https://bit.ly/3O3Jts4>

policies and create media content. What's concerning is that there is less and less discussion about the public reputation of the media and the preservation of their independence. One has the impression that many journalists, media owners, and editors have "come to terms" with political influences and pressures. It is particularly worrying that some of the highest political and judicial officials in the country, but also in the region, openly targeted and put pressure on certain journalists and media. Pressures from political representatives and judicial institutions have made journalists feel very unsafe and threatened, and in the long run, these pressures will have even more serious consequences for media freedom than physical and verbal attacks and threats.⁶

According to World Press Freedom Index, published by Reporters Without Borders (RWB), Bosnia and Herzegovina in 2021 ranked 58th with an index of 28.34, the same as the year before. The RWB report for BiH highlighted the political influence on the media, i.e., the constant manipulation of the media for political purposes, especially in the public broadcasting services but also in privately-owned media (and *online* media in particular).⁷ As indicated in the 2021 European Commission Report for BiH serious concerns continue to persist over political pressure, intimidation, and threats against journalists: "High-level politicians have resorted to public attacks and disparaging remarks against journalists, analysts, and media workers, particularly women. The authorities continue to downplay the issue and there is no data collection by public institutions on threats and attacks against journalists and media workers."⁸

Many media in BiH continue to struggle with the economic consequences of the coronavirus pandemic. The pandemic has significantly reduced advertising revenue and increased the cost of content production. The inflow of subscription revenues to public broadcasters has been reduced, and commercial media are facing a shortage of money in the market. It is estimated that the income of privately owned media decreased by up to 80% during the pandemic.⁹

The media landscape has not changed much compared to the previous year. According to the Communications Regulatory Agency (CRA), in BiH, there are 43 televisions and 143 radio stations broadcast via terrestri-

al broadcasting, three public broadcasting – services, and 53 licensees for broadcasting through other communication networks. According to the Press Council in Bosnia and Herzegovina, there are nine daily newspapers, 189 magazines (weekly, monthly, or periodical), and eight news agencies. There is still no register of *online* media, hence their exact number is not known. Researchers have mapped at least 615 active media portals in BiH¹⁰, and it is estimated that there are up to 2,000 of them. Recording the exact number of media, especially web portals, is further complicated by the fact that there is no legal obligation to register ownership, or publicly display media Impressum. Research shows that there are at least 270 web portals without Impressum in BiH that publish news content.¹¹

In terms of ownership and sources of income, there are three types of media: private, with majority commercial income, public broadcasting system, and local radio and TV stations, financed from the budgets of cantons and municipalities. The public broadcasting system consists of the Radio and Television of Bosnia and Herzegovina (RTVBiH), the Radio and Television of the Federation of BiH (RTVFBiH), and the Radio and Television of the Republika Srpska (RTRS), which are financed through RTV subscriptions and advertising. Entity governments finance two news agencies with the public funds – FENA and SRNA. Several *online* media operate as part of non-governmental organizations and are financed from international funds.¹²

6 SlobodnaEvropa, "More aggravated work of media workers in BiH during the pandemic". Accessed on 24.12.2021. <https://bit.ly/37F7CnY>

7 BH novinari, "Reporters Without Borders: "Political manipulation over media outlets in BiH, investigative journalism gives hope". Accessed on 24.12.2021. <https://bit.ly/3E7TKPC>

8 European Commission, "Bosnia and Herzegovina Report 2021". Accessed on 24.12.2021. https://ec.europa.eu/neighborhood-enlargement/bosnia-and-herzegovina-report-2021_en

9 DW, "How much were the private media in BiH infected with the "coronavirus"?". Accessed on 24.12.2021. <https://bit.ly/3E4rY6k>

10 Enes Osmančević, Mirza Mehmedović, Adis Šušnjar, Lejla Ilić Osmančević, "Mapping media webportals in BiH"; CPCD, Sarajevo, 2021. Accessed on 12.11.2021. https://civilnodrustvo.ba/wp-content/uploads/2021/06/Istrazivanje_Mapiranje-medjiskih-web-portala-u-BiH-1_compressed.pdf

11 SlobodnaEvropa, "270 portals in BiH without published names of owners, editors and journalists". Accessed on 12.11.2021. <https://bit.ly/3uwWSRA>

12 BH novinari, "Indicators of the level of media freedoms and safety of journalists in BiH". <https://bit.ly/3xm8wRb>

A1 Legal guarantees for media freedom and journalists and their implementation in practice

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

Although media and legal experts agree that BiH generally has good quality laws that guarantee the media freedoms and safety of journalists, including the freedom of expression on the Internet, and which are largely in line with EU standards, the inefficient implementation thereof, as well as differing case law and standards in BiH entities and Brčko District, remain the problem.

Are media and other laws relevant for journalists developed in a transparent and inclusive process i.e., in consultation with relevant professional associations?

In 2021, several initiatives were launched to amend the laws related to the work of the media and journalists. Draft Initiative for Amendments to the Election Law, in Chapter 16, which refers to the media, for the first time introduced notions of online media, social networks, and mobile applications. It provides a more precise definition of hate speech

and supplements the provisions describing the cases in which electronic media may refuse to publish political advertising.¹³

The BiH Ministry of Justice prepared a preliminary draft of the Freedom of Access to Information Act at the level of BiH Institutions, which contains several changes to the existing legal solution. Some of the proposed solutions, such as proactive publication of information and the establishment of a central portal for their publication, were regarded as positive. However, media and civil society representatives made several objections to the preliminary draft, in particular to the proposed expansion of the restrictions on information access and longer deadlines for responding to requests, and asked the Ministry of Justice to withdraw the preliminary draft until it is corrected and aligned with international standards.¹⁴ Also, no progress has been made regarding the initiative to amend the Law on Protection against Defamation, which was adopted by the BiH Parliamentary Assembly in 2020.¹⁵

In 2021, there were no changes to the criminal codes that would make the prosecution of those responsible for threats and attacks on journalists more efficient. The European Commission once again repeated its criticism about the legal framework in the field of media not being aligned with international and European standards.¹⁶

Were there any attempts by state authorities to impose licensing or other strict requirements for the establishment of print and online media? Do these requirements go beyond mere registration of companies and taxes? Were there any attempts by the authorities to restrict the right to access the Internet or to block or filter Internet content?

In 2021, no attempts have been made by the authorities to impose licensing or other strict requirements for the establishment of print and *online* media, or restrict the right to access the Internet. The need to prevent and more effectively sanction hate speech – directed at both, the journalists and the media, and in general in comments on *online* portals and social networks is becoming an increasingly important topic not only in the

media community but also in non-governmental organizations and regulatory bodies. According to the Special Report on Hate Speech published by the BiH Human Rights Ombudsmen, BiH has a strong legislative and institutional framework to combat hate speech, but on the other hand, the level of sanctioned incidents involving hate speech is very low.¹⁷

Media and legal experts, as well as some government officials, believe that the existing legal provisions on hate speech and what is considered hate speech are vaguely defined, hence, special laws banning hate speech need to be enacted to prevent this occurrence rather than to deal with its consequences. The issue of regulating hate speech content on Facebook and other social networks is particularly relevant. However, despite official initiatives and proposals in parliaments, there is still no political will to pass a special law banning hate speech.¹⁸

In 2021, the Press Council in BiH received 509 hate speech complaints, of which as many as 505 were related to comments made by visitors of the Internet portals.¹⁹

Does the regulatory body perform its functions in an independent and non-discriminatory manner? Are the licensing and other broadcasting regulations applied in a fair and neutral manner?

The Communications Regulatory Agency (CRA) still lacks full political and financial independence. CRA management appointment procedure needs to be revised to improve the public perception of this institution as a neutral and independent body.

Are the legal provisions on state advertising in the media abused to exert political influence on editorial policy? Is the distribution of state funds transparent, fair, and non-discriminatory?

2021 saw no progress in terms of adopting the law on transparency of media ownership, the law on advertis-

13 Paragraf, "Central Election Commission proposed amendments to the BiH Election Law". Accessed on 24.12.2021. <https://bit.ly/37FbRzU>

14 Selma Učanbarlić, "Freedom of Access to Information Act in BiH", August, 2021. Accessed on 21.12.2021. https://bhnovinari.ba/wp-content/uploads/2021/09/Analiza_ZoSPI-FINAL.pdf

15 BH Novinari, „Politicians must accept media criticisms as part of the freedom of expression, not as libel". Accessed on 24.12.2021. <https://bit.ly/3rjSpVh>

16 European Commission, "Bosnia and Herzegovina Report 2021". Accessed on 24.12.2021. https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en

17 BiH Human Rights Ombudsman Institution, "Special Report on Hate Speech in BiH", Banja Luka, July 2021. Accessed on 28.12.2021. https://www.ombudsmen.gov.ba/documents/obnudsmen_doc2021111511252845bos.pdf

18 Damir Marjanović, delegate in the House of Peoples of the FBiH Parliament, interviewed by Maja Radević, 11.6.2021.

19 Data from the website of the Press Council in BiH. Accessed on 11.1.2022. <https://www.vzs.ba/>

ing, and the criteria for the distribution of subsidies.²⁰ Generally, the public has no access to information about the funds allocated to the media from the budget, and the allocation criteria are not clearly defined.

Government institutions at all levels in BiH are estimated to spend about BAM 30 million annually on the media. The CMDA research (Center for Media Development and Analysis) showed that about BAM 1.5 million is spent annually on publishing announcements, public calls, and tenders, while more than five million BAM per year is spent on hiring media to monitor the work of authorities and do other kinds of promotions. Cantons and municipalities in the Federation of BiH spend 80% of their media budgets on direct funding of local public media, as opposed to 60% in Republika Srpska. The rest of the money is invested in various promotion and advertising contracts.²¹

What are the mechanisms for media financing in ethnic minority languages?

No media are operating in the languages of national minorities in Bosnia and Herzegovina. There is no special financing mechanism to support producing media content targeted at national minorities within public media, despite the legal obligation to produce content in the languages of national minorities at least once a week.²²

Are the autonomy and independence of the public service broadcasters guaranteed and effectively protected? Does the financial framework ensure its independence and stability? Does the supervisory body represent society as a whole?

The Law on the Public Broadcasting System, which is inconsistent with Entity regulations and only partially implemented, remains one of the biggest problems. The boards of directors of the three public service broadcasters are under political control. There is still no efficient model in place for collecting RTV subscription fees, which seriously threatens the financial sustainability of public service broadcasters.²³ Due to a lack of confidence in public service broadcasters and dissatisfac-

tion with the program content, some citizens refuse to pay the RTV subscription. Mutual debts are a big problem. The management of RTRS decided to stop paying the RTV fee to the joint account of BHRT, thus directly violating the Law on Public Broadcasting System.²⁴ As a result, the operations of the BHRT are seriously compromised. Their current claim from the collected RTV subscription fees in the Republika Srpska is over BAM 60 million. BHRT is late with paying employees and was forced to lay off several dozen journalists and other program workers who worked based on fixed-term contracts.²⁵

The EC reports on Bosnia and Herzegovina for 2020 and 2021 point to the problem of politicization of steering boards, which has a negative effect on the editorial policy of public broadcasters and results in self-censorship. The report highlights the need to ensure the financial sustainability and political independence of public broadcasters and harmonize the entity legislation with the state law on the public broadcasting system.²⁶

A2 The effect of the Defamation law on journalists

Are the provisions of the Defamation law strict and do they protect civil servants? What are the main shortcomings of these laws?

Having adopted the Laws on Protection against Defamation at the entity and Brčko District levels in the period from 2001 to 2003, BiH became the first country in the Western Balkans to decriminalize defamation. However, contrary to expectations, the number of defamation lawsuits against journalists, editors, and the media did not decrease in the first years following the adoption of the law and is still very high. The EC Report on Bosnia and Herzegovina for 2021 states that despite the decriminalization of defamation, politicians continue to use civil suits to intimidate journalists.

20 Zarifa Hrnjić Kuduzović, "Together towards better media laws", Udruženje BH novinari, 2021. Accessed on 20.12.2021. <https://bhnovinari.ba/wp-content/uploads/2021/07/Zajedno-ka-boljim-medijskim-zakonima-analiza-medijske-legislative-u-BiH-sa-preporukama-za-unapredjenje-1.pdf>

21 Media, "Institutions in BiH invest tens of millions of BAM a year in the media". Accessed on 23.12.2021. <https://bit.ly/3v99hKN>

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

23 BH novinari, "Along with the preparation of the new BiH Law on Public Broadcasting Services: Yet another fairy tale". Accessed on 4.12.2021. <https://bit.ly/37AcpHr>

24 BH novinari, "Boards of the PBS must stop working in the interest of politics". Accessed on 23.12.2021. <https://bit.ly/3EGuvwX>

25 BH novinari, "Journalists are the most important asset of BHRT – they shouldn't be in the streets". Accessed on 17.2.2022. <https://bit.ly/3LWZbmX>

26 European Commission, "Bosnia and Herzegovina Report 2021". Accessed on 24.12.2021. https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en

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

According to the register of the Free Media Helpline, in July 2020, there were 289 pending defamation lawsuits against journalists and the media.²⁷ Nearly 80% of lawsuits against journalists and the media are filed by political officials and directors of public institutions. Compensation claims range mainly between five and ten thousand BAM.²⁸

To what extent are court decisions against journalists politically motivated? What sentences have been imposed?

In addition to the lawsuits, requests to delete published texts and remove other media content, which threaten to restrict media freedom and undermine the professional credibility of journalists and media, a new form of pressure is noted – frequent announcing of the lawsuits in public, which, in fact, are never being filed. The media receive such requests even when they publish true and verified information that harms certain centers of power.²⁹

In 2021, there were two cases of SLAPP lawsuits with extremely high claims and so-called court penalties, which threaten the financial survival of certain media. Journalists and editors of these media, as well as journalists' associations, believe that such court decisions are politically motivated and aimed at stifling investigative journalism.³⁰

Do courts recognize the established mechanism of self-regulation? Do they accept the validity of the published retraction, correction, or apology?

When examining defamation lawsuits most courts in BiH take into account retractions, apologies, and corrections of incorrect allegations in the media, and seldom do they award non-pecuniary damage over BAM 5,000 (approximately EUR 2,500). For the sake of legal certain-

ty, the media community is proposing to set the ceiling of non-pecuniary damage in the law, while legal experts seek the introduction of a special fee for initiating defamation lawsuits, which they believe would ultimately reduce the number of lawsuits.³¹

What do journalists think about the defamation law? Are they discouraged from researching and writing critically?

The initiative to amend the Defamation law and thus introduce “stricter” standards of acceptance, tolerance, and proof of defamation in cases of lawsuits by public figures against private individuals, which was adopted in 2020 by the BiH Parliamentary Assembly, has not yet been translated into the law. The major shortcoming is the uneven domestic case law and insufficient application of case law of the European Court of Human Rights in proving defamation. Journalists and their legal representatives are often dissatisfied with the sanctions imposed for defamation and consider them too severe, especially the fines. The lawsuits are often perceived as a form of political pressure.³²

A3 Legal protection of political pluralism in the media

Is political pluralism in the media regulated by media legislation outside of election processes? What are the obligations of public service broadcasters and private broadcasters regarding political pluralism outside the election process?

Respect for the pluralism of information, and diversity of political, religious, and other ideas is part of the entity PSB laws, as well as of the BiH Communications Act.³³ The regulatory principles of broadcasting include, *inter alia*, “the protection of freedom of expression and diversity of opinion while respecting generally accepted standards of conduct, non-discrimination, fairness, accuracy, and impartiality”. Obligations of private media in this regard outside the electoral process are not sufficiently regulated by law.

27 Media, “In BiH, 289 defamation lawsuits against journalists and media pending”, Sarajevo, 2020. Accessed on 13.11.2021. <https://bit.ly/3uwyMqg>

28 Mehmed Halilović, “Defamation lawsuits against journalists – a means of exerting pressure on the media”, Sarajevo, 2018. Accessed on 11.12.2021. <https://bit.ly/37AenqN>

29 Lejla Turčilo, Prof. Dr. Faculty of Political Science in Sarajevo, interviewed by Maja Radević, 11.10.2021.

30 BH novinari, “Verdict against the magazine Žurnal directly threatens the freedom and work of the investigative media”. Accessed on 11.12.2021. <https://bit.ly/3juFbMl>

31 Biljana Radulović, lawyer working at the Free Media Helpline, interviewed by Maja Radević, 15.11.2021.

32 Vildana Džekman, coordinator of the Free Media Helpline, interviewed by Maja Radević, 14.11.2021.

33 BiH Communications Act, Article 4. <https://bit.ly/3nj7vFP>

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

The Communications Regulatory Agency (CRA) is obliged to monitor compliance with the requirement of political pluralism in the electronic media throughout the year, but this monitoring is mainly done during election campaigns. The activity of public and private media during election campaigns is regulated by the BiH Election Law, but the provisions of this law mostly apply to electronic media and to a lesser extent to print media, while *online* media are not subject to legal provisions at all. Adherence to professional standards in print and *online* media is monitored by the Press Council in BiH, a self-regulatory body.³⁴ However, media monitoring in the election campaigning period is most often done by NGOs.

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

The content of PSBs, and especially of local media, is mostly based on a small number of sources and interlocutors discussing certain topics while conflicting opinions can rarely be heard. In terms of pluralism of views and fulfillment of public interest, web portals are the worst, and most media indiscriminately re-publish the views of officials and statements from government institutions.³⁵

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

Analyses of media coverage during the election campaigns point to many violations of legal provisions, especially in *online* media³⁶. Research shows that the share of media space given to candidates who are not holders of public office is higher than that of the elected officials, while the candidates of new political options and parties are significantly less represented.

The 2020 Local Elections campaign monitoring, which was conducted by Transparency International BiH, demonstrated all the shortcomings of the Election Law and the Law on Financing of Political Parties regarding the ban on the use of public functions and public institutions for promotion during the election campaign. For this reason, it is necessary to introduce mechanisms to prevent the misuse of public funds, public functions, and public institutions during election campaigns.³⁷

In June 2021, the Central Election Commission of BiH (CEC) published a Draft Initiative for Amendments to the Election Law of BiH³⁸, which for the first time mentions *online* media and their responsibilities. According to Article 16 of this Draft, the CEC shall be authorized to conduct a procedure of establishing the liability of political entities for presenting false information through electronic media and the Internet. Among other things, this Draft envisages that “the media shall publish and make transparent their media ownership information”, while journalists i.e., anchorpersons shall not express their party affiliation i.e., affection during the election period. The part of the Law relating to the rights of the media to refuse to publish paid political advertising has also been significantly expanded.

The draft also imposes an additional obligation on public radio and television service broadcasters to allow female candidates in the election at all levels of government a free 30-minute slot to present their political program during the election campaign. The proponents intended to facilitate women’s political advancement through greater media coverage and contribute to the inclusion of gender equality issues in the programs of political entities. By the end of 2021, this draft had not entered parliamentary procedure.

34 Maja Radević, “BiH: Indicators of the level of media freedoms and safety of journalists in BiH for 2019”. <https://safejournalists.net/wp-content/uploads/2020/12/BiH-BiH-2019.pdf>

35 Udruženje BH novinari, “Monitoring the content of local media in BiH, prepared by Prof. Dr. Lejla Turčilo”, Sarajevo, Oktobar 2020. <https://bit.ly/3E6JOWI>

36 BH novinari i Koalicija Pod lupom, “Media coverage monitoring in the 2018 General Election Campaign”. Accessed on 23.12.2021. <https://bit.ly/3izTqYI>

37 Transparency International BiH, “Monitoring of the 2020 Local Elections Campaign”. Accessed on 23.12.2021. <https://ti-bih.org/wp-content/uploads/2021/05/TIBiH-Monitoring-Izborne-Kampanje-2020-WEB-FIN.pdf>

38 Draft Initiative for Adoption of the Law on Amendments to the Election Law of Bosnia and Herzegovina. Accessed on 23.12.2021. https://www.izbori.ba/Documents/2021/09/IZ_izmjene_dopune-bos.pdf

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

Do journalists have to be licensed by the state? Have there been any attempts in the past year for the state to introduce such licenses?

Journalists in Bosnia and Herzegovina need not license by the State and in 2021 there have been no attempts to introduce such licenses. Most media, when hiring a journalist, require certain qualifications such as a university diploma in journalism or another social science discipline. Freedom of work and association in the media industry is defined by the existing Entity labor laws, as well as by many other laws (BiH criminal legislation, strike laws, laws on public order and peace, defamation laws ...).

Are journalists organized in unions and if so, in what way? Are there pressures on union leaders and other union members? Are journalists free to join unions?

Labor legislation in BiH is largely aligned with relevant international conventions, but some provisions, such as the provisions on termination of employment contracts, are imprecise and in practice allow for the arbitrary lay-off of workers. In absence of a union that brings together journalists only, most journalists in BiH are members of journalists' associations, and about 18% of them are members of one of the unions of media professionals operating in BiH. The largest unions in terms of membership are those in public media (79%) – RTV.³⁹ The largest is the Union of Media Workers and Graphic Artists with about 800 members, followed by the Independent Union of Workers in the BHRT with about 500 members. Journalists are free to join trade unions, however, the union membership is often divided, so for example BHRT has two trade union organizations.

Are journalists organized in professional associations and if so, how? Are their organizations or individual members subject to pressures?

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

ists and media in BiH, the most active of which are the Udruženje/Udruga *BH novinari*, *Društvo novinara BiH*, *Udruženje novinara RS*, the Union of Media Workers and Graphic Artists of RS, the Human Rights Ombudsman Institution. There is no trade union with exclusively journalist membership that deals with their rights only.

In view of journalists and editors, a single union of media professionals at the state level, better education on journalistic rights and media freedoms, and the work to improve the economic position of journalists are necessary to improve the environment for journalists and media in BiH.⁴⁰ When it comes to their labor rights, journalists most often turn to the Association of Journalists of BiH, the Communications Regulatory Agency, the Press Council of BiH, and the Institution of the Human Rights Ombudsman.

Only 18% of journalists are members of one of the unions operating in BiH, and these are mostly journalists from public media (79%), namely, radio and television. In contrast, about 62% of journalists are members of one of the journalists' associations in BiH.⁴¹

Is there a Press Council and how is it organized? Are the representatives of the Press Council subject to any pressure?

In 2021, the Press Council in BiH, which acts as a self-regulatory body, received a total of 1,073 complaints, of which 509 complaints related to hate speech in the comments of portal visitors and texts.⁴² Although not exposed to direct threats from institution representatives or other powerful groups or individuals, members of the Press Council were exposed to unpleasant reactions from complainants and media editors dissatisfied with the outcomes of their complaints.

39 Amer Džihana, "Survey on Working Conditions and Rights of Journalists, Legal Framework and Management of Local Media in BiH", Sarajevo, January 2021. Accessed on 14.12.2021. <https://bhnovinari.ba/wp-content/uploads/2021/02/RADNA-PRAVA-FINALNI-IZVJESTAJ.pdf>

40 Focus group with journalists and editors in BiH, 2.9.2021.

41 Ibid

42 Data from the website of the Press Council in BiH. Accessed on 11.1.2022. <https://www.vzs.ba/>

A5 Legal protection of journalistic sources

How is the confidentiality of journalists' sources guaranteed by law? Under what circumstances can the right to protection of the sources be restricted?

According to defamation laws at the level of the entities and the Brčko District “a journalist, and any other natural person regularly or professionally engaged in the journalistic activity of seeking, receiving or imparting information to the public who has obtained information from a confidential source has the right not to disclose the identity of that source. This right includes the right not to disclose any document or fact which might reveal the identity of the source, in particular oral, written, audio, visual or electronic material.⁴³ The confidentiality of journalistic sources is also defined by the Press and Online Media Code of BiH.⁴⁴

Although Criminal Procedure Codes stipulate that a journalist may not be heard as a witness for the purpose of protecting the source of information in criminal proceedings, these laws at the same time criminalize “unlawful acquisition of classified information” and its unauthorized use. Legal experts hold that in such cases, the issue of public interest must have priority, regardless of legal provisions.⁴⁵

Do the authorities respect the confidentiality of journalists' sources? Were there any orders for journalists to disclose their sources and was this justified by the protection of the public interest?

Some politicians and judicial representatives often put pressure on journalists covering corruption to reveal their sources. Some journalists who have exposed several major corruption scandals have been summoned to prosecutor's offices for “informative interviews”, during which the prosecutors tried to find out how they obtained certain information. Politicians and representatives of the highest judicial institutions have taken issue with the disclosure of secretly made footage and pho-

tographs in the media, publicly accusing journalists of illegal activities.⁴⁶

In 2021, there were no sanctions for journalists who refused to disclose the identity of the source nor court rulings ordering them to do so.

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

Despite the pressure, journalists generally manage to protect their sources of information and are well acquainted with legal provisions that allow them not to disclose the identity of their sources. Investigative journalists are free to contact protected sources and mostly hold that all possible risks are part of the “job description”.⁴⁷

A6 Protection of the right to access information

What are the legal rules on access to official documents and information relevant to journalists? Do journalists resort to these rules? Do the authorities comply with the rules without delay?

The right to access information in BiH is regulated by the Freedom of Access to Information Acts adopted at the State and Entity levels in 2000 and 2001 respectively. Civil society organizations and the media have been pointing out for years that they are not satisfied with certain provisions of the Law, especially non-transparency of institutions, untimely and incomplete answers to FOIA requests, and often complete disregard of the requests.

Legislation on freedom of access to information and hate speech remains fragmented and inconsistent with international and European standards, and legal provisions on data protection and access to information are still interpreted in a way that protects private rather than public interests.⁴⁸

The BiH Ministry of Justice has drafted a new Preliminary Draft Law on Freedom of Access to Information at the

43 “Law on Protection against Defamation of FBiH”, Article 9, This provision is identical in the laws of the RS and Brčko District. <https://bit.ly/3JG2RWV>

44 BiH Press and Online Media Code, Article 13 <https://bit.ly/3NY45Js>

45 Biljana Radulović, lawyer working at the Free Media Helpline, interviewed by Maja Radević, 15.11.2021.

46 Milan Tegeltija, “Why a journalist cannot legally divulge an illegally made recording, e-, No. 76”. Accessed on 22.11.2021. <https://bit.ly/3v8ktCM>

47 Avdo Avdić, journalist and editor of the *Istraga.ba* portal, interviewed by Maja Radević, 11.11.2021.

48 European Commission, “Bosnia and Herzegovina Report 2021”. Accessed on 24.12.2021. https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en

level of BiH institutions⁴⁹. Public consultations on this preliminary draft opened in early 2021 and lasted until the end of 2021.

The preliminary draft received many objections. Journalists and representatives of civil society held that the offered solutions are not in line with international standards and could compromise the acquired rights and undermine the achievements made by the current law.⁵⁰

Are state authorities generally transparent? Do they have open, non-discriminatory, and fair relations with the media or do they tend to work in secret? Do state institutions have a selective approach to the media towards which they are politically inclined? How open are governments and ministries to the public?

One of the main problems of the existing law is that institutions do not have a legal obligation to publish information of public importance. A survey conducted by Transparency International BiH for the first nine months of 2021 showed that a large number of BiH institutions continue to completely ignore or dismiss requests for access to information.⁵¹ In 2021, ten cases of the ban on access to information and three cases of censorship were reported to the Free Media Helpline. Journalists hold that there should be an independent body responsible for acting promptly on complaints and monitoring the application of the Law, while the existing deadline of 15 days to act on FOIA requests should be shortened.⁵²

Representatives of institutions often perceive the media as a platform for (self) promotion and expect them to uncritically convey the views of the government. This is particularly pronounced in the budget-funded local media, which the ruling parties often regard as “their own”.⁵³

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

Journalists and media experts have been openly criticizing the non-transparency of judicial institutions, in particular the BiH Prosecutor’s Office, for years.

A.6.2 After [the petition](#) for greater transparency of the judiciary sent to the BiH High Judicial and Prosecutorial Council, journalists of BIRN BiH managed to get the BiH Prosecutor’s Office to start publishing confirmed indictments on its website, which has not been the case so far. According to [BIRN research](#), nearly 10% of judicial institutions in BiH dismiss requests for access to information sent via e-mail.

Is public access to Parliament sessions provided? Are there any restrictions for journalists in covering the work of Parliament?

Journalists monitor sessions of parliaments/assemblies mainly via *online* platforms, and some of the sessions are also broadcast live on TV. In 2021, the Free Media Helpline received two reports regarding restricted access to municipal council sessions.

49 Preliminary draft Freedom of Access to Information Act at the Level of BiH Institutions. Accessed on 13.1.2022. <https://bit.ly/3KMzR2l>

50 Selma Učanbarlić, “Freedom of Access to Information Act in BiH”, August 2021. Accessed on 13.1.2022. https://bhnovinari.ba/wp-content/uploads/2021/09/Analiza_ZoSPI-FINAL.pdf

51 Transparency International BiH, “Report on the implementation of the FOIA in 2021”. Accessed on 13.1.2022. <https://ti-bih.org/wp-content/uploads/2021/09/lzvjestaj-FOI-2021-odvojene-tabele-WEB.pdf>

52 Zinaida Đelilović, “Along with the current amendments to the FOIA: the media need public information in a simple way and without time constraints”, June 2021. Accessed on 12.1.2022. <https://bit.ly/3rjJiPP>

53 Lejla Turčilo, BH novinari, “Monitoring the content of local media in BiH”, Sarajevo, October 2020. <https://bit.ly/3rjhZFh>

B1 Economic constraints on journalists' freedom

How many journalists have signed employment contracts?
Do they have adequate social protection? How much are
journalists paid? Are they paid salaries regularly?

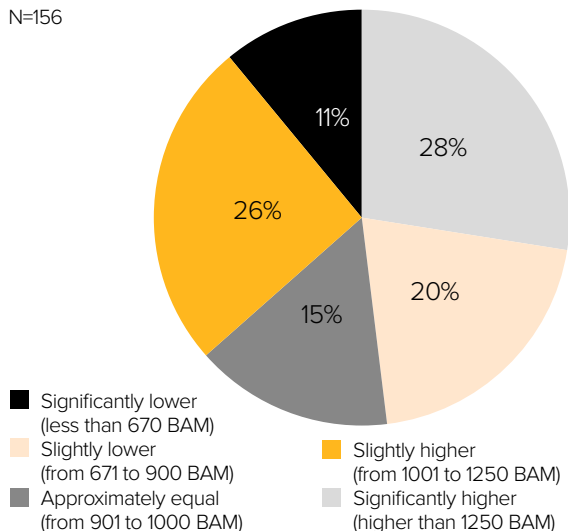
Almost half of the journalists have a salary below the average net salary in BiH, and they are not paid for overtime. Most journalists are dissatisfied with their income and working conditions, especially due to a lack of opportunity for education and professional advancement.⁵⁴

Economic pressures on the media are increasing from year to year, and this is reflected in journalistic reporting and impartiality. There are fewer and fewer young people who want to be involved in journalism. Younger generation journalists find it difficult to get contracts for an indefinite period and a decent income, and they often experience mobbing from older colleagues.⁵⁵

⁵⁴ Amer Džihana, "Survey on Working Conditions and Rights of Journalists, Legal Framework and Management of Local Media in BiH", Sarajevo, January 2021. <https://bhnovinar.ba/wp-content/uploads/2021/02/RADNA-PRAVA-FINALNI-IZVJESTAJ.pdf>

⁵⁵ Focus group with journalists and editors in BiH, 2.9.2021

N=156



Graph 2: The amount of net salary compared to the average net salary in July 2020 in BiH (source: BHN and AEM: "Survey on Working Conditions and Rights of Journalists, Legal Framework and Management of Local Media in BiH")

According to a survey conducted by *BH novinari*, which involved over 200 journalists from public and private media, 57.5% of journalists are full-time employed, while 19.3% of them have the status of a part-time associate. When it comes to their income, their salaries usually range between BAM 500 and BAM 1,500. In general, the journalists' salary often depends on the ownership structure of the media.

Looking at the type of media ownership, the worst situation is in media owned by NGOs, where two-thirds of employees have a below-average salary. Comparisons by type of media show that the worst situation is in the print media, where nearly 60% of journalists have a below-average salary, while the best situation is on TV stations.⁵⁶

What are the working conditions of journalists? What are the major problems they face in the workplace?

Most journalists are members of some of the journalist associations, and some – mostly those who work in the public media – are also members of trade unions. A large number of journalists (39%) hold that the working conditions in the media have neither deteriorated nor

improved, while as many as 31% hold that the situation has worsened. One-quarter of journalists feel that some improvement has been made.⁵⁷

In 2021, the Free Media Helpline received nine reports related to labor disputes or mobbing – six more than the year before. Journalists most often report the cases of demotion i.e., being transferred to other positions, irregular salary and contribution payments, salary cuts and work for the "minimum" wage, and attempts of pressure and censorship on the part of editors.

B2 Editorial independence in private media

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

Most private media have a clear organizational structure and a defined relationship between journalists, editors, and media owners. Most journalists describe their relationship with superiors as "mostly good" (35.7%) or "excellent" (24.6%), while some claim that this relationship varies between good and bad.⁵⁸ There is no information on the existence of special documents guaranteeing the independence of newsrooms from management and marketing departments.

Have private media adopted other rules that protect editorial independence from media owners and management structures? Are such rules respected?

There are no special rules in the private media that protect editorial independence. Depending on how much the media outlet is exposed to political and economic pressures, in some media outlets journalists have more freedom than others. Privately owned commercial media are driven by profit, which largely shapes the agenda for their reporting, and economic and political pressures are often highly intertwined.

The media are often insufficiently critical of the government and negative social phenomena. Bias is particularly visible in the private media and is manifested in the

⁵⁷ Ibid

⁵⁸ *BH novinari i Pro Educa*, "Distribution of power in the BiH media in 2019". Accessed on 14.12.2021. <https://bhnovinari.ba/wp-content/uploads/2020/09/Raspodjela-mo%C4%87i-u-bh-medijima-2019.pdf>

⁵⁶ Ibid

connection between media owners and political power structures, which inevitably affects the quality of media reporting. Political parties often establish their own, private *online* media or they use the existing ones by converting them into their party bulletins and “mega-phones”.⁵⁹

Do private media newsrooms have internal codes of ethics or adhere to a general code of ethics?

Most private media have no internal codes of ethics, hence journalists and editors are mostly guided by their own ethical norms and principles, while some media adhere to the BiH Press and Online Media Code.⁶⁰ The general assessment of the professional community is that respect for journalistic ethics is not at an enviable level, and the speed of publishing news, clickbait, and sensationalism often override the ethics.⁶¹

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

The level of income is one of the main forms of pressure on journalists, and the subservient attitude towards advertisers and political officials is increasingly threatening the journalistic profession. Owners exert pressure by concluding contracts with journalists for a fixed (very short) period, dismissing journalists without notice, and making them work overtime that is not paid. Economic pressure is growing from year to year, and journalists and editors claim that from the outbreak of the pandemic it has been generally more difficult to reach interlocutors. At the same time, the scope of their work tasks was significantly increased.⁶²

What is the most illustrative example of the pressure media owners or managers exert on a newsroom or a particular journalist in the past year?

The management of the Radio Free Europe (RSE) newsroom in Sarajevo laid off a large number of employees, only to invite them shortly afterward to apply for vacancies for the same or similar jobs. Although they all applied, many of them were not re-hired for the jobs

they previously performed. Four journalists sued RSE and hired a lawyer to take action before the Sarajevo Municipal Court. In addition to this case, the Free Media Helpline received a report from a journalist of an *online* media outlet who complained about being mobbed by the editor-in-chief and his labor right being violated in the newsroom.

B3 Editorial independence in public service broadcasters

Is there a code of conduct for journalists and editorial independence in PSBs? Do journalists adhere to this code? Do public service broadcasters have internal organizational rules to make newsrooms independent of governing bodies? Are such rules respected?

According to the Law on the Public Broadcasting System of BiH and entity laws governing public broadcasters, public service broadcasters must be “independent in performing their activities, have editorial independence and institutional autonomy.”⁶³ Public service broadcasters have documents that regulate the work of administrative bodies and program councils. However, the problem is that people are appointed to these bodies primarily based on ethnic principles rather than merits.⁶⁴

What are the most common forms of government pressure on newsrooms or individual journalists in PSBs?

The depoliticization of public broadcasters and the choice of management independent of political power structures remain unresolved issues. The 2003 law on the public broadcasting system continues to be only partially enforced, and entity laws on broadcasting are still not aligned with it. Therefore, the three public broadcasting services continue to be exposed to political influence, in particular through politically controlled steering boards, with a worrying trend of self-censorship.⁶⁵

The State has not yet introduced an appropriate model for collecting broadcasting fees that would ensure financial sustainability and political independence of pub-

59 Enes Osmančević, “Government, media and public in BiH: unfulfilled expectations”, November 2019. Accessed on 14.12.2021. <https://bit.ly/3KFo1rh>

60 Press Council, “The BiH Press and Online Media Code”. Accessed on 14.12.2021. <https://www.vzs.ba/index.php/vijece-za-stampu/kodeks-za-stampu-i-online-medije>

61 Dženana Burek, interviewed by Maja Radević.

62 Focus group with journalists and editors in private media, 16.11.2021.

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

64 BH novinari, “Along with the preparation of the new BiH Law on Public Broadcasting Services: Yet another fairy tale”. Accessed on 04.12.2021. <https://bit.ly/3O88zWE>

65 European Commission, “Bosnia and Herzegovina Report 2021”. Accessed on 24.12.2021. https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en

lic broadcasters. Advertising practices of public companies, such as telecommunications companies and advertising agencies affiliated with political parties, undermine the integrity of the media, and local public media are particularly vulnerable to political pressures and influences.⁶⁶

The working environment burdened with politicization makes it much more difficult for journalists to consistently adhere to professional and ethical norms. News offer viewers politicized and contradictory information, which is contrary to the mission of public broadcasters – “work in the interest of citizens”. All this has led to the collapse of public confidence in public broadcasters.⁶⁷

In 2021, the authorities several times tried to openly influence the editorial policy of public broadcasters. These attempts provoked several public reactions from the Board of Directors of the Association *BH novinari*.⁶⁸

It is estimated that in the Federation of BiH, more than BAM 12.5 million are spent annually on media that have the status of public enterprises, and in the Republika Srpska, where the number of public broadcasters is half as much, over four million BAM. There are also examples of public media that have several founders, so they are financed from several public budgets.⁶⁹

B4 Editorial independence in non-profit organizations

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

There are not many non-profit media in BiH. The work of those media outlets operating within non-governmental organizations, whose journalists are generally considered politically impartial and engaged in investigative journalism, is financed mostly by donor funds and money from international organizations. Journalists and editors of these media are often exposed to political pressures aimed at compromising their professional and

personal reputation, as well as hate speech and *online* violence, which was particularly pronounced in 2021.

What is the most illustrative example of pressure on non-profit media?

Due to the inflammatory rhetoric targeted at many journalists and media that he uses every day in his posts on Facebook, The Prosecutor’s Office of Bosnia and Herzegovina, in cooperation with the Luxembourg authorities, has launched an investigation against Jasmin Mulahusić, a Luxembourg citizen of BiH origin, for the criminal offense of inciting national, racial and religious hatred, discord and intolerance.⁷⁰

Several investigative web portals were subject to targeted hacker attacks, and politicians in the Federation and Republika Srpska eagerly publicly named and targeted investigative journalists and media whose writing did not suit them.⁷¹ The so-called SLAPP lawsuits are a new form of pressure on the work of independent media, which threaten to directly threaten the survival of certain media.⁷²

There are serious indications of the telephone communication of some journalists being secretly monitored by the Intelligence and Security Agency for years.⁷³

Due to this, independent media journalists are doing their work under a daily pressure, stress, and threats. Although they report hate speech, threats, and attacks to competent institutions, they generally do not trust the judicial system, nor the effectiveness of sanctions for perpetrators.⁷⁴

66 *BH novinari*, “Boards of the PBS must stop working in the interest of politics!”. Accessed on 28.12.2021. <https://bit.ly/3vexkYe>

67 Zariša Hrnjić Kuduzović, “Together towards better media laws”, Sarajevo, 2021. <https://bit.ly/37dnmyT>

68 *BH novinari*, “Inadmissible interference of the KS Assembly MPs with the editorial policy of TVSA”. Accessed on 28.12.2021. <https://bit.ly/3razRiN> / *BH novinari*, “Financing of local media must be transparent and in the interest of all citizens”. Accessed on 28.12.2021. <https://bit.ly/3O5KT5f>

69 Sanela Hodžić, “Financing the media from the public budget”. Accessed on 24.12.2021. <https://bhnovinari.ba/wp-content/uploads/2019/10/Finansiranje-medija-iz-javnog-sektora.pdf>

70 *BH novinari*, “Inadmissible inflammatory rhetoric of Jasmin Mulahusić against journalists and media in BiH”. Accessed on 24.12.2021. <https://bit.ly/3JsuHkQ>

71 *BH novinari*, “NiP President Konaković puts the target on the back of journalist Avdić”. Accessed on 24.12.2021. <https://bit.ly/3E349vI>

72 An example of this is the first-instance verdict of the Sarajevo Municipal Court in a defamation lawsuit against online magazine *Zurnal*, which orders editors and journalists to pay more than BAM 170,000, without interest. <https://bit.ly/3rj1k4u>

73 *Dnevni avaz*, “Who are the media that OSA eavesdrops on: Osmica admitted that journalist of *Dnevni avaz*, *Klix*, *FTV*, *FACE TV* are “under measures”. Accessed on 11.1.2021. <https://bit.ly/3Jzv3wJ>

74 Nikola Vučić, “Online violence and hate speech against journalists”. Accessed on 24.12.2021. <https://bhnovinari.ba/wp-content/uploads/2021/09/Analiza-govor-mrznje-FINAL.pdf>

B5 Freedom of journalists in the news development production process

How much freedom do journalists have in choosing the stories they work on and in deciding which aspects of the story to highlight? How often do journalists participate in editorial board meetings?

Journalists attend editorial board meetings where topics are agreed upon, but this does not guarantee them freedom of work. The freedom of journalists to choose topics and ways of creating media content varies from one media to another, i.e., it depends on the editorial policy. Generally, journalists working in non-profit and private media outlets claim to have much more freedom compared to journalists employed in public media, although this is not always the case.⁷⁵

Journalists in local media increasingly face restrictions on freedom of expression and media freedom, as well as a lack of a systematic approach to combating pressure from governments, state institutions, and other political and economic centers. The media and journalists operate within a legal framework that restricts or formally guarantees freedom of expression, which is not adequately enforced. Problems such as the lack of media ownership transparency and state interference in media management, (in)transparent records of state aid to the media, and political and economic pressures on public services and local public broadcasters remain a concern.⁷⁶

How many journalists report censorship by editors? How many have succumbed to self-censorship for fear of losing their jobs or other risks? What is the perception of journalists about the extent to which their work is affected by different risks and sources of influence?

In 2021, the Free Media Helpline received seven (7) reports of pressure and censorship within newsrooms. Some journalists reported pressures from their editors trying to “impose an opinion” on them, order which interlocutors to contact for a certain topic and which not, change the contents of articles and footage, or publish

retractions (dementi) without consulting the authors first. On the other hand, journalists working in the media outlets registered as non-governmental organizations and funded mostly from various grants claim to have full freedom in their work, which is limited only by diligent fact-checking before publishing content.⁷⁷

The majority of BiH citizens believe that there is little or no media freedom in the country, and more than half of BiH citizens believe that political dependence is a major obstacle to the work of the media in BiH.⁷⁸

B6 Economic position of female journalists

Do female journalists work in worse conditions than their male colleagues? Do they sign employment contracts as often as male colleagues? What are their salaries compared to male journalists?

Most women journalists believe that they are not discriminated against economically compared to their male colleagues, but at the same time, they suggest the position of women in journalism is worse than the position of men due to pro-patriarchal values and a traditional division of labor in private and public spheres. The basic pay of journalists in BiH ranges from BAM 500 to 1,300.⁷⁹ Very few media outlets have internal regulations governing the protection of women’s rights, and women journalists generally know not enough about their rights.⁸⁰

Are women journalists exposed to gender-based pressures?

In the last three years, the Free Media Helpline has recorded 65 cases of gender-based violence and other forms of pressure on female journalists. These were the cases of mobbing, violations of labor rights, verbal and physical attacks, slander, hate speech, incitement, threats... Since early 2021, through the Free Media

75 Focus group with journalists and editors of private media, 16.11.2021.

76 Amer Džihana, “Survey on Working Conditions and Rights of Journalists, Legal Framework and Management of Local Media in BiH”, Sarajevo, January 2021. <https://bhnovinari.ba/wp-content/uploads/2021/02/RADNA-PRAVA-FINALNI-IZVJESTAJ.pdf>

77 Vildana Džekman, coordinator of the Free Media Helpline, interviewed by Maja Radević, 14.11.2021.

78 BH novinari | Friedrich Ebert Stiftung, “Media freedoms in BiH 2020”. Accessed on 12.12.2021. <https://bhnovinari.ba/wp-content/uploads/2020/05/sloboda-medija-u-BiH-2020.pdf>

79 Data taken from *Plata.ba* portal. Accessed: 11.1.2022.

80 Zorfa Hrnjić Kuduzović, Zlatiborka Popov Momčinović, Amela Delić, “Position of women journalists in Bosnia and Herzegovina – an interdisciplinary study”, Sarajevo, February 2019. Accessed on 11.1.2022. <https://bhnovinari.ba/wp-content/uploads/2019/02/Polozaj-novinarki-u-BiH.pdf>

Helpline 11 cases have been resolved in favor of journalists, and three were the cases of threats to women journalists.⁸¹

Hate speech and violence against female journalists *online* are rising and deepening. The share of *online* gender-based violence is 53%, and only two-thirds of women journalists report *online* violence to media management and competent institutions.⁸² The most common reasons for not reporting these incidents are a disappointment in the justice system and the length of court proceedings, while threats in *online* space are perceived as a “normal form of communication”.

Do women hold leading editorial positions in newsrooms as much as men?

Representation of women in management positions in the BiH media outlets is still low. Men hold more than two-thirds of director and editor-in-chief (68.5%) positions, while the share of women in such positions is below one-third (31.5%). The largest disparity in the representation of women and men in the top management positions is in the television sector, where as many as three-quarters of directors and editors-in-chief are men. The share of women in the positions of media director is 25.3 percent as opposed to 74.4% of men.⁸³ Women journalists are still insufficiently aware that certain positions can be reached based on their with their knowledge, responsibility, and commitment, and that these positions must not be less accessible to them than to men.⁸⁴

81 Vildana Džekman, coordinator of the Free Media Helpline, interviewed by Maja Radević, 14.11.2021.

82 Nikola Vučić, “Online violence and hate speech against journalists”, <https://safejournalists.net/wp-content/uploads/2021/08/Nikola-Vucic-FINAL-DOC-260721-BHS.pdf>

83 Amer Džihana, “Women and media: employees and governing structures”, Sarajevo, April 2018. Accessed on 11.1.2022. <https://bhnovinari.ba/wp-content/uploads/2018/07/Zene-i-mediji-13maj2018-FINAL.pdf>

84 Female Journalists Network in BH, “BiH society needs safe and strong women journalists”. Accessed on 12.1.2022. <https://bit.ly/3jvmxE7>



C1 Safety and impunity statistics

In 2021, the database of [Safejournalists.net](https://safejournalists.net) had a total of 26 cases of attacks, threats, and pressure on journalists and media in Bosnia and Herzegovina. Of that number, eight (8) cases were about threats and violence against female journalists, three (3) more than in the previous year. In 2021, there were a total of 17 death threats to journalists, verbal and other forms of threats, and political pressure on journalists and the media. Noted were six (6) attacks and threats against media outlets, and three (3) physical attacks on journalists and media employees. The Free Media Helpline, which operates within the Association *BH novinari*, recorded 71 cases of violations of journalists' rights and media freedoms during the year, including labor disputes, mobbing, and defamation lawsuits. There were also two (2) SLAPP lawsuits.

In 2021, cases of threats and intimidation of journalists, as well as various forms of pressure, which often came from government representatives from different levels dominated. When it comes to threats and harassment, the number of threats to journalists through social networks, i.e., *online* violence, has increased. Threats are increasingly being directed at women in the academic community who are also active in the media, as well as at organizations dealing with the media and the safety of journalists, such as the Association *BH novinari*.

Here we will describe some of the cases in 2021, that most strongly resonated with the media community and general public:

Table 2: Number of registered attacks on journalists in 2021

| Categories | Number | Description |
|---|--------|---|
| <p>Threats, pressures, and harassment</p> <p>Non-physical threats and harassments include:</p> <ul style="list-style-type: none"> – surveillance or monitor-ing; – disturbing phone calls; – arbitrary judicial or adminis-trative harassment; – aggressive statements by public offi-cials; – other forms of pressure that may compromise the safety of jour-nalists while doing their job. <p>These types of threats do not include mobbing and maltreatment in the working environment.</p> | 11 | <ul style="list-style-type: none"> – The leader of the Serb Radical Party, Vojislav Šešelj, verbally at-tacked RTRS journalist Nataša Miljanović-Zubac in the show Happy TV, calling her offensive names. – Chief State Prosecutor Gordana Tadić accused journalist Avdo Avdić of spreading national and reli-gious hatred and “plotting to execute all those who interfere with the work of para-intelligence of BiH.” – The President of the Republic of Slovenia Janez Janša announced on his official Twitter account a “lawsuit against Avdo Avdić for several criminal offenses”. – Serb member of the Presidency of BiH Milorad Dodik verbally attacked and insulted analyst and journalist Tanja Topić. – Journalist Milanka Kovačević reported the director of Radio Gacko for censoring her text and ordering its removal from the website. – Portal of the weekly magazine Stav called the journalist Evelin Trako a “terrorist”, thus putting a target on his back. – Some portals published insulting texts that spread hate speech toward prof. dr. Lejla Turčilo and the Secre-tary General of BH novinari Borka Rudić. – SNSD councilor in Bileća Ljubo Vuković sent several text messages of offensive and disturbing content to journalist Jelena Denda-Borjan. – Journalist Senad Hadžifejzović testified in the Prosecutor’s Office of BiH re-garding the threats sent to him via social networks by Jasmin Mula-husić. – The Municipal Court in Sarajevo issued a Decision on En-forcement based on which over BAM 212,000 were seized from the account of the company “Avaz-roto press” on account of awarded court penalties and costs of enforcement proceedings. – The Muni-ci-pal Court in Sarajevo issued a first instance verdict sentencing online magazine Žurnal and its editors Selvedin Avdić and Eldin Karić, and former journalist of this media Avdo Avdić in the total amount of more than BAM 170,000, excluding interest. |
| <p>Threats against the life and physical safety of journalists</p> <p>This may include:</p> <ul style="list-style-type: none"> – reference to the murders of journalists, their friends, families, or sources of in-formation; – reference to inflicting physical harm on journalists, friends of journalists, their fami-lies, or sources. <p>Threats may be:</p> <ul style="list-style-type: none"> – direct or sent through third parties; – sent electronically or through face-to-face communica-tion; – implicit as well as explicit. | 6 | <ul style="list-style-type: none"> – Zinaida Đelilović received direct threats from Adnan Čakalović, an official of the Ministry of Human Rights and Refugees of BiH. Čakalović was disciplined by a 15% salary cut for three months. – RS Railways worker threatened journalist Đorđe Vujatović and the cameraman who worked with him that he would “break their cam-era” and “smash it on the floor” if they continued filming. – Jour-nalist Eldin Hadžović received threats via Facebook from the member of the Armed Forces of BiH Vahidin Hota who threaten to slap him and “smash all his fingers with a hammer”. – In the com-ment section on his Facebook profile, Marko Aprcović threatened Dragan Bursać to “shoot a bullet in his head if he ever peeks into Montenegro”. – Editor and owner of Face TV Senad Hadžifejzović pressed charges against several people for political pressure and threats who targeted him and his media as “hostile”, anti-patriotic and propagandistic. – An investigation has been opened against Jasmin Mulahusić for the criminal offense of inciting national, ra-cial, and religious hatred, discord, and intolerance, which includes several threats and hate speech against journalists on Facebook. |
| <p>Attacks on journalists</p> <p>Types of actual attacks may include actual physical or mental harm, abduction, breaking into a house/office, con-fiscation of equipment, arbitrary detention, failed assassination at-tempts, etc.</p> | 3 | <ul style="list-style-type: none"> – Correspondent of O channel Vahidin Mujagić was arrested by po-lice officers while he was filming the Oil Refinery in Brod. He was issued a misdemeanor charge for unauthorized filming. – At the SNSD gathering, members of Milorad Dodik’s security physically prevented the cameraman of the Insider.in portal from doing his job, and forced him to delete all the recordings from the camera. – The N1 Television crew from BiH was attacked during the report-ing on the events from Cetinje. Reporter Aleksandra Tolj and the cameraman were first stoned, and then a group of young men de-manded that the reporter delete the footage. |
| <p>Murders of journalists</p> <p>(in the last 15–20 years)</p> <p>Types of killings can include crossfire kill-ings, assassinations, bomb blasts, beatings, etc.</p> | 0 | |

| Categories | Number | Description |
|--|--------|---|
| Threats and attacks on media institutions, organizations, media outlets, and journalists' associations Attacks on the property of media outlets and organizations, their staff, confiscated equipment, aggressive statements by public officials, etc. Also, threats and attacks may include some of the above categories. | 6 | <ul style="list-style-type: none"> – The Sarajevo Municipal Court rendered a Decision temporarily ban-ning Dnevni avaz from writing about the private life of the President of the Court of BiH Ranko Debevac. – Web portals Žurnal, Nomad.ba and Buka were exposed to planned DDoS hacker attacks for several days. – The editors of the Raskrinkavanje.ba portal reported journalist of Dnevni avaz Evelin Trako for threatening to “blow them up”. – Representatives of the Sarajevo Canton Assembly openly commented on the program contents and editorial policy of the Sarajevo Television (TVSA) during the several-hour debate. – President of SNSD and member of the Presidency of BiH Milorad Dodik labeled BN television as “part of a joint criminal enterprise against RS” and “the biggest villains in RS”. – Portal Nezavisne novine from Banja Luka was exposed to planned hacker attacks. |

Woman journalist from *online* magazine Žurnal Zinaida Đelilović magazine received direct threats from Adnan Čakalović, a senior expert associate of the Sector for Refugees and Displaced Persons at the Ministry of Human Rights and Refugees of BiH. The case was reported to the police, and the journalist gave a statement at the police station. Due to threats directed at this journalist, the Ministry of Human Rights and Refugees disciplined Čakalović with a 15% salary cut for three months.⁸⁵

On January 30, 2021, the leader of the Serb Radical Party and convicted was criminal Vojislav šešelj verbally attacked RTRS journalist Nataša Miljanović-Zubac on Happy TV in the show “Weekend Morning”, calling her offensive names and allegedly revealing secrets about her past. Among other things, Šešelj called the journalist a “prostitute” and a “whore” on the TV show.⁸⁶

Serb member of the Presidency of BiH Milorad Dodik verbally attacked Tanja Topić, analyst and journalist, calling her a “proven agent of German paid intelligence structures”, as well as other derogatory names such as – “servile” and “a quisling”, “a liar” and “an isolated structure”, attacking her and her family and telling her that she and her family are not acceptable and will be excommunicated from the environment in which they live.⁸⁷ Milorad Dodik also made similar insults to BN television journalists.

The Prosecutor’s Office of BiH opened an investigation against Jasmin Mulahusić, a Luxembourg citizen of BiH origin, for the criminal offense of inciting national, religious, or racial hatred and intolerance through var-

ious publications on the Internet, in public, and on social networks. In his Facebook posts, Mulahusić insulted, targeted, and spread hatred toward numerous BiH journalists and media, as well as towards the Secretary-General of the Association *BH novinari* Borka Rudić and professor of the Faculty of Political Science in Sarajevo Dr. Lejla Turčilo.⁸⁸

Vahidin Mujagić, a correspondent for the O Channel, was detained by police officers while he was on an assignment in Brod. While he was filming the Brod Oil Refinery, police officers approached journalist Mujagić and told him that filming the refinery is not allowed, demanding to confiscate the footage. Mujagić was then taken to a police car, where he was issued a misdemeanor charge for unauthorized filming.⁸⁹

The N1 Television crew from BiH was attacked during the reporting on the events from Cetinje. Reporter Aleksandra Tolj and the cameraman were first stoned, and then in another incident, a group of young men demanded that the reporter delete the footage. After the attack, the journalist and cameraman of N1 were taken out of Cetinje by the police. The N1 crew did not want to press charges.⁹⁰

85 SafeJournalists, “Zinaida Đelilović threatened by a senior expert associate for human rights in BiH”. Accessed on 12.1.2022. <https://bit.ly/3rjp5cN>

86 SafeJournalists, “Other threats to journalists, Nataša Miljanović-Zubac, RTRS, 30.1.2021”, 2021. <https://bit.ly/3pxeG4>

87 SafeJournalists, “Other threats to journalists, Tanja Topić, freelance, Banja Luka, 25.5.2021”, 2021. <https://bit.ly/3v9tXIT>

88 SafeJournalists, “Journalist Senad Hadžifejzović gave a statement to the BiH Prosecutor’s Office about threats he received”. Accessed on 12.1.2022. <https://bit.ly/3KCzuHZ>

89 SafeJournalists, “Attacks on journalists, Vahidin Mujagić, O kanal, Brod, 31.3.2021”, 2021. <https://bit.ly/3OIA6Js>

90 N1info, “N1 TV crew attacked at Cetinje. And protesters three stones at them”. Accessed on 12.1.2022. <https://bit.ly/3E6jxY7>

C2 Conduct of state institutions and political actors regarding the protection of journalists

Are there special provisions in the law or other mechanisms aimed at supporting the safety of journalists, offline and online?

There are no special legal provisions, mechanisms, or guidelines in place aimed exclusively at supporting media freedom and the safety of journalists in *online* and/or *offline* space. Also, institutions in BiH do not collect data on threats and attacks on journalists and media workers. Instead, these activities are carried out exclusively by professional organizations, primarily the Association BH novinari, whose Free Media Helpline maintains a comprehensive database of attacks, threats, and pressure on journalists. The exception is the Republika Srpska Ministry of the Interior, which has established a special record of cases involving journalists.

C.2.1 “Serious concerns continue to persist over political pressure, intimidation and threats against journalists. High-level politicians have resorted to public attacks and disparaging remarks against journalists, analysts and media workers, particularly women. The authorities continue to downplay the issue and there is no data collection by public institutions on threats and attacks against journalists and media workers” says [The EC Report](#).

CMS system in judicial institutions does not provide for recording cases involving threats or attacks on journalists, as their databases do not select cases based on the profession of the injured party, as “attacks against journalists” are not recognized under criminal codes in BiH as a separate criminal offense.⁹¹

The European Commission report on BiH says that authorities in the past year have made no progress on addressing the key priority of guaranteeing freedom of expression and the media and protecting journalists and media workers against threats and violence by ensuring an appropriate judicial follow-up. Political pressure, intimidation, and harassment toward journalists, including physical and verbal attacks continue, without appropriate institutional follow-up.⁹²

Are there documents (protocols, rules of procedure, etc.) adopted by state institutions that provide additional guidance to the police on how to deal with journalists?

Except for the Police guidelines for dealing with the media and Journalists’ guidelines for dealing with the police issued by the OSCE,⁹³ there are no special legal provisions governing the relationship between journalists and the police. Some judicial institutions have adopted guidelines for journalists and the media.⁹⁴

Are there mechanisms to monitor and report on threats, harassment, and violence against journalists? Do state institutions publish data on attacks on journalists and impunity?

Upon a proposal made by *BH novinari* association in 2016/2017, the HJPC rendered a decision ordering court, prosecutor’s offices, and registry offices to register lawsuits and court cases filed against journalists and the media, but this decision has not yet taken root in judicial institutions. According to judicial staff and journalists, registering attacks on journalists would establish a certain system of monitoring re-offenders and those who prevent the free work of the media. On the other hand, unless the register would directly define the verdicts for re-offenders identified as attackers against journalists, it would not solve the essential problem of protection of journalists.⁹⁵

Do state institutions recognize attacks on journalists as a violation of freedom of expression and the criminal code?

Do officials make clear statements condemning attacks on journalists?

State institutions do not usually condemn threats and attacks on journalists and other media professionals. Political and other officials very rarely condemn threats and attacks on journalists and are more often in the role of those who attack journalists and seek to restrict media freedom. The condemnations usually come only when it suits certain politicians to gain the favor of cer-

91 Nedim Pabrić, author “Investigations and prosecutions of attacks against journalists and media workers in BiH”, interviewed by Maja Radević, 22.11.2020.

92 European Commission, “Bosnia and Herzegovina Report 2021”. Accessed on 24.12.2021. https://ec.europa.eu/neighborhood-enlargement/bosnia-and-herzegovina-report-2021_en

93 OSCE, “Guidelines for the Police in Dealing with the Media”, Sarajevo, 2007. Accessed on 22.11.2021. <https://bhnovinari.ba/wp-content/uploads/2007/11/osceuputezapolicijuuophodenjusmedijima.pdf>

94 Court of BiH, “Guidelines for Journalists”. Accessed on 11.22.2020. <http://www.sudbih.gov.ba/stranica/25/pregled-Detektor>, “Banja Luka Prosecutor’s Office accepted the guidelines”. Accessed on 23.11.2021. <http://detektor.ba/banjalučko-tuzilastvo-prihvatilo-smjernice/>

95 Admir Muslimović, „Newsletter E-journalist, br. 78.”. Accessed on 14.1.2022. <https://bhnovinari.ba/wp-content/uploads/2021/12/78-IZDANJE-E-NOVINAR-BOS.pdf>

tain media, journalists, or the public. Journalists, especially those involved in investigative journalism, are often labeled by politicians and public officials as “foreign goons”, “intelligence agents”, “regime journalists” and the like.⁹⁶

Do state institutions cooperate with journalists’ organizations on issues of journalist safety?

Government officials have not yet responded to the amendments to the criminal codes aimed at improving the safety of journalists sent by the *BH novinari* Association in 2019 to the governments of the FBiH, Republika Srpska, and the Brčko District, entity parliamentarians, and the Brčko District Assembly. Adoption of these amendments would nominally introduce journalists into these laws as a profession that needs special and more effective protection against attacks and other criminal offenses.⁹⁷

Guaranteeing freedom of expression and protection of journalists, especially by ensuring proper judicial follow-up of threats and violence against journalists and media workers is one of the 14 priorities set in the European Commission Report on BiH’s application for membership in the EU. The Analytical Report of the European Commission⁹⁸ pays special attention to intimidation and physical and verbal attacks on journalists, highlighting that these take place without a systematic institutional response and effective safeguards.

In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? What is the latest case of electronic surveillance of journalists?

Indications about the intelligence service in BiH conducting illegal wiretapping of certain journalists are a matter of concern. In an audio recording of an informal conversation between the head of the BiH Intelligence and Security Agency (OSA) Osman Mehmedagić and the then Chief Prosecutor of the BiH Prosecutor’s Office Gordana Tadić, released by the media in September 2021, Mehmedagić said that OSA knows whom certain journalists communicate with, claiming that they [OSA] check on “everyone”. A few months after the release of this audio recording, the media reported that the BiH

Prosecutor’s Office had launched an investigation into the illegal wiretapping of journalists.⁹⁹

Three years ago, the then chairman of the Presidency of BiH, Milorad Dodik, publicly stated that OSA “monitors, wiretaps and directs” journalists and media outlets to “incriminate politically unfit people”, supporting his claim with the protocol number of the Agency’s order based on which it allegedly conducts surveillance. These Dodik’s allegations have not been proven.¹⁰⁰

C3 Conduct of criminal and civil justice concerning threats and violence against journalists

Are there special departments in judicial institutions dedicated to investigating and prosecuting threats and violence against journalists? Do the State Prosecutor’s Office and the Ministry of the Interior provide adequate resources to cover investigations into threats and violence against journalists?

Within institutions, there are no special departments/teams dedicated to investigating and prosecuting attacks on journalists. When it comes to prosecuting attacks and threats, the current case law does not bring a sense of security and protection among journalists and media workers in BiH. Journalists are particularly concerned about the rising incidence of *online* violence, and the growing number of threats journalists receive through social networks and Internet portals.

Are investigations of crimes against journalists, including intimidation and threats, conducted quickly, impartially, and efficiently? Are there safeguards provided to journalists when necessary in response to credible threats to their physical safety?

Investigations into physical attacks on journalists are neither efficient enough nor are such cases given priority over other similar crimes in which the victims are not journalists. The police usually quickly identify the perpetrators of the attack, but the problem arises when the case reaches the prosecutor’s office or the court. Journalists are not satisfied with the efficiency of inves-

96 Maja Radević, Borka Rudić, “Western Balkans Journalists’ Safety Index – Bosnia And Herzegovina 2020 – Narrative Report”. <https://bhnovinari.ba/wp-content/uploads/2021/12/BiH-BiH.pdf>

97 Borka Rudić, Secretary General of the BH novinari association, interviewed by Maja Radević.

98 http://dei.gov.ba/dei/direkcija/sektor_strategija/Uptnik/misljenje/default.aspx?id=21759&langTag=bs-BA

99 Dnevni avaz, “Affair Recording: BiH prosecutors investigating wiretapping of journalists”. Accessed on 20.1.2022. <https://bit.ly/3EdmRRy>

100 Al Jazeera Balkans, “OSA must reply to Dodik’s allegations”. Accessed on 20.1.2022. <https://bit.ly/38DRLXn>

tigations, especially with the competent prosecutor's offices.

In 2021, some progress has been made in prosecuting threats and attacks on journalists.

From January to the end of December 2021, the Free Media Helpline, which operates as a free legal aid service within the *BH novinari* association, won a total of 11 verdicts, i.e., cases resolved in favor of journalists.

Among them is the verdict of the Banja Luka Basic Court, ordering M.P., who threatened the *EuroBlic journalist* Milkica Milojević, to pay a fine of BAM 700 and bear the legal costs.¹⁰¹

The Municipal Court in Ljubuški rendered a final verdict against Jurica Pavlović, a member of the BiH Armed Forces, for a message sent via Facebook to writer and journalist Martina Mlinarević, the current BiH Ambassador to the Czech Republic. Pavlović was sentenced to three months suspended prison sentence for "inciting ethnic, racial and religious hatred, discord or intolerance."¹⁰²

Some of the most important cases resolved in favor of journalists in 2021 include the verdict sentencing Haris Pendić from Mostar to a six-month suspended prison sentence with a two-year probation for threats made via YouTube channels, portals, and social networks against Branimir Galić, a journalist of the Croatian Media Service.¹⁰³

In cases of final judgments, are sanctions imposed only on the perpetrators or also on the instigators?

The current case law shows that those who ordered the attack on journalists usually remain unidentified. The attempted murder of journalist Vladimir Kovačević is one such example. Although the perpetrators were convicted, the instigators have not yet been identified even three years after the attack.¹⁰⁴ According to media experts, the BiH judiciary is generally distrustful of journalists and the media, and they also feel that criticism of the

judiciary in the media is most often generalized and addressed to everyone without distinction.¹⁰⁵

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

Representatives of police and judicial institutions most often cooperate with the media community through training courses and seminars organized by projects supported by the Council of Europe and the EU. During 2020 and 2021, within the project "Freedom of Expression and Freedom of the Media in BiH" (JUFREX2), the Association *BH novinari* and the Council of Europe organized 4 inter-professional seminars and two webinars with representatives of the judiciary, media community, and police. Generally, the police, prosecutors, lawyers, and judges today cooperate much more with journalists and know their rights better than before.¹⁰⁶

The latest European Commission Report for BiH for 2021 suggests that the BiH authorities have not yet made progress as regards attacks on journalists, intimidation, harassment, and political pressure on media representatives. The European Commission expects the BiH authorities to act swiftly and demonstrate zero tolerance for threats or attacks against the media, including by ensuring effective police investigations and judicial prosecution leading to final convictions of perpetrators.

101 *BH novinari*, "A man who threatened a journalist of EuroBlic fine with BAM 700". Accessed on 20.1.2022. <https://bit.ly/36455Dl>

102 *BH novinari*, "AFBiH member sentenced to three months suspended prison sentence for hate speech against Martina Mlinarević". Accessed on 20.1.2022. <https://bit.ly/3xqwQUG>

103 *BH novinari*, "Admitted guilt: Haris Pendić sentenced to six months suspended prison sentence for threatening journalist Galić". Accessed on 20.1.2022. <https://bit.ly/3JA35QY>

104 *Gerila.info*, "Three years passed since the attack against Kovačević. Names of instigators still unknown". Accessed on 11.12.2021. <https://bit.ly/3rjCWQ6>

105 Mehmed Halilović, interviewed by Maja Radević.

106 Borka Rudić, Secretary General of the *BH novinari* association, interviewed by Maja Radević.

Table 3. Chronological list of court cases on the most serious attacks on journalists

| Case | Year | 2017. | 2018. | 2019. | 2020. | 2021. |
|--|------|-------|-------|---|--|--|
| Hate speech and threatening messages sent via social networks to Martina Mlinarević, August 2019. | | | | | | 25th of March 2021 – Municipal Court in Ljubuški sanctioned Jurica Pavlović, a member of AFBiH, to three-month suspended prison sentence for “inciting ethnic, racial and religious hatred, discord or intolerance.” |
| Hate speech and threats via YouTube and social networks, Branimir Galić, HMS journalist, January 2021. | | | | | | 20th of January 2021 – The suspect Haris Pendić was deprived of liberty and, after a criminal investigation, handed over to the competent prosecutor’s office with a report on the committed criminal offense. He was remanded in custody for a month by the competent court. May 2021 – Pendić was sentenced to a six-month suspended prison sentence with a two-year probation. |
| Attack on journalist Husein Oručević, June 2019 | | | | 18th of June 2019 – Activist and journalist Husein Oručević was attacked in the parking lot behind Mostar City Hall. Name-ly, two persons first threatened him verbally and abusively, and then one of them spilled a bottle of water on the journalist and a dictaphone he was holding. | February 2020 – The Municipal Court in Mostar found Ivan Zovko to have violated the Law on Public Order and Peace of the Herze-govina-Neretva canton, ordering him to pay a fine of BAM 100. | |
| Misdemeanor proceedings against a freelance journalist and cameraman Ajdin Kamber, April 2020 | | | | | 20th of April 2020. – While on his journalistic assignment, Ajdin Kamber received a misdemeanor charge from the Bihać Police Station for allegedly violating curfew, which was in force at the time upon the order of the FBiH Crisis Staff. | 12th of July 2021 – The Municipal Court in Bihać issued a decision suspending the misdemeanor proceedings against Ajdin Kamber. The court found that Kamber was doing his journalistic tasks at the time he was issued the misdemeanor charge, which he proved by presenting the journalistic accreditation to the police. |
| Death threats to journalist Milkica Milojević, 13th of February 2019 | | | | 13th of May 2019 – Indictment filed against Mile Pavlović for the criminal offense of “Endangering Security” under Article 150, Paragraph 1, of the RS Criminal Code, committed against Milkica Milojević. 10th of July 2019 – The Basic Court in Banja Luka confirmed the indictment. | | June 2021 – Based on a Plea Agreement, the Basic Court in Banja Luka convicted M. P., sentencing him to a BAM 700 fine, plus legal costs. |

| Case | Year 2017. | 2018. | 2019. | 2020. | 2021. |
|---|------------|-------|-------|-------|--|
| Threats and hate speech against journalists and media through social networks, Jasmin Mula-husić, 2021. | | | | | <p>4th of September 2021 – Based on the BiH Prosecutor’s Warrant, Jasmin Mulahusić, a citizen of Luxembourg, was arrested at the International Border Crossing Brod for a criminal offense of “Spreading national, religious and racial intolerance”.</p> <p>7th of September 2021 – The Court of BiH rejected the proposal for remanding Mula-husić in custody, and released him without imposing any bans on him.</p> <p>December 2021 – The investigation against Mula-husić is ongoing, but no indictment has been filed in this case yet.</p> |

Conclusions and Recommendations

Conclusions

Although several useful initiatives and proposals have been launched this year to improve the media laws, no concrete progress has been made in this area. One of the most important initiatives was the drafting of a new preliminary draft Freedom of Access to Information Act at the level of BiH institutions, which was done by the BiH Ministry of Justice. The proponent is expected to take into account the remarks and amendments proposed by the media community and non-governmental organizations and incorporate them into the new Law. Despite repeated criticism from the EU, there is still no progress in adopting amendments to criminal codes that would allow more effective prosecution of attacks on journalists. The amendments to the Law on Protection against Defamation, which were in principle supported by the Parliamentary Assembly of BiH, and which would reduce the number of defamation lawsuits filed against journalists by politicians and other public officials, were not adopted either. Meanwhile, there are SLAPP lawsuits with huge claims for damages, which threaten the financial survival of the media. The legislative framework must be improved in many segments to free the media and editors from political influence, especially when appointing administrative and supervisory bodies in PBSs and local public media. The adoption of the Law on Transparency of Media Ownership and the criteria and methods for allocating budget funds to the media, and making such information publicly available is also part of the priority.

Most journalists are still in a very unfavorable economic position, while economic pressures on the media are increasing year by year. Many employers do not respect the

labor rights of journalists. They pay them irregular and minimum wages, they are late with contributions for pension and health insurance and refuse to give them contracts for an indefinite period. Driven by personal financial interests, media owners and editors often agree to a slavish attitude towards political centers of power. In such an environment, it is difficult for journalists to maintain independence and objectivity in reporting, which is an increasingly pronounced problem in both BSBs and privately-owned media. Particularly affected are journalists working in local media, who have faced increasing restrictions in the area of freedom of expression and freedom of the media in the last two years. Journalists doing investigative work are constantly exposed to compromising attempts and political pressure, especially through organized online campaigns on social networks, which are full of hate speech and intolerance towards the media and journalists who expose corruption. Particularly concerning are that telephone communication of some journalists has been for years secretly monitored by the Intelligence and Security Agency (OSA), whose leadership is also under political control. No progress has been made regarding the depoliticization of public broadcasters, i.e., the selection of management independent of political power structures. The three public broadcasting services continue to be exposed to political influence, in particular through politically controlled steering boards, and due to the inadequate model of collecting RTV fees, the financial sustainability, especially of BHRT, is seriously compromised.

Frequent and increasingly harsh criticism from local media organizations and international officials has not prompted the BiH authorities to act more effectively in protecting the freedom and safety of journalists. Serious concerns continue to persist over political pressure, intimidation, and threats against journalists, and politicians continue to downplay this issue or contribute to it through almost daily public “clashes” with journalists. The European Commission once again criticized BiH authorities for not making progress in addressing the key priority of guaranteeing freedom of expression and the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers. While physical attacks on journalists are declining, *online* violence and threats, hate speech and harassment via social networks, and organized hacker attacks on *online* media are increasingly being used as a “weapon” against media freedoms, especially investigative journalism. While politicians continue to publicly call out and target individual journalists and media whose reporting they do not like, judicial staff have become more efficient in prosecuting threats and attacks on journalists. In 2021, 11 cases reported through the Free Media helpline were ruled in favor of journalists in the BiH courts, which is the highest number recorded in one year. Generally, the cooperation between the media and the judicial

community is regarded as somewhat better compared to previous years, although there is still a lot of room for improvement.

The lack of concrete solutions, i.e., translating initiatives and draft laws on the media and journalists’ safety and work into legal provisions, can be somewhat justified by the fact that last year in BiH was marked by constant political tensions and the fight against the pandemic and its consequences. However, it seems that there is simply no political will to improve certain laws or adopt new ones, such as the law banning hate speech, for example. Government officials even fear that the adoption of such laws and amendments to existing laws could be to their detriment. The economic position of a large number of media outlets is unfavorable, especially given the current pandemic, which has led to a significant reduction in revenue from advertising. Nearly half of journalists have a salary below the average net salary in BiH. Journalists are generally dissatisfied with their position and the working conditions. The lack of a journalists’ union, as the most important partner in the dialogue with employers and the authorities in the sphere of regulating labor and social rights, remains a major handicap for all journalists. From year to year, the media become more susceptible to political influences, and the “affection” for political power structures allows many to survive in the market. Although political and economic pressures on the media are evident, journalists, editors, owners, and media management structures are doing almost nothing to prevent this. Non-compliance with ethical codes and professional norms of journalism, as well as open political bias have largely led to citizens’ distrust of the media, especially public broadcasters and *online* media. Investigative journalism has been reduced to a handful of media outlets, which are funded by donations/grants from international organizations. All of the above leads to justified concerns about the future of independent journalism and media freedom in BiH, which increasingly exists only on paper, and less and less in practice.

Recommendations

1 Amending Legislation

- Adopt the Law on Transparency of Media Ownership, define criteria and ensure transparent financing of the media from budgets at all levels of government
- Put pressure on the competent institutions to ensure more adequate protection of journalists through amendments to criminal codes and efficient processing of attacks on journalists within the judicial system.

- Adopt amendments to the BiH Election Law governing the obligations of *online* media during election campaigns; improve legal provisions on professional media coverage and respect for political pluralism, not only during election campaigns.
- Adopt amendments to the Freedom of Access to Information Act in accordance with the requirements of the professional media community and non-governmental organizations; establish a special body that will be in charge of supervising the actions of institutions on requests for access to information, and sanctioning them if they do not act in accordance with the Law.
- Adopt amendments to the Law on Protection against Defamation in accordance with the initiative supported by the BiH Parliament; define upper and lower ceilings for the fines in defamation cases to prevent SLAPP lawsuits.
- Adopt special laws at the entity and state levels to clearly define hate speech, *online* violence, and threats and sanctions for these crimes.

Implementation:

- Journalists' associations and other civil society organizations should put pressure on the competent institutions to adopt these laws, i.e., amendments to the laws that will enable transparent and professional work of the media, greater media freedom, and improve the protection and security of journalists and media.
- Actively seek the support of international organizations for amending and improving media legislation, in accordance with European legislation and the requirements that BiH must meet to obtain candidate status for the European Union.

2 Application Of Legislation

- Ensure the editorial independence of PBSs at the State and Entity levels, local public media, as well as full independence of regulatory bodies.
- Government institutions should be required to proactively publish information on media funding, including information on incentives and advertising.

Implementation:

- Insist on consistent application of existing laws, especially on depoliticization of public broadcasters, through advocacy activities, press releases, and campaigns on social networks

3 Strengthening the Capacity of Journalists, Media, and Institutions Responsible for the Work and Safety of Journalists

- Improve the capacity of labor inspection and courts in prosecuting and sanctioning violations of labor rights of journalists and actively raise the awareness of journalists about the importance of trade union association.
- Strengthen media independence and actively encourage journalists to report political and economic pressures and fight harder for their labor rights through media and social media campaigns and educational seminars on these topics.
- Strengthen the capacity of investigative bodies – police and prosecutors – and courts to prosecute attacks on journalists and thus enable more effective investigations and sanctions of perpetrators of threats and attacks on journalists.
- Create a unique CMS system within judicial institutions– a database of lawsuits related to journalists and media.

Implementation:

- More active lobbying of journalists' associations and maintaining regular contacts and meetings with representatives of the media as well as representatives of the police, courts, and prosecutor's offices.
- More intensive involvement of representatives of judicial institutions and police in activities organized by journalists' associations – education, training, seminars (...), and active exchange of experiences with the aim of better understanding of the rights and obligations of journalists/media, investigative bodies, and judiciary and adequate application of rights and responsibilities.

