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BOSNIA AND HERZEGOVINA 2022 Indicators on the Level of Media Freedom and Journalists' Safety



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Journalists' Safety**

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A PROJECT OF THE GERMAN MARSHALL FUND

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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://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 project [Safejournalists.net](https://safejournalists.net), with the aim of strengthening national journalist organizations in the Western Balkan countries to become effective and responsible independent actors in advocating the application of EU standards in the field of media freedom, with the long-term goal of improving citizens' right to informed choice. This action is a follow-up of the previous project (The Regional Platform for Advocating Media Freedom and Journalists' Safety in Western Balkans) and is based on the knowledge and experience gained in the period 2016-2018. The project was supported through the 2020-2022 Program for Assistance to Civil Society and Media -Support to Regional Thematic Networks of Civil Society Organizations.*
 - 2 This name was given without prejudice to status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the research methodology for this advocacy research project was developed in 2016 and was adapted over the years to reflect the situation in the Western Balkans. Advocacy research was developed and coordinated by Snezana Tpevska and Igor Micevski, researchers from 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.⁴ 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, notifications, and other information published by professional organizations;
- • Secondary data obtained 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 Journalists appointed Maja Radević as the national researcher.

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	

⁴ In developing a specific research approach for the Western Balkans, the following documents were consulted: Council of Europe: "Indicators for Media in a Democracy"; UNESCO: "Media Development Indicators (MDI)"; Journalist safety indicators: "National level"; USAID-IREX: Media Sustainability Index; Freedom House: "Research on Freedom of the Press/Media"; BBC World Service Trust: "African Media Development Initiative"; Committee for the Protection of Journalists: "Violence against journalists"; Reporters Without Borders: "World Press Freedom Index".

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
CIN	Center for Investigative Reporting
EC	European Commission
BIRN BiH	Balkan Research Network BiH
EU	European Union
FMHL	Free Media Help Line
RSF	Reporters without borders
SDA	Party of Democratic Action
HDZ	Croat Democratic Union
SNSD	Union of Independent Social Democrats
FOIA	Freedom of Access to Information Act
PCBH	Press Council in BH

On October 2, 2022, general elections were held in Bosnia and Herzegovina, and the citizens of Bosnia and Herzegovina voted for political candidates for all levels of government other than local ones. On election day, the High Representative of the international community, Mr. Christian Schmidt, imposed amendments to the BiH Election Act strictly defining the deadlines for the formation of the government, thus causing vehement clamor among the political parties in the Federation of BiH.⁵ The whole year was marked by intense turmoil on the political scene, the struggle for power and political positions after the elections. The victory of Denis Bećirović, the joint candidate for the Presidency of Bosnia and Herzegovina, gave rise to the decision of eight political parties from the Entity Federation of Bosnia and Herzegovina (the so-called “Political Eight”) to sign a coalition agreement with the Croat Democratic Union of Bosnia and Herzegovina (HDZ BiH) and their leader Dragan Čović on the formation of government at the level of the Federation of BiH and the state level, whereby one of the leading national parties, the Party of Democratic Action (SDA) led by Bakir Izetbegović was pushed to the opposition.⁶ The parties of the “Political Eight” currently enjoy the open support of the international community, while in the view of many analysts, the current political events represent a major defeat for Bakir Izetbegović and the SDA. In the Entity Republika Srpska, Milorad Dodik’s Alliance of Independent Social Democrats (SNSD)

5 Al Jazeera Balkans, „Christian Schmidt nametnuo izmjene Izbornog zakona BiH“, [Christian Schmidt imposed amendments to BiH Election Act], 03.10.2022, Accessed: 3.1.2023. <https://balkans.aljazeera.net/news/balkan/2022/10/2/christian-schmidt-nametnuo-izmjene-izbornog-zakona-bih-2>

6 Klix.ba, “Osmorka and HDZ potpisali sporazum o formiranju vlasti u FBiH i na državnom nivou” [The Political Eight and HDZ signed an agreement on the formation of government in the FBiH and at the state level], 29.11.2022, Accessed: 3.1.2023. <https://www.klix.ba/vijesti/bih/osmorka-i-hdz-potpisali-sporazum-o-formiranju-vlasti-u-fbih-i-na-drzavnom-nivou/221129050>

won the largest number of votes, and Dodik was appointed president of that Entity.⁷ SNSD is also part of the newly established coalition at the state level.

In 2022, reporters and media in Bosnia and Herzegovina were exposed to frequent political pressures. The statistics of political pressures and verbal threats against reporters increased by 40% relative to the previous year.⁸ As much as a third of the reported cases refer to various forms of political pressure, attacks, and insults by politicians and public officials. The Free Media Helpline, which operates as part of the Association BH journalists, recorded 79 instances of violations of journalists' rights and media freedoms. Hate speech targeted at journalists, especially in the on-line space spiraled up. At the same time, no progress has been made in terms of improving legal regulations and more efficient protection of journalists and media freedom. According to World Press Freedom Index published by Reporters Without Borders, Bosnia and Herzegovina is in 67th place and has fallen by nine places compared to 2021. In the last decade, BiH has dropped 30 places in the RSF media freedom ranking. According to Reporters Without Borders, the media in Bosnia and Herzegovina operate in a relatively favorable legal framework but an extremely unfavorable political and economic environment. Reporters do not feel protected while doing their work, and the level of media freedom and the quality of journalism across the country differ significantly.⁹

Political pressure and intimidation of reporters continue, and the national public broadcasting service is at risk of being shut down. The position of female and male reporters is unequal, says the European Commission 2022 Report on Bosnia and Herzegovina. Bosnia and Herzegovina made no progress in addressing Opinion key priority 12 to guarantee freedom of expression and of the media and the protection of journalists. This priority is about ensuring the appropriate judicial follow-up in cases of threats and violence against journalists and media workers and ensuring the financial sustainability of the public broadcasting system. Authorities are expected 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 the perpetrators.¹⁰ At the end of 2022, Bosnia and Herzegovina was grant-

ed candidate status for membership in the European Union, even though the authorities did not fulfill most of the specified conditions. In the EC's recommendation for granting candidate status, one of the eight key conditions is that the BiH authorities must ensure freedom of expression and the media and the protection of journalists, "especially by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers".¹¹

According to the Communications Regulatory Agency (CRA), there are 37 television and 150 radio stations in BiH, of which two on AM band, six public broadcasting services, and 79 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 BiH¹², and some estimate that there are up to 2,000 of them. Registering 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 masthead. In terms of ownership and sources of income, there are three types of media: private with majority commercial income, PBSs, and local radio and TV stations, which are financed from the budgets of cantons and municipalities. The PBSs comprise the Radio and Television of Bosnia and Herzegovina (BHRT), 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. Mutual debt arising from the collection of RTV tax is still a big problem, and the claim of BHRT alone amounts to around EUR 35 million (which this public service claims from RTRS). Entity governments finance two news agencies with public funds – FENA and SRNA. Many online media operate as part of non-governmental organizations and are financed by international funds.¹³

- 7 RTRS, "Dodik: SNSD je pobjednik izbora, Srpska ostaje jedinstvena" [Dodik: SNSD won the election, and Srpska remains united], 24.10.2022, Accessed: 31.2023. <https://lat.rtrs.tv/vijesti/vijest.php?id=491211>
- 8 BH Journalists, Facebook, <https://www.facebook.com/bhnovinari/photos/a.497083003758868/2754549148012231/>
- 9 Reporters without frontiers, "2022 World Press Freedom Index" <https://rsf.org/en/index>, Accessed: 31.2023.
- 10 European Commission, "Bosnia and Herzegovina Report 2022". Accessed: 31.2023. <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Bosnia%20and%20Herzegovina%20Report%202022.pdf>

- 11 [Klix.ba](https://www.klix.ba), "Ovo je osam uslova za BiH iz preporuke Evropske komisije za kandidatski status"; [These are the eight conditions imposed on BiH from the recommendation of the European Commission for candidate status], 12.10.2022, Accessed: 31.2023. <https://www.klix.ba/vijesti/bih/ovo-je-osam-uslova-za-bih-iz-preporuke-evropske-komisije-za-kandidatski-status/221012079>
- 12 Enes Osmančević, Mirza Mehmedović, Adis Sušnjić, Lejla Ilić Osmančević, "Mapiranje medijskih web portala u BiH" [Engl. Mapping media webportals in BiH], CPCD, Sarajevo, 2021. Accessed: 31.2023. https://civilnodrustvo.ba/wp-content/uploads/2021/06/Istrazivanje_Mapiranje-medijskih-web-portala-u-BiH-1_compressed.pdf
- 13 BH Journalists, "Indikator nivoa medijskih sloboda i sigurnosti novinara u BiH 2021" [Indicators of the level of media freedoms and safety of journalists in BiH 2021] 9.5.2022, Accessed: 31.2023. <https://bhnovinari.ba/bs/2022/05/09/indikator-nivoa-medijskih-sloboda-i-sigurnosti-novinar-a-bih-2021/>

A.1 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?

The right to freedom of expression and information, including access to the Internet, is guaranteed through several laws that are generally of good quality and largely aligned with European Union standards. The problem is often the inefficient application of these laws, lack of harmonization between the state and entity laws, as well as unequal judicial practice.

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

In 2022, there were no amendments to the existing laws nor the adoption of new laws concerning the work of the media, the safety of journalists, and media freedoms. The Draft Freedom of Access to Information Act at the level of institutions of BiH drafted by the Ministry of Justice of BiH in consultation with professional associations and non-governmental organizations was scheduled to be discussed by the Council of Ministers of BiH at the end of the year, but the session was canceled and by the time

of writing this report, the draft has not been discussed. Representatives of media and civil society made several objections to the preliminary draft FOIA and asked the Ministry of Justice to withdraw the preliminary draft until it is corrected and aligned with international standards.¹⁴ However, it is not known how many of these comments were ultimately adopted and incorporated into the Draft FOIA.

The initiative to amend the Defamation Act, which was adopted in the Parliamentary Assembly of Bosnia and Herzegovina in 2020, still did not get its epilogue in the parliaments of the Federation of Bosnia and Herzegovina and the Republika Srpska. Entity authorities practically turned a deaf ear to this initiative, thus showing not even the slightest political will to amend the law.¹⁵ The authorities in the Republika Srpska took a completely different course. The RS president Milorad Dodik announced that defamation in this Entity will be again criminalized, i.e., reinstated in the RS Criminal Code.¹⁶

In June, the BiH Parliamentary Assembly adopted an initiative mandating the BiH Council of Ministers to prepare and submit to the parliamentary procedure amendments to the BiH Criminal Code to stipulate attacks on journalists as a special criminal offense. The initiative was previously considered and approved by the House of Reps of the BiH Parliament Constitutional-Legal Committee.¹⁷ By the end of 2022, the aforementioned amendments have been neither prepared nor considered in Parliament.

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?

No attempts have been made by authorities to impose licensing or other strict requirements for the establishment of print and online media. In October, the President of the SNSD and the Republika Srpska, Milorad Dodik, announced that he mandated the RS Government to prepare new and amend several existing laws, notably the Fake News Act, Hate Speech Act, the Law on amendments to the Criminal Code that will introduce defamation as a criminal offense, and expand the spectrum of offenses against the constitutional order of the RS.¹⁸ The media community and legal experts, as well as international organizations and embassies in Bosnia and Herzegovina believe that the adoption of the aforementioned laws, and especially the criminalization of defamation, would greatly affect the freedom of expression and the work of independent media in Bosnia and Herzegovina.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 regulatory body for electronic media is often criticized by the media community and the public for decisions that are considered political and discriminatory towards certain media. In late October 2022, CRA director Draško Milinović announced that this institution will take legal action and impose “rigorous measures” on the private television “Face TV” and its owner and editor Senad Hadžifejzović. Hadžifejzović is alleged to have asked an interlocutor in the program “if Milorad Dodik should be killed.”²⁰ Based on the video

14 Selma Učanbarlić, “Zakon o slobodi pristupa informacijama u BiH” [Engl. Freedom of Access to Information Act in BiH], August 2021. Accessed: 22.12.2022. https://bhnovinari.ba/wp-content/uploads/2021/09/Analiza_ZoSPI-FINAL.pdf

15 Damir Arnaut, the proponent of the initiative to amend the Defamation Act, interviewed by Maja Radević, 5.12.2022.

16 [SlobodnaEvropa.org](https://www.slobodnaevropa.org/a/dodik-kleveta-krivnici-zakon-posljednji-ekser/32143830.html), “Dodika optužuju da zabija posljednji ekser za nezavisne medije” [Dodik accused of putting the last nail on the coffin of independent media], 22.11.2022. Accessed: 22.12.2022. <https://www.slobodnaevropa.org/a/dodik-kleveta-krivnici-zakon-posljednji-ekser/32143830.html>

17 BH Journalists, “Usvajena inicijativa kojom će se napad na novinare/ke tretirati kao posebno krivično djelo” [Adopted initiative to treat attacks on journalists as a special criminal offense], 30.6.2022. Accessed: 23.12.2022. <https://bhnovinari.ba/bs/2022/06/30/usvojena-inicijativa-kojom-ce-se-napad-na-novinare-ke-tretirati-kao-posebno-krivno-djelo/>

18 Milorad Dodik, Twitter <https://twitter.com/MiloradDodik/status/1587051984506568704>

19 Fokus.ba, “Milorad Dodik sprema novi zakon koji će ugušiti nezavisne medije?” [Is Milorad Dodik preparing a new law to suppress independent media?], 23.11.2022. Accessed: 23.12.2022 <https://www.fokus.ba/vijesti/bih/milorad-dodik-sprema-novi-zakon-koji-ce-ugusiti-nezavisne-medije/2441902/>

20 Al Jazeera Balkans, “RAK pokrenuo postupak protiv Face TV, žestoke reakcije na najavu rigorozne kazne”, [CRA initiated procedure against Face TV, fierce reactions to announcement of rigorous fines], 30.10.2022. Accessed: 23.12.2022. <https://balkans.aljazeera.net/news/balkan/2022/10/31/pokrenut-postupak-protiv-face-tv-zestoke-reakcije-na-najavu-rigorozne-kazne>

recording from which one cannot clearly discern what Hadžifejzović had actually said, the CRA director even before taking legal action announced that they will aim for “the highest possible fine” and “the most rigorous measures” against Face TV. The media community and journalist associations interpreted this statement as direct political pressure on the mentioned television and its owner. In mid-December, CRA suspended the proceedings against Face TV because “it could not be reliably established that the words mentioned in the preliminary allegations of the Agency have been said.”²¹

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?

In 2022, no amendments to the Law on Advertising and Subsidy Distribution Criteria were adopted.²² Generally speaking, the public has no access to information about the allocations made to the media from the budget, and the allocation criteria are not clearly defined. The government institutions at all levels in BiH are generally estimated to spend about BAM 30 million annually on the media.

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

There are no private or non-profit media in the languages of national minorities, nor is there a financial mechanism in place to encourage or develop such media, not even within the framework of PBSs. According to the terms of the license of the public broadcasting service, PBSs are obliged to broadcast a program for national minorities for at least one hour per week, taking into account equal representation.

CRA reports show that the media do not deal much with the issues of national minorities, and that content of this type is extremely underrepresented in television, espe-

cially in radio programs.²³ As admitted by public media representatives, they cover minority issues mostly by marking certain holidays or historical dates.²⁴

Are the autonomy and independence of 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?

Two Entity and one state PBS – Television of the Federation of Bosnia and Herzegovina (FTV), Radio Television of Republika Srpska (RTRS), and BHRT – have been struggling financially for years, accumulating debt which now threatens their operations. After the 2022 General Elections, eight political parties from the FBiH (so-called The Political Eight) in coalition with HDZ and SNSD signed the agreement²⁵ on forming the government at the state and FBiH levels. One of the goals is to “reform the entire public broadcasting system of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina in accordance with the Constitution”. The party representatives have not yet specified what the planned reform specifically entails. The Chair of the Council of Ministers of Bosnia and Herzegovina, Borjana Krišto, in her inaugural speech said the reform of the public media system is one of the priorities, highlighting the possibility of introducing new RTV channels into the PBS system and adopting a new PBS System Act to systematically address the issue of PBS operations and financial sustainability. Some analysts and opposition parties believe that this will mean the establishment of a third channel in the Croatian language, which HDZ BiH leader Dragan Čović has been advocating for years.²⁶

21 *Oslobođenje*, “RAK obustavio postupak protiv Face Tv-a i Senada Hadžifejzovića: Nemoćuje je utvrditi šta je izgovorio” [CRA suspended the proceedings against Face TV and Senad Hadžifejzović: It is impossible to determine what he said], 23.12.2022, Accessed: 23.12.2022, <https://www.oslobođenje.ba/vijesti/bih/rak-obustavio-postupak-protiv-face-tv-a-i-senada-hadzifejzovica-nemoguće-je-utvrditi-šta-je-izgovorio-818662>

22 *BH Journalists*, “Zajedno ka boljim medijskim zakonima” [Together towards better media laws], Zorfa Hrnjić Kuduzović, 2021, Accessed: 23.12.2022, <https://bhnovinari.ba/wp-content/uploads/2021/07/Zajedno-ka-boljim-medijskim-zakonima-analiza-medijske-legislative-u-BiH-sa-preporukama-za-unapredjenje-1.pdf>

23 *Rak.ba*, “Analiza dječijih i obrazovnih programa, programa koji su namijenjeni ili se bave manjinama i ranjivim grupama stanovništva, te programa prilagođenih osobama sa invaliditetom u audiovizualnim medijskim uslugama i medijskim uslugama radja u Bosni i Hercegovini” [Analysis of children’s and educational programs, programs intended for or dealing with minorities and vulnerable groups, and programs adapted to persons with disabilities in audiovisual media services and radio media services in Bosnia and Herzegovina], Accessed: 22.12.2022, <https://www.rak.ba/bs-Latn-BA/brdcst-media-literacy>

24 *Newipe.net*, “Pitamo: Ima li medijskog prostora za nacionalne manjine u BiH” [We ask: Is there media space for national minorities in Bosnia and Herzegovina?], 26.08.2022, Accessed: 22.12.2022, <https://www.newipe.net/2022/08/26/pitamo-ima-li-medijskog-prostora-za-nacionalne-manjine-u-bih/>

25 *Nap.ba*, “Objavljujemo Sporazum osmorke: Hitno provođenje Briselskog sporazuma”, [Agreement of the Political Eight: Urgent implementation of the Brussels Agreement], 21.11.2022, Accessed: 22.12.2022, <https://nap.ba/news/99984>

26 *Media.ba*, “Osmorka najavljuje reforme RTV sistema, stručna javnost sumnja u dobre namjere”, [The Political Eight announces PBS system reforms but expert community doubts their good intentions], 5.12.2022, Accessed: 22.12.2022, <https://media.ba/bs/magazin-novinarstvo/osmorka-najavljuje-reforme-rtv-sistema-strucna-javnost-sumnja-u-dobre-namjere>

In 2019, Radiotelevision of Herceg-Bosna (RTV HB) began to broadcast its program. The founders of this RTV are West Herzegovina Canton, the non-governmental organization Croat Community of Herceg-Bosna, and 22 municipalities with a Croat majority population, and it is financed from their budgets. In April 2022, a former member of the BiH Presidency, Milorad Dodik confirmed that the BiH Council of Ministers will vote on the decision to allocate seven million marks to public broadcasting services (BHRT, FTV, and RTRS), but also to RTV Herceg-Bosna.²⁷ BHRT is currently in the biggest financial struggle. RTRS alone owes BHRT 63 million BAM based on the collected RTV subscriptions.

A.2 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?

The provisions of the Defamation Acts at the level of Entities and Brčko District are not rigorous. They protect the freedom of expression of journalists as an important profession that informs citizens in a democratic society, identifying journalists as ones who observe and impart information to the public. The main drawback of the Acts is that they do not foresee the standard of a higher level of tolerance when it comes to media criticism towards public figures, especially politicians, as opposed to private individuals. Another problem is the insufficient enforcement of the standards of the European Court of Human Rights in proving defamation before the competent courts.

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

According to the FMHL statistics, in 2022 there were 7 defamation cases against journalists initiated by politicians and company owners politically connected to the top-level officials in the RS and FBiH. However, this number is not final. Due to the lack of a registry of cases against journalists in judicial institutions, the exact num-

ber of active lawsuits is not known. A considerable number of defamation lawsuits against journalists have been initiated by various business entities or their representatives, whose business interests are closely tied to certain politicians and political parties.²⁸

A2.1 *“Here, a new problem emerged – SLAPP lawsuits as a way to prevent reporters from doing their work. A politician sued me five times for texts that I did not write but quoted from other media. And I could not get any statement from him directly. And then you have to constantly go to court hearings, often in another city, pay lawyers... All this takes away my time from doing journalistic work. Politicians have to endure a greater degree of public criticism, as ruled by the European Court.” (Source: Focus group with editors and reporters of local media, 19-Jan-2023)*

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

Judges mostly write extensive rationales, trying to corroborate them comprehensively with facts. Procedurally speaking, if the verdict for defamation is not rendered within the stipulated period of 30 days, a certain influence is assumed to have taken place on the court.²⁹ The announcements of political leaders from Republika Srpska and the Federation of Bosnia and Herzegovina about reintroducing defamation into the Criminal Code are worrying. The RS President Milorad Dodik announced amendments to the Defamation Act that will criminalize defamation again.³⁰, and a similar position was expressed by SDA president Bakir Izetbegović during the election campaign. At the same time, there is no political will to implement the initiative to amend the Defamation Act and thus introduce “stricter” standards of admissibility, tolerance, and proof in defamation cases involving public figures as opposed to private individuals, which was adopted in the BiH Parliamentary Assembly in 2020.³¹ The BiH House of Reps Interim Investigative Committee reported that defamation lawsuits, as well as prosecutions for the so-called “unau-

27 [Klix.ba](https://www.klix.ba/vijesti/drzava-planira-podijeliti-skoro-7-miliona-km-javnim-tv-emiterima-na-spisku-i-rtv-herceg-bosna/), “Vijeće ministara planira podijeliti skoro 7 miliona KM javnim TV emiterima, na spisku i RTV Herceg-Bosne” [BiH CoM plans to allocate nearly seven million BAM to public broadcasters, including RTV Herceg-Bosna], accessed on 22-Dec-22 <https://www.klix.ba/vijesti/drzava-planira-podijeliti-skoro-sedam-miliona-km-javnim-tv-emiterima-na-spisku-i-rtv-herceg-bosna/220331116>

28 Ema Habul, coordinator of the Free Media Helpline, interviewed by Maja Radević, 19-Dec-22

29 Ibid.

30 BH Journalists: “Dodik priprema teren za ukidanje slobode izražavanja u RS”, [Dodik setting the stage for abolishing the freedom of expression in the RS], 24.11.2022, Accessed: 20.12.2022. <https://bhnovinari.ba/bs/2022/11/24/bh-novinari-dodik-priprema-teren-za-ukidanje-slobode-izrazavanja-u-rs/>

31 Damir Arnaut, interviewed by Maja Radević

thorized recordings”, represent a clear form of pressure on the media.³²

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

The monitoring of court cases carried out by the FMHL shows that many courts do not recognize denials, corrections, and apologies as mechanisms of self-regulation, i.e., as a basis for rejecting defamation lawsuits as unfounded, if self-regulation mechanisms have previously been implemented and/or a complaint has been filed with the Appeals Commission of the BiH Press Council.

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

Reporters feel that courts should have a greater degree of understanding when it comes to critical media reporting, especially reporting on public figures and persons holding political functions. Reporters very often perceive defamation lawsuits as political, but also financial pressure on their work. They are further discouraged by cases in which they sue politicians for defamation because the courts often reject such suits as groundless.³³ It often happens that defamation lawsuits filed by politicians and officials against the media are withdrawn after a certain time, which also represents a form of pressure on the media.

A2.2 *In December, the basic court in Banja Luka decided in the first-instance that Milorad Dodik, former Chair of the BiH Presidency, is not guilty of defamation charges pressed against him by Tanja Topić, a reporter and analyst from Banja Luka. Dodik publically accused Topić of espionage claiming that she “works for a foreign service” and that she is a “proven quisling”. He made several offensive allegations about her private life and her family. The court put all these statements to equal footing and concluded that all of them repre-*

sent opinions, that is, value judgments, and that such an opinion of someone about another person cannot be considered a defamation. Legal experts, however, hold this to be a political judgment, and that the court succumbed to political pressure of Dodik.

A.3 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?

Entity laws on PBS and the BiH Communications Act mandate respect for the pluralism of information, and the diversity of political, religious and other ideas.³⁴ 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 beyond the electoral process are not sufficiently regulated by law. This issue has been further emphasized in the Transparency of Media Ownership and Pluralism Act, which has been pending in the parliament since 2018.

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) monitors the media mainly during election campaigns, although it is required under the law to cater to political pluralism in electronic media throughout the year. The activity of public and private media during election campaigns is regulated by the BiH Election Act. In July 2022, the high representative of the international community in Bosnia and Herzegovina, Christian Schmidt, passed the Law on Amendments to the BiH Election Act, which defines the notions of electronic, online, and print media, as well as social networks and hate speech.³⁵

32 The BiH House of Reps Interim Investigative Committee for determining the situation in the judicial institutions of BiH, Sarajevo, June 2022, Accessed: 20.12.2022, <https://www.parlament.ba/data/dokumenti/adj-hoc-komisije/35.%20sjednica%20PIK-a%20-%20kompletirani%20i%20spojeni%20-B.pdf>

33 [Buka.com](https://www.buka.com), “Sud u Banjaluci presudio da Dodik nije kriv zbog izjave da je Tanja Topić agent BND-a”, [The court in Banja Luka ruled that Dodik is not guilty of defamation for saying that Tanja Topić is an agent of the BND], 12.12.2022, Accessed: 21.12.2022, https://6yka.com/bih/tanja-topic-tuzila-milorada-dodika-za-klevetu-sud-u-banjaluci-presudio-da-dodik-nije-kriv?fbclid=IwAR3M8dZnXXMF3av86QlOxOFtOqIzrf72qiwPBVDF_wbueOvpiVfaMikTBRw

34 “BiH Communications Act”, Article 4 <https://bit.ly/3ri7VFP>

35 OHR.int, Decision adopting the Law on Amendments to the BiH Election Act, Accessed: 24.12.2022, <http://www.ohr.int/odluka-kojom-se-donosi-zakon-o-izmjenama-i-dopunama-izbornog-zakona-bosne-i-hercegovine-4/>

Adherence to professional standards in print and online The media is monitored by the Press Council in BiH, a self-regulatory body.³⁶ 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?

Beyond the election process, media content that includes three or more interlocutors is rare, and this is especially true for local media and web portals. When the media does have more interlocutors in its content, then these interlocutors generally agree on the topic or issue being discussed and do not have conflicting opinions. However, the interlocutors in the stories are mostly equal, which represents a certain progress compared to earlier research.³⁷

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

Access to the media, as well as the representation of individual parties and candidates in media content often depends on the financial resources parties invest in the campaign. According to estimates of Transparency International in BiH, during the 2022 General Elections campaign, political parties have spent at least 11.59 million BAM on rallies and advertising on billboards, in the media, and on Facebook.³⁸ Research by the Sarajevo Media Center has shown that many mainstream media report on the election process in an unprofessional manner. Also, a large number of anonymous portals that serve as party newsletters is noted.³⁹

During the 2022 election campaign, certain political subjects refused to participate in debates on public broadcasting services, as well as in private electronic media.⁴⁰ Male politicians continue to dominate in the media as interlocutors, while women candidates hardly get any media space.⁴¹

A.4 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?

Bosnia and Herzegovina does not issue licenses for journalist work, and in 2022 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.

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?

Freedom of work and association in the media industry is defined by the existing entity labor laws, as well as by many other laws. There is no trade union at the state level that gathers exclusively journalists, while at the entity level, there are several trade union organizations whose membership comprises, apart from journalists, all other employees in the media. PBSs also have their unions. Journalists often question the effectiveness of these unions and their credibility, as well as the independence of union leaders from managerial structures in the media.⁴²

36 Maja Radević, "BiH: 2021 Indicators on the Level of Media Freedom and Journalists' Safety" <https://safejournalists.net/resources/indikatori-nivoa-medijiskih-sloboda-i-sigurnosti-novinara-bih-2021/?lang=bs>

37 BH Journalists: Research "Local media – quality of media content and information for citizens, pluralism of opinion and diversity of information sources 2021", Sarajevo, October 2021; Accessed: 24.12.2022. <https://bhnovinari.ba/wp-content/uploads/2021/12/Finalni-izvjestaj-kvalitet-medijiskih-sadržaja-u-lokalnim-medijima.pdf>

38 [Transparentno.ba](https://transparentno.ba), "Stranke na izbornu kampanju potrošile 11,5 miliona KM. TI BiH zabilježio preko 2200 primjera zloupotrebe javnih resursa za kampanju", [Parties spent 11.5 million BAM on the election campaign. TI BiH registered over 2,200 examples of misuse of public resources for the campaign], 11.11.2022, Accessed: 24.12.2022. <https://transparentno.ba/2022/11/01/stranke-na-izbornu-kampanju-potrosile-115-miliona-km-ti-bih-zabiljezio-preko-2200-primjera-zloupotrebe-javnih-resursa-za-kampanju/>

39 [Buka.com](https://www.gyka.com/bih/): "Izbori 2022 – Mediji kao stranačko glasilo", [Elections 2022 – Media as a party newsletter], 30.9.2022, Accessed: 24.12.2022. <https://gyka.com/bih/izbori-2022-mediji-kao-stranacko-glasilo>

40 BH Journalists: "Odbijanje političara da sudjeluju u TV debatama predstavlja nepoštovanje građana", [Politicians refusing to sit on TV debates is disrespectful to citizens], 24.12.2022, Accessed: 24.12.2022. <https://bhnovinari.ba/bs/2022/09/12/bh-novinari-odbijanje-politicara-da-sudjeluju-u-tv-debatama-predstavljaj-nepostivanje-gradjana/>

41 Dragana Erjavec, author of the analysis "U medijima nema serioznih sadržaja koji afirmišu političarke", [There is no serious media content that affirms female politicians], interviewed by Maja Radević, 10.12.2022.

42 Radenko Udovčić, "Radni uslovi novinara u Bosni i Hercegovini", [Working conditions of journalists in Bosnia and Herzegovina], Sarajevo, February 2015; Accessed: 22.12.2022. https://www.media.ba/sites/default/files/radni_uslovi_novinara_mart_2015.pdf

Journalists are 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 layoff of workers. The largest unions in terms of membership are those in public media (79%) – RTV.⁴³

A4.1 *“There is no journalist solidarity in Bosnia and Herzegovina. The media are divided into camps, mostly along ethnic lines, depending on which part of the country they are in. Politicians are happy to see our division, and they use it as an opportunity to influence the media.” (Source: Focus group with editors and reporters of local media, 19-Jan-2023)*

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

Ethnic and political divisions also affected the journalistic community. After the 1992-1995 war in Bosnia and Herzegovina, there were as many as six journalist associations in the country. The most active associations today are BH Journalists Association, BiH Society of Journalists, and Association of journalists of Republika Srpska. An estimated more than 60% of journalists are members of one of the journalist associations, while only 18% of journalists are members of one of the trade unions operating in BiH.⁴⁴ Reporters seek the protection of their labor rights mostly with the BH Journalists Association, which offers free legal advice and representation by lawyers in labor disputes. In addition to BiH Journalists Association, they often turn to the Institution of the Ombudsman for Human Rights of BiH. Reporters hold that trade unions must be made independent from the politics and management structures of the media, while trust in the trade unions must be restored by intensifying activities aimed at labor and legal protection of journalists.⁴⁵

A4.2 *In 2022, the BiH Journalists Association experienced several pressures through the posts of the so-called party bots on social networks, which spread hate speech against the Association and its Secretary*

General Borka Rudić. After the press release issued by the Board of Directors of BH Journalists Association in connection with political pressure on the media, the president of Narod i Pravda (NiP) party, Elmedin Konaković, sent a letter to individual embassies and international organizations in BiH, requesting them to reconsider the support the international organizations provide to the BH Journalists Association.

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

In 2022, the BiH Press Council, a self-regulatory body, received a total of 101 complaints, of which 27 about texts and 74 about hate speech in readers' comments on web portals. The number of complaints significantly plunged relative to 2021, when the Council received as many as 509 hate speech complaints.⁴⁶ Members of the Press Council were not exposed to direct pressure or threats. From time to time, they receive complaints from complainants or media editors about the decisions of the Appeals Commission of the Council.⁴⁷

A.5 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?

Confidentiality of sources is guaranteed under the defamation acts of the entities and Brčko District, which stipulate that “a journalist and any other individual 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.⁴⁸ The confidentiality of journalistic sources is also defined by the Press and Online Media Code of BiH.⁴⁹

43 Amer Džihana, “Istraživanje o radnim uslovima i pravima novinara/ki, zakonski okvir i upravljanje lokalnim medijima u BiH”, [Survey on Working Conditions and Rights of Journalists, Legal Framework and Management of Local Media in BiH], Sarajevo: January 2021, Accessed: 22.12.2022. <https://bhnovinari.ba/wp-content/uploads/2021/02/RADNA-PRAVA-FINALNI-IZVJESTAJ.pdf>

44 Ibid.

45 Radenko Udovičić, “Radni uslovi novinara u Bosni i Hercegovini”, [Working conditions of journalists in Bosnia and Herzegovina], Sarajevo, February 2015; Accessed: 22.12.2022.

46 Data from the website of the Press Council in BiH. Accessed on 03-Jan-23. <https://www.vzs.ba/>

47 Dženana Burek, Director of the Press Council BiH, interviewed by Maja Radević

48 “FBiH Defamation Act”, Article 9 This provision is identical in the laws of the RS and Brčko District. <https://bit.ly/3JG2RrW>

49 “BiH Press and Online Media Code”, Article 13 <https://bit.ly/3NY45Is>

Criminal codes in Bosnia and Herzegovina define the notions of “illegal acquisition of classified information” and its “unauthorized use” as a criminal offense, and in theory, they can apply to journalists as well. However, so far, there have been no legal cases against reporters due to the disclosure of classified information, photographs, or recordings.⁵⁰

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?

In 2022, there were no sanctions for journalists who refused to disclose the identity of the source nor court rulings ordering them to do so. Politicians and judicial reps often question media release of confidential documents or information that they believe should not be available to the public. After exposing the sale of diplomas in Bosnia and Herzegovina in 2019 by secret recording, the reporter of the Žurnal.info portal Azra Omerović was questioned by the BiH Prosecutor’s Office about this case, and her sources were checked.⁵¹

The right to protect sources is often called into question because there is no legal definition of a professional reporter in BiH, hence information of public interest is also published by citizens on social networks, bloggers, vloggers, etc.⁵² Some MPs asked that a reporter/journalist be legally defined by the law, which the Association BH Journalists and other freedom-of-expression-organizations strongly oppose.

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

Most reporters are well acquainted with the legal provisions that allow them not to disclose the identity of their sources and therefore feel free to maintain contact with sources of information. Some media, such as BIRN BiH, have regulations requiring that projects involving secret work or secret filming can only be carried out with the consent of the media management, and some media outlets also cooperate with lawyers who look at

fact-checking research and legally “sensitive” issues.⁵³ In 2022, BH Journalists Association FMHL introduced lawyer services for fact-checking media content before the release.

A.6 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 laws on freedom of access to information adopted at the State and Entity levels in 2000 and 2001 respectively. At the end of November 2022, the BiH Council of Ministers was supposed to consider the new Draft Freedom of Access to Information Act at the level of BiH institutions, but the session was postponed, and by the time of writing this report, the Draft has not been discussed. The draft law was prepared by the Ministry of Justice of BiH after public consultations. The public consultations also included non-governmental organizations, which provided contributions to improving FOIA. They emphasized that the Act should, among other things, define the obligation of proactive publishing of operational information, organizational structure, budget and other information on the work of public authorities. Also, the Act should stipulate a narrow list of exceptions to access to information, with a mandatory public interest test. Civil society organizations also proposed introducing inspections and sanctions for non-compliance with legal provisions because the current Act is not appropriately applied by public institutions that often try to hide information of public importance.⁵⁴

A6.1 *There is lack of clarity as to the legal action in cases where institutions deny access to public information, and also there are different provisions stipulating sanctions. FOIA at the BiH level foresees fines for violation of the Act from BAM 1,000 to 15,000, while entity acts do not have penal provisions at all. The insti-*

50 Sena Bajraktarević, Nihada Jeleč, “Zaštita povjerljivosti novinarskih izvora”, [Protecting confidentiality of journalistic sources], Sarajevo, 2013. Accessed: 26.12.2022. <https://www.parlament.ba/Publication/Read/3945?title=zashtita-povjerljivosti-novinarskih-izvora-&pageId=0>

51 [Analiziraj.ba](https://www.analiziraj.ba/), “Azra Omerović: Nadam se da će naša priča zaustaviti kriminal s lažnim diplomama!” [Azra Omerović: I hope our story will stop fake diploma trafficking!], 11.1.2019, Accessed: 26.12.2022. <https://www.analiziraj.ba/azra-omerovic-nadam-se-da-ce-nasa-prica-zaustaviti-kriminal-s-laznim-diplomama/>

52 Borka Rudić, Secretary General of the BH Journalists Association, interviewed by Maja Radević.

53 E-reporter No. 76, Zinaida Đelilović: „Ako snimak otkriva krivično djelo, onda je javni interes iznad privatnog”, [If recording reveals a criminal offense, then public interest has precedence over private interests]. Accessed: 26.12.2022. https://bhnovinari.ba/wp-content/uploads/2021/07/76-IZDANJE-E-NOVINAR_BHS-converted_final.pdf

54 BH Journalists: “Indicators of “level of media freedoms and security of journalists in BiH 2021”, 9.5.2022. Accessed: 11.2.2022. <https://bhnovinari.ba/bs/2022/05/09/indikatori-nivoa-medjiskih-sloboda-i-sigurnosti-novinar-a-bih-2021/>

tution of the Ombudsman for Human Rights has never used the the legal possibility of filing lawsuits against public bodies and their leaders who refused to provide information either to journalists or citizens. Instead, the ombudsman's activities are reduced to issuing recommendations to public institutions, which are mostly disregarded.

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 selective approach to the media towards which they are politically inclined? How open are governments and ministries to the public?

Legislation in BiH is based on the principle of providing maximum access to information held by public authorities and their disclosure. Obstacles in the application of the laws are twofold – both on the part of public authorities and on the part of applicants. Some of these obstacles include a high degree of ignorance at the level of public authorities, lack of balance between public interest and privacy protection, non-compliance with deadlines and lack of awareness of public authorities that they are a services for citizens.⁵⁵ Representatives of institutions often perceive the media as a platform for (self) promotion and expect them to uncritically convey the views of the government. Institutions are not proactive enough, and a rigid interpretation of personal data protection and commercial interests are the two most common reasons why public authorities refuse requests for access to information.⁵⁶

A6.2 *“When it comes to access to information, the situation today is worse than five or ten years ago. It is almost impossible to get information from the institutions, very often they simply ignore our requests. It is even more difficult for reporters in smaller towns. I am afraid that the new FOIA could further worsen the situation in terms of transparent work of institutions.” (Source: Focus group with reporters from public and private media, 17-Jan-2023)*

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

The transparency of judicial institutions is far from satisfactory. Courts and prosecutors respond within the legal deadline and deliver the requested information in slightly more than half of the total number of requests for access to information. Nearly 45% of courts do not respond to media requests at all. Only 16 out of a total of 74 courts in BiH publish complete first and second-instance judgments on their websites, a quarter publishes brief information, while more than half of the courts do not publish any information about judgments. The majority of prosecutor's offices publish information about confirmed indictments in the form of a statement with the enacting clause (75%), with only three prosecutor's offices publishing the full text of the indictments.⁵⁷

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

In 2022, the FMHL received two reports regarding restricted access to municipal /city council sessions. Reporters monitor sessions of parliaments/assemblies mainly live or via online platforms, and some of the sessions are also broadcast live on TV.

55 Budimir Petković, expert advisor at the Institution of Ombudsman for Human Rights of Bosnia and Herzegovina, interviewed by Maja Radević, 11.2.2022.

56 Selma Učanbarlić, freelance journalist, interviewed by Maja Radević, 11.2.2022.

57 TI BiH: “Analiza nivoa transparentnosti pravosudnih institucija u Bosni i Hercegovini”, [Analysis of the level of transparency of judicial institutions in Bosnia and Herzegovina], Sarajevo, December 2022; Accessed: 24.12.2022. <https://ti-bih.org/publikacije/54682/>

B

Journalists' Position in the Newsrooms

B.1 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?

According to [Plata.ba](https://www.plata.ba) portal⁵⁸, the salary of reporters in BiH ranges from BAM 585.00 to 1328.00. In December 2022, reporters ranked 443rd on the scale of the best-paid positions/occupations, which is a drop of 98 places relative to 2021. By the type of media, the lowest incomes are noted in print media, where more than 50% of journalists have a below an-average salary, while the best paid are reporters working on TV.

A survey on the working conditions and rights of journalists showed that the majority of journalists are employed and their health insurance and seniority contributions are being paid regularly. Some journalists are not aware of whether their employer regularly fulfills these obligations. These are mostly journalists who come from public and pri-

⁵⁸ Data taken from [Plata.ba](https://www.plata.ba) portal, <https://www.plata.ba/plata/novinarstvo-stamparstvo-i-mediji/novinar?search=1>

vate radio and TV stations. It makes no much difference whether they are employed in public or private media.⁵⁹

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

In 2022, FMHL received 11 reports about labor disputes or mobbing, two more than the year before. Low media revenues as well as the connection of media owners and editors with economic and political elites threaten journalistic independence and lead to frequent violations of labor rights. Most frequently violated rights include those related to regular income, overtime, i.e., the number of working hours, payment of contributions, the right to severance pay, and violation of termination and disciplinary procedures.

Young reporters who in many cases work as volunteers, part-time, or are on a “probationary period” for months, are still particularly vulnerable, as they actually work full-time, and often overtime.

B.2 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 “mainly good” (35.7%) or “excellent” (24.6%), while some claim that this relationship varies between good and bad.⁶⁰ 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 protecting editorial independence. The editors claim that private media operating in smaller communities, where “people know each other well” and where local politicians openly exert influence and pressure on editors and media owners, face major problems. The poor economic situation and the consequences of the pandemic often make the media dependent on advertisers who are connected to various political parties.⁶¹

According to the 2019 Media Sustainability Index,⁶² “only a few large private media and international broadcasters have achieved long-term sustainability. The public bodies on all administrative levels also provide considerable funding for media, including the regular funding of public media and grants for both private and public media. The criteria used in funding procedures are often imprecise, and procedures lack transparency, which makes it possible for the ruling parties to make arbitrary decisions and subsequently interfere with editorial policies.”

B2.1 *“If you criticize some of the local power players, it will be much more difficult to get advertisements. There is also a problem with access to information because politicians make statements to the media they favor. Main information goes only to those media outlets.” (Source: Focus group with editors and reporters of local media, 19-Jan-2023)*

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

Most media outlets do not have internal codes of ethics. Certain newsrooms have introduced some “unwritten rules”, for example, when reporting on suicide and crimes involving minors, they are limiting readers’ comments option. The Press Council adopted the Press and Online Media Code of Bosnia and Herzegovina.⁶³ An increasing number of editors and journalists admit that the majority of media do not comply with professional and ethical norms, and are instead driven by the need

59 BH journalists and AEM, “Istraživanje o radnim uslovima i pravima novinara/ki, zakonski okvir i upravljanje lokalnim medijima u BiH”, [Survey on Working Conditions and Rights of Journalists, Legal Framework and Management of Local Media in BiH]; Author: Amer Džihana, Sarajevo, January 2021, Accessed: 21.12.2022. <https://bhnovinari.ba/wp-content/uploads/2021/02/RADNA-PRAVA-FINALNI-IZVJESTAJ.pdf>

60 BH journalists i Pro Educa, “Raspodjela moći u medijima u BiH 2019.” [Engl. Distribution of power in the BiH media in 2019] Accessed: 21.12.2022. <https://bhnovinari.ba/wp-content/uploads/2020/09/Raspodjela-mo%C4%87i-u-bh-medijima-2019.pdf>

61 Focus group with editors and reporters of local media, January 19, 2023

62 IREX, “MEDIA SUSTAINABILITY INDEX 2019, BOSNIA & HERZEGOVINA”, Accessed: 5.1.2023 <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-bosnia-herzegovina.pdf>

63 Press Council, “The BiH Press and Online Media Code”. Accessed: 5.1.2023. <https://www.vzs.ba/index.php/vijec-zastampu/kodeks-za-stampu-i-online-medije>

to quickly publish information and collect clicks on online portals.⁶⁴

B2.2 *“Today, anyone who wants to be a reporter can create a portal and buy a domain. And then, in the public eye, these “wild” portals, which don’t even have an imprint and write commissioned texts, are lumped all together with professional media that have existed and worked for years. This needs to be regulated through the Press Council or otherwise – so that we, who are professional journalists, can somehow distance and hedge ourselves, whereas these other [portals and reporters] should not be regarded as part of journalistic societies or members of journalists’ associations.” (Source: Focus group with reporters from public and private media, 17-Jan-2023)*

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

Owners and managers most often condition journalists by their pay and generally poor working conditions, which journalists perceive as pressure and a demotivating factor in their work. Journalists are often expected to be cameramen, editors, and proofreaders, and to do some kind of marketing for their outlets. The majority of journalists no longer have the privilege to engage exclusively in journalistic work.⁶⁵

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?

In 2022, FMHL received 7 reports about labor disputes and mobbing within newsrooms. Unfortunately, journalists who report labor rights violations mostly insist on anonymity for fear of reprisals from editors, owners or media management.

B.3 Editorial independence in public services/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?

Editorial independence and institutional autonomy of public broadcasters are part of the Law on the Public Broadcasting System of BiH, as well as entity laws governing public broadcasters.⁶⁶ Internal organizational rules have been established between newsrooms and the management of PBSs but in practice, they are often not followed. Entity and state PBSs, as well as those financed from local i.e., cantonal budgets, are often under open political influence and politicians perceive them as their private media.

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

During the 2022 election campaign, many politicians refused to participate in debates on PBSs, while at the same time, they accepted invitations from media outlets that are favorably inclined to their cause.⁶⁷

After the adoption of the new Rulebook on the organization and systematization of jobs in Television Sarajevo (TVSA), the Cantonal Council of the Party for Bosnia and Herzegovina issued [a press release](#) saying that they were “surprised by the decision of the director of JP TVSA, Duška Jurišić, to cancel the Editorial Board of the Documentary Program of this TV station”. The Party for Bosnia and Herzegovina inappropriately accused TVSA management and director Jurišić of imposing “a new aggressive concept on the being, feelings, and needs of TVSA viewers”, concluding that by canceling the editorial board of the documentary program, “the produc-

⁶⁴ Focus group with reporters from public and private media, 17-March-2023

⁶⁵ Focus group with editors and reporters of local media, January 19, 2023

⁶⁶ “Law on Public Broadcasting System of Bosnia and Herzegovina”, Article 4.

⁶⁷ BH Journalists, „Odbijanje političara da sudjeluju u TV debatama predstavlja nepoštivanje građana”; [Politicians refusing to sit on TV debates is disrespectful to citizens], 12.9.2022, Accessed on 5.1.2023. <https://bhnovinari.ba/bs/2022/09/12/bh-novinari-odbijanje-politicara-da-sudjeluju-u-tv-debatama-predstavlja-nepostivanje-gradjana/>

tion of content about the past aggression will be clearly reduced”.⁶⁸

According to BiH Presidency member and SNSD president Milorad Dodik, the all-day BHT program broadcast on the occasion of March 1, the Independence Day of BiH, was “one-sided, absolutely shameful and directed against the Serbs”. He announced that he would seek the accountability of “those who have approved and participated in the realization of such a program”.⁶⁹ In addition to political pressures, journalists and other employees of PBSs also face economic pressures. In March, the management of BHRT decided not to extend the contracts of several dozen employees, mostly program workers, in order to save money and survive, while claiming millions from RTRS for unpaid RTV tax.⁷⁰ Both entity public services – FBiH Television (FTV) and Radio Television of Republika Srpska (RTRS) complain about the poor economic situation.

B3.1 *According to the European Commission Report the state-level public service broadcaster BHRT is in serious danger of shutting down, and both the state and entity public broadcasters remain exposed to political influence, in particular through politically controlled steering boards. There is a worrying trend of self-censorship, heightened in the context of Russia's war of aggression against Ukraine, said the European Commission. The Federation Parliament has not filled the vacancies at the Steering Board of the public broadcaster FTV nor appointed a director of FTV since 2013. “Republika Srpska's RTRS spreads Russian and Serbian disinformation including on Russia's aggression on Ukraine and on Bosnia and Herzegovina's EU accession path”, says the 2022 EC report.*

B.4 Editorial independence in non-profit organizations

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

Economic pressures on the media are one of the key problems of the media landscape in Bosnia and Herzegovina. There is a direct connection between political elites, economic elites and media owners, and economic pressures are directly related to political pressures. In this way, an environment of censorship and self-censorship is created, thus considerably shrinking the public space for viewpoints and attitudes that are outside the mainstream.⁷¹

Most non-profit media do not have secured long-term funding. Many independent media have abolished advertising and rely entirely on donor funds, and to achieve this they apply not only to programs intended for the media but also to those in the areas of democratization in general, the rule of law, transparency, the fight against corruption.⁷²

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

Journalists and editors of independent investigative media are often exposed to political pressures and attempts to compromise their professional and personal reputation, including hate speech, online threats and campaigns led against them by party bots. Reporters from the Center for Investigative Reporting (CIN) from Sarajevo were exposed to brutal threats from the high-ranking police official they were writing about. As a result of these threats, the CIN newsroom was granted police protection and constant surveillance.⁷³

68 BH Journalists, “Skupština i Vlada KS moraju zaustaviti politike pritiske na TVSA!” [The KS Assembly and Government must stop political pressure on TVSA!], 12.4.2022, Accessed: 5.1.2023. <https://bhnovinari.ba/bs/2022/04/12/bh-novinari-skupstina-i-vlada-ks-moraju-zaustaviti-politicke-pritiske-na-tvsa/>

69 BH Journalists, “Nedopustivo miješanje Milorada Dodika u rad i programske sadržaje javnog servisa BiH”, [Unacceptable interference of Milorad Dodik in the work and program contents of the BHRT], 5.3.2022, Accessed: 5.3.2022. <https://bhnovinari.ba/bs/2022/03/03/bh-novinari-nedopustivo-miesanje-milorada-dodika-u-rad-i-programske-sadrzaje-javnog-servisa-bih/>

70 Faktor.ba, “Karamehmedović: Nije bilo otkaza, neki ugovori nisu produženi jer je BHRT pred kolapsom zbog duga RTRS-a”, [There were no dismissals, some contracts were not extended because BHRT is about to collapse due to RTRS debt], 2.3.2022, Accessed: 5.1.2023. <https://faktor.ba/vijest/karamehmedovic-nije-bilo-otkaza-neki-ugovori-nisu-produzeni-jer-je-bhrt-pred-kolapsom-zbog-duga-rtrs-a/155449>

71 Prof. dr. Lejla Turčilo, “Ekonomske pritisci na medije u Bosni i Hercegovini”, [Economic pressures on the media in Bosnia and Herzegovina], Sarajevo, August 2021, Accessed: 23.12.2022 <https://civilnodrustvo.ba/wp-content/uploads/2021/09/Istrazivanje-ekonomski-pritisci-na-medije.pdf>

72 Media.ba, “Donatorska podrška ključna za opstanak nezavisnih medija u BiH”, [Donor support is essential for the survival of independent media in BiH], 23.12.2022, Accessed: 23.12.2022. <https://media.ba/bs/magazin-teme-i-resursi/donatorska-podrska-kljucna-za-opstanak-nezavisnih-medija-u-bih/?fbclid=IwAR20CIBpbMX6HAt-GfF9S2xYkkRhEEICG-GagU3pRCcBRinXvefwAT18szU>

73 SafeJournalists: “Prijetnje novinarima CIN-a u Bosni i Hercegovini”, [Threats to CIN reporters in Bosnia and Herzegovina], 25.10.2022, Accessed: 23.12.2022. <https://bhnovinari.ba/bs/2022/10/28/safejournalists-prijetnje-novinarima-cin-a-u-bosni-i-hercegovini/>

B.5. 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?

The freedom of journalists in the process of producing media content, i.e. the way of interpreting certain information varies from media to media. As a rule, journalists working in non-profit media have more freedom. In most newsrooms, journalists participate in editorial board meetings, but this does not necessarily mean that they influence the media's editorial policy.

Journalists admit that by agreeing to work in a certain media, they also agree to the editorial policy of that media, and their professional integrity is thus outside of any protection. Many media are inclined towards certain political options, depending on the interests of their owners, that is, the management structures of the media.⁷⁴

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?

Journalists rarely report the censorship and political pressure they experience inside newsrooms because they believe that it can only bring them problems in the workplace. And when they do report such cases, they insist on anonymity due to fear of losing their jobs. In 2022, FMHL did not register any reports of censorship and pressure by editors, while a year before there were seven such reports.⁷⁵

Some of the main reasons for the environment conducive to censorship and self-censorship are clientelism in the media, an atmosphere of constant political conflict, direct political pressures, non-transparent funding of the media, high unemployment, and an unregulated advertising market. Censorship and self-censorship

are also present due to impunity for attacks on journalists, a large number of defamation lawsuits, advertisers blackmailing media due to investigative and critical media content they produce, violations of journalists' labor rights, and the absence of a program to help and protect journalists in case of rejection of unethical assignments.⁷⁶

B5.1 *“Nine years ago, I experienced a brutal physical attack in which I sustained injuries. Even though the attacker was punished, I have often thought about what could have been done and how to prevent such situations. I received support from the editorial office after the attack, but on the other hand, they expected me to continue doing my job as if nothing had happened, without taking into account the environment in which I work and the risks I am exposed to as a reporter of Crime Report Section who daily covers stories about people from criminal milieu. After that event, I was convulsing of fear after publishing each text for a long time.” (Source: Focus group with female journalists, 20-Jan-2023)*

Two-thirds of BiH citizens believe that political dependence is the main obstacle in the work of the media in BiH, followed by the general political climate and financial dependence.⁷⁷

B.6 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?

A third of female journalists believe that career advancement is easier for their male colleagues and that their work is valued more. For female journalists, the main reason for this is a patriarchal society in which they have to “prove themselves twice as much”, but also family obligations (maternity leave, leave due to children's illness, etc.) due to which employers are more inclined

74 TI BiH, “Integritet novinarstva i transparentnosti medija u Bosni i Hercegovini”, [Integrity of journalism and media transparency in Bosnia and Herzegovina], authors: prof. Dr. Enes Osmančević, mr.sci. Adis Šušnjar, March 2021, Accessed: 21.12.2022. <https://ti-bih.org/wp-content/uploads/2021/10/Publikacija-integritet-novinarstva-i-transparentnost-medija-FINAL-WEB1.pdf>

75 Ema Habul, coordinator of the Free Media Helpline, interviewed by Maja Radević

76 TI BiH “Integritet novinarstva i transparentnosti medija u Bosni i Hercegovini”, [Integrity of journalism and media transparency in Bosnia and Herzegovina], authors: prof. Dr. Enes Osmančević, mr.sci. Adis Šušnjar, March 2021, accessed: 21.12.2022.

77 BH Journalists i FES: “Medijske slobode u BiH 2022”, [Media Freedoms in BiH 2022], Sarajevo, April 2022, Accessed: 21.12.2022. <https://bhnovinari.ba/wp-content/uploads/2022/05/Medijske-slobode-iz-perspektive-gradjana-BiH-2022.pdf>

to give promotions to men.⁷⁸ Basic pay of journalists in BiH range from BAM 585 to 1,328.⁷⁹

B6.1 *“In newsrooms, journalism is still considered a “man’s” business. Female journalists are not equal to their male counterparts, although they are often much more productive. We are the ones who are always ready to work overtime, on holidays, on weekends, who can always be counted on. But when it comes to other things, we are definitely not equal.” “My colleague worked in a large media outlet for a salary of 300 Eur. She fed the whole family with that money, and all her colleagues knew about it. And she worked for a company that promotes itself as a top employer! Two colleagues and I volunteered at a private media outlet and instead of a fee, we received food stamps. When the food stamps were one month late, the colleague asked the boss when we would receive them. The boss told her to leave the building immediately and brought security to escort her, so she wouldn’t take something from the office.” Source: Focus group with female journalists, 20-Jan-23)*

Are women journalists exposed to gender-based pressures?

Research shows that every fifth female journalist in BiH experienced discrimination based on gender. In most cases, it was about sexual harassment and sexist comments.⁸⁰ Gender-based violence and pressure are reported by two-thirds of female journalists, while the majority of female journalists do not report online threats. It is worrying that female journalists are increasingly victims of verbal violence by politicians who address them using profanities and misogynistic vocabulary.⁸¹ In the last three years, FMHL registered more than 70 attacks and threats against female journalists in Bosnia and Herzegovina. This number speaks of a rapid growth of gender-based violence against female journalists but the alarming fact is that in nearly half of the cases, the attackers are politicians and other public officials. In 2022, a total of 31 cases related to female journalists were reg-

istered. Female journalists are less exposed to physical attacks than male journalists, but they are increasingly exposed to online threats and attacks, which are all the more dangerous because they are often not public and leave various psychological consequences and trauma.⁸²

B6.2 *“In 2022, I was attacked on two occasions via social networks by the so-called party bots. I felt like a target was placed on my forehead. In these situations, support of my editors was the most important thing for me. Unfortunately, I know from the experiences of my colleagues that in such cases, many newsrooms do not stand behind their female journalists, and this has serious consequences. I believe that newsrooms should provide psychological support for female journalists who have experienced physical, verbal or online attacks.” (Source: Focus group with female journalists, 20-Jan-23)*

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

According to available research, women occupy about 37 percent of editorial positions in BiH media and about 28% of director positions. They are most represented as editors on the radio (60%) and in news agencies (50%), while the lowest representation is in management positions of television stations. When it comes to print media, women occupy about 40 percent of editorial positions and the same number of director positions.⁸³

78 [Media.ba](#), “Diskriminacija novinarki u redakciji i na terenu: Neprijavlivanje iz straha od stigmatizacije”, [Female journalists discriminated in the newsrooms and in the field: No reports for fear of stigmatization], 15.10.2022, Accessed: 21.12.2022.

79 Data taken from [Plata.ba](#) portal, accessed on 22-Dec-22

80 [Media.ba](#), “Diskriminacija novinarki u redakciji i na terenu: Neprijavlivanje iz straha od stigmatizacije”, [Female journalists discriminated in the newsrooms and in the field: No reports for fear of stigmatization], 15.10.2018, Accessed: 21.12.2022. <https://www.media.ba/bs/magazin-novinarstvo/diskriminacija-novinarki-u-redakciji-i-na-terenu-neprijavlivanje-iz-strAndha-od>

81 BH journalists: “Novinarke u Sarajevu sve češće žrtve verbalnog nasilja političara”, [Journalists in Sarajevo are frequent victims of verbal violence by politicians], 14.4.2022, Accessed:21.12.2022. <https://bhnovinari.ba/bs/2022/04/14/bh-novinari-novinarke-u-sarajevu-sve-cesce-zrtve-verbalnog-nasilja-politicara/>

82 [Safejournalists.net](#), [Doc.dr.Zlatiborka Popov Momčinović](#), „Napadi na novinarke u Bosni i Hercegovini u kontekstu ugrožavanja medijskih sloboda”, [Attacks on female journalists in Bosnia and Herzegovina in the context of threats to media freedom], Accessed: 21.12.2022. https://safejournalists.net/wp-content/uploads/2018/04/NAPADI-NA-NOVINARKE-U-BOSNI-I-HERCEGOVINI_19.02.2018_.pdf

83 [Media.ba](#), “Žene na samo 30 posto rukovodećih pozicija u bh. medijima”, [Women occupy only 30 percent of managerial positions in BiH media], 16.1.2018, Accessed: 21.12.2022. <https://media.ba/bs/magazin-novinarstvo/zene-na-samo-30-posto-rukovodecih-pozicija-u-bh-medijima>



C.1 Safety and impunity statistics

In 2022, the database of [Safejournalists.net](https://safejournalists.net) had a total of 31 entered cases of attacks, threats, and pressure on journalists and media in Bosnia and Herzegovina. It also registered 22 cases of death threats to journalists, verbal and other forms of threats, and political pressure on journalists and the media, and 6 attacks and threats against media outlets, and two physical attacks on journalists and media employees.

During 2022, the most numerous were cases of threats and intimidation of journalists, as well as various forms of pressure, which often came from government representatives from different levels. The Free Media Helpline, which operates within the Association BH journalists, recorded 79 cases of violations of journalists' rights and media freedoms, including labor disputes, mobbing, and defamation lawsuits. In 2022, hate speech against journalists increased by as much as 137%, and the number of political pressures and verbal threats grew by 40% relative to the previous year.

Here we will describe some of the cases in 2022, that strongly resonated in the media community and general public:

Columnist and activist from Bosnia and Herzegovina Srđan Puhalo received a series of threats, including death threats, after publishing his comments regarding the media headlines and official statements about the number of children killed in besieged Sarajevo on the portal [Analyze.ba](https://analyze.ba). Dozens of threats to Puhalo were mostly sent from different user profiles on Twitter. Among other things, he was told to "watch where

he's going", "that he should be killed, tortured, beaten, and that he should no longer be allowed to walk around Sarajevo", etc. Puhalo reported the threats to FMHL. BH Journalists Association called on the police and judicial authorities to investigate this case and sanction those spreading hatred and threatening the personal and professional rights of Srđan Puhalo.⁸⁴

For months, the editorial staff of the Banja Luka portal eTrafika has been receiving death threats via Facebook from Siniša Golub. This portal wrote about Golub four years earlier after he operated on a dog in an illegal home clinic. The editor-in-chief of the eTrafika portal Vanja Stokić told the SafeJournalists network that the journalists of the eTrafika portal are very worried because the threats did not stop even after the case has been reported to the police. When the Association asked the RS Ministry of Internal Affairs about the case, they replied that the case was referred to the District Public Prosecutor in Banja Luka and that the "prosecutor said that the case has no elements of a crime because

⁸⁴ BH journalists, "Prijetnje blogeru, kolumnisti i aktivisti iz BiH Srđanu Puhalu"; [Threats against blogger, columnist and activist from BiH Srđan Puhalo], 11.5.2022, Accessed: 22.12.2022. <https://bhnovinar.ba/bs/2022/05/11/sj-prijetnje-blogeru-kolumnisti-i-aktivisti-iz-bih-srdjanu-puhalu/>

Table 2: Number of registered attacks on journalists in 2022

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 monitoring; – disturbing phone calls; – arbitrary judicial or administrative harassment; – aggressive statements by public officials; – other forms of pressure that may compromise the safety of journalists while doing their job. <p>These types of threats do not include mobbing and maltreatment in the working environment.</p>	15	<ul style="list-style-type: none"> – On his Facebook profile, Jasmin Mulahusić sent several threats, including hate speech, towards Borka Rudić, general secretary of BH Journalists Association and Slađan Tomić, UNA TV reporter. He insulted them and called them nationalists, labeling Slađan Tomić's father as a war criminal. – On the website www.mulahusicjasmin.com, the author Jasmin Mulahusić, who is being investigated by BiH Prosecutor's Office for hate speech, posted a text saying that Selma Fukelj, the Mediacy reporter, spreads falsehoods and deceptions "defending a soldier of RS Army and his son..." and that she is being paid to defend this war criminal". – The editor of the portal inforadar.ba, Almedin Šišić, published a tweet regarding SDA president Bakir Izetbegović. After that, he received more threats through his FB profile. – Member of the RS Senate and member of the SNSD in the Banja Luka City Assembly, Marinko Umičević, verbally attacked the reporter of the Capital portal Bojana Ninković, uttering profanities and insulting the editor-in-chief of that media, Siniša Vukelić. – BIRN BiH reporter Aida Trepanić telephoned the FBiH Minister of Justice Mato Jozić about the statement, but during the conversation he insulted her, uttering derogatory terms and spoke to her in an extremely raised tone, not allowing her to ask a question or talk to him. – Upon arriving in front of the BiH Prosecutor's Office building, BiH Presidency member Milorad Dodik showed the middle finger to the present press teams through the window of his official car. – President of SDP BiH Nermin Nikšić and President of People and Justice (NiP) Elmedin Konaković verbally attacked N1 television reporter Sunčica Šehić because of the questions she asked them. – President of DNS Nenad Nešić verbally attacked N1 reporter Snežana Mitrović at a press conference and mentioned her family. – Radio Zenit host Almir Hadžajlić filed a lawsuit against Muamer Sadibašić, who threatened him and demanded money. Sadibašić was sentenced to eight months in prison for attempted extortion. – The editor of the Prometej.ba portal, Franjo Šarčević, was the target of threats and online violence after he commented on current events in BiH – changes to the Election Act, protests in front of the OHR, etc. – Verbal attack and insults by candidates of the Party of Democratic Action (SDA) Faruk Kapidžić addressed to the editor of Face TV Senad Hadžifejzović. – The president of the People and Justice party (NiP) Elmedin Konaković posted several statuses on social networks labeling journalists as "regime" journalists who "spit fire", lie and cause a "frenzy" against him. – Employees and the director of BN Television are continuously exposed to inciting rhetoric, threats and insults on social networks, which come mostly from members and sympathizers of SNSD in Republika Srpska. – Jasmin Mulahusić wrote on several occasions about members of the immediate family of Al Jazeera Balkans reporter Dalija Hasanbegović-Konaković, inciting national and religious hatred towards her and her family. – During the filming of the poll in the city center, an unknown man approached the BN television team and started insulting, uttering profanities, provoking and insulting them, and accusing them of being paid by "Americans". The BN cameraman recorded the entire incident on camera, and the footage was handed over to the police along with the report of the attack.

Categories	Number	Description
Threats against the life and physical safety of journalists This may include: <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. Threats may be: <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. 	7	<ul style="list-style-type: none"> – Portal eTrafiika published shocking messages they received via Facebook from Siniša Golub, after Golub requested the removal of the text he authored from the eTrafiika portal, published in 2018. – Incitement, calls to violence and “beating”, offensive and discriminatory language, slanderous statements, requests to be banned from coming to Sarajevo, etc., are all part of the orchestrated hunt for Srđan Puhalo, which followed after he published the comment on the Analiziraj.ba portal on the topic of media captions and official statements about the number of children killed in besieged Sarajevo. – The editor of Oslobođenja Vildana Selimbegović wrote a column about the amendments to the BiH Election Act imposed by the High Representative Christian Schmidt. After the release of her column, Selimbegović received death threats. – ATV journalist Tatjana Brestovac from Banja Luka received insults and death threats via Twitter. Some of those messages were: “You’ll die young”, “Enjoy life while you’re still alive” and the like. – Zoran Čegar, head of the FBiH Uniformed Police Department, threatened the CIN reporter saying: “Don’t let me rip your throat out!” and tried to attack her physically in front of the Municipal Court building in Dubrovnik. – Journalist and columnist Dragan Bursać received threats on his Instagram profile, some of which are: “Here’s an open threat to you, you stinking nit, and you can report it wherever you want. We are waiting for you.”, “You’ll get a piece of sh**t, very unpleasant. You’ll get it when we meet.” The case was reported to the police in Bosnia and Herzegovina and Serbia. – Journalist and editor of Dnevni avaz Miralem Aščić received death threats by phone after a series of articles he published in Dnevni avaz about the murder of two policemen from Sarajevo and reporting on the investigation and prosecution against the two suspects. It is assumed that the brother of Aleksandar Macan, one of the suspects in this case, is behind the threats.
Attacks on journalists 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.	2	<ul style="list-style-type: none"> – On June 15, 2022, Trebinje police station received a report of a Ford passenger vehicle belonging to RTRS reporter Nataša Miljanović-Zubac being on fire. The case was reported to the on-duty prosecutor of the Trebinje District Prosecutor’s Office. – Journalist Aleksandar Gluvić was physically attacked in the Banja Luka settlement of Petričevac, while he was filming an illegally parked vehicle bearing the symbols of the SNSD party. The owner and driver of the truck first threatened the BN journalist, warning him not to take photos but after the journalist ignored his threats, he called his son for help, who came and physically attacked Gluvić, grabbing him by the neck.
Murders of journalists (in the last 15–20 years) Types of killings can include crossfire kill-ings, assassinations, bomb blasts, beatings, etc.	0	
Threats and attacks on me-dia institutions, organiza-tions, 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 at-tacks may include some of the above categories.	7	<ul style="list-style-type: none"> – BiH Presidency member and SNSD president Milorad Dodik said that the all-day BHT program broadcast on the occasion of March the Independence Day of BiH, was “one-sided, absolutely shameful and directed against the Serbs”. He announced that he would seek the accountability of the editor and those responsible for the realization of the program. – The Party for Bosnia accused TVSA management and director Jurišić of imposing “a new aggressive concept on the being, feelings and needs of TVSA viewers”, concluding that by canceling the editorial board of the documentary program, “the production of content about the past aggression will be clearly reduced”. – In front of the Court of Bosnia and Herzegovina in Sarajevo, Davor Dragičević approached the RTRS team and aggressively insulted the reporter and the cameraman, asking them to apologize for the unprofessional reporting on the tragic death of his son David. Although at one point the reporter personally apologized, Dragičević continued threatening and insulting the crew and the entire team of RTRS. – Hacker attacks on the Facebook pages of the media “Dnevni avaz” and “Gracija”. – The editor of the Micromreža portal from Gradiška, Bojan Trgić, had a punctured tire on his car, and a dent on the front door. Trgić told the police that he suspected Aleksander Bubulj, the son of a prominent SNSD member, Marica Bubulj, who threatened to take legal action and was visibly disturbed by the text published on this portal. – CRA director Draško Milinović stated that CRA launched ex officio proceedings against Face TV and that they “will go for the highest possible sanction” because Senad Hadžifežović allegedly asked a guest in the program whether Milorad Dodik should be killed. – At the press conference, President of Republika Srpska and SNSD president Milorad Dodik labeled BN television as “enemy television”, and accused journalists and other employees of this media of being “foreign spies” paid by the American and British ambassadors. Dodik also made a post on Twitter attacking BHRT and calling it a “Muslim service”, which should not exist as such.”

Golub did not threaten anyone personally but to the editorial staff of the portal”.⁸⁵

Political pressure on journalists and media outlets in Bosnia and Herzegovina continues. Among the cases that attracted the most attention in 2022 was the case of CRA taking action against Face TV and the editor Senad Hadžifejzović who allegedly asked in his show “if Milorad Dodik should be killed.” Even before taking legal action, the CRA director, based on the video recording from which one cannot clearly discern what Hadžifejzović had actually said, announced that “they will go for the highest possible fine” and “the most rigorous measures” against Face TV, which is an unprecedented action on the part of CRA. Ultimately, CRA dropped the case against Face TV because “it could not be reliably established that the words mentioned in the preliminary allegations of the Agency have been said.”⁸⁶

Journalists in Bosnia and Herzegovina were not spared orchestrated online campaigns aimed at inciting hate speech against them and their families this year either. In 2021, 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 various posts on the Internet, in public space and on social networks. In posts on Facebook, Mulahusić and hundreds of his followers openly target several journalists and the media, spreading national and religious hatred towards them.⁸⁷ The BiH Prosecutor’s Office claims that they are still “intensively investigating” this case.

Among the worst attacks on female journalists in 2022 were the threats and insults directed at CIN reporter Renata Radić-Dragić by Zoran Čegar, head of the Uniformed Police Sector of the Federation of BiH. Čegar repeatedly threatened the journalist that he would “rip out her throat”, calling her a “Chetnik girl”, and threatening to “come to the place where she was calling him

from”.⁸⁸ The FBiH Police Professional Standards Unit initiated disciplinary proceedings against Čegar due to the aforementioned threats. The editorial office of CIN was also under police surveillance due to Čegar’s threats.

C.2 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 at supporting the media freedom and safety of journalists in online and offline spaces. Most institutions in BiH do not collect data on threats and attacks on journalists and media workers. Instead, these activities are carried out by professional organizations, primarily the BH Journalist Association, whose Free Media Helpline keeps 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.

To improve the safety of journalists, in 2022 the Parliamentary Assembly of Bosnia and Herzegovina adopted an initiative to amend the Criminal Code of Bosnia and Herzegovina and criminalize attacks on journalists as a separate crime. However, by the end of the year, no amendments were made. Considering that criminal codes in BiH do not recognize “attacks on journalists” as a separate criminal offense, judicial institutions – courts and prosecutor’s offices – have no possibility of registering cases that exclusively relate to threats or attacks on journalists, because the CMS systems do not filter cases based on the profession of the injured party.

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?

Within state institutions, there are no special protocols and documents related to communication and work

85 BH journalists, “Novinari u BiH tri mjeseca trpe prijetnje smrću”, [Journalists in BiH suffer death threats for three months], 21.7.2022, Accessed: 22.12.2022, <https://bhnovinari.ba/bs/2022/07/21/sj-novinari-u-bih-tri-mjeseca-trpe-prijetnje-smrcu/>

86 Oslobođenje, “RAK obustavio postupak protiv Face Tv-a i Senada Hadžifejzovića: Nemoguće je utvrditi šta je izgovorio” [CRA suspended the proceedings against Face TV and Senad Hadžifejzović: It is impossible to determine what he said], 16.12.2022. Accessed: 23.12.2022, <https://www.oslobodjenje.ba/vijesti/bih/rak-obustavio-postupak-protiv-face-tv-a-i-senada-hadzifejzovica-nemoгуce-je-utvrditi-sta-je-izgovorio-818662>

87 Dnevni.ba, “Jasmin Mulahusić ne prestaje huškati protiv novinara”, [Jasmin Mulahusić does not stop the frenzy against journalists], 24.10.2022, Accessed: 23.12.2022, <https://dnevni.ba/online/mediji/jasmin-mulahusic-ne-prestaje-huskati-protiv-bh-novinara/>

88 NI, “Pogledajte kako Zoran Čegar prijete i psuje novinarima CIN-a (VIDEO)”, [See how Zoran Čegar threatens and swears at CIN journalists (VIDEO)], 27.10.2022, Accessed: 23.12.2022, <https://ba.n1info.com/vijesti/pogledajte-kako-zoran-cegar-prijeti-i-nasrce-na-novinare-video/>

with journalists. The OSCE mission has published guidelines for the police in dealing with the media and for the media in dealing with the police, but these are not legally binding.⁸⁹ Some judicial institutions have adopted guidelines for journalists and the media.⁹⁰

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?

The High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina issued an instruction ordering the courts, prosecutor's offices and registries to record lawsuits and court proceedings against journalists and the media, but this practice has not yet taken root in most judicial institutions. Nevertheless, some institutions decided to make a positive step forward. The Sarajevo Canton Prosecutor's Office, with the support of the OSCE Mission to BiH, appointed a contact person – a prosecutor whose job is to communicate and coordinate with journalist associations, journalists, and law enforcement agencies involved in the investigation and prosecution of criminal offenses committed against journalists and media workers. Cases in which journalists are victims, and where crimes are related to journalistic activities are considered a priority in this Prosecutor's Office.⁹¹

Do state institutions recognize attacks on journalists as a violation of freedom of expression and criminal code? Do officials make clear statements condemning attacks on journalists?

Politicians and other public officials rarely condemn attacks on journalists and threats to journalists. In fact, as many as a third of cases of attacks, threats and pressures on journalists and media houses come from politicians. Attempts by politicians to limit the freedom of the media and journalists are becoming more frequent and aggressive. This claim is backed by the current initiatives to amend the Criminal Code of the Republika Srpska and thus allow journalists to be criminally liable for defamation and receive prison terms. The me-

dia community sees such proposals as a serious threat to freedom of speech, critical thought and media that do not report in the way that suits the current government.⁹²

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

Representatives of parliaments in the region and journalist associations and trade unions from Montenegro, Serbia, Bosnia and Herzegovina and North Macedonia signed the Declaration on the Advancement of Dialogue on Media Freedom in the Western Balkans. The purpose of the document is to bring together parliamentarians and journalistic organizations in a joint effort to improve the working conditions of the media and journalists, security and strengthen media freedom.⁹³ Although they declaratively support the work of journalistic organizations, the fact is that government representatives, competent ministries and parliaments work very slowly and inefficiently on amending certain laws or passing new laws that would improve the safety of journalists.⁹⁴

In October, the European Commission listed the protection of journalists as one of the eight conditions for Bosnia and Herzegovina's candidate status for the European Union. The EC required that the BiH authorities must "guarantee freedom of expression and of the media and the protection of journalists, notably by ensuring appropriate judicial follow-up in cases of threats and violence against journalists and media workers".⁹⁵ Similar requirements and criticism of the BiH authorities for ineffective protection of journalists and prosecution of attacks on journalists have been repeated for years by the European Commission and EU institutions.

89 OSCE, "Guidelines for the Police in Dealing with the Media", Sarajevo: 2007. Accessed: 12.12.2022. <https://bhnovinari.ba/wp-content/uploads/2007/11/osceuputezapolicijuophodjenjusmedijima.pdf>

90 Court of BiH, "Guidelines for Journalists" Accessed: 12.12.2022. <http://www.sudbih.gov.ba/stranica/25/pregled>; Detector, "Banja Luka Prosecutor's Office accepted the guidelines". Accessed on 12-Dec-22. <http://detektor.ba/banjalučko-tužilaštvo-prihvatio-smjernice/>

91 Darko Martinčević, contact person for journalists at the KS Prosecutor's Office, interviewed by Maja Radević, 08-Dec-22

92 [Media.ba](https://media.ba), "Diskusija o novom setu zakona: Tegeltija poručio novinarima da se ne opiru", [Discussion on the new set of laws: Tegeltija told the journalists not to resist], 17.11.2022, Accessed: 26.12.2022. <https://media.ba/bs/vijesti-i-događaji-vijesti/diskusija-o-novom-setu-zakona-tegeltija-porucio-novinarima-da-se-ne-opiru>

93 BH Journalists, "Parlamentarci i novinari iz regiona za promjenu medijskog zakonodavstva", [Parliamentarians and journalists from the region for the change of media legislation], 21.10.2022, Accessed: 26.12.2022. <https://bhnovinari.ba/bs/2022/10/21/parlamentarci-i-novinari-iz-regiona-za-promjenu-medijskog-zakonodavstva/>

94 Barka Rudić, Secretary General of the BH journalists association, interviewed by Maja Radević

95 BH Journalists, "Efikasna zaštita novinara jedan od uslova za kandidatski status BiH za EU", [Effective protection of journalists is one of the conditions for BiH's candidate status for the EU], 12.10.2022, Accessed: 26.12.2022. <https://bhnovinari.ba/bs/2022/10/12/efikasna-zastita-novinarajedan-od-uslova-za-kandidatski-status-bih-za-eu/>

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

In recent times, there have been no recorded cases of electronic surveillance of journalists in Bosnia and Herzegovina. In the journalistic community, there has been speculation for years that certain politicians and parties monitor and eavesdrop on individual journalists through police-intelligence structures, but there is no evidence for this. The BiH Prosecutor's Office checked media allegations about the involvement of the Intelligence and Security Agency of Bosnia and Herzegovina in the illegal wiretapping of journalists, but there is still no official information about the outcome of that investigation.⁹⁶

When the CIN reporters phoned the head of the uniformed police of the Federation of Bosnia and Herzegovina to ask him for an interview, Čegar refused the interview, threatening and cursing at them, and alluding that "his people keep an eye on their whereabouts".⁹⁷

Four years ago, the then chair of the BiH Presidency, Milorad Dodik, made a public claim about State Intelligence and Security Agency (OSA) "monitoring, eavesdropping and instructing" reporters and media outlets to "incriminate politically unfit people". He supported this 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.⁹⁸

C.3 Conduct of criminal and civil justice in relation to 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?

Most institutions do not have special departments/teams that investigate and prosecute attacks on journalists. In 2022, the Sarajevo Canton Prosecutor's Office made a positive step forward by appointing a prosecutor, who is a contact person for criminal offenses committed against journalists and media workers. In this Prosecutor's Office, the cases involving journalists/reporters are given priority status. The appointed prosecutor will undergo additional training in the field of human rights protection, which will certainly contribute to a greater degree of institutional awareness and improvement of work according to international standards in this field.⁹⁹

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?

It takes several years from the beginning of the investigation to the court epilogue. Procedural deadlines are exceeded, both in cases involving journalists or the common citizens, and there are no special legal deadlines by which an investigation or court proceedings involving journalists must be completed. Criminal codes do not recognize attacks on journalists as a criminal offense in its own right. In cases where competent institutions deem it necessary, journalists are provided with protection measures. In October 2022, the Sarajevo Canton Ministry of the Interior granted police protection and constant surveillance for journalists from the Center for Investigative Reporting from Sarajevo, and after their reporters received threats from Zoran Čegar,

96 Dnevni avaz, "Afera 'Snimak': Tužilaštvo BiH pokrenulo istragu zbog prisluškivanja novinara" [Engl. *Affair Recording: BiH prosecutors investigating wiretapping of journalists*], 19.1.2022. Accessed: 26.12.2022. <https://bit.ly/3EdmRRy>

97 CIN.ba, "Dvostruki život policajca Čegara, [The Double Life of Officer Čegar], 24.10.2022. Accessed: 26.12.2022. <https://cin.ba/dvostruki-zivot-policajca-cegara/>

98 Al Jazeera Balkans, "Novinari: OSA mora odgovoriti na Dodikove tvrdnje" [Engl. *OSA must reply to Dodik's allegations*], 26.6.2022. Accessed: 26.12.2022. <https://bit.ly/38DRLXn>

99 Sabina Sarajlija and Darko Martinčević, "Novinari kao mete napada: Tužilaštvo KS prepoznalo značaj jačanja zaštite novinara", [Reporters as targets of attacks: KS Prosecutor's Office recognized the importance of strengthening the protection of journalists], E-novinar bulletin no. 80, Accessed: 3.12.2023. <https://bhnovinari.ba/wp-content/uploads/2022/12/BILTEN-80-BH-novinari.pdf>

the head of the Uniformed Police Sector of the FBiH Police Administration.¹⁰⁰

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

Investigative bodies generally do not focus on the motives and identifying the possible sponsors of the attack. Sponsors of the attacks on journalists usually remain unidentified.¹⁰¹ Most of the attacks against journalists and the media are treated as misdemeanors, not criminal offenses, hence the low penalties. In a large number of reported cases, prosecutors render a decision not to investigate due to a lack of “elements of a crime”.¹⁰²

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?

Education and training events for the police and representatives of the judiciary are most often initiated by journalist associations and non-governmental organizations, as part of the projects supported by foreign donors. Representatives of police and judicial institutions have good cooperation with journalistic associations. Generally, the police, prosecutors, lawyers and judges today cooperate much more with journalists and know their rights better than before.¹⁰³

According to the European Commission Report for Bosnia and Herzegovina, the country has not made any progress in addressing the Opinion key priority 12 about guaranteeing the freedom of expression and of the media and the protection of journalists. Among other things, this priority requires that the country ensure appropriate judicial follow-up to cases of threats and violence against journalists and media workers.¹⁰⁴

100 SafeJournalists, “Threats to CIN reporters in Bosnia and Herzegovina”. Accessed: 31.2023. <https://bhnovinar.ba/bs/2022/10/28/safejournalists-prijetnje-novinarima-cin-a-u-bosni-i-hercegovini/>

101 Maja Radević, “2021 Western Balkans Journalist Safety Index – Narrative report for Bosnia and Herzegovina”, Accessed: 31.2023. <https://safejournalists.net/resources/index-sigurnosti-novinar-zapadnog-balkana-2021-narativni-izvjestaji-za-bosnu-i-hercegovinu/?lang=bs>

102 Ema Habul, coordinator of the Free Media Helpline, interviewed by Maja Radević

103 Borka Rudić, Secretary General of the BH Journalists Association, interviewed by Maja Radević

104 Media.ba, “EC Progress Report for BiH: Journalism in BiH is still an insecure profession”, 13.10.2022, Accessed: on 03-Jan-23 <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/izvjestaji-evropske-komisije-ona-pretku-novinarstvo-u-bih-i-dalje>

Table 3. List of court cases concerning the most serious attacks on journalists

Year	2018.	2019.	2020.	2021.	2022.
Case					
1 Threats and hate speech against journalists and media through social networks, Jasmin Mulahusić, 2021.				4 9 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”. 7 9 2021 – The Court of BiH rejected the proposal for remanding Mulahusić in custody, and released him without imposing any bans on him.	Mulahusić and his Facebook followers continue to spread hate speech against journalists and the media. December 2022 When asked by the FMHL about the case, the BiH Prosecutor’s Office replied that they were “working intensively” on it. No charges have been filed yet.
2 Threats of physical assault to CIN reporter Renata Radić-Dragić, October 2022.					Zoran Čegar, the head of the Uniformed Police Sector of the Federation of Bosnia and Herzegovina, repeatedly threatened to “rip out the reporter’s throat”, calling her a “Chetnik”, and threatening that he would come to the place where she was calling him from.” October/November 2022 – CIN editorial office was placed under police surveillance. December 2022 – The FBiH Police Professional Standards Unit initiated disciplinary proceedings against Čegar due to the aforementioned threats.
3. Death threats, E-trafika, May-August 2022					For months, the editorial staff of the Banja Luka portal eTrafika has been receiving death threats via Facebook from Siniša Golub. This portal wrote about Golub four years earlier. Once reported to the RS Ministry of the Interior, the case was referred to the District Public Prosecutor in Banja Luka, where the case was found to contain no elements of crime because Golub was not threatening anyone personally but the editorial office of the portal in general.”
4. Verbal attacks, pressure and slander, Tanja Topić, 2021				May 2021 – At a press conference, Milorad Dodik called Tanja Topić – the reporter and political analyst – a “proven quisling” and “agent of the German intelligence service”, while insulting her and her family. Tanja Topić filed a defamation lawsuit against Dodik through an FMHL lawyer.	December 2022 – The Basic Court in Banja Luka rendered a first-instance verdict exonerating Dodik from defamation charges. FMHL lawyers appealed the first instance verdict.
5. Death threats, Miralem Aščić, 2022					December 2022 – Journalist and editor of Dnevni avaz, Miralem Aščić, received death threats by phone after a series of texts he published in Dnevni avaz about the murder of two policemen from Sarajevo, and reporting on the investigation and prosecution against the two suspects. The brother of Aleksandar Macan, one of the suspects in this case, is assumed to be behind the threats. 14-Dec-22 – Members of the Sarajevo Canton Police Department in cooperation with colleagues from the Istočno Sarajevo Police Department, detected and arrested Miroslav Macan, who is accused of threatening Aščić. Proceedings were initiated against Macan in accordance with the law.
6. Verbal threats/extortion, Almir Hadžajlić, 2022					May 2022 – Radio Zenit host Almir Hadžajlić turned to FMHL for help with a lawsuit he filed against Muamer Sadibašić, who threatened him and demanded money. The criminal complaint was submitted to the Cantonal Prosecutor’s Office in Zenica. October 2022 – The Municipal Court in Zenica, acting on the indictment of the ZDK Prosecutor’s Office, rendered a first-instance verdict against Sadibašić Muamer for the criminal offense of extortion from Article 295, paragraph 1, in conjunction with Article 28 FBiH CC, sentencing him to a prison term of eight (8) months.

Conclusions and Recommendations

CONCLUSIONS

- In 2022, the authorities in Bosnia and Herzegovina did almost nothing to improve legal regulations and the safety of journalists or enable more efficient prosecution of those who attack journalists and the media and threaten freedom of expression. Initiatives to amend the Criminal Code and the Defamation Act, which were adopted in the parliaments, are still “on hold”, as is the adoption of the new Freedom of Access to Information Act at the level of BiH institutions. The process of amending existing regulations related to the work of journalists and the media is very slow. At the same time, some political leaders portend the re-criminalization of defamation, which represents a serious threat to freedom of expression, and especially to the work of independent and investigative media. Guaranteeing the freedom of expression and of media and the protection of journalists is one of the eight key conditions that BiH must fulfill on the way to membership in the European Union, as highlighted by the European Commission. However, BiH politicians obviously do not take the criticism by the EU institutions and bodies seriously enough, as the EC’s demands regarding the free work of the media and the safety of journalists are not high on their priority list. Instead of condemning attacks on journalists and engaging in the protection of media freedom and expression, many politicians openly and verbally attack and label journalists.
- In 2022, Bosnia and Herzegovina fell by as many as nine places on the World media freedom index compared to the previous year and is currently in 67th place. The key reason for this plunge is an extremely unfavorable political and economic environment for the work of journalists. Intense political pressure on journal-

ists continues – the number of pressures and verbal threats this year increased by 40%, and a third of the reported attacks, insults and pressures come from politicians and public officials. Working conditions in most media are poor. Many journalists work for below-average wages, and most employment contracts in private media are concluded for a fixed period. Regarding the protection of labor rights, the situation is somewhat better in PBSs. Nevertheless, the absence of a single trade union, independent of politics and managerial structures, to solely protect the rights of journalists and negotiate with competent institutions and government representatives is a major shortcoming. No progress has been made regarding the depoliticization of public broadcasters. Management in PBSs is appointed by politics, not media professionals. A functional model for collecting RTV fees is still missing, and as a result, BHRT is at risk of being shut down. At the same time, there is a fear of further polarization of public broadcasters along ethnic lines by introducing the so-called third channel in the Croatian language, which has been the subject of controversy for years. The Communications Regulatory Agency (CRA) is often the target of criticism from the media community and the public due to the political bias of the management of this body.

- Independent media and investigative journalists are exposed to increasingly intense online violence and threats, hate speech and harassment via social networks, as well as hacker attacks. In most of these cases, the competent institutions – the police, prosecutor's offices and courts – do not have an adequate response. The attackers often remain unidentified, and investigations are suspended mostly with the argument that there are no elements of a crime. Courts do not have a uniform practice when it comes to hate speech, especially on social networks, so online attacks on journalists and the spread of hate speech are often interpreted as “freedom of speech”. Although it is somewhat better than in previous years, the cooperation between the media and the judicial community is still not at a satisfactory level and there is a lot of room for improvement. The adoption of the new Communication Strategy of the High Judicial and Prosecutorial Council of BiH (HJPC BiH), which should help improve cooperation and ensure more transparent work of the judiciary, is a positive development. However, the Communication Strategy is still not binding and was adopted practically as a kind of recommendation for the actions of judicial institutions, so it remains to be seen to what extent it will be applied.
- The media market in BiH is particularly characterized by a lack of transparency when it comes to media ownership. The Media Ownership Transparency Act is one of the key laws that is missing in Bosnia and Herzegovina and, despite the efforts of the pro-

fessional community, there is still no political will to adopt such a law and improve media transparency in the country. The number of media that adhere to professional standards and respect ethical codes is decreasing. Many media, especially online news portals, are used by politicians as a means for reckoning with their opponents. A few media that engage in investigative journalism, such as CIN, BIRN and the online magazine Žurnal, do not have sufficient support to resist the pressures that are manifested not only through frequent attacks and threats to reporters but also through SLAPP lawsuits, the blocking of these media's pages on social networks and denied access to large advertisers. Due to economic pressures and an unstable working environment, an increasing number of media owners, editors and journalists are subject to censorship and self-censorship.

RECOMMENDATIONS

- Adopt amendments to the Criminal Code of Bosnia and Herzegovina to stipulate attack on journalists as a standalone criminal offense, ensure efficient prosecution of attackers and higher sanctions for crimes against journalists; Also, incorporate the mentioned amendments into the entity's criminal codes and the Criminal Code of the Brčko District of BiH
- 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 comply 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 the Law on Transparency of Media Ownership, define criteria and ensure transparent financing of the media from budgets at all levels of government.
- Improve legal provisions regarding professional media reporting and respect for political pluralism in general, not only during election campaigns.
- Adopt special laws at the entity and state levels to clearly define hate speech, online violence and threats and sanctions for these crimes.
- 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.

- Politicians and government representatives must embrace the practice of condemning attacks on journalists and sending a clear and unambiguous message to the public that such attacks are unacceptable.
- 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.
- Ensure the editorial independence of PBSs at the State and Entity levels, local public media, as well as full independence of regulatory bodies.
- Adopt special protocols i.e., documents to guarantee the independence of newsrooms from management and marketing departments in public and private media, as well as security protocols within newsrooms in case of attacks on journalists and media editors.
- Government institutions should be required to proactively publish information on media funding, including information on incentives and advertising.
- Insist on consistent application of existing laws, especially on depoliticization of public broadcasters, through advocacy activities, press releases and campaigns on social networks
- 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 associations.
- 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.
- Insist on more efficient and faster processing of attacks on journalists and processing all reported cases within a reasonable time.
- Create a unique CMS system within judicial institutions– a database of lawsuits related to journalists and media.
- More active lobbying of journalists' associations and maintaining regular contacts and meetings with representatives of the media as well as with 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.

