



**safejournalists.net**

# **BOSNIA AND HERZEGOVINA Indicators on the Level of Media Freedom and Journalists' Safety Index 2023**

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# About the project

## BACKGROUND OF THE INDICATORS

The journalists' associations from the Western Balkans countries, supported by the European Commission<sup>1</sup>, have established the platform [Safejournalists.net](https://safejournalists.net), to jointly monitor media legislation and practice in their countries and engage in advancing the legal and institutional environment in which the journalists and other media professionals work. Every year, based on a carefully designed methodology<sup>2</sup>, the [Safejournalists.net](https://safejournalists.net) partners conduct advocacy research which has provided journalists' associations with evidence-based, reliable, and relevant data on the main problems and obstacles in the implementation of the EU standards in the field of media and journalists' freedom and safety in the Western Balkans. The results of the advocacy research give substance to partners' activities, providing them with new evidence and examples that refine and strengthen their advocacy position.

The first qualitative research tool – *Indicators on the level of media freedom and journalists' safety* – was first developed in 2016 and gradually fine-tuned over the years. It is composed of three groups of indicators: (A) Legal protection, (B) Journalists' position in the newsroom, and (C) Journalists' safety. Based on this monitoring tool, a total of seven assessments were published, the last one for 2022.

The quantitative research tool – *Journalists' Safety Index* – was developed in 2020 and tested in 2021. It is designed to "measure"

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1 In December 2022, the European Commission approved a new three-year project cycle for the platform Safejournalists.net, which is a continuation of the previous two phases: the project Western Balkans' Regional Platform for Advocating Media Freedom and Journalists' Safety (January 2016 – December 2018) and Safejournalist.net (February 2020 – March 2023). The main objective of the Project is to empower and strengthen the role of the national journalists' associations, members of the Safejournalists.net Platform, to become effective and accountable independent actors in advocating and creating relevant media policies in their countries: Independent Journalists Association of Serbia (IJAS), Association of BH Journalists (BHJ), Croatian Journalists Association (CJA), Association of Journalists of Kosovo (AJK), Association of Journalists of Macedonia (AJM) and the Trade Union of Media of Montenegro (TUMM). The project is funded under the EU Civil Society Facility and Media Programme in favour of the Western Balkans and Türkiye 2021–2023 (IPA III).

2 The advocacy research is designed and coordinated by Snežana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia ([www.resis.mk](http://www.resis.mk)).

the changes in the environment that have a direct or indirect impact on how safe journalists and other media actors feel when practicing their profession. It is composed of four groups of indicators: (1) Legal and Organizational Environment, (2) Due Prevention, (3) Due Process and (4) Actual Safety. Based on this tool, a total of three research cycles were implemented: 2020 (pilot year), 2021 and 2022.

Starting from 2023, the [Safejournalists.net](https://safejournalists.net) will combine the two research tools (qualitative and quantitative) into one single advocacy research project – *Indicators on the level of media freedom and Journalists' Safety Index*. The platform monitors the situation in seven countries: Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo<sup>3</sup> and Serbia.

## METHODOLOGICAL NOTE

The entire research process has been divided into two phases: in the *first phase* data is collected for all qualitative indicators – both for media freedoms and journalists' safety, while in the *second phase* the qualitative indicators for the safety of journalists are converted into quantitative ones and the procedure of scoring and calculation of the Journalists' Safety Index is carried out.

A range of various research methods were applied to collect and analyse data related to each specific qualitative indicator:

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

At national level, the advocacy research is conducted by national researchers who carry out the data collection and draft narrative reports, which are then reviewed by

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<sup>3</sup> This designation is without prejudice to positions on status, and is in line with United Nations Security Council Resolution 1244/99 and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

local media and legal experts and by lead researcher. In Bosnia and Herzegovina, the Association of BH Journalists nominated Nataša Jovanović as the national researcher and Borka Rudić as the media expert to review the report.

## QUALITATIVE INDICATORS ON THE LEVEL OF MEDIA FREEDOM AND JOURNALISTS' SAFETY

The following table presents all qualitative indicators for the level of media freedom and safety of journalists, divided into three areas. These qualitative indicators are presented in descriptive or narrative form. Part of the indicators that are used in the conceptual framework for the Journalists' Safety Index are marked in red in the table.

*Overview of all qualitative indicators (Indicators on the level of media freedom and journalists' safety)*

A. Legal safeguards and their implementation	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Basic guarantees for media and journalists' freedom and their application in practice	B.1 The job positions of journalists are stable and protected at the workplace	C.1 Journalists and media actors have access to immediate and effective protective measures
A.2 Independence and efficiency of the regulatory authority	B.2 Editorial independence in the private media	C.2 Journalists and other media actors have access to special protection or safety mechanisms
A.3 Independence and autonomy of the public service media	B.3 Editorial independence in public service media	C.3 Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence
A.4 Financial support to quality journalism and media content of public interest	B.4 Editorial independence in the not-for-profit media sector	C.4 The practice of regular public condemnation of threats and attacks on journalists and media has been established
A.5 State advertising in the private media sector	B.5 Freedom of journalists in the news production process	C.5 Police authorities are sensitive to journalists' protection issue
A.6 Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	B.6 Working position of women journalists	C.6 Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists
A.7 Other laws are enforced objectively and allow journalists and other media actors to work freely and safely		C.7 Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)
A.8 The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities		C.8 Journalists and other media actors are efficiently protection from various forms of online harassment
A.9 Journalists are free to pursue their profession and to establish, join and participate in their associations		C.9 Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently
A.10 Right to access to official documents and information		C.10 Quality statistics collection systems established by the state authorities to stem impunity
		C.11 Non-physical threats and harassment
		C.12 Threats against the lives and physical safety of journalists
		C.13 Actual attacks
		C.14 Threats and attacks on media outlets and journalists' associations

## JOURNALISTS' SAFETY INDEX

Taking into consideration the standards and recommendations established by the Council of Europe and other international organisations, the concept of "journalists' safety"<sup>4</sup> was operationalized by considering the following four dimensions:

- I. **Legal and organizational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists.
- II. **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety.
- III. **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists.
- IV. **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The table below presents the four dimensions and indicators that make up the theoretical model of the "journalists' safety" concept. Data for all these indicators were collected in the first phase of the research, and in the second phase, based on the collected research evidence, nine members of the Advisory Panel from each of the countries<sup>5</sup> assessed the situation and assigned scores for each of the 19 indicators:

### Overview of indicators related to the Journalists' Safety Index

I. Legal and organisational environment	II. Due Prevention	III. Due Process	IV. Actual Safety
1.1 Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	2.1 Journalists and media actors have access to immediate and efficient protective measures	3.1 Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists	4.1 Non-physical threats and harassment
1.2 The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities	2.2 Journalists and other media actors have access to special protection or safety mechanisms	3.2 Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)	4.2 Threats against the lives and physical safety of journalists
1.3 Other laws are enforced objectively and allow journalists and other media actors to work freely and safely	2.3 Female journalists have access to legal measures and support mechanisms	3.3 Journalists and other media actors are efficiently protected from various forms of online harassment	4.3 Actual attacks
1.4 Journalists are free to pursue their profession and to establish, join and participate in their associations	2.4 The practice of regular public condemnation of threats and attacks on journalists and media	3.4 Investigations of all types of attacks and violence against journalist and other media actors are carried out transparently	4.4 Threats and attacks on media outlets and journalists' associations

4 Researchers from the RESIS Institute ([www.resis.mk](http://www.resis.mk)), Snežana Trpevska, Igor Micevski and Ljubinka Popovska Toševa developed the conceptual and methodological framework for the Index and the model for its aggregation, weighting and calculation.

5 Members of the Advisory Panel in Bosnia and Herzegovina were: Dejan Lučka, Rubina Čengić, Hasan Gabela, Ljiljana Smiljanić, Vera Soldo, Željka Mihaljević, Velida Kulenović, Tanja Topić and Fuad Kovačević.

I. Legal and organisational environment	II. Due Prevention	III. Due Process	IV. Actual Safety
1.5 The job positions of journalists are stable and protected at the workplace	2.5 Police authorities are sensitive to journalists' protection issue	3.5 Quality statistics collection systems established by state authorities to stem impunity	

Note: Whenever a gender-specific term is used in the report, it should be understood to refer to both genders, unless explicitly stated otherwise. This is to allow better readability of the text without any intention of offence or sexism.

## LIST OF ACRONYMS

BiH – Bosnia and Herzegovina

BHRT – Radio and Television of Bosnia and Herzegovina

BIRN BiH – Balkan Research Network of BiH

BD – Brčko District

BPP – Free Legal Aid

CIN – Center for Investigative Journalism

EC – European Commission

EU – European Union

FBiH – Federation of Bosnia and Herzegovina

ECHR – European Court of Human Rights

FTV – Radio and Television of Federation of Bosnia and Herzegovina

FMHL – Free Media Help Line

FH – Freedom House

FUP – Federation Police Directorate

GREVIO – Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (Istanbul Convention)

HDZ – Hrvatska demokratska zajednica (Croatian Democratic Union)

CO – Criminal offence

CC – Criminal Code

LGBTIQ – Lesbian, gay, bisexual, transgender, intersex, or questioning

Mol – Ministry of Internal Affairs

RSNA – Republika Srpska National Assembly

OSCE – Organisation for Security and Co-operation in Europe

OJT – District Public Prosecutor's Office

RCA – Regulatory Communications Agency

RS – Republika Srpska

RFE – Radio Free Europe

RSF – Rapporteurs Sans Frontieres

RTV – Radio and Television

RTRS – Radio and Television of Republika Srpska

SLAPP – Strategic Lawsuits against Public Participation

SNSD – Savez nezavisnih socijaldemokrata  
(Alliance of Independent Social-Democrats)

SDA – Stranka demokratske akcije (Party of Democratic Action)

TI – Transparency International

UN – United Nations

SC – Steering Committee

HJPC – High Judicial and Prosecutorial Council of BiH

VZS – Press and Online Media Council

CPC – Criminal Procedure Code

ZoSPI – Law on Freedom of Access to Information

ZoK – Law on Communications

ZOO – Law on Obligations



# Introduction

Bosnia and Herzegovina is a decentralised parliamentary Republic whose complex constitutional system is embedded in the Dayton Peace Agreement. The entities—the Federation of Bosnia and Herzegovina and Republika Srpska—have their own constitutions, as do all 10 cantons within the Federation of Bosnia and Herzegovina, while the Brčko District has a special status regulated by its Statute. Although freedom of expression is guaranteed by all the constitutions in the country as one of the fundamental human rights, the extremely complex and fragmented legal and institutional framework, along with the division of powers in this area, lead to significant legal uncertainty. The constitutional and legal order of the country was repeatedly undermined during 2023 by attempts of the authorities in Republika Srpska to block the implementation of decisions made by the Constitutional Court and by the High Representative for Bosnia and Herzegovina, Christian Schmidt. Following the intervention by the High Representative, failure to implement his decisions was made a criminal offense, and criminal proceedings were initiated against politicians in Bosnia and Herzegovina.<sup>6</sup> Nevertheless, Dodik and other RS representatives continued with divisive rhetoric, undermining the legitimacy and functionality of the state.

The main political conflicts revolve around the national and ethnic issues of the constituent peoples – Serbs, Croats and Bosniaks, while the participation of other peoples and minorities in the political life is neglected.<sup>7</sup> In 2023 there was a sharp increase in attacks on Bosniak returnees in the RS,<sup>8</sup> while the space for action of other minority groups is increasingly shrinking. On the Civicus Monitor list, BiH dropped from the group of “narrowed” spaces for civil society action, to the category of countries where fundamental freedoms are “obstructed” due to growing attacks on activists, journalist and LGBTQI+ groups.<sup>9</sup>

6 RFE, Predrag Zvijerac, [In brief and to the point: Why is Milorad Dodik standing trial?, 10 October 2023.](#)

7 RFE, Ermin Zatega, [ECHR in Strasbourg deciding on violation of human rights in BiH for the sixth time, 29 August 2023.](#)

8 N1 BiH, [Urgent session of the House of Representatives started, topic – attack on returnees, 21 September 2023.](#)

9 Civicus Monitor, Tracking Civic Space, [Bosnia & Herzegovina, 2023.](#)

The institutions have no response to the rising prevalence of hate speech, while politicians increasingly fuel it.

Polarised political climate, constant verbal attacks against dissenters, as well as the nationalistic rhetoric have created a hostile environment for media freedom.<sup>10</sup> For one third of BiH citizens<sup>11</sup> corruption is one of the top three problems, and there's been no progress in the fight against corruption for years. The Corruption Perception Index in the public sector for 2023 ranks BiH as 108th out of 180 countries worldwide, with the overall score of 35 out of 100.<sup>12</sup>

The new ruling coalition, formed after the general elections in BiH in October 2022, declared progress on the path to European integration as the main priority of the coalition agreement and expressed commitment to addressing the 14 key priorities outlined in the European Commission's Opinion on Bosnia and Herzegovina's application for EU membership. However, during 2023, there was a regression in the protection of freedom of expression, media freedom, the safety of journalists, and the financial sustainability of the public broadcasting system.<sup>13</sup>

With GDP per capita of USD 8,426.1,<sup>14</sup> BiH is at the bottom of the ranking in Europe. Journalism as a profession is precarious and underpaid, and the economic environment is unfavourable for the media due to a small market and lack of sustainable financing. Difficult economic situation and dependence on the political and economic sectors weaken the strength of critical journalism.

Bosnia and Herzegovina's media landscape includes at least 110 TV channels, 150 radio stations, eight daily newspapers, seven news agencies, around 180 magazines, and about 600 news/web sites. However, such a large number of media outlets does not imply true pluralism of media content, information, and opinions.

On the World Press Freedom Index by Reporters without Borders<sup>15</sup> BiH records a drop by 17 places, the largest decline among all Western Balkans countries. BiH dropped from 64th place to 81st. This is primarily due to the criminalization of defamation in the RS, as well as attempts to introduce the so-called "Law on Foreign Agents". Reporters also point out that journalists are often targets of verbal threats and abuse, and sometimes even physical attacks. Most of them do not feel adequately protected while doing their job and have little trust in the police or the judicial system. In their "Nations in Transit" report, Freedom House places BiH in the category of "transition or hybrid regimes" stating that in 2023 the media independence rating dropped from 3,25 to

10 European Commission, [Report on Bosnia and Herzegovina for 2023](#).

11 Transparency International, [Corruption among the most important problems for BH citizens, ethnic issues nearly insignificant, 11 December 2023](#).

12 Transparency International, [Corruption Perceptions Index in Bosnia and Herzegovina in 2023](#)

13 Key priority 12: Guarantee freedom of expression, media, and protection of journalists, in particular by: (a) ensuring appropriate legal proceedings in cases of threats of violence and use of violence against journalists and media professionals, and (b) ensuring financial sustainability of public broadcasting systems.

14 World Bank, [GDP per capita \(current US\\$\) - Bosnia and Herzegovina](#).

15 Reporters without Borders, [Media Freedom Index for 2023, BiH](#).

3,00 due to increasing hate speech and physical attacks on journalists, re-criminalisation of defamation and the attempt at adoption of the so-called „Law on Foreign Agents“ in the RS, and other attempts by the local authorities to limit the freedom of expression.<sup>16</sup> According to the FH's 2024 Freedom in the World report<sup>17</sup> BiH is categorized in the group of “partly free” countries, with a global score of 51 out of 100—also a decline compared to previous years. In addition to political pressure, attacks, and harassment of journalists, Freedom House notes that public broadcasters in both Entities and at cantonal levels often act as political party platforms, which is particularly clear in the case of RTRS, whose programming serves the interests of Milorad Dodik's ruling party, the SNSD.

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16 Freedom House, [Nations in transit 2024, Bosnia and Herzegovina.](#)

17 Freedom House, [Freedom in the world 2024. BiH.](#)



# Media freedom and journalists's safety in Bosnia and Herzegovina – Indicators

## A. LEGAL SAFEGUARDS AND THEIR IMPLEMENTATION

### — A.1 BASIC GUARANTEES FOR MEDIA AND JOURNALISTS' FREEDOM AND THEIR APPLICATION IN PRACTICE

The right to freedom of expression and information is guaranteed by the constitutions of BiH—at the state level, Entity level, and cantonal level. The constitutions stipulate that the rights and freedoms guaranteed by the European Convention on Human Rights and Fundamental Freedoms are to be applied directly in BiH, and that these documents take precedence over all other laws. Due to the country's complex constitutional structure, the legal framework for exercising the right to freedom of expression and information constitutes a highly intricate system of institutions, norms, and practices—resulting in varying levels of media freedom guarantees across the country.<sup>18</sup>

At the state level there is a Law on Communications which applies exclusively to electronic media, with BiH Communications Regulatory Agency (CRA) as the competent authority to regulate this type of media. At state and Entity levels there are also Laws on the Public Broadcasting System and the Law on Radio and Television of Bosnia and Herzegovina, as well as Laws on Freedom of Access to Information of Public Importance. The field of public information in Republika Srpska is regulated through the Law on Public Information<sup>19</sup> which is largely outdated and the Law on Radio and Television of the RS.<sup>20</sup> The field of public information in the Federation of BiH is divided between the central government and the cantons. The central government of the Federation of BiH is responsible for legal regulation of the work of the Entity public broadcaster – Radio and Television of the Federation

18 Reporters without Borders, [Media Freedom Index for 2023](#).

19 RS [Law on Public Information](#), adopted in 1997.

20 [Law on Radio and Television of the RS](#).



of BiH, and the cantons are responsible for “defining the policies pertaining to the local radio and TV stations, including adoption of legislation regarding their establishment, as well as ensuring their operation and development”.

Freedom of expression and information includes internet access, even though there is no piece of legislation regulating the online sphere. The effects of online media’s self-regulation are limited, and internet platforms continue to be used to spread hatred and disinformation.<sup>21</sup> In 2023 discussions have been initiated on the co-regulation of internet content involving joint efforts by the regulators and self-regulatory bodies, and a dedicated study has been conducted on the topic<sup>22</sup>. State authorities have not limited or interrupted internet access, they have not censored online content and there are no credible reports of the authorities monitoring private online communications without proper legal authorisation.<sup>23</sup>

International reports for 2023 assess that the freedom of expression is legally guaranteed<sup>24</sup>, that the legal framework for the media is largely in line with international standards, but that freedom of expression is limited in practice.<sup>25</sup> The problem lies in inefficient implementation of laws, lack of harmonisation between state and Entity legislation and uneven judicial practice.<sup>26</sup>

In 2023, numerous legislative initiatives were introduced that directly or indirectly affect freedom of expression and media freedoms. Although not all proposed laws in the RS were amended,<sup>27</sup> the RS Criminal Code was amended to include a number of criminal offenses against honour and reputation, including defamation and disclosure of personal and family circumstances—changes that will undoubtedly have consequences for the media and democratic society.

In March 2023, the Government of Republika Srpska approved the Law on the Special Register and Publicity of Work of Non-Profit Organizations. The draft law was adopted in its first reading in the RS National Assembly (RSNA) at the end of September 2023. Colloquially referred to as the “Law on Foreign Agents,” it was deemed unacceptable in a democratic society by civil society organizations, as well as by the international community.<sup>28</sup> The law included special oversight and the possibility of banning the work of NGOs that receive foreign funding, a prohibition on political activities, and the requirement of additional registration and submission of financial reports. It defined as “agents of foreign influence” non-profit organizations supported by foreign entities that engage in political actions

21 European Commission, [Report on Bosnia and Herzegovina for 2023](#).

22 Council of Europe – Office in Sarajevo, Deirdre Kevin, Asja Rokša-Zubčević, [TOWARDS THE CO-REGULATION OF HARMFUL ONLINE CONTENT IN BOSNIA AND HERZEGOVINA? A study of European standards and co-regulatory practices for combating harmful content online](#), December 2022.

23 US State Department, [Bosnia and Herzegovina 2023 Human Rights Report](#)

24 Reporters without Borders, [Media Freedom Index for 2023. BiH.](#)

25 Freedom House, [Freedom in the world 2024. BiH.](#)

26 Association BH Journalists, Maja Radević, [Bosnia and Herzegovina: Indicators on the level of media freedom and journalists’ safety 2022](#).

27 Law on Prevention of Fake News, Law Prohibiting Hate Speech and the Law on Media.

28 [Joint Opinion of the Venice Commission and the OSCE/ODIHR on the Law on Foreign Agents](#), June 2023.

or activities, influence public opinion, or are deemed to “undermine the integrity and Constitution of Republika Srpska”.

On 30 August, the Parliamentary Assembly of BiH adopted the Law on Freedom of Access to information, as part of the “set of EU laws”. Civil society activists criticized the provisions of law that extensively define exemptions from the obligation to provide information, which is not aligned with EU standards, and which give the Appeals Council within the Council of Ministers the authority to act as a second-instance body for complaints to decisions by institutions to withhold information from citizens.<sup>29</sup> Civil society and the media also criticized the law for not stipulating a requirement for a public interest test when deciding whether to grant or deny access to public information.

In May 2023 the Government of Sarajevo Canton adopted a Draft Law on Public Peace and Order, which sought to classify the internet as a “public space,” just like any physical public area, and introduced sanctions for online “fake news,” hate speech, and violence in online spaces targeting citizens, including journalists. The draft law proposed high financial sanctions for journalists and media outlets for publishing or sharing fake news, as well as fines for offences against public morals and for obstructing or disrespecting public authorities. Due to numerous complaints that the draft law threatens freedom of speech and media freedom, it was stopped in the Sarajevo Canton Assembly.<sup>30</sup>

In 2023, no changes and amendments were made to the Criminal Codes to treat attacks against journalists as a separate criminal offence. Likewise, there have been no activities aimed at adopting the draft Law on Transparency of Media Ownership and Protection of Media Pluralism that has been talked about for years as the most important piece of legislation missing in the field of media.<sup>31</sup>

In addition, meetings of the Working Group for amendments to the Law on Media were held in Republika Srpska in 2023. Within the media and among international organizations, there is a prevailing view that the third proposed law is part of a broader package aimed at suppressing media freedoms.<sup>32</sup>

Although it had been repeatedly announced, the Ministry of Communications and Transport of Bosnia and Herzegovina failed to adopt in 2023 alike a new law on the public broadcasting system in Bosnia and Herzegovina. A Working Group to draft the preliminary draft of the law was formed for the second time, but by the end of the year, there were no indications that this document would be completed.<sup>33</sup>

In 2023, there were no recorded attempts by state authorities in BiH to impose licensing or other strict requirements for

29 US State Department, [Bosnia and Herzegovina 2023 Human Rights Report](#).

30 RFE, Ermin Zatega, [Violating public peace and order and fake news 'online in Sarajevo' \(slobodnaevropa.org\)](#), 3 July 2023.

31 Association BH Journalists, prof. dr. Zarfa Hrnjić-Kuduzović ["Jointly Towards Better Media Laws – Analysis of Media Legislation in Bosnia and Herzegovina and Recommendations for Improvement"](#), 2021.

32 Media.ba, Đorđe Vujatović [Law on the Media in the RS, new attack against the media](#), 30 October 2023.

33 [2023 Work Report of the BiH Ministry of Communications and Transport](#)

the establishment of print and online media. Courts are responsible for maintaining the register of public media. The Press and Online Media Council manages the register of print<sup>34</sup> and online media<sup>35</sup>, while the Communications Regulatory Agency (CRA) maintains the register of electronic media and issues broadcasting licenses for them.<sup>36</sup>

## — A.2 INDEPENDENCE AND EFFICIENCY OF THE REGULATORY AUTHORITY

BiH Law on Communications (ZoK)<sup>37</sup> regulates the election and competencies of the Communications Regulatory Agency (CRA). Bodies of the CRA are the Council of the Agency and the Director, with the Council having the function of an appellate body for decision made by the Director General. The Council of the CRA has seven members appointed by the Parliamentary Assembly of Bosnia and Herzegovina for a four-year term, with the possibility of one reappointment.<sup>38</sup> Upon the proposal of the Council of Ministers of BiH, the Parliamentary Assembly establishes an ad hoc commission<sup>39</sup> composed of an equal number of members from the government and non-government sectors. This Commission then proposes 14 candidates to the Council of Ministers, which selects seven candidates for the CRA Council and forwards the proposal to Parliament for adoption.

For several years now the Council of CRA has been operating with only four members.<sup>40</sup> Its term expired at the end of 2017, and the Parliamentary Assembly of BiH failed to appoint a new Council during its entire term from 2018 to 2022. Although the ad hoc commission compiled a list of 14 candidates in 2021, new members of the CRA Council were not selected.<sup>41</sup> In September of 2023, a new ad hoc commission was appointed to once again select new candidates and propose them to the Council of Ministers<sup>42</sup>, but the process was neither completed, nor was it conducted in a democratic and transparent manner.

The independence of the Communications Regulatory Agency is established under Article 36 of the Law on Communications, which states that the Agency is a functionally independent and non-profit institution with legal personality. It is to operate in accordance with the principles of objectivity, transparency, and non-discrimination, and its representatives are to act in the interest of BiH and its citizens as a whole. Article 36, in paragraph 3, prohibits the Council of Ministers, individual ministers and other persons to interfere with the Agency's decision-making when considering individual cases. Despite the provisions stipulating functional independence, the latter has been violated through the provisions of the Law on

34 Press Council, [List of Print Media in BiH](#).

35 Press Council, [List of Online Media in BiH](#).

36 CRA, [Register of Licensees](#).

37 [Law on Communications](#).

38 Article 39 of the Law on Communications.

39 BiH Parliamentary Assembly [Joint temporary Ad Hoc Committees](#)

40 CRA, [Organisational structure](#)

41 [Report of the Ad Hoc Committee for the CRA Council's Appointment Process](#).

42 BiH Parliamentary Assembly, [Decision establishing the Ad Hoc Committee for the CRA BiH Council's Appointment Process](#).

Financing of Institutions of BiH<sup>43</sup>, which define the Agency as a budgetary institution. Likewise, the Law on Communications envisages that the Agency's budget is directly linked to sector-based policies of the Council of Ministers, while the Director General is to submit to the Council of Ministers of BiH, for their approval, a proposed budget for each fiscal year.<sup>44</sup>

The European Commission has repeatedly noted that the Communications Regulatory Agency (CRA) still lacks full political and financial independence. The procedure for appointing its leadership does not guarantee pluralistic representation of stakeholders and full independence from the regulated sector and political influence. Both international and domestic organizations have repeatedly proposed for these to change in order to improve public perception of the Agency as a neutral and independent body.<sup>45</sup>

The CRA issues public calls and sets participation requirements for the competition of broadcaster licensing, which is conducted in a fair and neutral manner. Legal entities must be registered in BiH to operate in the telecommunications sector and must not have any outstanding financial obligations toward the Agency on any grounds.<sup>46</sup>

The regulatory body for electronic media is frequently criticized by the media community and the public for decisions perceived as politically motivated and discriminatory toward certain media outlets. Although in late 2022 the case against the private broadcaster Face TV and its owner and editor, Senad Hadžifejzović, was dropped<sup>47</sup>—because it was not possible to reliably confirm that the word referenced in the Agency's preliminary allegations had actually been spoken<sup>48</sup>—in January 2023, the CRA fined Face TV BAM 15,000 (around 7,600 euros), citing violations of professional and generally accepted ethical and value standards and standards of decency.<sup>49</sup> The fine must be paid regardless of whether Face TV appeals the decision or not.<sup>50</sup> The case against Face TV was condemned by BH Journalists, given that the Director of the CRA had effectively reached a judgment on Hadžifejzović and Face TV in advance, and that there was never any mention of potential sanctions prior to the completion of the proceedings and before all the parties involved had been heard.<sup>51</sup>

43 [Law on the Financing of BiH Institutions](#), Article 2, paragraph 1, sub-paragraph n.

44 Article 44 of the Law on Communications, Financial matters.

45 European Commission, [Bosnia and Herzegovina 2023 Report](#).

46 [Example of a Public Call](#).

47 According to the statements made by officials and media outlets in the RS, Hadžifejzović allegedly asked an interviewee on air: "Should Milorad Dodik be killed?". Before the proceedings were even initiated, CRA Director, based on a video recording from which it was not possible to clearly discern what Hadžifejzović actually said, announced that he will seek "the highest possible monetary fine" and "the most rigorous measures" against Face TV, which was interpreted by the media community and journalists' associations as a direct political pressure on the said television station and its owner.

48 Vijesti, [CRA suspends the process against Face TV: Not possible to prove](#), 16 December 2022.

49 CRA, [Decision establishing that Face TV violated the basic principles of the Code on audio-visual media services and radio media services](#).

50 Al Jazeera, [FACE TV fined in the amount of BAM 15.000](#), 05 February 2023.

51 Al Jazeera, [CRA initiated proceedings against FACE TV, announced rigorous sanctions provoked strong reactions](#), 31 November 2022.



### — A.3 INDEPENDENCE AND AUTONOMY OF THE PUBLIC SERVICE MEDIA

Public broadcasting system in Bosnia and Herzegovina includes Radio and Television of Bosnia and Herzegovina (BHRT), Radio and Television of the Federation of Bosnia and Herzegovina (RTVFBiH), Radio and Television of Republika Srpska (RTRS) and Public Broadcasting Corporation of Bosnia and Herzegovina.<sup>52</sup> The Corporation, which was to have joint responsibility for all three public broadcasters<sup>53</sup> was never effectively adopted since the adoption of the Law in 2003.<sup>54</sup>

Laws<sup>55</sup> and Statutes of the public broadcasters,<sup>56</sup> specify that public broadcasting services are independent in the exercise of their business activity, have editorial independence and institutional autonomy.<sup>57</sup> These provisions however do not guarantee substantive autonomy and independence of the public broadcasting services. Public broadcasters continue to be exposed to political influence, which can particularly be seen in the process of appointing members of the Steering Committees selected by the Parliament. The Parliament of the Federation of BiH has failed, since 2013, to fill the vacancies in the Steering Committee of the public broadcaster RTVFBiH,<sup>58</sup> as well as to appoint the Director of the FBiH public broadcaster.<sup>59</sup>

Reforming the entire public broadcasting system of Bosnia and Herzegovina in line with the Constitution, was set as one of the goals in the Agreement on forming governments at the state and Federation levels following the 2022 general elections. However, no reforms were announced during 2023.<sup>60</sup>

The legal framework provides that public broadcasters are to be financed through RTV license fees, advertising, and other revenues, including their own activities and budget allocations<sup>61</sup>. The Statute of RTVFBiH explicitly states that budget financing must not in any way affect the editorial independence of RTVFBiH. The European Commission listed stable financing of public broadcasting services in Bosnia and Herzegovina as one of the 14 key priorities for the country's progress toward EU membership.

However, public broadcasters have been facing an unfavourable financial situation and significant mutual debts for years, which jeopardizes their operations—primarily due to problems

52 Article 3 of the Law on the Public Broadcasting System of Bosnia and Herzegovina; Article 9 of the Law on Radio and Television of Republika Srpska; Article 3 Law on the Public Broadcasting System of the Federation of BiH.

53 Article 6, Law on the Public Broadcasting System of Bosnia and Herzegovina.

54 DW, Dragan Maksimović, [BHRT - instrument of political bargaining](#), 23 January 2024.

55 [Law on Public Broadcasting System of Bosnia and Herzegovina](#); [Law on the Public Broadcasting Service of the Federation of BiH](#) and [Law on Radio and Television of the RS](#).

56 [Statute of the FTV](#), [Statute of the RTRS](#) and [Statute of BHTV](#).

57 Independence and autonomy in particular pertain to the fields such as: a) determining the programming schedule; b) concept and production of programming; c) editing and presenting the news and informational programme; d) management and disposal of assets; e) employment and matters of rights and obligations of employees; f) regulation of the business activity and internal organisation; g) budget preparation and execution; h) negotiation, preparation and signing of legal acts related to the operation of the service; i) representing public broadcasters in legal proceedings; j) purchasing, renting, sale and use of goods and services. Article 4 of the Law on Public Broadcasting System of Bosnia and Herzegovina (Independence of Public Broadcasting Services).

58 On the FTV's official webpage, [only one SC member presented](#).

59 European Commission, [Bosnia and Herzegovina 2023 Report](#).

60 Media Centar, Slađan Tomić, ["Osmorka" announces reforms of the Public Broadcasting System, professionals doubtful of the good intentions](#), 5 December 2022.

61 Article 38 of the Law on RTRS; Article 29 of the RTBH Statute; Articles 25 and 26 of the FRT Statute.

with collecting RTV license fees.<sup>62</sup> The public broadcaster of Republika Srpska (RTRS) withdrew from the joint license fee collection system in 2017 and has since not shared revenues from the fee with the other two broadcasters, as required by law. As a result, BHRT has initiated legal proceedings in entity-level courts over significant debts owed by RTRS to BHRT (exceeding 31.5 million euros)<sup>63</sup>. BHRT has also been in conflict with FTV over the distribution of RTV license fee revenues. The European Commission's 2023 report states that "no action has been taken in Bosnia and Herzegovina to ensure the financial sustainability of the public broadcasting system".<sup>64</sup>

Budget allocations for the financing of public media have been increasing year after year. The share of self-generated revenues for most public media outlets has significantly declined, and their growing financial dependence on budget subsidies has seriously undermined their editorial independence.

Public broadcasters each have four members on their Governing Board, which serves as the supervisory body within the public broadcasters. The laws governing all three public broadcasters prescribe only national/ethnic criterion for the selection of members of the Governing Boards —three from the ranks of the three constituent peoples and one from the category of "Others".<sup>65</sup> This appointment principle does not ensure equal representation of all social groups, or their programming needs and interests in the field of public information.

To ensure broader representation and protection of public interests in programming, the Governing Boards establish a Programming Council<sup>66</sup> as an advisory body. In both Entity-level public broadcasters, the Programming Councils have 11 members each and are composed of representatives from various segments of society. In the Federation of BiH, these include representatives of scientific, educational, cultural, economic, artistic, and sports institutions and associations, as well as representatives of youth and pensioners. In Republika Srpska, they include representatives of youth, pensioners, employers, trade unions, national minorities, religious communities, universities, civil society organizations, journalists' associations, women's associations, and others. There is no publicly available data on consultations with the civil society or on how the Programming Councils protect the public interest in the programming of public broadcasters.

#### — A.4 FINANCIAL SUPPORT TO QUALITY JOURNALISM AND MEDIA CONTENT OF PUBLIC INTEREST

There are no specific subsidy mechanisms for print media. The public sector allocates tens of millions of convertible marks annually to media outlets and media content, without providing the public with adequate access to information

62 RFE, Predrag Zvijerac, [Accounts of BiH TV blocked over a debt amounting to 30 million euros, 15 December 2021.](#)

63 European Commission, [Bosnia and Herzegovina 2023 Report.](#)

64 European Commission, [Bosnia and Herzegovina 2023 Report.](#)

65 Composition of the Governing Board, Article 45 of the Law on RTV RS.

66 Statute of the Public Broadcasting Service of RS, Programming Council, Articles 68 and 69; Law on Public Broadcasting Service of FBiH, Article 30.

about the allocated amounts or the procedures for the allocation of these funds. The criteria for awarding public funds are poorly defined or not defined at all, which allows for arbitrary decisions and corrupt practices.

The Anti-Corruption Strategy for 2024–2028 and its Action Plan include measures to ensure the publication of information on media financing from public funds<sup>67</sup>, which is to be carried out continuously through regular budget allocations. However, there are no guarantees that the measures outlined in the Action Plan will be implemented.

The European Commission's 2023 report notes that "no steps have been taken to adopt a law on media ownership transparency (including measures to prevent hidden media concentration), a law on advertising, or criteria for the allocation of subsidies."<sup>68</sup>

There are no dedicated funds for promoting the production of media content. Public media outlets are primarily funded from the budget. The share of self-generated revenues among most public media has significantly decreased, and due to increasing financial dependence on budget subsidies, their editorial independence is seriously compromised. Objective media outlets are turning towards international investigative projects and a few advertisers that don't interfere with editorial policy.<sup>69</sup>

Funds are allocated from all administrative levels in Bosnia and Herzegovina, through various procedures and for different purposes, including regular co-financing of public media, short-term funding for specific media content and coverage of certain topics, as well as other forms of individual assistance such as transferring surplus revenues from public institutions and enterprises to media outlets.

There are no private or non-profit media operating in national minority languages, nor is there a financial mechanism in place to encourage or develop such media, not even within public broadcasting services. One of the programming principles of public broadcasters is that they will respect the national, regional, traditional, religious, cultural, linguistic, and other characteristics of the constituent peoples and all citizens of BiH, and that they will promote the cultural and other needs of national minorities in Bosnia and Herzegovina.<sup>70</sup> CRA's analyses show that media rarely address minority issues and that such content is extremely underrepresented in television and radio programming<sup>71</sup>. There is no programming quota for national or other minority groups on public broadcasters. Bylaws for public broadcasters stipulate that 10% of their total weekly programming for news and other informational and educational programming should be dedicated to

67 Anti-Corruption Strategy 2024-2028 and its Action plan, Measure 1.5.2.

68 European Commission, [Bosnia and Herzegovina 2023 Report](#).

69 Capital.ba, Andrijana Pisarević, [Limited choice of funding sources for objective media in BiH](#), 17 September 2022

70 Law on the Public Broadcasting System of BiH, Article 26, Programming Principles.

71 CRA, [Analysis of children's and educational programmes, programmes intended for or dealing with minorities and vulnerable groups, and programmes adjusted for persons with disabilities in audio-visual media services and radio media services in Bosnia and Herzegovina](#), 2019.

issues concerning national and other minorities, as well as vulnerable population groups. Currently, BHRT and RTRS have dedicated shows for national minorities, but these are neither prepared nor broadcast in minority languages.

When it comes to other licensed broadcasters, the percentage of programming dedicated to minority-related content is determined by the specific conditions of their license.<sup>72</sup> Local media tend to pay attention to and provide space for minorities present in their specific areas.

## — A.5 STATE ADVERTISING IN THE PRIVATE MEDIA SECTOR

BiH is the only country in the region that has not adopted a Law on Advertising at the state level, and most advertising revenue does not remain within the country<sup>73</sup>. The Law on Prohibited Advertising in BiH does not regulate state advertising in the media in any way; rather, it applies exclusively to retailers.<sup>74</sup>

In practice, advertising is governed by several other laws, rules, and codes that are not harmonized with each other. Some of the laws regulating the field of advertising include the Law on Consumer Protection, the Law on Public Procurement, the Law on the Public Broadcasting System of BiH, the CRA's Broadcasting Rules, the Press Council's Code of Ethics, and other regulations such as the Law on Food or the Law on the Restriction of Use of Tobacco Products. The BiH Law on Communications, among its regulatory principles for broadcasting, stipulates that advertising via broadcasters should be regulated in accordance with best European practices.<sup>75</sup>

The allocation of public funds for advertising is non-transparent and discriminatory. General estimates indicate that government institutions at all levels in BiH spend around BAM 30 million annually on media. Approximately BAM 1.5 million is spent each year on publishing advertisements, public calls, and tenders, while more than BAM 5 million is spent on engaging media to cover the work of municipal authorities, produce current affairs programs, and other forms of promotion. The allocation of public funds to the media has been increasing over time, and in Republika Srpska the funding of private media from the budget along party lines has become noticeable.

The European Commission's 2023<sup>76</sup> report states that "no steps have been taken to adopt legislation on media ownership transparency (including preventing hidden media concentration), advertising legislation, or criteria for the distribution of subsidies. Advertising practices by public companies, such as telecommunications

72 Ibid.

73 Association BH Journalists, [E-Journalist](#), year VII, no 58.

74 [Law on Prohibited Advertising](#).

75 BiH Law on Communications, Regulatory principles of broadcasting and telecommunications, Art. 4, para. 1, sub-para. e.

76 European Commission, [Bosnia and Herzegovina 2023 Report](#).



companies, and marketing agencies connected to political parties continue to harm the integrity of the media.”

The U.S. State Department’s 2023<sup>77</sup> report notes that “public companies, most of which are controlled by political parties, remain key advertisers. Media outlets that criticized ruling parties claimed they had difficulty selling advertising space to some of these advertisers.”

Institutions do not regularly publish data on the amounts of funds allocated to the media. The Law on Public Procurement exempts contracts for the acquisition, development, and (co) production of programs for radio and TV broadcasting<sup>78</sup>, allowing municipal/city budget funds to be allocated for these purposes without public calls, which opens space for political clientelism.<sup>79</sup> The Anti-Corruption Strategy for 2024–2028 and its Action Plan foresee measures for the publication of information on media financing from public funds<sup>80</sup>, to be carried out continuously from regular budget allocations. There are no guarantees that the measures from the Action Plan will be implemented.

#### — A.6 LEGAL PROVISIONS RELATED TO DEFAMATION AND THEIR APPLICATION DO NOT CREATE A CHILLING EFFECT ON JOURNALISTS AND THE MEDIA

Re-criminalisation of defamation in Republika Srpska (RS)<sup>81</sup> has significantly contributed to a significant decrease of media freedoms in BiH, according to all international reports for 2023. Following the announced criminalisation of defamation at the end of 2022<sup>82</sup>, and despite the resistance from the media, professional associations, and civil society, amendments to the RS Criminal Code entered into force in August of 2023 introducing separate criminal offences of defamation.<sup>83</sup>

The Draft law adopted by the National Assembly of Republika Srpska on 23 March proposed the introduction of new criminal offenses against honour and reputation, specifically the criminal offenses of insult, defamation, disclosure of personal and family circumstances, and the criminal offense of public ridicule based on race, religion, or nationality. According to the draft law, the fines for these offenses could go up to BAM 120,000. However, in the adopted version of the amendments to the RS Criminal Code, the offense of insult was omitted compared to the draft and remains under misdemeanour legislation. The prescribed fines for the remaining offenses were reduced and, in the final adopted version, range from BAM 1,000 to BAM 6,000. Higher fines are prescribed for the

77 US State Department, [Bosnia and Herzegovina 2023 Human Rights Report](#).

78 [Public Procurement Law of BiH](#), Article 10a, Exceptions to Contracts on Public Procurement of Services.

79 Zarfa Hrnjić-Kuduzović, Association BH Journalists, [Jointly Towards Better Media Laws](#), 2021.

80 Anti-Corruption Strategy 2024–2028 and its Action plan, Measure 1.5.2

81 In early 2000s defamation has been decriminalised across BiH, whereby BiH became the first Western Balkans country to decriminalise defamation. In 2022, at the initiative of Republika Srpska President, Milorad Dodik, announced through the social network Twitter, the procedure was launched to amend the Criminal Code of Republika Srpska, thereby re-criminalising defamation and insult.

82 Steering Committee of Association BH Journalists, press release: [Reintroduction of defamation in criminal legislation is not a European standard for freedom of expression](#), 1 November 2022.

83 Al Jazeera, EU on the RS defamation Law: Major step backwards for BiH in EU integrations, [26 August 2023](#).

criminal offense of defamation when it is committed via the media, including computer networks or at a public gathering.<sup>84</sup>

The assessment of both domestic and international public opinion is that this offense was introduced specifically to target journalists, in order to “discipline” them and to protect public officials.<sup>85</sup> Such a move made by the RS authorities was condemned by the international community and organisations such as the UN, Council of Europe, EU and OSCE in BiH<sup>86</sup>, as well as by UN Special Rapporteurs.<sup>87</sup> In early 2024, the Constitutional Court of Bosnia and Herzegovina found that criminalisation of defamation in the RS is in line with BiH Constitution and the European Convention on Human Rights.<sup>88</sup>

When it comes to protection from defamation in civil proceedings, defamation laws exist at the entity level and they do not provide special protection for public officials. These laws stipulate that proceedings on claims for damages are urgent and that public bodies/agencies are not allowed to file defamation lawsuits. Public officials may file a lawsuit only in their personal capacity.<sup>89</sup> Laws provide for compensations of damages to be awarded proportionally to the damage caused to the reputation of the damaged party.<sup>90</sup>

The court has the discretionary right to determine the amount of non-material damages. When determining compensation, the court is obliged to assess all the circumstances of the case, particularly any measures taken by the offender to mitigate the damage, such as publishing a correction or retracting the false statement, or issuing an apology; whether the offender gained financial benefit from making or disseminating the statement; and whether the awarded amount of damages could cause serious financial hardship or bankruptcy for the offender.<sup>91</sup>

Law on Obligations provides that the court shall award fair monetary compensation for non-material damage caused by the violation of reputation, honour, freedom, or personal rights. When deciding on a claim for non-material damages, as well as on the amount of such compensation, the court shall take into account the importance of the violated asset and the purpose served by the compensation, while also ensuring that the compensation does not favour aims that are incompatible with its nature and social purpose.<sup>92</sup>

The amounts awarded in practice usually do not exceed BAM 5.000,00, and in most cases meet the legal requirement of

84 RS Criminal Code, Defamation, Article 208a, paragraph 2 – If the offence referred to under paragraph 1 of this Article was committed by way of press, radio, television, computer network or other forms of communication, at a public gathering or otherwise, resulting in it becoming available to a large number of persons, it shall be sanctioned by a fine in the amount between BAM 2.000 and BAM 5.000.

85 Klix, Irmana Mujezin, [Protection of interests or stifling of independent media: What does the new Law on defamation and insult in the RS mean](#), 06 March 2023.

86 OSCE, [Joint UN, OSCE, Council of Europe and EU in BiH statement regarding the RS Criminal Code amendments re-criminalising defamation](#), 20 July 2023.

87 OHCHR, [Bosnia and Herzegovina: UN experts alarmed by re-criminalisation](#), 25 July 2023.

88 Dejan Lučka, [Criminalisation of defamation and the Constitutional Court of BiH, 8 February 2024](#).

89 Article 4 of the Law on Protection against Defamation of the RS, Article 5 of the Law on Protection against Defamation of FBiH, Article 5 of the Law on Protection against Defamation of BD BiH.

90 Article 11 of the Law on Protection against Defamation of the RS, Article 10 of the Law on Protection against Defamation of FBiH, Article 10 of the Law on Protection against Defamation of BD BiH.

91 Ibid.

92 BiH Law on Obligations, Article 200, Monetary Compensation.

not causing serious financial hardship or bankruptcy for the offender. Naturally there are different opinions in this regard as well: from those claiming that compensations for damages awarded are negligible, to those that claim they are excessive.<sup>93</sup>

An analysis of judgements in defamation lawsuits against journalists and media also indicates that court practice is not consistent in terms of applying the standards and case law of the European Court of Human Rights and the application of specific criteria related to that case law, particularly on issues such as: plaintiffs that hold public office, urgency of the proceedings, inconsistent practice in proving emotional distress, excessively high monetary penalties, etc.<sup>94</sup>

According to the data from the Republika Srpska Mol for 2023, four criminal reports for the offense of defamation were filed from the time the Criminal Code came into force until the end of the year.<sup>95</sup> Journalists and civil society report of 30 criminal reports filed by the end of 2023<sup>96</sup>, without detailed information on the structure of those reports, or how many were filed against journalists and how many against civil society activists. Milorad Dodik was among the first to file a criminal report with Mol.<sup>97</sup> Attorneys estimate that dozens of criminal reports were filed to the district prosecutor's offices in the RS, including eight criminal reports against journalists, and the rest against civil society activists, opposition politicians and citizens.<sup>98</sup>

When it comes to lawsuits for protection of honour and reputation, Association BH Journalists/FMHL register around 300 active lawsuits for defamation against journalists and the media. The exact number of lawsuits is unknown due to the absence of a centralized register of cases against journalists within judicial institutions. In 2023, FMHL recorded 17 new defamation cases initiated by politicians, as well as by business entities or their representatives whose business interests are closely tied to certain politicians and political parties. Politicians often demand that journalists and editors delete published articles and remove other media content.

Court rulings that reject defamation claims against politicians or make decisions not to initiate investigations in cases of criminal reports for defamation are rare, which fosters deep mistrust of the judiciary among journalists and reinforces the belief that lawsuits against politicians are battles lost in advance. One such case is the rejection of a lawsuit initiated by Tanja Topić against Milorad Dodik by the Basic Court in Banja Luka, after he defamed her by claiming she "works for a foreign intelligence service" and is a "proven quisling".<sup>99</sup> An attorney for FMHL filed an appeal with the District Court in Banja Luka, and later a constitutional appeal with the Constitutional Court of BiH, which

93 BiH Pravo, [Brief analysis of case law regarding the application of the Law on Protection against Defamation, 2007.](#)

94 Association BH Journalists, Dejan Lučka, [Analysis of specific judgements regarding defamation, 2023.](#)

95 RS Mol, [Information on the security situation in the RS for 2023](#)

96 Vijesti, 30-odd reports for defamation in the RS. [This is what happens if you are reported and are in Herzegovina, Serbia or Croatia](#), 27 December 2023.

97 Al Jazeera, [Dodik filed the first criminal report for defamation](#), 27 September 2023.

98 Association BH Journalists, [Media outlets in RS will be doubly sanctioned in cases of defamation](#), 20 December 2023. \_

99 Antikorupcija.info, [Branko Perić: A Treatise on insults against Tanja Topić – Case Analysis](#), 30 January 2023.

was accepted only in part, and the case was returned for retrial due to procedural errors made in the first-instance proceedings.

Journalists often perceive defamation lawsuits as a form of political pressure on their work. Due to the poor economic conditions in which many media outlets in BiH operate, journalists and editors frequently emphasize that the financial sanctions for defamation are excessively high. Attorneys from Republika Srpska point out that a new practice is emerging of economic exhaustion of the media because the plaintiffs, usually public persons and people with economic power, set unrealistically high demands for compensation of non-material damages for emotional distress, as well as material compensation for alleged “business losses” suffered because of the media reports.<sup>100</sup> At the same time, investigative media are facing a large number of defamation lawsuits, forcing the accused journalists and editors to spend days in court instead of in the newsroom. Five or more lawsuits against a single media outlet put it at risk of complete economic destabilization and realistically threaten its survival.

The criminalization of defamation in the RS will significantly affect freedom of expression not only in Republika Srpska but throughout BiH and the region. It is estimated that the new legal provisions are a tool used by the authorities to silence critical voices and shrink public space, and that they will at the very least discourage journalistic and investigative work, as well as civil society activism and actions of politicians from the opposition.<sup>101</sup> In April 2023 the entire newsletter of the Association BiH Journalists was dedicated to the topic of criminalisation of defamation and the resulting risks.<sup>102</sup>

#### — A.7 OTHER LAWS ARE ENFORCED OBJECTIVELY AND ALLOW JOURNALISTS AND OTHER MEDIA ACTORS TO WORK FREELY AND SAFELY

There are no protective measures or legal provisions in the laws of BiH that protect journalists and media outlets against SLAPP lawsuits. Since BiH does not maintain official records of SLAPP lawsuits, in January 2023, Association BH Journalists announced the establishment of a working group for documenting, monitoring, and reporting on SLAPP lawsuits.<sup>103</sup> This working group has not yet been established. Additionally, an initiative was submitted in December 2023 for the adoption of a *Law on Civic Initiative and Protection of Citizens and Activists in the Federation of BiH*, and the draft of this law includes anti-SLAPP provisions<sup>104</sup>.

Furthermore, given the poor economic conditions under which most media outlets operate, Association BH Journalists launched efforts in 2022 to establish a defence fund for journalists and media outlets in court proceedings—particularly

100 Association BH Journalists, [Media outlets in the RS will be doubly sanctioned in defamation cases](#), 20 December 2023.

101 Osservatorio Balcani e Caucaso Transeuropa, [After 20 years Republika Srpska reintroduces the crime of defamation](#), 24 July 2023.

102 Association BH Journalists, [E-Journalist](#), year IX, No. 81, April 2023.

103 Association BH Journalists, [European Federation of Journalists: Coalition to fight SLAPP lawsuits](#), 19 December 2022.

104 Objavi.ba, [ANTI-SLAPP: The first Anti-SLAPP Law in Europe proposed in FBiH, 2023](#).



in cases involving a large number of lawsuits against a specific media outlet and/or journalist. Since state institutions have shown no willingness to establish such a fund or other forms of financial support for the survival of media, Association BH Journalists developed a strategy for the Journalists' Defence Fund (JDF) and created models for its establishment<sup>105</sup>.

In 2023, 53 SLAPP lawsuits were reported in Bosnia and Herzegovina. Even though such lawsuits are most frequently aimed against journalists and the media, there is a rise in SLAPP lawsuits against citizens, activists, civil society representatives and human rights defenders, which saw significant further rise following the re-criminalisation of defamation in the RS in August of 2023.<sup>106</sup>

The following investigative and independent media found themselves at the receiving end of SLAPP lawsuits: Center for investigative journalism (CIN), Žurnal magazine, N1 TV, Žurnal, news portals Capital.ba, Bljesak.info, Tačno.net, Raport, Focus, etc.

Amendments to laws and proposed amendments to laws that were put forward in 2023 created a hostile environment for the work of the media and civil society organizations, as well as a legal framework for legalising pressure on the media.

The introduction of new criminal offenses against honour and reputation into the Criminal Code of the Republic of Srpska in July 2023 significantly impacted the environment in which the media and civil society operate. Criminal offenses have become an additional tool for silencing journalists, alongside the Law on Protection against Defamation, which has so far been the most frequently used for such purposes. The announced laws on preventing the spread of false information and on preventing hate speech in RS were not adopted, but there were initiatives to adopt a Law on Media, which led to the formation of a special working group.

In the Criminal Codes there are criminal offences that could apply to journalists, reporters, editors, or their sources, such as Unauthorised Photographing<sup>107</sup> or Unauthorised Publishing and Display of a File, Portrait and Recording of Another Person<sup>108</sup>, which are subject to financial or prison sanctions. However, no persecution of journalists on these grounds has been registered.

In Brčko District BiH and at the level of cantons there are provisions pertaining to sanctions for minor offences of spreading false news within the Law on

105 Bljesak, [Journalists' Defence Fund Underway](#), 14 September 2023

106 Balkan Civil Society Development Network (BCSDN), [Policy Paper: From Silence to Strength: A Regional Response to SLAPPs in the Western Balkans](#), 2024.

107 RS Criminal Code, Unauthorised Photographing, Article 15, para. (1) Whoever without authorization takes a photograph, film or another visual recording of another person or their premises without the person's consent, thereby seriously violating the person's privacy, or whoever hands over or shows such a photograph or recording to a third party or otherwise enables them to have a direct access to the photograph or recording, shall be fined or punished by imprisonment for a term not exceeding one year.

108 RS Criminal Code, Unauthorised Publication and Display of a File, Portrait and Recording of Another Person Article 156a, para. (1) Whoever publishes or displays a file, portrait, photograph, video-recording, film or phonogram of a personal nature, without the consent of the person that created the file or to whom the file relates, or without the consent of the person shown in the portrait, photograph, video-recording or film, or whose voice is recorded on the phonogram, or without the consent of another person whose consent is legally required, and such publication or display had or could have had harmful effects for the personal life of the person in question, shall be fined or punished by imprisonment for a term not exceeding two years.

Public Peace and Order. Fines in Brčko District BiH are between BAM 100 and BAM 500,<sup>109</sup> but there are no registered attempts at silencing journalists or curtailing freedom of expression based on these provisions.

#### — A.8 THE CONFIDENTIALITY OF JOURNALISTS' SOURCES IS GUARANTEED IN THE LEGISLATION AND RESPECTED BY THE AUTHORITIES

Confidentiality of journalists' sources is guaranteed by laws in BiH at all levels of government and in both criminal and civil procedures, and these guarantees are generally respected in practice.

Criminal procedure codes (CPC) provide that journalists cannot be interviewed as witnesses for the purpose of protecting sources of information.<sup>110</sup> Laws on protection against defamation provide that journalists have the right not to reveal the identity of their source.<sup>111</sup> This right also includes the right not to disclose any document or fact that could reveal the identity of a source, in particular not any oral, written, audio, visual or electronic material. The right not to disclose identity of a confidential source is under no circumstances limited in proceedings conducted in terms of this law.

Besides, this matter has been defined in the BiH Press and Online Media Code, and in the Guidelines for cooperation between the police and the media made by OSCE in BiH. The Code stipulates journalists' obligation to protect the identity of their sources, regardless of whether these individuals explicitly requested confidentiality or not.<sup>112</sup> Guidelines for the police provide that police must not use methods of coercion and intimidation of journalists in order to reveal their sources of information.<sup>113</sup>

In 2023 an attempt to reveal a journalistic source was recorded. In February 2023, journalist Nikola Morača from 'EuroBlic' and the 'Srpskainfo' portal was summoned for questioning. The District Public Prosecutor's Office in Banja Luka and the police accused Morača of disclosing, in the articles he published, details from an investigation into a reported rape case in that city. He was asked to reveal his sources, which he refused to do, at which time his phone was confiscated.<sup>114</sup> In addition to Morača, Siniša Trkulja, the editor-in-chief of 'EuroBlic', Boris Lakić, Director of development and executive editor of the 'SrpskaInfo' portal, and Nebojša Tomašević, a journalist from 'Glas Srpske', were also summoned for questioning. An investigation was opened against Morača, Trkulja, and Lakić for the criminal offense

109 Law on Public Peace and Order of Brčko District, Article 10 (Publishing or sharing fake news, rumours or false claims) Whoever publishes or shares fake news, rumours or false claims that could cause public disturbance or disrupt public peace and order, shall be fined in the amount between BAM 100 to 500.

110 BiH Criminal Procedure Code, Article 82; RS Criminal Procedure Code, Article 147; FBiH Criminal Procedure Code, Article 96; BD Criminal Procedure Code, Article 82.

111 Law on Protection Against Defamation BiH, Article 9; Law on Protection Against Defamation RS, Article 10; Law on Protection Against Defamation of FBiH, Article 9; Law on Protection Against Defamation of BD BiH, Article 9

112 [Code of Ethics for Press and Online Media of BiH](#), Article 13.

113 [Guidelines for Co-operation between Police and Media](#), Article 5.

114 MC online, Đorđe Vujatović, [Safeguarding the source despite the pressures](#), 28 February 2023.

of Violation of the Confidentiality of Proceedings. Morača's phone was returned to him after three months. Following the intervention of the Association BH Journalists and protests by journalists and media outlets in Republika Srpska, the District Public Prosecutor's Office in Banja Luka dropped the investigation against these journalists at the end of June.<sup>115</sup>

After the amendments to the Criminal Code of Republika Srpska came into force, concern grew among the journalistic community in RS, but also across all of BiH, due to the possibility of being subject to investigation for the criminal offense of defamation, and being exposed to investigative measures and actions available for proving a criminal offense (such as wiretapping, surveillance, searches, seizure of property, etc.). This has also raised concerns about the obligation to protect journalists' sources of information.<sup>116</sup>

Some investigative media outlets have introduced the practice of cooperating and consulting with lawyers prior to publishing articles dealing with legally "sensitive" issues, such as publishing protected documents or secret/unauthorized recordings for investigative reporting purposes.<sup>117</sup>

Journalists and editors who report on corruption and crime are aware of the risk of being placed under surveillance<sup>118</sup>. In this context, precautionary measures are being taken within newsrooms, such as avoiding the use of landline telephones or conversations over cable network connections provided by telecommunications operators; using encrypted applications that offer at least some level of security; avoiding the use of equipment from unverified sources, etc.<sup>119</sup>

There are no publicly available information on investigations into indications that the Intelligence-Security Agency of BiH (OSA BiH) illegally monitored telephone communications of certain journalists during the time when Osman Mehmedagić was its Director.<sup>120</sup> Some media outlets claimed that, during that period, journalists from the daily newspaper "Avaz", web portal *Klix*, as well as *FTV*, *FACE TV*, and *Al Jazeera Balkans* were under certain "measures."<sup>121</sup> The media reported that the BiH Prosecutor's Office had ordered an investigation and questioned journalists which were subjects of suspected wiretapping. Unfortunately, due to the closed nature of OSA as an agency and their refusal to provide any information on the wiretapping of journalists, this information was never officially confirmed but neither was it denied. In March 2023, the U.S. State Department imposed sanctions on the former director of the Intelligence-Security Agency of BiH, Osman Mehmedagić, for misuse of the state telecommunications

115 Srpskainfo, [We'll continue working in the interest of our readers: Investigation against editors of "EuroBlic" and "Srpskainfo" Siniša Trkulja and Boris Lakić and journalist Nikola Morača suspended](#), 27 July 2023.

116 Buka, [Government of Republika Srpska allowed for surveillance and wiretapping of journalists](#), 15 September 2023.

117 Association BH Journalists, Maja Radević, [Journalists' Safety Index in the Western Balkans, BiH, 2022](#).

118 Balkan Insight, Milica Stojanović, BIRN, [Surveillance states: unchecked surveillance of journalists in Central and South-East Europe](#), 14 September 2023.

119 Semir Mujkić, Editor at BIRN BiH [Surveillance states | Balkan Insight](#).

120 RFE, [Association BH Journalists: Intelligence and Security Agency requested to give opinion on wiretapping of journalists](#) ([slobodnaevropa.org](#)), 26 June 2019.

121 Avaz, ["Recording" Scandal: BiH Prosecutor's Office launched an investigation into wiretapping of journalists](#), 19 January 2022

company.<sup>122</sup> In December 2023, he was arrested, along with the president of the Court of BiH, on suspicion of committing the criminal offense of abuse of office.<sup>123</sup>

At a press conference<sup>124</sup> held in Banja Luka in November, RS President Milorad Dodik shared information about surveillance of what N1 TV and its journalists are doing. Association BH Journalists was unable to either confirm or deny these information from official sources, which is indicative of a lack of transparency in this field and of possible illegal activities, as well as prohibited political and institutional interference in the work of media and journalists.

#### — A.9 JOURNALISTS ARE FREE TO PURSUE THEIR PROFESSION AND TO ESTABLISH, JOIN AND PARTICIPATE IN THEIR ASSOCIATIONS

During 2023, there were no significant changes regarding journalists' organizing into trade unions and associations. Journalists in BiH are not required to be licensed for work by the state, and there were no recorded attempts to introduce licensing in 2023.

Journalists do not face problems being recognized as such within public institutions or by government authorities. However, during 2023, there were instances of journalists being obstructed in their work by public officials. In February, during a special session of the Prijedor City Assembly, public officials prevented several media outlets from covering government meetings in which discussion on a controversial statement by a local imam targeting the Orthodox Church was on the agenda. Security personnel removed local journalists, claiming the session was closed to the public. In March, the City Council of Zenica banned the media from covering a session without providing any explanation.<sup>125</sup>

In 2023, there were no recorded cases of pressure on journalists by the authorities, media owners, or persons in positions of power preventing them to join journalists' associations. There were also no cases of the establishment of parallel or fake media associations backed by politicians-government representatives.

Journalists are free to join trade unions and professional associations. This right is guaranteed through various laws, primarily labour laws. At the state level and in the Entities, there is still no trade union that exclusively represents journalists. Most journalists in BiH are members of one of the journalists' associations, and a number of them are members of media workers' unions existing within public broadcasters, which also have the highest number of employees.<sup>126</sup>

122 Al Jazeera, [Former Director of the BiH Intelligence Agency Osman Mehmedagić blacklisted by the US](#), 15 March 2023.

123 Euronews Serbia, [BiH Court President and Former Director of the Intelligence and Security Agency arrested in Sarajevo](#)

124 Association BH Journalists, [Dodik's hateful attacks against N1 must stop!](#), 17 November 2023.

125 US State Department, [Bosnia and Herzegovina 2023 Human Rights Report](#).

126 More than 60% of journalists are members of one of journalists' associations, and around 18% of journalists are members of one of the trade unions active in the territory of BiH. [Journalists' Safety Index of the Western Balkans, BiH, 2022](#).

Towards the end of 2022, Association BH Journalists launched an initiative to establish a working group tasked with organizing and implementing activities for the founding of a Journalists' Trade Union at the state level that would represent journalists' interests as a partner in dialogue with the authorities, with the aim of providing for more effective protection of their labour and other rights. This initiative was not implemented by the end of 2023.

There are five journalists' associations in BiH: Association BH Journalists, Association of Journalists of Republika Srpska, Association of Croat Journalists of BiH, BiH Journalists' Society, and Network of Female Journalists in BiH. There are no official and precise data on the number of journalists in BiH, while their number is estimated at between two and three thousands. Most journalists are members of the above listed associations.<sup>127</sup>

## — A.10 RIGHT TO ACCESS OFFICIAL DOCUMENTS AND INFORMATION

Journalists follow legal rules on access to information and official documents of public importance, which is regulated by the laws on freedom of access to information at the state and Entity levels (ZoSPI).<sup>128</sup>

In 2023, Parliamentary Assembly of BiH adopted a new Law on freedom of access to information at the level of institutions of BiH.<sup>129</sup> Such wording of the title of the Law defines its implementation only as regards BiH institutions, which resulted in Brčko District BiH being left without legal grounds on which to guarantee freedom of access to information.<sup>130</sup> However, the Statute of Brčko District BiH provides that all District institutions are to uphold freedom of information, and that officials will ensure public access to activities of the District, public documents, decisions and official meetings, by providing timely, accurate and complete information.<sup>131</sup>

New ZoSPI stipulates that all information of BiH institutions are to be considered open and public, unless their withholding is fully justified and based on legally-stipulated exemptions.<sup>132</sup> It was precisely the prescribed exemptions to the application of the law that triggered numerous debates in both houses of the Parliamentary Assembly of Bosnia and Herzegovina, as well as within civil society. Since 2021, when the Draft of this law was published, civil society representatives have submitted more than 200 comments, none of which were taken into account. The comments particularly criticized the expanded list of exemptions for granting access to information,<sup>133</sup> but also the provisions stipulating that the Appeals Council of the Council

127 TI BiH, Prof. dr. Enes Osmančević, Mr. sci. Adis Šušnjar, [Integrity of journalism and media transparency in BiH](#), 2021.

128 [Law on Freedom of Access to Information at the level of institutions of BiH](#) (Official Gazette of Bosnia and Herzegovina, 61/23 of 5 September 2023), [Law on Freedom of Access to Information in the Federation of BiH](#) (Official Gazette of Federation of Bosnia and Herzegovina, 32/01 and 48/11); and [Law on Freedom of Access to Information of Republika Srpska](#) (Official Gazette of Republika Srpska, 20/2001).

129 Parliamentary Assembly of BiH, [Access to information](#).

130 [Annual Report on the results achieved by the Institution of Human Rights Ombudsman of BiH for 2023](#).

131 Statute of Brčko District BiH, Article 17 (Public information).

132 Article 6, Law on Freedom of Access to Information BiH, Principles of transparency and openness, gender equality, prohibition of discrimination and protection of personal data.

133 Law on Freedom of Access to Information of BiH, Article 19 (Exemptions and their Duration).



of Ministers BiH, which is the proponent of the Law, will be deciding on complaints to decisions made by the institutions.<sup>134</sup>

As a principle, access to information is open for journalists, without discrimination.<sup>135</sup> New ZoSPI provides for a proactive approach to disclosure of information, which is interpreted as a positive step relative to the previous law. The Law also provides for establishment of a Central platform for all information, which should facilitate access to information.<sup>136</sup> Journalists believe that there are great ambiguities when it comes to legal proceedings to be conducted in cases when the institutions deny access to public information.<sup>137</sup> Likewise, there are differences in provisions concerning sanctions for violations of the Law between the state and Entity levels. While state level ZoSPI provides for fines to be given to persons responsible for violations of the law, the Entity level legislation does not contain any penal provisions.

The right to access information is limited by institutions in various ways: through improper application of exemptions from disclosure, improper application of the public interest test, administrative silence, failure to comply with deadlines for processing requests, and even failure to enforce court decisions. The transparency of institutions depends on the willingness of their leaders to make institutional work accessible to the public, as well as on the quality of work performed by information officers.<sup>138</sup> A research conducted in 2023 shows that only 49,7% of public companies, 79,5% of public institutions in BiH, and 61,2% of local self-governments in FBiH process requests for access to information within proscribed deadlines.<sup>139</sup>

Law on BiH Prosecutor's Office provides that Prosecutor's Office shall inform the public, by way of media and otherwise, on phenomena and problems of general importance observed in their work. The Prosecutor's Office *may* notify the public and interested persons also about individual cases they are working on.<sup>140</sup> Prosecutors of the Cantonal Prosecutor's Office of Sarajevo Canton underline that they treat requests from journalists as a priority, and that they receive around 180-200 requests from journalists annually. A standard journalists' inquiry is answered much more quickly than requests for access to information.<sup>141</sup>

Results of a two-year mapping of the level of transparency of judicial institutions<sup>142</sup> show that 90% of Prosecutor's Offices in BiH do not have any information on their websites concerning criminal cases, while 50% of courts ignored inquiries from the media. The legally stipulated period of 15 days to respond

134 Center for Investigative Journalism, [New State Law on Freedom of Access to Information adopted](#), 30 August 2023.

135 Reporters Without Borders, [Media Freedom Index for 2023 BiH](#).

136 Klix.ba, [A benefit for all citizens: Establishment of the central portal of public information](#), 12 April 2023.

137 Association BH Journalists, Maja Radević, [Journalists' Safety Index of Western Balkans, BiH, 2022](#).

138 Association BH Journalists, Selma Učanbarlić, [Law on Freedom of Access to Information](#) 2021.

139 Transparency International BiH, [Application of the Law on Freedom of Access to Information in BiH](#) 2023.

140 Law on BiH Prosecutor's Office, Article 11 (Informing the Public); Law on FBiH Prosecutor's Office, Article 11; Law on Prosecutor's Offices of the RS, Article 11, and Law on Prosecutor's Office of Brčko District, Article 35.

141 MC online, [Challenges journalists and citizens face in the application of the Law on Freedom of Access to Information](#), 15 December 2022.

142 BORAM, Ivana Korajlić and Denis Džidić [BiH Judiciary between citizen's needs and politics: non-transparency, inefficiency and citizen's distrust](#), 2023.

to a request for free access to information was exceeded by 42% of all courts and prosecutor's offices. One half of the courts in BiH fail to publish information on first-instance judgements in any form, while only a few publish trial schedules. Furthermore, some judicial institutions in BiH do not accept requests sent by e-mail, but rather insist that request for access to information should be submitted only in person or by post, which prevents journalists from having timely access to information and affects the transparency of the judiciary.

In February 2023, Media action plan<sup>143</sup> was published, which was adopted pursuant to HJPC's 2022-2025 Communications Strategy for courts and prosecutors' offices at all levels.<sup>144</sup> One of the main goals of the Strategy is to ensure accurate, verified, and up-to-date information about the work of courts and prosecutor's offices, that citizens can access easily. Additionally, the goals include improvement of communication between HJPC and judicial institutions on one hand and the legislative and executive authorities, media, general public and users of judicial institutions on the other. Communications Strategy is not a legally binding document, and there are no guarantees of its implementation without the adoption of a relevant budget.

Journalists are granted access to parliamentary sessions at the state, entity, and cantonal levels, as well as the Brčko District Assembly. The sessions are covered in person or via online platforms<sup>145</sup>, and some sessions are even broadcast live on public TV stations. In 2023 there have been cases of limiting the access to sessions of the Municipal Assembly of Prijedor and City Council of Zenica.

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143 [Media Action Plan](#), High Judicial and Prosecutorial Council of Bosnia and Herzegovina, February 2023.

144 2022-2025 [HJPC BiH Communications Strategy](#).

145 For example, information and transcripts from the sessions of BiH Parliament are available on the platform [Parlamente](#).

## B. JOURNALISTS' POSITION IN THE NEWSROOMS

### — B.1 THE JOB POSITIONS OF JOURNALISTS ARE STABLE AND PROTECTED AT THE WORKPLACE

There are no specific regulations in BiH concerning employment relations in the media. These are guaranteed by labour laws, general collective bargaining agreements<sup>146</sup>, companies' internal labour regulations, and employee's individual employment contract. Employment rights and social protection in BiH are regulated on Entity level – they are under the competence of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District.

There were no changes compared to 2022 regarding journalists' labour rights. Most journalists have signed employment contracts. In private media, contracts are most often concluded for a fixed term, but this practice is also present in public media, especially when it comes to engaging beginners in journalism and/or correspondents for public media from smaller towns. In some cases, freelance engagements extend to five or more years. Journalists employed in public broadcasters and media funded through projects and foreign grants have slightly better earnings compared to others.<sup>147</sup>

The general assessment is that journalists are poorly paid. Research shows that 50.7% of journalists earn between BAM 600 and 1,000, 22.7% have a salary between BAM 1,000 and 1,500, 17.3% earn up to BAM 600, while 9.3% earn more than BAM 1,500.<sup>148</sup> The lowest earnings are in print media, where more than 50% of journalists earn below the average salary, while the best situation is in television stations.<sup>149</sup>

Failure to register journalists and working without contracts is one of the most common violations of journalists' labour rights. Around 75% of journalists are registered in tax records, while 25% are not. However, due to the hyper-production of journalists, shrinking media market, and the absence of a strong media trade union, many journalists—especially young ones—accept such working conditions in order to gain work experience and create opportunities for better jobs. Only about 30% of journalists recognize the existence of a collective agreement at their media outlet as a key document for protecting labour rights.<sup>150</sup>

Approximately 60% of journalists and media workers work overtime, but are not paid for it. Alongside low pay, undeclared work, and unfavourable contracts, unpaid overtime is the most frequent case of labour rights violations for journalists. Over 90% of journalists and media workers believe that journalists have a poor social status. This pronounced negative

146 Collective Agreements are signed by the Government, Employers' Association and Confederation of Independent Trade Unions

147 Association BH Journalists, Maja Radević, [Journalists' Safety Index of Western Balkans, BiH, 2022](#)

148 Transparency International BiH, Prof. dr. Enes Osmančević, Mr. sci. Adis Šušnjar, [Integrity of journalism and media transparency in BiH, 2021](#)

149 Association BH Journalists, Maja Radević, [Journalists' Safety Index of Western Balkans, BiH, 2022](#)

150 Transparency International BiH, Prof. dr. Enes Osmančević Mr. sci. Adis Šušnjar, [Integrity of journalism and media transparency in BiH, 2021](#)

perception towards their social standing confirms all of the aforementioned facts regarding the poor socio-economic position of journalists and points to the urgent need to improve media policies, professional and working conditions for journalists and to protect professional standards in journalism.<sup>151</sup>

During 2023, four new cases related to labour disputes or workplace harassment were reported to the Free Media Help Line. Most frequent violations involved violation of the right to regular income, overtime work or number of working hours, contributions' payments, rights to severance, and violations through dismissals or disciplinary procedures. Journalists also report political pressure and attempts at censorship. Compared to 2022, the number of reported cases increased by 10.2%, but pressures and threats from politicians remain concerning (21 cases), along with verbal attacks (17), eight cases of incitement and hate speech, seven death threats, and six physical assaults. Particularly alarming are the censorship and self-censorship which became evident in the media and public space in Republika Srpska following the criminalization of defamation in the summer of 2023.

The media community in Bosnia and Herzegovina is characterized by extremely poor trade union organization. Unlike European and neighbouring countries, BiH lacks a unified media union that would negotiate improved labour and social conditions for journalists at the state level.<sup>152</sup>

Most private media outlets do not have unions. Even in the rare cases when unions exist in private media, membership is minimal. Employees of private media generally believe that unions cannot bring about change in private media, and thus seldom join them; they also cite the fact that journalists who do join unions face significant pressures.<sup>153</sup>

There is no official data on the number of media unions, but it is estimated that only 16% of media companies have a union or employees' council, while the majority of private media do not have unions. A Transparency International survey shows that as many as 77.3% of journalists are not members of a media union, 14.7% of respondents are members of a union at their media outlet, and 8% are members of an entity-level union. A small percentage of unionized journalists indicate the fragmentation among journalists, lack of awareness of labour rights, and the absence of will to fight for their rights. The presence of media unions is essential if journalists wish to protect their labour rights.<sup>154</sup>

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151 Ibid.

152 There are separate trade unions at the level of Entities and Brčko District BiH. In FBiH there is Printing, Publishing, and Media Workers' Union of BiH, and in the RS there is the Media and Printing Workers' Union of Republika Srpska. Within the public broadcasting service of BHRT there are two separate trade unions and additionally there are trade unions of the Entities' public broadcasters. Official number of journalists is unknown, and according to unofficial estimates there are around 3000 journalists working in BiH.

153 Institution of Human Rights Ombudsman of BiH, [Special Report on the position and cases of threats to journalists in BiH](#), 2017.

154 Transparency International BiH, Prof. dr. Enes Osmančević Mr. sci. Adis Šušnjar, [Integrity of journalists and media transparency in BiH](#), 2021.

## — B.2 EDITORIAL INDEPENDENCE IN THE PRIVATE MEDIA

In the 2017 Special Report by the Ombudsman on the position and cases of threats against journalists, it was concluded that newsrooms and editorial teams are formally separated from media owners, but that owners of certain private media outlets often exert pressure on newsrooms and editorial teams, making censorship and self-censorship part of the daily work of some journalists.<sup>155</sup> In its 2023 work report, the Ombudsman institution noted that no significant progress can be observed despite the passage of time, which is why the institution reiterates the conclusions, opinions, and recommendations from the Special Report.<sup>156</sup>

More than half of media workers (56%) claim that there is a clear and precisely defined relationship between journalists and media owners in the outlets where they work, while 19% of journalists say that this is not the case. This relationship is always respected by 51.7% of journalists, while it is not respected by 12.6%. Regarding the relationship between journalists and editors, 73% of journalists say that there is a clear and precisely defined relationship between journalists and editors in their media outlets, while 15% state that such a relationship does not exist in their media outlets. A clear and precisely defined relationship between journalists and editors is always respected according to 63.3% of journalists, while 15.9% say it is not respected. When describing their relationship with superiors, 24.6% of journalists rate it as excellent, 35.7% as generally good, and 16.9% say it varies between good and bad. A poor or very poor relationship with superiors is reported by 10.6% of journalists. Every tenth journalist (12%) claims that there are established criteria in their media outlet that are a prerequisite for career advancement, while 50% state that such criteria do not exist. One third of journalists (30%) is not aware there are procedures for career advancement.<sup>157</sup>

There is no legislation in BiH concerning transparency of media ownership of the media outlets, which is something that the media and civil society organisations have been insisting on having for years. There is no transparency of data on funds allocated from public budgets, no transparency of allocation procedures for such funds, nor are there protection mechanisms for editorial independence in the media.<sup>158</sup>

Code of Ethics of the Print and Online Media Council<sup>159</sup> is the foundation for self-regulation of the print and online media, but adherence to this Code is unequal.<sup>160</sup> In most private media there are no internal Codes of Ethics. Some newsrooms have introduced their own “unwritten rules”, for example for cases

155 Institution of Human Rights Ombudsman of BiH, [Special Report on the position and cases of threats to journalists in BiH](#), 2017

156 [Annual Report on the results achieved by the Institution of Human Rights Ombudsman of BiH for 2023.](#)

157 Association BH Journalists, [Division of power in BiH media](#)

158 Transparency International BiH, Prof. dr. Enes Osmančević Mr. sci. Adis Šušnjar, [Integrity of journalism and media transparency in BiH, 2021.](#)

159 Press and Online Media Council in Bosnia and Herzegovina, [Code of Ethics for Press and Online Media of BiH.](#)

160 European Commission, [Bosnia and Herzegovina 2023 Report.](#)



of reporting on suicide, crimes involving minors, closing or limiting reader's comments on specific articles and similar.<sup>161</sup>

Journalism in BiH remains a precarious profession, with low salaries and precarious status. Labour rights are poorly upheld, trade union memberships are low, and there are no industry-specific collective bargaining agreements for media professionals. Accordingly, salaries for many journalists are significantly lower than average, despite the fact that many are required to work overtime. Female journalists are in an even worse employment situation than male journalists.<sup>162</sup>

Researches confirm that the greatest issues faced by journalists in BiH are political pressures, censorship and self-censorship, funding problems, lack of appropriate staff and poor education of future journalists, being underpaid and journalism as a profession not being valued. Insufficient legislation and failure to implement legal provisions is cited as one of the issues.<sup>163</sup>

In 2023, four cases of labour disputes and workplace harassment within newsrooms were reported to the Free Media Help Line. These involved inadequate employment contracts, irregular salary payments, non-payment of tax and social contributions, harassment within the newsroom, and unequal treatment of employees of different ages. Journalists rarely choose to report workplace harassment and violations of labour rights because labour disputes take an unreasonably long time, and journalists lack faith in the possibility of positive outcomes of court proceedings or other forms of institutional protection. The legal team of the Free Media Help Line is currently handling two court cases related to violations of journalists' labour rights and two appeals before the Constitutional Court of BiH. In 2023, one editor withdrew from continuing litigation due to rulings of lower courts in favour of the employer.

### — B.3 EDITORIAL INDEPENDENCE IN THE PUBLIC SERVICE MEDIA

Laws of BiH<sup>164</sup> and Statutes of public broadcasters,<sup>165</sup> provide that public broadcasting services are independent in the exercise of their profession, have editorial independence and institutional autonomy, which particularly pertains to areas such as: a) setting the programming schedule; b) conceptual design and production of programme; c) editing and presenting the news and news programmes; d) management and distribution of assets; e) employment and rights and obligations of employees; f) organisation of activities and internal organisation; g) preparation and budget execution; h) negotiations, preparation and signing of legal acts related to the functioning of the service; i) representing

161 Association BH Journalists, Maja Radević, [BiH: Indicators on the level of media freedom and journalists' safety 2022](#).

162 European Commission, [Bosnia and Herzegovina 2023 Report](#).

163 OSCE, [Needs Assessment of the Media Sector in Bosnia and Herzegovina, Report on the Public Opinion Survey of the media sector needs in BiH](#), pg. 39.

164 [Law on the public broadcasting system of Bosnia and Herzegovina](#); [Law on the public broadcasting service of the Federation of BiH](#) and [Law on radio and television of RS](#).

165 [Statute of RTV BiH](#); [Statute of RTRS](#) and [Statute of BHTV](#).

public broadcasting services in legal proceedings; j) purchase, rental, sale, and use of goods and services.<sup>166</sup>

Editorial principles of the public broadcasting system<sup>167</sup> pertaining to all three public broadcasting services in BiH were adopted as early as 2003 and they were signed by the directors of all three public broadcasters. The principles are essentially about the standards to be adhered to by the management, editors and employees of the public broadcasters in BiH, in order to better understand and execute the mission of serving the public. These principles include impartiality, personal opinions, fairness, veracity of information, confidentiality of sources, decency and courtesy, respect for diversity and independence, etc.

Editorial principles set the professional standards for editors and journalists, but they do not guarantee their independence from the management structures. The document stipulates that no social group, government body, political party, governmental or non-governmental organization, or individual—regardless of their social role or position—can have a privileged status in the programming of public broadcasters in BiH. Participants in broadcasts and shows cannot set the terms of their participation on public broadcasters, including the length of their appearance, the selection of other participants, etc. The management, editors, and journalists of public broadcasters must have full control over their programming. Violation of the Editorial Principles constitutes a serious breach of professional duties.

In early 2023, BHRT revised their Editorial principles<sup>168</sup> to include the obligation of moderating the content on their social media accounts, but also prohibition of hate speech and glorification of war crimes on social media for their employees. Such principles were not revised by the other two public services.<sup>169</sup>

Public broadcasters in BiH face numerous challenges in their operation that undermine the quality of their work. Most notably, they are under constant political pressure. Financial dependence, and the political pressures associated with it, are the most common form of governmental pressure on public broadcasters and media in BiH. Members of the governing boards are elected by parliaments, so their composition depends on the political situation and the balance of power among ruling parties. A similar pattern is present in the appointment of top management in public broadcasting services, where domination of political influence is most evident in editorial policy.<sup>170</sup>

According to international sources, public broadcasters in BiH are considered state-controlled media. This category includes media outlets primarily funded by

166 Article 4 of the Law on Public Broadcasting System of Bosnia and Herzegovina (Independence of public broadcasters).

167 [Editorial principles of the public broadcasting system.](#)

168 BHRT, [Editorial Principles of RTV BiH \(BHRT\).pdf](#).

169 Mediacentar Sarajevo, Slađan Tomić, [Of the three public services, only BHRT revised their editorial principles](#), 11 October 2023.

170 School of Political Studies, Council of Europe of BiH, [Policy Brief 08 XI-2020](#).

the state, where the government exercises control over management bodies as well as editorial content.<sup>171</sup>

Public broadcasters have for years faced poor financial conditions and significant debt, which threatens their continued operation, primarily due to problems with collecting the broadcasting fee i.e. TV license.<sup>172</sup> The public broadcaster of Republika Srpska (RTRS) withdrew from the joint fee collection system in 2017 and has since stopped funding the other broadcasters, as stipulated by the joint Law on the Public Broadcasting System of BiH. As a result, BHRT has initiated legal proceedings over a debt of €31.5 million, which Radio Television of Republika Srpska (RTRS) has failed to transfer to BHRT's account.<sup>173</sup>

The amount of public Budget funds allocated for the financing of public media have been rising year after year. The share of own-contribution by the majority of public media has been declining significantly, and their growing financial dependence on budget subsidies is seriously threatening the media's editorial independence.<sup>174</sup> The reform of public broadcasting services of BiH and Federation of BiH in line with the Constitution was not conducted in 2023, which was set as one of the goals of the Agreement for the formation of government at the state and Federation of BiH levels following the 2022 General Elections.<sup>175</sup>

BHRT is facing the most difficult financial situation, and at the end of 2023 the Independent trade union of BHRT employees issued an open letter to save BHRT, raising an alarm about low salaries and departure of workers from this media outlet.<sup>176</sup>

The European Commission has listed stable financing of the public broadcasting system of Bosnia and Herzegovina as one of the 14 priorities for the country's progress toward EU accession. In its 2023 report, the European Commission stated that no action had been taken in Bosnia and Herzegovina to ensure the financial sustainability of the public broadcasting system.<sup>177</sup>

#### — B.4 EDITORIAL INDEPENDENCE IN THE NOT-FOR-PROFIT MEDIA SECTOR

There are no official or precise data on the number of not-for-profit media outlets in Bosnia and Herzegovina. Among them, online portals are the most numerous, while electronic (radio and TV) and print media are the least represented.

Communications Regulatory Agency (CRA) has competence over electronic media, i.e. radio and television. It is responsible for issuing licences, regulating the operation and maintaining a public register of broadcasting licence holders. According

171 CEU Democracy Institute, Marius Dragomir Astrid Söderström, [The State of State Media](#), pgs. 14 and 49.

172 RFE, Predrag Zvijerac, [Accounts of BiH TV blocked over a debt amounting to 30 million euros](#), 15 December 2021.

173 European Commission, [Bosnia and Herzegovina 2023 Report](#).

174 Transparency International BiH, [How much are we paying for the work of public media](#), 27 December 2019.

175 Mediacentar Sarajevo, Slađan Tomić, ["Osmorka" announces reforms of the PBS system, professionals doubtful of the good intentions](#).

176 [Open letter issued by the Independent trade union of BHRT employees](#), 15 December 2022

177 European Commission, [Bosnia and Herzegovina 2023 Report](#).

to the CRA data, BiH has 146 profit-based private and public radio-stations<sup>178</sup>, three public broadcasting services and two not-for-profit radio stations founded by associations<sup>179</sup>, as well as 112 TV-stations, of which 21 are public broadcasters, 89 private and two are non-profit TV stations.<sup>180</sup>

When it comes to print and online media, their registration and establishment fall under the jurisdiction of entity-level laws, as well as the decisions and regulations of the Brčko District. The Press and Online Media Council in BiH, as a self-regulatory body, maintains a publicly available registry of print and online media, but it does not contain data on which of these media outlets are non-profit. According to this registry, there are eight daily newspapers, seven news agencies, and 187 different magazines and publications (weekly, biweekly, and periodicals) across BiH.<sup>181</sup> The published registry of online media lists 63 portals with information on the publisher and contact details.<sup>182</sup>

A total of 615 web portals have been mapped in BiH,<sup>183</sup> of which 305 are in the Federation of BiH, 94 in Republika Srpska, 11 in Brčko District of BiH, 194 at an unknown location, three in the countries of the region and seven portals are in the diaspora. It was found that 270 portals didn't list the names of owners, editors and journalists (*impressum*), that 167 did provide the *impressum*, while 178 portals have a partial *impressum*.<sup>184</sup>

In addition to the Press Council's Code of Ethics, which all professional print and online media are expected to follow, some outlets maintain their own standards for reporting and editorial independence. An example is the Center for Investigative Reporting (CIN), which states on its website that it is a non-profit organization without political ambitions; that CIN "does not accept money or services from political parties, politicians, businesspeople, or others seeking to influence media content. CIN does not support any political party and has no political goal or ambition, other than educating a society that will advocate for its interests through civic action, voting, and engagement."<sup>185</sup>

Since 2004, the Association BH Journalists has had a Code of Ethics for BiH journalists, which establishes principles as well as rights and duties for journalists and editors who are members of this Association. Enforcement and oversight of the Code is the responsibility of the Journalists' Ethical Council of association BH Journalists.<sup>186</sup>

In early 2023, the organization of non-profit media "Umbrella" was formed, bringing together 13 independent and non-profit media outlets.<sup>187</sup> The association aims to unite and strengthen independent investigative media outlets that will serve the

178 CRA, [Licensees for Radio broadcasting through terrestrial radio broadcasting system](#).

179 CRA, Radio broadcast licence holders, [Non-profit stations](#).

180 CRA, [Licensees for Television broadcasting](#).

181 Press and Online Media Council, [List of print media in BiH](#).

182 Press and Online Media Council, [List of online media in BiH](#).

183 Press and Online Media Council, [Web portals in BiH](#).

184 Centar for promotion of Civil Society (CPCD), [Mapping media websites in BiH, 2021](#).

185 [CIN's Standards](#).

186 Association BH Journalists, [BH Journalists' Code of Ethics](#).

187 [Association "Umbrella"](#).

public interest through truthful, objective, fact-based, and professional journalism, and promote a media space free from political, economic, business, and other influences.

In March 2023, the Government of Republika Srpska approved a draft Law on a Special Registry and Public Oversight of the Work of Non-Profit Organizations. The draft was adopted in its first reading by the RS National Assembly (RSNA) in late September 2023. Civil society, media, and numerous international organizations criticized the law as “regressive and negative”.<sup>188</sup> The law envisioned heightened surveillance and the possibility of banning NGOs that receive foreign funding, prohibiting political activities, requiring additional registration and financial reporting. It defined as “foreign agents” those non-profits funded by foreign entities that engage in political action and activities or influence public opinion, or those that “undermine the integrity and Constitution of Republika Srpska”.

Targeting dissenters, journalists, and civil society representatives as “foreign agents” aiming to overthrow legitimately elected authorities in RS became a means of discrediting the work of media and civil society.<sup>189</sup>

In March 2023, independent journalists from Banja Luka—Aleksandar Trifunović and Nikola Morača—filed police reports for vandalism against their vehicles. Both had previously participated in journalists’ protests against the Republika Srpska Government’s decision to re-criminalize defamation again.

In March, in response to journalists’ criticism of the planned re-criminalization of defamation, RS President Milorad Dodik insulted journalists, particularly targeting Siniša Vukelić, director of the Banja Luka Journalists’ Club, calling him and others “vile creatures who have been lying, manipulating, imposing on people, extorting, for years.” The Association BH Journalists and the SafeJournalists Network considered this behaviour as open political pressure on the media and a restriction on freedom of expression.

At a press conference held on 12 August in Banja Luka, Dodik verbally attacked a group of journalists again, calling them “enemies of the Serb people and destroyers of Republika Srpska”, and claimed they were receiving foreign assistance. Association BH Journalists and SafeJournalists Network called on the District Prosecutor’s Office in Banja Luka to conduct an investigation. OSCE Representative on Freedom of the Media Teresa Ribeiro and OSCE Head of Mission in Bosnia and Herzegovina Brian Aggeler condemned Dodik’s threats and accusations. In July, burglars broke into the apartment of investigative journalists Eldin Karić and Žana Gauk Karić of Žurnal.info portal and stole two laptops. Association BH Journalists and the Free Media Help Line described the incident as an act of intimidation.

188 [Joint Opinion of the Venice Commission and OSCE on the Law on foreign agents](#)

189 MC Online, Anida Sokol, [Hard year for the media in BiH too, 28 December 2023](#).



Most non-profit media outlets do not have secured long-term funding. Many independent media have eliminated advertising and rely entirely on donor funding, and to secure this they apply not only to media-specific programs, but also to those dealing with broader areas such as democratization, rule of law, transparency, and anti-corruption.

## — B.5 FREEDOM OF JOURNALISTS IN THE NEWS PRODUCTION PROCESS

Freedom for journalists to choose news and produce media content, or to interpret information, varies from outlet to outlet. With regards to media independence, the studies show that journalists are nearly unanimous in their view that BiH has almost no independent media. They identify economic dependence on the one hand and political dependence on the other as the main factors shaping editorial policy. Journalists consider online media to be the most independent. State-owned media depend on their founders, while others depend on various political and economic interests. One key factor distinguishing media outlets in BiH is their source of funding. Media funded through different projects or donor funds are considered more independent, while outlets supported by state institutions or political organizations adopt narratives entirely defined by those groups' objectives.<sup>190</sup>

Research conducted by the Association BH Journalists revealed that the absence of policies protecting employees' rights and safety in most media outlets slows and limits internal support capacities for journalists. Lack of internal support leads to self-censorship, professional doubt, disillusionment, avoidance of controversial topics, and focus on less sensitive ones. This is especially pronounced in many public media funded from the local budgets.<sup>191</sup>

In a study conducted by BH Journalists, just over half of BiH citizens cited political dependence as the main obstacle to media work, followed by the general political climate and financial dependence. Compared to 2022, that perception dropped by around 10%. Two-thirds of the population believe that politicians and political parties are the main violators of journalists' rights and freedoms, but that view is significantly less common among residents of the RS (37%) compared to those in FBiH (83.7%).<sup>192</sup>

Journalists say that by accepting a job at a particular media outlet, they also accept its editorial policy and have no protection for their professional integrity. Many media provide preferential treatment to certain political options, depending on the interests of the media's owners or management structures, without any protection of journalists' professional integrity.<sup>193</sup>

190 OSCE, [Needs Assessment of the Media Sector in Bosnia and Herzegovina](#).

191 Association BH Journalists, Prof.dr Zarfa Hrnjić-Kuduzović, [Internal capacities and needs of media in the area of protection and journalists safety in BiH with a focus on female journalists](#), 2023.

192 Association BH Journalists, [Media freedoms in BiH 2023](#).

193 TI BiH, Prof. dr. Enes Osmančević Mr. sci. Adis Šušnjar, [Integrity of journalism and media transparency in BiH, 2021](#)

Clientelism in media, a climate of constant political conflict, direct political pressure, non-transparent media funding, high unemployment, and an unregulated advertising market create conditions in which journalists find it hard to resist censorship and self-censorship. Other reasons behind pronounced self-censorship and censorship among journalists include: lack of punishment for attacks on journalists, a high number of defamation lawsuits, advertiser coercion in cases of investigative or critical media content, violations of journalists' labour rights, and absence of programs to support and protect journalists when they refuse unethical assignments.<sup>194</sup>

Journalists rarely report censorship and political pressure experienced within media outlets, believing it will only cause them trouble at work. Even when they do report such cases, out of fear of losing their jobs most insist on anonymity.<sup>195</sup>

At the end of 2022 and beginning of 2023, the Free Media Help Line registered one case of censorship and internal pressure in a media outlet. Programming management structures in that cantonal media outlet initiated disciplinary proceedings against a journalist for publishing a statement made by a trade union leader criticizing one of the companies that was a major advertiser on this media outlet. Even though the company was not named in the relevant media content, the outlet's management accused the journalist. Besides being an act of censorship, this case was a clear example of media clientelism. While no formal reports were filed to the Free Media Help Line, most journalists in the RS comment on noticeable censorship and self-censorship, fearing they may become targets of criminal prosecution for defamation.

## — B.6 WORKING POSITION OF WOMEN JOURNALISTS

In relation to the pressures faced by journalists and media professionals, most journalists believe that women have it harder. In addition to all the problems they share with their male colleagues, women also face the problem of sexism. The majority opinion among journalists is that women in Bosnian-Herzegovinian society are perceived as the weaker gender, which makes them seem like easier targets for insults or threats. However, female journalists themselves do not emphasize significant differences compared to their male colleagues, although they do believe they are somewhat more susceptible to insults, threats, and belittlement.<sup>196</sup>

According to the research conducted by the Association BH Journalists, large majority of journalists (88,7%) believe that in the media outlets in which they work female journalists are equal to their male counterparts, while a significantly lesser number (9,7%) believe that they are not, or have stated that they do not know (1,6%). Large part of the media (27,4%) have no activities, policies or plans regarding protection of gender equality, including: equal position of men and women

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194 Ibid.

195 Association BH Journalists, Maja Radević, [BiH: Indicators on the level of media freedom and journalists' safety 2022.](#)

196 OSCE, [Needs Assessment of the Media Sector in Bosnia and Herzegovina.](#)

in newsrooms, equal opportunities for career advancement and promotion, equal protection in case of gender-based harassment, violence and discrimination. 58,1% have such plans, while 14,9% are not aware of such plans. Most media (37%) do not have plans to adopt rulebooks regarding protection of women in the media, their rights and liberties, 34% has plans, while 29% is not aware of anything on the subject.<sup>197</sup>

Base salaries for journalists in BiH range from BAM 662 to 1.772. When it comes to salary ranking among different professions, journalists' salaries are at 414th position between chemical process technologists (415th position) and receptionists in tourism, gastronomy and hotel industry (413th position).<sup>198</sup> There are no data on the difference in salaries between female journalists and their male colleagues.

Every third female journalist believes that it is easier for their male colleagues to advance in their careers and that their work is more valued. The main reasons cited by women journalists are the patriarchal nature of society where "men's work is valued ten times more" and where women have to "prove themselves twice as much", as well as family responsibilities (such as maternity leave, leave due to child illness, etc.), which make employers more inclined to promote men.

According to available research, editorial and executive positions in Bosnian-Herzegovinian media are predominantly held by men. Women occupy about 37% of editorial positions and approximately 28% of executive roles. They are most represented as editors in radio (60%) and news agencies (50%), while their representation in leadership positions in television stations is the lowest. In print media, women hold about 40% of both editorial and executive positions.

While both male and female journalists face various forms of pressure, threats, intimidation, violence, and smear campaigns, female journalists are at particular risk due to their gender, which is often used as a basis for discrediting, pressure, and violence. Female journalists face gender-based threats, harassment, and intimidation, especially online. This directly affects their personal safety and carries the risk of discouraging them from continuing their journalist work and public engagement. The specific nature of the pressures, threats, and violence toward women journalists is reflected in how they manifest. These pressures and threats are most often related to comments of sexual nature or remarks about physical appearance, marital or family status.

Female journalists are subjected to both professional and gender-based violence from their interviewees, government officials, and politicians, as well as within their own newsrooms. They are increasingly victims of

197 Association BH Journalists, Prof.dr Zarfa Hrnjić – Kuduzović, [Internal capacities and needs of the media in the area of journalists' safety and protection in BiH with a focus on female journalists](#), 2023.

198 [Salary.ba](#), [Journalism, printing and media](#).

verbal abuse by politicians, who treat them in crude and primitive ways using misogynistic vocabulary.<sup>199</sup>

Research shows that every fifth female journalist in BiH has experiences gender-based discrimination in their media outlet. Their appearance and marital status are commented on, their sexuality is highlighted, and they are perceived as a “pretty face” without any rights or ability to think. Compared to their male colleagues, they mainly face verbal insults, disturbing phrases and allusions about the female gender, sexist comments when it comes to their workplace success or topics they choose to cover, followed by comments on their appearance and sexual advances.

In newsrooms where there is support from superiors, positive examples have been identified of editorial sensitivity and concrete assistance to female journalists under threat, ranging from verbal expressions of understanding and solidarity, to physical accompaniment, and even legal aid.<sup>200</sup>

The Association BH Journalists observed that gender-based attacks and pressure on female journalists continued throughout the year. According to data from the Journalists’ Help Line, the number of threats against women journalists is increasing. In March 2023, Al Jazeera Balkans journalist Dalija Hasanbegović-Konaković shared on her Twitter account misogynistic and nationalist insults and threats she received via multiple social media platforms, after announcing that she was expecting a baby. Some of the messages included death threats directed at her and her family. Some of the threats came from Jasmin Mulahusić, a known cyber radical operating from abroad, who has been under investigation by the Prosecutor’s Office of BiH for inciting national, racial, and religious hatred.<sup>201</sup>

Throughout 2023, the Free Media Help Line (FMHL) recorded 27 cases involving threats and attacks on female journalists, either individually or together with male colleagues and editors, including physical assaults.<sup>202</sup>

Women Journalists Network was established within the Association BH Journalists as a mechanism to educate women in journalism about their rights, empower them through collective action and professional solidarity, and raise public awareness about attacks on women journalists and gender-based violence against them.<sup>203</sup>

199 [BH novinari: Female journalists in Sarajevo increasingly victims of politicians’ verbal violence](#), 14 April 2022.

200 Association BH Journalists, Prof.dr Zarfa Hrnjić-Kuduzović, [Internal capacities and needs of the media in the area of journalists’ protection and safety in BiH with a focus on female journalists](#), 2023.

201 US State Department, [Bosnia and Herzegovina 2023 Human Rights Report](#).

202 Buka, Slađan Tomić, [Female journalist Vanja Stokić for BUKA: This attack was planned and coordinated by the system and the hooligans](#), 20 March 2023.

203 Association BH Journalists, [Network of female journalists in BiH: BiH society needs safe and strong female journalists](#), 18 September 2021.

## C. JOURNALISTS' SAFETY

### — C.1 JOURNALISTS AND MEDIA ACTORS HAVE ACCESS TO IMMEDIATE AND EFFECTIVE PROTECTIVE MEASURES

BiH has no separate legal mechanism to protect journalists from violence and hate speech in the form of a law that would regulate the matter, even though initiatives to introduce special criminal-law protection for journalists have been made since 2019.<sup>204</sup>

Certain steps forward were made in 2023 with regards to development of protection mechanisms for journalists and media professionals.<sup>205</sup> Contact persons were appointed ("journalists' safety contact points") in prosecutor's offices and police structures across the country for communication and cooperation with journalists and their associations in matters concerning their safety. This mechanism was established as a joint initiative between the OSCE Mission and European Union (EU) Delegation in BiH, with a view to strengthen the internal coordination system in prosecutor's offices and police agencies in relation to cases where journalists and other media professionals are the victims.<sup>206</sup> While only one contact point was appointed in 2022 (in Canton Sarajevo prosecutor's office), the network was expanded in 2023. The total of 18 contact persons were appointed in prosecutor's offices<sup>207</sup> and 13 inspectors and spokespersons in police agencies<sup>208</sup>, and their contact details are available on the official website of the High Judicial and Prosecutorial Council of BiH (HJPC), under the section "Journalists' Safety"<sup>209</sup>.

However, the role of such designated contact points is not to directly receive reports or act in cases of threats, attacks, or hate speech, but rather to establish a system for registering and monitoring cases concerning the safety of journalists, to prioritize investigations and actions taken *ex officio*, and above all, to improve communication between institutions, journalists, and their associations<sup>210</sup>.

On the website of the HJPC BiH, a document titled "*Guidelines for Chief Prosecutors – Terms of Reference for Contact Persons for Journalists Safety*" is available, containing a number of general provisions, but without any indication of who adopted the document or when. In addition to this, the website also includes a separate document with contact information for accessing free legal aid (FLA), which is not

204 RFE, Selma Boračić-Mršo [Journalists as official persons?](#) 24 April 2019.

205 EU Delegation in BiH, [Conference on protection of journalists: BiH needs more efficient judicial processing of attacks on journalists](#), 6 April 2023.

206 MC online, Selma Fukelj, [Establishment of contact points for the safety of journalists in prosecutor's offices and the police agencies in BiH](#), 2 November 2023.

207 BiH Judiciary Portal, [Contact points for the safety of journalists in BiH – prosecutor's offices](#).

208 BiH Judiciary Portal, [Contact points for the safety of journalists in BiH – police agencies](#).

209 Website was introduced in 2024 as a joint initiative of the OSCE Mission in BiH and the Office of the EU in BiH with the aim of improving journalists' safety.

210 "In the event of an incident, such as an attack or threat against journalists, the standard procedure is followed: the case is reported to the nearest police station, a police inspector on duty at the time is assigned, and the designated contact point is obligated to monitor the case and stay in touch with the person, guiding them through the process, because more often than we would like, journalists are unaware of their rights. The duty of the contact points is to be available to journalists who find themselves in trouble; however, contact points are not spokespersons or helplines".



limited only to journalists, and is provided by the Association "Your rights BiH"<sup>211</sup>, as well as contact details for the Free Media Help Line (FMHL) of the Association "BH Journalists".<sup>212</sup>

Since these newly-established contact point mechanisms are in their early stages, there are no officially available data on the number and outcomes of reported cases of attacks and threats to journalists. Immediately after they receive threats, journalists still most frequently contact the Free Media Help Line (FMHL), operating under the BH Journalists. During 2023 FMHL registered the total of 87 cases of violations of journalists' rights and media freedoms, including attacks and threats to journalists but also labour disputes, mobbing and defamation lawsuits, as well as attacks against newsrooms. This is an increase of about 10% compared to previous year when 79 cases were registered.

At the Council of Europe's Safety of Journalists platform, five (5) alerts were registered in 2023.<sup>213</sup> Following an official inquiry addressed at the state authorities of BiH, the Council of Europe received no official response from the country about actions taken in any of these cases. In addition to three cases of attacks against journalists, this platform registers also amendments to the RS Criminal Code, as well as attempted amendments to the Law on Public Peace and Order in Canton Sarajevo<sup>214</sup> as serious threats to freedom of expression in in BiH.

Regional Network Safejournalists.net registers 49 cases of threats to freedom of expression and journalists' safety in BiH in 2023.<sup>215</sup>

In 2023, the Ombudsman institution received seven (7) complaints related to journalists and media, including: attacks on journalists, damage to journalists' property, actions journalists consider to be pressure on their work, and difficulties journalists face when attempting to obtain relevant information held by public authorities. Based on these complaints, one (1) recommendation was issued. Additionally, the relevant authorities were advised that it is necessary for attacks on journalists to be defined in criminal legislation either as a separate criminal offense or as a more serious form of the offense of attacking an official while performing their duties.<sup>216</sup>

There have been cases of effective police response, such as identifying perpetrators within just one week of the offence,<sup>217</sup> and indictments being filed within four months of the offence.<sup>218</sup> However, such positive examples are the exception rather than the rule. According to the estimates of the Association

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211 Your Rights BiH, [Legal Aid](#).

212 FMHL – Free Media Help Line, [Linija za pomoć novinarima](#).

213 Council of Europe, [Safety of Journalists Platform, Bosnia and Herzegovina](#).

214 RFE, Ermin Zatega, [Violations of public peace and order and fake news online in Sarajevo](#), 03 July 2023. In May 2023, the Government of Sarajevo Canton in the Federation of Bosnia and Herzegovina presented a draft Law on Public Peace and Order, which authorizes the police and courts to punish those who spread what they would deem as "fake news," including on the internet. According to the draft, fines range from BAM 5,000 (€2,555) to BAM 15,000 (€7,670) for media outlets or other legal entities, BAM 700 (€360) to BAM 2,100 (€1,075) for individuals within legal entities, and BAM 600 (€305) to BAM 1,800 (€920) for anyone "who spreads false news or claims that cause panic or seriously disturb public peace and order." Due to numerous objections that it threatens freedom of speech and media, the draft law was blocked."

215 It is important to note that this Network does not register labour disputes, prohibition of access to information, civil law proceedings for defamation, etc. which is the reason behind the difference in the number of cases recorded in FMHL and the Safejournalist Network. For more information, please go to: Safejournalists, [Incidents – BiH](#).

216 [Annual Report on the results achieved by the Institution of Human Rights Ombudsman of BiH for 2023](#).

217 RFE, [Person suspected of damaging the vehicles of Banja Luka journalists under arrest, 16 March 2023](#).

218 Srpska info, [Indictment raised against Saša Bunić for damage caused to the vehicles of journalists Morača and Trifunović](#), 12 July 2023.

BH Journalists, the process from reporting an incident to any prosecutorial decision takes around 2.5 years, which cannot be defined as efficiency of the prosecution. The most effective proceedings are reported to be misdemeanours proceedings under laws regulating public order and peace, where perpetrators are fined between BAM 100 and 500. In this way, although proceedings are handled efficiently, the harmful consequences of attacks on journalists are minimized.<sup>219</sup>

In 2023, the Free Media Help Line (FMHL) recorded at least two cases where investigations were discontinued or decisions were made not to conduct investigative actions related to reported attacks and threats against journalists, with the explanation that elements of a criminal offense were not present, which is most commonly used reason for discontinuing investigations.

The website of BiH Prosecutor's Office shows all cases handled by all prosecutor's offices in the country for the criminal offence of Incitement to national, racial and religious hatred, discord and intolerance.<sup>220</sup> In 2023, BiH Prosecutor's Office issued 15 formal decisions not to conduct investigations of criminal offences committed out of hatred, which mainly pertain to events that took place in the online sphere in 2021.<sup>221</sup> Two years taken by the prosecutors to render a decision to discontinue an investigation is indicative of lack of efficiency in the work of this institution. In 2024, three (3) indictments were raised in cases that occurred in 2023.<sup>222</sup>

Although it is not possible to determine how many of these cases relate specifically to journalists, the case of Jasmin Mulahusić stands out as characteristic—he is one of the most frequent "attackers" of journalists via social media. Since 2021, the BiH Prosecutor's Office and the Cantonal Prosecutor's Office of Sarajevo Canton have been conducting multiple investigations against Mulahusić for inciting ethnic and religious intolerance, hatred, threats, and negative propaganda targeting journalists in the online sphere. The Safejournalist.net platform reported that the BH Journalists' Free Media Help Line had submitted 15 cases to the competent institutions—police and prosecutors' offices in Sarajevo Canton and at the state level—concerning threats and the spread of hate speech by Jasmin Mulahusić and his followers on the social media platform Facebook. Although investigations into these cases intensified during 2023, no indictments had been filed by the end of the year.

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219 Interview with Borka Rudić, Secretary General of the Association BiH Journalists, 22 August 2024.

220 [Criminal Code of BiH](#), Article 145a.

221 BiH Prosecutor's Office, [Decisions of Prosecutors in cases based on Art. 145a](#).

222 Website presents 4 cases, with one case reported twice, making the total number of indictments three.

## — C.2 JOURNALISTS AND OTHER MEDIA ACTORS (WHOSE LIVES AND PHYSICAL INTEGRITY ARE EXPOSED TO REAL AND IMMEDIATE RISKS) HAVE ACCESS TO SPECIAL PROTECTION OR SAFETY MECHANISMS

While physical protection of designated individuals and facilities is regulated by several laws and falls under the jurisdiction of various police agencies at different levels of government,<sup>223</sup> responsibilities are not as clearly defined when it comes to citizens and journalists. There is no doubt that the protection of life and personal safety of citizens, including journalists, falls under the responsibility of the police and the laws regulating police operations. According to the Law on Police and Internal Affairs of Republika Srpska, police duties include, among other things, ensuring the protection of life and personal safety.<sup>224</sup> At the level of the Federation of BiH, agencies and internal services for the protection of people and property fall under the joint jurisdiction of the Federation and the cantons.<sup>225</sup> Internal affairs under the jurisdiction of the Sarajevo Canton Police Directorate also include the protection of life and property.<sup>226</sup> Similar provisions are found in the Law on Police of the Brčko District.<sup>227</sup>

The decision or ruling on granting protective measures is issued by the competent police authority based on a risk assessment of the endangered individual. However, the criteria for risk assessment and allocation of police protection are not clearly defined. The documents and bylaws regulating these procedures are not publicly available. "As a community of journalists, we do not have access to the criteria for determining who needs protection and how"<sup>228</sup> says Borka Rudić, Secretary General of the Association of BH Journalists.

Protection measures and mechanisms at the national level for all citizens in criminal proceedings are guaranteed under the Criminal Procedure Code of Bosnia and Herzegovina which regulates witness protection in the course of a criminal proceedings<sup>229</sup>, and the Law on witness protection under threat and vulnerable witnesses,<sup>230</sup> Law on witness protection in criminal proceedings<sup>231</sup>, as well as the Law on witness protection programme in BiH<sup>232</sup> all serve the same purpose. Witness protection falls under the jurisdiction of the courts, prosecutor's offices and the State Investigation and Protection Agency (SIPA).<sup>233</sup>

223 [Law on the Directorate for coordination of police bodies and agencies for support to police structure of BiH](#), which is responsible for organising and carrying out physical and technical protection of persons and buildings of BiH institutions and diplomatic and consular offices under special protection, in line with the relevant laws, international obligations and other regulations adopted by the Council of Ministers of BiH. [Law on police and internal affairs of Republika Srpska](#), Directorate for the protection of persons and property carries out duties of providing special protection for persons and buildings which are under special protection, under the Decree of the Government or under the formal Decision of the Minister, etc.

224 [Law on police and internal affairs of Republika Srpska](#), Article 5, Police Duties, Articles 55, 56 and 60.

225 [Law on internal affairs of FBiH](#), Article 3, paragraph 2.

226 [Law on internal affairs of Sarajevo Canton](#).

227 [Law on police of Brčko District BiH](#), Article 12, sub-paragraph a, Article 13, sub-paragraph b.

228 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.

229 [Criminal Procedure Code of BiH](#), Article 267 Witness protection against insults, threats and attacks.

230 Government of the Federation of BiH, [Law on Protection of Witnesses under Threat and Vulnerable Witnesses](#).

231 [Law on Protection of Witnesses in Criminal Proceedings](#).

232 [Law on Witness Protection Programme in BiH](#).

233 [Law on State Investigation and Protection Agency \(SIPA\)](#), Article 3.

There are no systemic assessments in place to identify the specific protection needs of journalists who are victims. Unlike in 2022, when temporary police protection was granted to the newsroom of the Center for Investigative Journalism in Sarajevo (in the form of patrol surveillance), no such protection was recorded in 2023. On the contrary, it was recorded that police refused to provide physical protection to journalist Nataša Miljanović Zubac from Trebinje, stating that “the police agencies do not have data or information indicating a potential threat to the journalist’s safety”—despite the fact that her car had been set on fire, she had received a message saying “dead mouth don’t speak,” and a decapitated, “bloody” doll had been left at her doorstep. This journalist had been requesting special protection from the RS police for two years, citing continuous threats and safety risks. By the end of 2023, the RS Mol had not approved any special security measures.

A particularly stark example of the complete disregard for the need to protect citizens and journalists by the police occurred in Banja Luka in March 2023, when several journalists and civil activists from the LGBT community sustained physical injuries after being attacked by a group of hooligans. The attack was preceded by a decision from the competent Banja Luka Police Department to ban an indoor event (a film screening, discussion, and social gathering), claiming it could not guarantee the safety of attendees. There was no systematic police protection, and patrol vehicles in the vicinity of the event refused to respond to emergency calls.<sup>234</sup> This event was also preceded by the inflammatory rhetoric and hate speech expressed by politicians from Republika Srpska.<sup>235</sup>

Witnesses under threat and vulnerable witnesses in criminal proceedings are provided with protections measures regulated under the laws on witness protection and relevant bylaws. Witnesses are provided with psychological and social assistance during the investigation phase, during and after the trial, and in particular after the witness has given their testimony, in order to provide the witness with comprehensive support or assistance.<sup>236</sup>

Journalists can receive free legal aid within the Free Media Hotline (FHML), while the Association BH Journalists provides them with psychological support at their request. According to the records of the BH Journalists, in 2023, 15 media and 72 individuals used free legal aid, representation and support in the protection of their rights and freedoms before the judicial and state authorities at various levels of government.<sup>237</sup>

After Bosnia and Herzegovina received candidate status for the accession to the European Union, journalists gained access to support mechanisms such as the *Media Freedom*

234 Buka, Slađan Tomić, [Female journalist Vanja Stokić for BUKA: This attack was planned and coordinated by the system and the hooligans](#), 20 March 2023.

235 MC online, [Condemnations of attacks against activists: RS politicians are spreading hate against journalists and the LGBTIQ community](#), 19 March 2023.

236 [District Public Prosecutor’s Office in Bijeljina](#).

237 Association BH Journalists, [Media outlets in RS will be doubly sanctioned in cases of defamation, 20 December 2023](#).

*Rapid Response*, through which they can receive practical assistance in situations where their safety is threatened.

On the official website of BiH judiciary, under the section Safety of Journalists, association Your Rights BiH (*B/C/S: Vaša prava BiH*) is also listed as the provider of free legal aid to journalists. However, according to the criteria of this association, journalists are not identified as a distinct category of beneficiaries eligible for the support it offers<sup>238</sup>.

### — C.3 FEMALE JOURNALISTS HAVE ACCESS TO LEGAL MEASURES AND SUPPORT MECHANISMS WHEN FACED WITH GENDER-BASED THREATS, HARASSMENT AND VIOLENCE

According to GREVIO Committee Report<sup>239</sup> from September 2022 on legislative and other measures for implementation of the provisions of the Istanbul Convention in BiH<sup>240</sup>, certain positive steps in the legal framework of BiH were made bringing it closer in alignment with the Istanbul Convention. New criminal offences were introduced at the level of the Entities, including domestic violence, female genital mutilation, forced sterilisation, stalking, sexual harassment and forced marriage.

Entities also have separate laws on prevention of domestic violence which protects the victims of violence, but without recognizing the gender aspect. Law on protection against domestic violence in the Federation of BiH<sup>241</sup>, Republika Srpska<sup>242</sup> and Brčko District<sup>243</sup>, stipulate protection measures directed against perpetrators of domestic violence.

Sexual harassment is prohibited through an anti-discrimination set of laws at the state level and the labour legislation in force. However, research shows that women are mostly victims of sexual harassment in the workplace. According to the available data of civil society organisations, 40% of women stated in 2021 that they have been victims of at least one form of sexual harassment in the workplace, and the fact that raises special concern is that they have not reported these cases to the competent institutions out of fear of being stigmatised and losing their jobs, and out of lack of faith in the institutions and for the lack of knowledge about their rights or ways reporting harassment.<sup>244</sup>

Strategies and implementation of laws are almost exclusively focused on domestic violence and do not provide concrete measures for other harmful forms of violence against women. The legal framework also does not recognize female journalists as a specific group exposed to various forms of professional and gender-based violence. For this reason, GREVIO emphasizes

238 [Your Rights BiH](#).

239 GREVIO is an independent expert body of the Council of Europe with the mandate to, among other things, monitor the implementation of the Istanbul Convention in member states (evaluation procedure), open investigations into specific circumstances in countries parties to the Convention (investigative procedure) and issue general recommendations with regards to Istanbul Convention.

240 [GREVIO Committee Report, baseline evaluation for BiH 2022](#).

241 [Law on protection from domestic violence of the Federation of BiH](#).

242 [Law on protection from domestic violence of RS](#).

243 [Law on protection from domestic violence in Brčko District of BiH](#).

244 [Alternative CEDAW Report](#), 2023.



the importance of improving the implementation of the Istanbul Convention with regard to all forms of violence against women.

The legal aid provided by the state to women victims of gender-based violence varies in scope and according to the conditions that must be met in order to qualify for assistance, depending on the canton, entity, or district in which the victim resides. This is due to unequal legal provisions regarding the provision of legal aid across the country, as well as the extremely complex and fragmented legal and institutional framework.<sup>245</sup>

Women's rights groups provide a range of specialized support services, such as safe houses, legal assistance, psychosocial support, SOS hotlines, and economic empowerment programs. However, their work and capacity are hindered by insufficient and project-based funding, which primarily depends on international donors.

Association BH Journalists provides free legal aid and representation to female journalists exposed to violence. In 2023, for the first time, the Association filed a lawsuit under the Law on Prohibition of Discrimination to protect two investigative journalists who were subject to gender-based violence, including offensive and misogynistic speech by politicians.

In terms of protecting female journalists, there was no progress in 2023. Amendments to laws based on the Istanbul Convention have had no practical impact on the status and protection of female journalists.

In judicial practice and among prosecutors and judges, two laws that could offer more effective protection for women — the Law on Gender Equality and the Law on the Prohibition of All Forms of Discrimination — are not used adequately.<sup>246</sup>

Political pressures and brutal threats toward female journalists continue to occur, and victims are most often subjected to double victimization: first at the time of the incident, and again during investigations, when police and judicial institutions fail to recognize the elements of gender-based violence and instead view threats as an acceptable part of the journalistic profession and the local tradition — or even as a consequence of the journalist's voluntary participation in public communication spaces, including social media.<sup>247</sup>

A significant number of cases of sexual harassment against female journalists have been reported in BiH, though female journalists are reluctant to speak out. A major problem is the lack of support from editors and media owners, as well as their general disinterest in taking steps to improve the safety of female journalists. Female journalists in BiH require ongoing psychosocial support and encouragement

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246 Conclusions from a discussion held on 4 December 2023 in Sarajevo on the topic of safety of female journalists in media outlets, with a focus on development of internal safety procedures and rules to support female journalists and all other women in the media. [Female journalists in BiH are marginalised and insufficiently protected - BH Journalists, 4 December 2023.](#)

247 Ibid.

to begin speaking openly about the problems, pressures, and threats they face, and to start reporting incidents to the relevant institutions – these were the main conclusions from focus groups held with female journalists in March 2023 in Sarajevo, Mostar, and Banja Luka.<sup>248</sup>

Coalition for Women in Journalism (CFWIJ)<sup>249</sup> publishes monthly, quarterly and annual reports on the state of press freedoms from a gender perspective and enables reports of violence against female journalists. In 2023, the platform recorded five (5) most drastic cases of threats to the safety of female journalists in BiH.<sup>250</sup>

#### — C.4 THE PRACTICE OF REGULAR PUBLIC CONDEMNATION OF THREATS AND ATTACKS ON JOURNALISTS AND MEDIA HAS BEEN ESTABLISHED

The institutions have failed to establish a regular practice of condemnation of attacks against journalists and other media professionals, both within state institutions but also within political parties. Condemnations of attacks are frequently politically motivated, if they are coming from political parties with close ties to the media employing the attacked journalists.<sup>251</sup> However, there are certain exceptions in this regard. Brčko District Government,<sup>252</sup> as well as Federation Minister of Labour and Social Policy<sup>253</sup> have condemned the physical attack and the beating up of journalist Mirza Derviševića, which occurred on 19 August 2023.

Of the total number of cases of threats and pressure against journalists and media outlets, Association BH Journalists recorded that in 42.8% of cases the perpetrators were politicians and public officials. In 2023, there were 21 such attacks, which is a 150% increase compared to 2022, when 14 such cases were registered. Female journalists were the victims of threats and attacks by politicians in 9 cases.

According to a 2023 survey by the Association BH Journalists, two-thirds of the population of BiH believe that politicians and political parties are the main violators of journalists' rights and freedoms.<sup>254</sup> This opinion is significantly less prevalent in Republika Srpska (37%) than among respondents in the Federation of BiH (83.7%).

To date, no politician has been sanctioned for verbal attacks, insults, or pressure against journalists and media, which reinforces a culture of impunity and to some extent legitimizes this type of behaviour. The only case of suspension from duty so far is the case of Zoran Čegar, a senior police officer of the Federal Police Administration (FPA), who threatened a female journalist from CIN, and

248 Association BH Journalists, [Free Press Unlimited: How to improve safety of female journalists in BiH, 18 March 2023.](#)

249 [Coalition For Women in Journalism \(CFWIJ\).](#)

250 CFWIJ – [SEARCH – Coalition For Women in Journalism.](#)

251 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.

252 Government of Brčko District BiH, [Collegium of the Government condemns attack on journalist Mirza Dervišević,](#) 23 August 2023.

253 Vijesti.ba, [Delić: Journalists must be free to do their work without fear,](#) 20 August 2023

254 Association BH Journalists, [Research on media freedom in BiH 2023.](#)

the criminal procedure against him is still ongoing. FPA denied the indications that he might be reinstated.<sup>255</sup>

Condemnation of attacks against journalists perpetrated by politicians is rare, sporadic and unprincipled. On the contrary, politicians are themselves frequently directly responsible for threats and pressure against journalists.<sup>256</sup> Additionally, condemnation by civil society is missing, which fails to demonstrate sufficient solidarity in cases of attacks against journalists.<sup>257</sup>

Press release<sup>258</sup> and report issued by the Media Freedom Rapid Response (MFRR) mission following their visit to BiH in October 2023<sup>259</sup> states that openly hostile and harsh rhetoric by political leaders against journalists sends a signal to the public that journalists are "legitimate targets of violence" and "scape goats". Milorad Dodik, President of Republika Srpska was cited as the most frequent but certainly not the only politician that verbally attacks journalists.

In 2023, political pressure against journalists also crossed into legislative sphere. Amendments to the RS Criminal Code<sup>260</sup> re-criminalised defamation, as well as unauthorised publication of files and photographs, which will have a deterring effect on critical media reporting on RS Government, as well as on investigative reports on corruption and the rule of law. Both of the above criminal offences carry the sanction of fines, while the unauthorised publication also carries the possibility of a prison sentence.<sup>261</sup>

RS politicians are often the leaders of incendiary hate speech which leads to actual attacks and threats to the safety of journalists. Last year, only 6,9% of respondents in the RS justified attacks against journalists, while in 2023 as many as 74,1% of respondents in the RS accepts violence against journalists and believes that they "should be beaten up"<sup>262</sup>, which is a shocking change in public perception - in only one year this percentage has multiplied tenfold.<sup>263</sup>

In March, responding to journalists' criticism of the plans to re-criminalize defamation, RS President Milorad Dodik verbally insulted journalists, specifically targeting Siniša Vukelić, president of the BHN Journalists' Club Banja Luka, calling him and other journalists "vile creatures who have been lying, manipulating, imposing on people, and extorting for years." Merely one day after this statement, the cars of Nikola Morača, journalist for EuroBlic and Srpskainfo portal (who had previously been detained), and Aleksandar Trifunović<sup>264</sup>, editor of Buka portal, were scratched in a parking lot in Banja Luka.

255 Radiosarajevo.ba, [There are rumours that Zoran Čegar is returning to work: We asked the FPA if this was true](#), 03 November 2023.

256 Mapping media freedom, [Milorad Dodik verbally attacks N1 journalist Snežana Mitrović](#) and [Mayor insults journalists over the phone](#)

257 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.

258 Free Press Unlimited, [Bosnia and Herzegovina: Media freedom in survival mode](#).

259 Media Freedom Rapid Response, [Bosnia and Herzegovina: Media Freedom in survival mode](#)

260 Entered into force on 26 August 2023..

261 Al Jazeera, [EU on the RS Law on Defamation: Major step backwards in European integration of BiH](#), 26 August 2023.

262 Association BH Journalists, [Research on media freedom in BiH 2023](#).

263 Mondo, [Worst data ever: More than 74 percent of respondents in Republika Srpska believes that journalists should be beaten](#), 03 May 2023.

264 Žurnal, Žana Gauk, [An attack follows Dodik's insults: Cars belonging to journalists Morača and Trifunović damaged](#), 9 March 2023.

At a press conference held on 12 August in Banja Luka, Dodik launched an attack against journalists from N1, Capital, Buka, and BN Television in an offensive, defamatory, brutal, and inciting manner, declaring them “enemies of the Serb people,” and “destroyers of Republika Srpska,” and spreading false information about the financing and operations of these media outlets. The BH Journalists Association called on the District Public Prosecutor’s Office in Banja Luka to conduct an investigation.<sup>265</sup> Attacks made by Milorad Dodik were also condemned by OSCE Representative on Freedom of the Media, Teresa Ribeiro, and Head of the OSCE Mission to Bosnia and Herzegovina, Ambassador Brian Aggeler.<sup>266</sup>

The most drastic example of incitement to violence occurred in March 2023 on the occasion of a closed event organised by LGBTIQ activists closely associated with “BH Pride March”, which resulted in physical attacks by hooligans against journalists and activists. The attack was preceded by homophobic rhetoric expressed by the mayor of Banja Luka, Draško Stanivuković,<sup>267</sup> as well as by Dodik who, at a press conference held on 16 March, stated that he expects that the responsible authorities of the RS will prevent the holding of any event dedicated to LGBT rights, whether outdoor or indoor. On the day of the event, Police Department of Banja Luka banned the event.<sup>268</sup> In the attack launched by the hooligans, four journalists were injured, and the police officers that were present failed to take any action to prevent the attack. The perpetrators were not identified even one year after the event, and the Banja Luka Prosecutor’s office dismissed the criminal charges for hate speech filed against the RS President Milorad Dodik, and the Banja Luka mayor Draško Stanivuković.

## — C.5 POLICE AUTHORITIES ARE SENSITIVE TO JOURNALISTS’ PROTECTION ISSUE

Members of police forces are generally familiar with human rights standards and the role of journalists in a democratic society. However, in practice they lack sensitivity for matters of journalists’ safety.

Members of the judiciary and the police do not know much about journalism as a profession, their work conditions and the difficulties faced by media professionals on a daily basis. With the establishment of the contact point in prosecutor’s offices and police and security agencies, we expect to see trainings delivered to the members of the police and the prosecutor’s offices as well as adoption of protocols to improve protection and safety of male and female journalists.

“Guidelines for Chief Prosecutors”<sup>269</sup> highlight that “cooperation extends also to contact persons in the police, for which a

265 Al Jazeera, [BH Journalists Association: Judiciary must stop Dodik’s violence against journalists](#), 13 August 2023.

266 OSCE, [Statement by OSCE Representative on Freedom of the Media, Ribeiro, and Head of the OSCE Mission to BiH, Aggeler, on threats made by Republika Srpska President Dodik towards the media](#), 16 August 2023.

267 “We aspire towards patriarchal and traditional family relations and we know what our religion is and what is the identity of our people. Okay, someone is doing that overthere in Sarajevo, let them. Nobody here inquired about any public space in the town, a square or something like that. We wouldn’t allow such a thing”, stated Stanivuković.

268 RFE, [Police bans gathering of ‘BH Pride March’ in Banja Luka](#), 18 March 2023.

269 BiH Judiciary Portal, [Guidelines for Chief Prosecutors – terms of reference for contact persons for journalists’ safety](#).

relevant Terms of Reference was developed"; however this document is not yet publicly available. The only available document for police officers are the "Guidelines for cooperation between the police and the media" drafted by the OSCE in BiH<sup>270</sup>, based on international documents and the local legislative framework. In 2021 OSCE amended the Guidelines for media professionals cooperating with the police<sup>271</sup>, as well as Guidelines for police working with journalists<sup>272</sup>, issued back in 1997, adapting them to the new circumstances in which members of both of these professions operate.

Police agencies have appointed 13 contact points for communication with journalists and journalist associations on issues of journalists' safety, with the aim of improving communication and providing information regarding the status of investigations into threats and attacks against journalists and media, in order to process these offences more effectively.

Given the unprofessional conduct of the police in response to reported violence during the gathering of LGBTIQ activists and journalists in March 2023 in Banja Luka, there is an impression that the police was instrumentalized for political purposes.

In February 2023, Nikola Morača, a journalist for "EuroBlic" and the portal "Srpskainfo", was summoned for questioning. The District Public Prosecutor's Office and the police accused Morača of revealing details from an investigation into a reported rape case in Banja Luka through his published articles. He was asked to disclose his sources, which he refused, and his phone was confiscated<sup>273</sup>. In addition to Morača, Siniša Trkulja, the editor-in-chief of "EuroBlic", Boris Lakić, Director of development and executive editor of the "SrpskaInfo" portal, and Nebojša Tomašević, a journalist for "Glas Srpske", were also summoned for questioning. An investigation was opened against Morača, Trkulja, and Lakić for the criminal offense of violating the confidentiality of proceedings. The confiscated phone was returned after three months and following the intervention of the BH Journalists Association. At the end of June, the District Public Prosecutor's Office in Banja Luka dropped the investigation against these journalists.<sup>274</sup>

According to the assessment given the by the representatives of journalists' associations, there are no issues in cooperation with the police when it comes to exchange of information or interventions at the requests of the associations.<sup>275</sup> Members of the police take active part in events organised by journalists' associations with the aim of improving the cooperation between the media community and police institutions.

270 OSCE Mission to BiH, [Guidelines for Co-operation between police and media.](#)

271 OSCE Mission to BiH, [Guidelines for Media Co-operation with the Police](#)

272 OSCE Mission to BiH, [Guidelines for Police Cooperation with the Media](#)

273 MC online, Đorđe Vujatović, [Safeguard a sources despite the pressures, 28 February 2023.](#)

274 Srpska.info, [We'll continue working in the interest of our readers: Investigation against editors of "EuroBlic" and "Srpskainfo" Siniša Trkulja and Boris Lakić and journalist Nikola Morača suspended, 27 June 2023.](#)

275 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.



## — C.6 SPECIALISED UNITS/OFFICERS ARE EQUIPPED WITH EXPERTISE FOR INVESTIGATING ATTACKS AND VIOLENCE AGAINST JOURNALISTS

There is progress relative to last year in terms of appointing persons in prosecutor's offices and police forces in charge of monitoring the cases of attacks against journalists and coordination (contact points). The total of 18 contact points was appointed in prosecutor's offices<sup>276</sup> and 13 inspectors and spokespersons in police agencies.<sup>277</sup> However, these contact points are not tasked with investigating and prosecuting these attacks against journalist, but for prioritising investigations and recording these cases, coordinating with officers handling the case, as well as to improve communication with journalists and associations.

"Guidelines for Chief Prosecutors – Terms of Reference for contact persons for journalists' safety" were made for the prosecutor's offices. Guidelines for Prosecutors instruct the Chief Prosecutors to ensure or facilitate that contact persons participate in trainings, conferences and workshops relevant for their work to improve and advance protection of journalists and media professionals in BiH. In 2023 four regional workshops were held for representatives of local courts, prosecutor's offices and the media on the topic of "Cooperation between the judiciary and the media and how to improve it?"<sup>278</sup>, which is a way of implementing one of the conclusions from the meeting of the HJPC's Presidency and BiH journalists.

There are positive examples regarding the specialized training of professionals. The Federal Police Administration has a trained Cybercrime Unit, and in Sarajevo Canton a prosecutor has been appointed who is specially trained in handling hacker attacks. Within the police structures at the level of Republika Srpska and the Federation of BiH, there are trained inspectors with direct contacts with social media platforms. They are able to request the blocking of profiles from which threats are made and hate speech is spread, or the removal of security threatening posts<sup>279</sup>.

Criminal laws and criminal procedure laws do not contain specific provisions related to attacks on journalists, although initiatives to introduce such criminal offenses have existed since 2019. BH Journalists launched an initiative in 2018 and officially adopted it in 2019, with the aim to amend criminal legislation and ensure criminal protection for journalists in cases of security threats and risks.<sup>280</sup> Similar initiative has been adopted in the Parliament of the Federation of BiH,<sup>281</sup> and in BiH Parliament where both houses adopted the initiative to introduce journalists in the criminal legislation as persons performing work of public interest.<sup>282</sup> However, in 2023, laws in BiH were

276 HJPC, [Contact points for journalists' safety in BiH – prosecutor's offices](#).

277 HJPC, [Contact points for journalists' safety in BiH – police agencies](#).

278 Workshops were held in Zenica (5 October 2023), Brčko (13 October 2023), Banja Luka (19 October 2023) and Mostar (21 November 2023). [HJPC 2023 Annual Report](#).

279 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.

280 BH Journalists, Nedim Pobrić, [Investigations and prosecutions of attacks on journalists and media professionals in Bosnia and Herzegovina](#).

281 CIN, [Initiative to protect journalists adopted](#), 11 April 2019.

282 MC online, [Initiative to treat attacks on journalists as a separate criminal offence adopted](#), 1 July 2022.

still not amended in order to provide protection for journalism as a profession within the country's criminal legislation.

Understanding the specific nature of attacks on journalists still largely depends on the sensitivity and level of training of individual prosecutors and police officers assigned to investigate a given case. Prosecutors often assess that attacks on journalists do not meet the criteria for a criminal offense, which leads to dismissal of criminal reports and complaints or suspension of investigations due to lack of evidence.<sup>283</sup> On the other hand, attacks against journalists are frequently prosecuted based on the Law on public peace and order, thereby diminishing the significance of the offence of attacks against persons performing the work of public importance. The confusion is certainly compounded by the fact that the offence of endangering security (i.e., threats) is regulated at various legislative, entity, and cantonal levels both as a criminal offense and as a minor offence against public peace and order.<sup>284</sup>

There are also objective obstacles and challenges that prosecutors face when prosecuting criminal offenses based on existing legal provisions that address violence against journalists. These provisions criminalize incitement and stirring up of three forms of hatred – national, racial, or religious – and the act must have the power of inciting violence or hatred against a particular group of people. All of these circumstances must be proven in criminal proceedings, which makes the work of prosecutors significantly more complicated, especially when the offense is reported via email or anonymously.<sup>285</sup>

Cooperation between the relevant institutions exists, including with journalists' associations, and the establishment of a network of contact points is expected to further improve this cooperation in the coming period. Legally defined cooperation is established between the police in both Entities and Brčko District, as well as law enforcement agencies.

The adopted Guidelines for Chief Prosecutors are intended to improve coordination between the responsible institutions and make proceedings related to attacks on journalists more efficient. However, journalists remain dissatisfied with the speed and effectiveness of investigations, particularly in cases of online violence. According to information from the Association BH Journalists, it takes about two years from the incident and the reporting of the attack on a journalist to the issuance of any prosecutorial decision (such as an order not to pursue an investigation or the filing of an indictment).<sup>286</sup>

Association BH Journalists formed a Media Justice Group (MJG), composed of 10 professionals<sup>287</sup>, with the aim of efficient

283 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.

284 In Brčko District and in Canton Sarajevo 'Endangering security' is regulated in the laws on public peace and order. In Republika Srpska it has been defined in the Criminal Code, Article 150, but also in Article 11 of the RS [Law on Public Peace and Order](#).

285 BiH Prosecutor's office, [2022 Work Report](#), pg. 45.

286 Borka Rudić, Secretary General of the Association of BiH Journalists, interview 22 August 2024.

287 Members of the [Media Justice Group \(MJG\)](#) were appointed in 2024. MJG has 10 members, including four officers of the judiciary, representative of the HJPC BiH, four journalists dealing with judicial topics, and a representative of a self-regulatory body – the Press and Online Media Council in BiH. The aim of MJG members is to jointly work on education of journalists and holders of judicial offices in order to improve the quality of work of both professional communities.

action in cases of attacks and threats against journalists and to help the judicial institutions in opening toward the media and citizens, especially in cases of public significance.

— **C.7 INVESTIGATIONS OF SERIOUS PHYSICAL ATTACKS ON JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT EFFICIENTLY (INDEPENDENTLY, THOROUGHLY AND PROMPTLY)**

Within the media community, there are serious doubts about the independence of investigations into attacks on journalists, especially when public officials and high-ranking individuals are involved in the attacks. Investigative bodies generally do not address the motives or identify those who gave the order for the attacks, who most often remain unknown, which contributes to a culture of impunity.

In the case of the attempted murder of BN Television journalist Vladimir Kovačević in 2018, the attackers were arrested and sentenced to prison terms, which they served, but the motives for the attack and those who gave the order for it were never uncovered. Journalist Kovačević stated that he did not know the attackers, had no disputes with them, and had clearly told the police whom he suspected to be the instigator. In August of 2023, five years since the attack, Kovačević held a press-conference in order to talk about the impunity of those who gave orders for the attack.<sup>288</sup>

In March 2023, the police did not protect journalists and LGBTIQ activists from physical violence by hooligans. A year later, the perpetrators of the violence have not been identified; the investigation is still ongoing against unknown persons, even though the injured journalists and activists clearly identified some of the attackers. *There is a possibility that the police did not effectively want to protect those present at the event, as well as a suspicion of some form of cooperation between the perpetrators and police institutions.*<sup>289</sup> Besides, Republika Srpska MoI is refusing to submit to the associations the name of police officers that were on duty that night, despite the court judgement of the District Court in Banja Luka<sup>290</sup>. In August 2023, the Banja Luka prosecutor's office dismissed the criminal complaint for inciting and promoting violence and hatred, as well as violating citizens' equality, against the RS President, Milorad Dodik, and the Mayor of Banja Luka, Draško Stanivuković.<sup>291</sup>

The complaint against Dodik and Stanivuković was also filed by BH Pride March based on the criminal offense of violating citizens' equality under Article 139 and the criminal offense under Article 359 of the RS Criminal Code.

288 BL portal, [Kovačević dissatisfied: Five years after the attacks, those who gave the orders are still not identified](#), 28 August 2023.

289 Professor at the Faculty of Criminalistics, Criminology and Security Studies in Sarajevo, Muhamed Budimlić, BIRN BiH, [Detektor I Magazin: How the actions of Banja Luka police and disinformation threatened LGBT activists \(youtube.com\)](#).

290 Gerila.info, [One year after the attack on activists and journalists in Banja Luka: Who are the police officers that failed to protect the victims from hooligans?](#), 19 March 2024.

291 MC online, Mladen Vujinović, [Politicians' inflammatory statements and hate speech go unsanctioned in BiH](#), 29 April 2024.

In the case of the physical attack against journalist Mirza Dervišević in August of 2023,<sup>292</sup> the journalist cited the texts he was publishing on his website "Times.ba Brčko" as the motive for the attack. He gave Crime Police a dozen names of persons he considered to be suspects in that regard. Two persons were taken into custody in relation to the attack but according to Goran Pisić, Head of Police of Brčko District they couldn't arrive at a motive for the attack. The attackers were charged with causing light bodily injuries and were released pending trial. Certain public office holders were questioned during the investigation into the event.<sup>293</sup>

Journalists do not qualify as a separate category under the law and do not enjoy a special status in proceedings when they are victims of threats, attacks and violence, so these cases were not treated as a priority compared to other investigations and cases until November 2023 when HJPC issued the decision appointing contact points in prosecutor's offices.<sup>294</sup>

The matter of urgency in cases involving attacks on journalists is not regulated by law, nor is it addressed in the adopted Guidelines i.e. Terms of Reference for the designated journalists' safety contact points within prosecutor's offices. Based on a decision by the HJPC, the competent prosecutor's offices appointed contact points and assumed the obligation to maintain records of such cases and to treat reports of attacks on journalists as priority cases.<sup>295</sup>

In practice, investigations proceed slowly, and journalists are generally dissatisfied with the efficiency of the competent institutions. Nevertheless, there are examples of prompt and efficient responses by the relevant authorities. On the other hand, it takes, on average, about two years from the incident to any prosecutorial decision. In the case of threats against a BIRN journalist from August 2020, an indictment was raised after nearly three years, and in July 2023, a conviction was issued for serious online threats. Following a guilty plea, the perpetrator was found guilty of the criminal offense of "endangering safety" and was given a suspended sentence of three months' imprisonment, which will not be enforced unless the convicted person commits another criminal offense within one year from the date the judgment becomes final.<sup>296</sup>

The majority of attacks against journalists continues to be prosecuted under the laws regulating public peace and order which carry low sanctions mainly in the form of fines. Such classifications result in faster investigations and trials of the assailants, but diminish the gravity of attacks against journalists as socially dangerous offences against persons performing the work of public interest. Inconsistent legal regulations further contributes to legal uncertainty regarding the protection of

292 Detektor, Irvin Pekmez, [Brčko Prosecutor's office has not yet opened a case in the incident of attack on journalist Mirza Dervišević](#), 22 August 2023.

293 [Interview with Goran Pisić](#), chief of police of Brčko District BiH, of 30 September 2023.

294 HJPC BiH Recommendation number: 13- 09-5-1690-1/2023, of 28 April 2023 from the Conference on Journalists' safety held on 04-05 April 2023.

295 For example Decision of the Chief Cantonal Prosecutor of the Herzegovina-Neretva Canton Prosecutor's Office, Mostar, Number: A689/23 of 12 May 2023.

296 Detektor, Jasmin Begić [Nefail Čehić sentenced for making threats to journalists of BIRN BiH](#), 14 July 2023.

journalists, given that threats to life and physical integrity are regulated differently at various legislative levels—state, entity, and cantonal—either as criminal offenses or as misdemeanours under public peace and order laws<sup>297</sup>. Additionally, monetary fines for the same offense are defined differently across public peace and order laws, which results in unequal treatment of journalists before misdemeanour courts in BiH. In Brčko District and Sarajevo Canton, only monetary fines are prescribed<sup>298</sup>, while in Republika Srpska, imprisonment of up to 30 days is also possible.<sup>299</sup> At the same time, in Republika Srpska, “endangering security” is also categorized as a criminal offense.<sup>300</sup>

When it comes to criminal proceedings, the most commonly prosecuted offenses include *Endangering Security, Light Bodily Injury, and Incitement to National, Racial, and Religious Hatred, Discord, and Intolerance*. In the latter case, prosecutors most often issue decisions not to pursue further investigation, typically stating that “there are no elements of a criminal offense”.

## — C.8 JOURNALISTS AND OTHER MEDIA ACTORS ARE EFFICIENTLY PROTECTED FROM VARIOUS FORMS OF ONLINE HARASSMENT

Online harassment and threats are sporadically and inconsistently regulated in the criminal legislation of BiH. RS Criminal Code contains a provision that talks about the use of computers and social media in the perpetration of the criminal offence “*Publicly Inciting and Inflaming Violence and Hatred*”.<sup>301</sup> Similar provision was incorporated in the Criminal Code of Brčko District in the 2024 amendments.

Online violence, harassment, and threats to journalists are prosecuted through other criminal offences that significant characteristics of which they contain. These are primarily “*Endangering Security*”, or threats of attacks at life or body<sup>302</sup>, as well as “*Inciting National (Ethnic), Racial, and Religious Hatred, Discord, and Intolerance*” which offences may be carried out online.<sup>303</sup> There are no obstacles preventing the application of other criminal offenses that can be committed online to protect journalists and media

297 In Brčko District and in Canton Sarajevo the offence “Endangering Security” is regulated through laws on public peace and order. In Republika Srpska it is defined in the Criminal Code, in Article 150, but also in Article 11 of the [Law on Public Peace and Order of RS](#).

298 Law on Public Peace and Order of Brčko District, Article 7 (Endangering Security and Causing a Sense of Threat) – “Whoever endangers security or causes a sense of threat in another by threats of attacks against their lives or body, shall be fined in the amount between BAM 500 to 1.500.” Law on minor offences against public peace and order of Canton Sarajevo, Article 8 (Minor offences and fines for individuals) “(3) Fine from BAM 300,00 do 900,00 shall be imposed for the following offences: a) whoever endangers the safety or causes a sense of threat in another by threats of attacks against their life or body”

299 Law on public peace and order of RS, Endangering Safety by threats of attack against life, body, or property, Article 11 – “Whoever endangers the safety or causes a sense of threat in another person by threats of attacks against their life, body, or property or the life, body or property of a close person shall be fined in the amount from BAM 300 to 900 or sentenced to prison in duration of up to 30 days.”

300 Criminal Code of RS, Endangering Security, Article 150, (1) “Whoever endangers the safety of a person by a serious threat to them, or their close person, of death, grave physical harm, deprivation of liberty or kidnapping, or cause harm through arson, explosion or other means and actions causing public danger, shall be punished by a fine or imprisonment of up to two years.”

301 Publicly Inciting and Inflaming Violence and Hatred, Article 359 of CC RS “(1) Whoever, by using the press, radio, television, a computer system or a social network, at a public gathering or at a public area or otherwise, publicly calls for, incites, or inflames, or makes available to the public the leaflets, images, or any other materials that call for violence or hatred against a certain person or groups on account of their national, racial, or religious or ethnic affiliation, skin colour, sex, sexual orientation, disability, gender identity, origin, or other characteristics, shall be punished by a fine or imprisonment for a term not exceeding three years.”

302 Endangering Security, Article 150 of CPC RS; Article 183 of CPC FBiH; Article 180 of Brčko District CPC.

303 This criminal offence is contained in the Criminal Codes of BiH, Federation of BiH and Brčko District. Criminal Code of Republika Srpska contains the criminal offence of “Publicly Inciting and Inflaming Violence and Hatred” which is more broadly defined. A sanction is stipulated for those who spread hatred or call to violence against a specific individual or groups based on their ethnic, racial, religious or ethnic affiliation, but also other characteristics such as sex, sexual orientation, disability, gender identity etc.



professionals, such as the criminal offenses of *"Stalking"*, *"Unauthorized Publication and Display of Another Person's File, Portrait, or Recordings"*, *"Sexual Extortion"*, and similar.

In May 2023, the Government of Sarajevo Canton adopted a Draft Law on Public Peace and Order, which aimed to introduce sanctions for online "fake news." The draft law proposed that the Internet be treated as a public space and that acts of online violence against citizens, including journalists, be prosecuted more effectively. It prescribed heavy fines for journalists and media outlets for publishing or disseminating fake news, as well as sanctions for offending public morality or obstructing or demeaning public authorities. The sanctions in this draft also included a ban of public appearances and professional activity for up to one year. Due to widespread public criticism, the draft law was withdrawn.<sup>304</sup> Association BH Journalists and the Press and Online Media Council opposed this initiative.<sup>305</sup> It is worth noting that such initiatives existed in Republika Srpska since 2015, and they were integrated into the Law on Public Peace and Order.

Free Media Hot Line (FMHL) recorded 15 cases of online attacks against journalists. Most of these cases relate to threats and hate speech spread through the social networks, as well as orchestrated online campaigns. The competent institutions, primarily prosecutor's offices do not react effectively in cases of online harassment and threats against journalists. Majority of criminal reports for these offences ends up getting dismissed.

In March 2023, Al Jazeera Balkans' journalist, Dalija Hasanbegović-Konaković, shared on her Twitter account the misogynistic and nationalist slurs and threats she received through several social media platforms following her publication of the news that she is expecting a baby. Some of the messages included death threats addressed at her and her family. Some of these threats were sent by Jasmin Mulahusić, a well-known cyber radical acting from abroad, and who was under the investigation of the BiH Prosecutor's Office for provoking ethnic, racial and religious hatred. Indictment against Mulahusić was raised only in 2024 for dozens of security threats made against journalists and public persons from BiH from 2021 to 2023.<sup>306</sup>

Due to their decision to conduct an interview with Boris Malagurski, director of the film *"Republika Srpska: The Fight for Freedom"*, journalist Kenan Ćosić and media outlet "O Channel" were exposed to numerous threats and insults on social media, including death threats, calls for violence, and incitement to lynch Ćosić as well as members of his family. Journalist Dragan Bursać received threats via a Twitter account whose user offered a reward of BAM 1,000 to anyone who would physically assault Dragan Bursać.

304 RFE, Ermin Zatega, [Violations of public peace and order and fake news online in Sarajevo, 3 July 2023.](#)

305 Association BH Journalists and the Press and Online Media Council opposed this initiative because (a) declaring the internet a public space is a guaranteed way to curtail the right to freedom of expression and grant excessive authority to the police in the field of media freedom and freedom of expression, and (b) Association BH Journalists in general believe that security threats made against journalists must not be relegated to a misdemeanor.

306 BiH Prosecutor's Office, [Indictment raised for the criminal offence of Inciting national, racial and religious hatred, discord and intolerance,](#) 25 April 2024.

In the case of serious online threats against journalists and the editorial team of BIRN BiH in 2020, a conditional conviction was issued in 2023 for the criminal offense of “*Endangering Security*.”<sup>307</sup> The accused insulted and verbally abused BIRN BiH journalists, referencing the terrorist organization ISIS, and among other things stated: “You should all be dealt with swiftly,” which caused the journalists to feel their lives and bodily integrity threatened, as well as causing general distress among the editorial staff.

#### — C.9 INVESTIGATIONS OF ALL TYPES OF ATTACKS AND VIOLENCE AGAINST JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT TRANSPARENTLY

Compared to the previous period, access to the investigative process should be improved through the appointment of contact points within prosecutor’s offices and police agencies. Contact points within prosecutor’s offices have been appointed with the aim of enhancing communication and providing information regarding the status of investigations, in order to ensure more effective prosecution of such offenses.<sup>308</sup>

Journalists’ perception of access to court files is that this is generally a slow and difficult process, and the practice varies between prosecutor’s offices when it comes to publishing indictments.<sup>309</sup> Media representatives often point out that both filed and confirmed indictments are hard to access and are therefore not available for the general public even though the main hearings in criminal proceedings, which are subject to the principle of publicity and should be open for public, begin precisely with the reading of the indictment.<sup>310</sup>

Since 2021, decisions of the BiH Prosecutor’s Office are available on their website for cases prosecuted under Article 145a of the Criminal Code i.e. for the criminal offence “Provoking ethnic, racial, and religious hatred, discord, and intolerance”.<sup>311</sup>

The Law on BiH Prosecutor’s Office provides that the Prosecutor’s Office should inform the public, through the media and otherwise, about the phenomena and issues of public importance that they observe in their work. The Prosecutor’s Office may also inform the public and interested persons about individual cases they are handling.<sup>312</sup>

Journalists and media outlets continue to criticize judicial institutions for their lack of transparency and limited access to information. Prosecutors’ offices and courts often don’t provide information about the stage of specific cases in a timely manner, justifying their brief responses by stating that “no further information can be disclosed in the interest of the investigation.”

307 Detektor, Jasmin Begić, [Nefail Čehić sentenced for making threats to journalists of BIRN BiH, 14 July 2023.](#)

308 BiH Judiciary Portal, [Guidelines for Chief Prosecutors – Terms of Reference for journalists’ safety contact persons.](#)

309 Association BiH Journalists, [Journalists’ experiences and perceptions of transparency of the judiciary in Bosnia and Herzegovina](#), 2022.

310 BIRN, Jesenka Rešidović, [Transparency of the judiciary: the matter of availability of indictments and judgements in criminal proceedings](#), 2021.

311 BiH Prosecutor’s Office, [Decisions made by Prosecutors in cases based on Article 145a.](#)

312 Law on BiH Prosecutor’s Office, Article 11 (Informing the Public); Law on Prosecutor’s Office of the Federation of BiH, Article 11; RS Law on Prosecutor’s Offices, Article 11; and the Law on Brčko District Prosecutor’s Office, Article 35.

Pursuant to the HJPC's 2022-2025 Communications Strategy for courts and prosecutor's offices at all levels<sup>313</sup>, in February of 2023 the Media Action Plan was published.<sup>314</sup> In their Communications Strategy HJPC highlighted that one of the main goals is to provide accurate, verified and up-to-date information about the work of courts and prosecutor's offices, and make them easily available to citizens. Additionally, the goals include improving the communication of HJPC and judicial institutions with the legislative and executive authorities, media, general public, and users of judicial institutions. Results of the two-year mapping of the level of transparency in judicial institutions indicate that 90% of prosecutor's offices in BiH have no information on the criminal cases on the websites, while 50% of courts ignored media inquiries. The legally stipulated period of 15 days to respond to requests for free access to information was exceeded by 42% of all courts and prosecutor's offices. Half the courts in BiH do not in any way publish information on first-instance judgements, with low number of courts that publish trial schedules.<sup>315</sup>

Communications Strategy is not a legally binding document, and there are no guarantees for its implementation without securing an adequate budget for it.

Association BH Journalists formed the Media Justice Group (MJG), which consists of 10 justice and media professionals<sup>316</sup>, with the aim of efficient action in cases of attacks and threats against journalists, and making the justice institutions more open toward the media and citizens, especially in cases of public significance.

## — C.10 QUALITY STATISTICS COLLECTION SYSTEMS ESTABLISHED BY STATE AUTHORITIES TO STEM IMPUNITY

There are still no reliable statistical data on attacks against journalists recorded by state authorities.

Progress has been made with the appointment of contact points within prosecutors' offices and police agencies, whose role also includes maintaining records of attacks on journalists. However, the *Guidelines for Chief Prosecutors*, adopted in 2024, merely "instruct" chief prosecutors to ensure the maintenance of a dedicated register on the number and type of cases involving attacks on journalists. The guidelines also "advise" prosecutors' offices to implement the 2023 HJPC Recommendation<sup>317</sup>, which encourages more consistent use of the field for registering the profession "journalist" and/or "media worker" when registering cases.<sup>318</sup> Since this is a newly-established mechanism, there are no officially available information on the number of recorded

313 HJPC, [HJPC BiH's Communications Strategy](#).

314 HJPC, [Media Action Plan](#).

315 Boram, Ivana Korajlić and Denis Džidić, [BiH Judiciary between citizen's needs and politics: non-transparency, inefficiency and citizen's distrust](#), 2023.

316 Members of the [Media Justice Group](#) were appointed in 2024. MJG has 10 members including four officers of the judiciary, representative of the HJPC BiH, four journalists dealing in particular with judicial topics, and a representative of a self-regulatory body - the Press and Online Media Council in BiH. The aim of MJG members is to jointly work on education of journalists and holders of judicial offices in order to improve the quality of work of both professional communities.

317 HJPC BiH Recommendation No.: 13- 09-5-1690-1/2023 of 28 April 2023 from the Conference on the Safety of Journalists, held on 04-05 April 2023.

318 CMS (automatic Case Management System used in courts) and TCMS (automatic Prosecutorial Case Management System) Records.

cases of attacks against journalists. Decisions made by the Chief Prosecutors to appoint contact points for the safety of journalists, also stipulate the obligation to maintain records.<sup>319</sup>

Certain sources state that the system for recording the profession „journalist“ in court and prosecutor’s records was established back in 2018 at the initiative of the media and attorney’s communities.<sup>320</sup> In the previous period, a coordination body was established within the Ministry of Human Rights and Refugees that would maintain a database on attacks on journalists and analyse the efficiency of response of the institutions that are part of the protection system.<sup>321</sup>

Records on attacks against journalists are collected by the Association BH Journalists, whose Free Media Help Line contains a comprehensive database of attacks, threats and pressure on journalists reported to the association.. State institutions, as well as EU institutions, the State Department, Reporters Without Borders and others, rely primarily on data and information obtained from BH Journalists in their reports on media freedom.

The information provided by the prosecutor’s office under the Freedom of Access to Information Act is general in nature and refers to: information recorded in registries (reports); statistical data on the exercise of the criminal prosecution function (reports, investigations, judgments, appeals, extraordinary legal remedies); data on the organizational structure of the prosecutor’s office; information on cooperation with other bodies and organizations; and information on the work of the prosecutor’s office.<sup>322</sup>

There are no official state-level data, segregated by sex, ethnicity, and other socio-demographic criteria, with regard to attacks on journalists.

The Statistics Institute of Republika Srpska publishes an annual statistical overview across various fields, disaggregated by gender, including crime. The presented criminal offenses include gender-disaggregated data on individuals reported, prosecuted, indicted, and convicted for certain crimes, primarily related to domestic violence and sexual offenses, particularly involving children.<sup>323</sup> There is no data on criminal offenses related to journalists.

## — C.11 NON-PHYSICAL THREATS AND HARASSMENT

In 2023, a total of 43 cases of attacks against journalists, media outlets, and media professionals were recorded in the Safejournalists.net database, of which 27 involved threats and harassment that were not directly aimed at the life or physical integrity of journalists. While not life-threatening, verbal

319 For example: Decision by the Chief Cantonal Prosecutor of the Herzegovina-Neretva Canton Prosecutor’s Office, Mostar, No.: A689/23 of 12 May 2023.

320 UN, [Right to freedom of opinion and expression – Journalists’ safety and access to information in BiH](#) pg. 20.

321 Borka Rudić, Secretary General of the Association BiH Journalists, interview 22 August 2024.

322 [Index of information in possession of the Prosecutor’s Office.](#)

323 The RS Statistics Institute, [Women and men in Republika Srpska](#) 2023.

attacks, threats, insults, profanities directed at journalists, refusal to answer legitimate journalistic questions, political and economic pressure, or aggressive behaviour by public officials are no less disturbing for the practice of journalism.

The number of such threats and pressures against journalists increased compared to the previous year, when 22 cases were recorded. In 2023, these incidents affected 23 male and 13 female journalists, since in many cases, groups of journalists were targeted. Particularly concerning are the cases in which repeated pressure is exerted on the same journalists. In the majority of cases, the perpetrators were politicians and government officials. Most of these cases resulted in reports to journalists' associations and public condemnations issued by the associations, while in several instances, criminal complaints were filed against the perpetrators.

At least four (4) cases involved the same individual—Jasmin Mulahusić, BiH citizen residing in Luxembourg—who has been known to the media community for years for issuing continuous threats and orchestrating online campaigns against independent journalists and media, primarily on ethnic grounds. The Free Media Help Line reported 15 cases involving threats and hate speech linked to Jasmin Mulahusić and his followers on the social media platform Facebook to the competent institutions—police and prosecutors' offices in Sarajevo Canton and at the state level. An indictment against him for inciting national, racial, and religious hatred, discord, and intolerance was filed in April 2024. The indictment covers incidents from 2021 to 2023 involving several journalists and media professionals.

In one case, following months of pressure and uncertainty, a female journalist left the media outlet she worked for, as well as the journalism profession altogether.



Categories	Number	Brief description of cases
<b>Non-physical threats and harassments</b> This may include: <ul style="list-style-type: none"> <li>– surveillance or stalking;</li> <li>– telephone harassment;</li> <li>– arbitrary court or administrative harassment;</li> <li>– aggressive statements by public officials;</li> <li>– other types of pressure threatening journalists' safety in the exercise of their profession.</li> </ul> These types of threats do not include mobbing and workplace harassment..	27	<ul style="list-style-type: none"> <li>– Žurnal's journalist, Amarildo Gutić, was verbally attacked by Ramo Isak, a delegate in the Zenica-Doboj Canton Assembly. The attack occurred in front of the Municipal Court in Sarajevo before a hearing in the defamation lawsuit Isak had filed against Žurnal.</li> <li>– At a press conference in the RS Government building in Banja Luka, Milorad Dodik verbally assaulted BNTV journalists Tijana Milinković, Vladimir Kovačević, and Milan Kovač, telling them that the word "deceit" should appear next to their names, that they should "deal with their frustrations elsewhere," that they were "paranoid," and he prevented them from asking questions.</li> <li>– Journalist Nikola Morača was questioned at the Banja Luka Police Department over an article he authored about the rape of an eighteen-year-old girl. In the presence of a prosecutor, the police demanded that the journalist reveal his source of information, and they confiscated his mobile phone, even though they did not have a lawful court order for that. His phone was returned after a few months.</li> <li>– Journalists from Euro Blic, Srpska Info, and Glas Srpske – Siniša Trkulja, Boris Lakić, and Nebojša Tomašević – were also questioned by the police regarding the publication of information about the rape case. They were likewise asked to disclose their sources.</li> <li>– Bosnia and Herzegovina's Foreign Minister Elmedin Konaković attacked Klix journalist Senja Mahinić, accusing the journalist and the outlet of needing "intrigue to create a story" out of what Konaković "does personally." The Foreign Minister lashed out at the journalist during a press conference because Klix had reported his statement made during a visit to Zagreb".</li> <li>– Milorad Dodik made inappropriate and threatening comments about the legitimate efforts of journalists and media to oppose the criminalization of defamation and the introduction of the "foreign agents" law. Dodik stated that journalists "create a negative atmosphere," and that they have "been lying, scheming, imposing on people, and extorting for years and now want to buy the journalistic community for themselves..." He referred to journalists as "vile creatures," specifically singling out Siniša Vukelić, the editor of Capital.</li> <li>– Bosnia and Herzegovina's Minister of Foreign Affairs, Elmedin Konaković, reacted inappropriately on his Facebook profile to a column by freelance journalist Dragan Bursać, published on the portal Radiosarajevo.ba, in which the columnist critically reflected on the minister's statements and actions. At the same time, Konaković once again mentioned journalist Avdo Avdić in a negative context, whom he has systematically targeted with political and verbal attacks for years due to his journalist work.</li> <li>– RSNA delegate, opposition politician Nebojša Vukanović from Trebinje, insulted, humiliated and demeaned journalist of the portal Direkt Milanka Kovačević, in his blog. He also presented information about the manner of financing of this media outlet stating that the funds are used to finance "suspicious foreign influence."</li> <li>– Marinko Umićević, SNSD's deputy at the Assembly of the city of Banja Luka, entrepreneur and holder of several public offices, filed a report against the editor of Capital, Siniša Vukelić. He accused Vukelić of unlawfully recording him on the phone and publishing telephone threats. Threats against Vukelić and journalist Bojana Ninković came after Ninković asked Umićević for a comment on whether he had a conflict of interest when a grant was awarded from the public budget to Handball club "Borac", where Umićević is member of the Governing Board.</li> </ul>

Categories	Number	Brief description of cases
		<ul style="list-style-type: none"> <li>– Female journalist Kadira Šakić from RTV Srebrenica prepared and published a news story on the commemoration of the anniversary of the genocide in Srebrenica. After the news piece was published on the media outlet's website, Director Bojan Josipović verbally suggested to the journalist that she avoid using the word "genocide" and requested that it be deleted. Without the journalist's consent, the word "genocide" was replaced with "suffering." The publication was then removed from both the RTV Srebrenica website and the outlet's social media profiles. After the case was reported in the media, the journalist faced numerous threats and verbal attacks. Under pressure and uncertainty, the journalist left the outlet and the journalism profession after three months.</li> <li>– Jasmin Mulahusić, a citizen of BiH residing in Luxembourg, posted hateful messages on Facebook targeting Slađan Tomić and Danijal Hadžović. He wrote that he was "convinced it's only a matter of time before someone runs into Slađan and Danijal and has a 'nice' chat with them," and shared a series of false and manipulative provocations about an alleged connection between freelancer Tomić's family and the Army of Republika Srpska, as well as the most serious crimes committed during the siege of Sarajevo.</li> <li>– The mayor of Šipovo municipality, Milan Kovač, called the newsroom of the Naratorium portal and issued verbal threats to journalist Harun Dinarević and female journalist Alena Beširević. The call followed the portal's publication of an investigative article about Mayor Kovač's private company and the use of public resources for its operations. Mayor Kovač particularly targeted female journalist Alena Beširević with gender-based insults and threats of sexual violence.</li> <li>– Nermin Nikšić, President of SDP BiH and Prime Minister of the Federation Government, and Elmedin Konaković, President of the People and Justice party (NiP) and Foreign Minister of BiH, responded in an inappropriate and harsh manner to journalists' questions during a press conference in Sarajevo. Minister Elmedin Konaković was particularly aggressive, verbally attacking and insulting Hayat TV journalist Dženeta Sarić-Kozić. Konaković refused to answer her questions, addressing her in with offensive, humiliating, and aggressive tone.</li> <li>– President of Republika Srpska, Milorad Dodik, verbally insulted journalist Tijana Milinović, a BN TV correspondent from Banja Luka, at a press conference, as well as other journalists and the owner of this television station. He called them "foreign mercenaries," "traitors," and compared them to "protected bears." At the same time, he threatened to put an end to the "servile and traitorous reporting policy".</li> <li>– A months-long hate campaign was waged against Amir Zukić, editor-in-chief of N1 TV in BiH, via the social networks Facebook and X. Several individuals from criminal circles posted threatening video messages, spreading hate speech and issuing death threats. At the same time, Sanja Vulić, a delegate of the SNSD party in the BiH Parliament, demanded a "ban on terrestrial broadcasting of N1 in the RS".</li> <li>– President of Doboj Municipal Assembly, Srećko Rekanović, verbally insulted BN TV correspondent from Doboj, journalist Vesna Vukmirović, and refused to answer a legitimate journalistic question, stating that he "does not respond to questions from BN TV journalists".</li> <li>– Mustafa Zulić, a member of the SDA party in the Bihać City Council, verbally threatened and cursed journalist Fahrudin Vojić. The local police intervened, and the case was reported to Una-Sana Canton Ministry of Interior in Bihać. Jasmin Mulahusić shared a post on his Facebook profile in which he accused journalist Almedin Šišić of "offending Islam and its laws", in which post he gave the address, telephone number, and Main office of this outlet.</li> </ul>

Categories	Number	Brief description of cases
		<ul style="list-style-type: none"> <li>– During the public session of Brčko District Assembly, delegate Abdulah Iljazović spoke about Mirza Dervišević, editor of the Times portal, in an offensive tone using derogatory terms in reference to him and trying to minimise the physical attacks perpetrated against this journalist.</li> <li>– Speaker of the Sarajevo Canton Assembly, Elvedin Okerić, verbally assaulted Avdo Avdić editor of Istraga portal. The attack occurred at a press conference, following the publication of investigative text concerning the consumption of public funds and possible manipulations in its allocation. Okerić failed to respond the journalist's question, instead calling the journalist Avdić "a slanderer with multiple convictions" and told him he will talk to him in court.</li> <li>– President of the People and Justice party (NiP) and Foreign Minister of BiH, Elmedin Konaković, verbally assaulted Avdo Avdić in the programme of N1 TV, referring to this journalist's investigative texts concerning the consumption of public funds in Sarajevo Canton.</li> <li>– At a press conference in Banja Luka, RS President Milorad Dodik accused N1 TV of being "part of the politics aimed at destroying Republika Srpska," of "lying and deceiving," and of promoting an "anti-Serb narrative." Although he repeatedly stated that his accusations were not directed at N1 journalist Snježana Mitrović personally, Dodik took the microphone out of the journalist's hands, commenting that he was doing so "so the N1 journalist wouldn't feel bad." He also stated that he has a service "that monitors everything this media outlet does" and once again emphasized that N1 should be banned because it is a "subversive state element".</li> <li>– Editor and owner of the portal <i>Times</i>, Mirza Dervišević, received threats via the Facebook profile of Azur Džanić, who is believed to be an associate of the SDA party in Brčko. The Brčko District police were informed of the threat.</li> <li>– In front of the District Court in Maribor, following a hearing regarding a defamation case, Slovenian businessman and lobbyist Rok Snežič verbally insulted and attacked journalist Avdo Avdić, editor of the portal <i>Istraga</i>, both because of the articles he had written and on ethnic grounds.</li> <li>– Mersiha Drnjaković, editor of the women's magazine <i>Gracija</i>, was the target of online verbal threats and insults by Jasmin Mulahusić, a BiH citizen residing in Luxembourg. This was the fourth time that threats had been made against this journalist.</li> <li>– Jasmin Mulahusić repeated threats against journalist and editor of <i>Gracija</i> magazine, Mersiha Drinjaković. This time, in addition to Mersiha Drinjaković, he and his Facebook friends brutally and based on gender insulted journalists Rubina Čengić and Borka Rudić.</li> <li>– Delegate Bojan Lukić at the session of Zvornik City Council, verbally attacked portal Zvornički.ba and its editor Ilijaz Miralemović, calling them "war-mongering portal", hate-spreading, and asked for its cancellation and to „cut off the financing of this media outlet from Zvornik Municipality Budget".</li> </ul>

## — C.12 THREATS AGAINST THE LIVES AND PHYSICAL SAFETY OF JOURNALISTS

Five (5) threats to life and physical safety of journalists were recorded in 2023. These threats were addressed at four male and one female journalists.

The number of direct threats is slightly lower compared to 2022, when there were seven (7). However, the severity of the cases, which include not only journalists but also members of their families, is such that one cannot speak of improvement of the situation in 2023. These threats are most often made via social

media and involve online campaigns accompanied by hate speech, insults, threats, including gender-based threats. In two out of five cases, the perpetrator was again Jasmin Mulahusić, against whom an indictment was filed in 2024 for inciting national, racial, and religious hatred, discord, and intolerance.

Categories	Number	Brief description of cases
<b>Threats against the lives and physical safety of journalists</b> This may include: <ul style="list-style-type: none"> <li>– incitement to killing of journalists, their friends, families or sources;</li> <li>– incitement to physical attacks against journalists, their friends, families or sources.</li> </ul> Threats may be: <ul style="list-style-type: none"> <li>– direct or sent via third persons;</li> <li>– sent electronically or in direct communication;</li> <li>– may be implicit and explicit.</li> </ul>	5	<ul style="list-style-type: none"> <li>– By way of X accounts, journalist Dragan Bursać received a threat and an award was offered in the amount of BAM 1,000 to whomever beat him up.</li> <li>– Following the interview with Boris Malagurski, director of the film "Republika Srpska: The Fight For Freedom", journalist Kenan Ćosić and channel O from Sarajevo were exposed to numerous threats and insults on social media, including death threats, calls to violence and lynch against Ćosić, and members of his family.</li> <li>– Journalist and environmental activist Isa Džino from Konjic received death threats by telephone from a local businessman J. B. The journalist reported these threats to the Ministry of Interior stating that the attack was motivated by him raising awareness of the pollution to Neretva river by the company held by this local businessman. Merely a few hours following the threat, the journalist was physically beaten.</li> <li>– Al Jazeera Balkans journalist Dalija Hasanbegović-Konaković on her X account revealed multiple offensive and threatening messages and messages containing hate speech written by various individuals under her social media posts and in direct messages. One of these individuals sending insults and threats was Jasmin Mulahusić, citizen of Luxembourg, who is already a subject of a pending investigation for spreading national and religious intolerance, hate speech and threats</li> <li>– A hate-driven online campaign was launched against freelance journalist and <i>Buka</i> portal correspondent Slađan Tomić by Jasmin Mulahusić, who issued ethnically-motivated death threats to the journalist and his family. Free Media Help Line and Association BH Journalists submitted a report to the prosecutor's office and requested an urgent investigation into the case.</li> </ul>

## — C.13 ACTUAL ATTACKS

In 2023, six (6) cases of physical attacks on journalists and media professionals were recorded, which is three times more than in 2022, when there were two (2) such cases. However, since as many as 10 journalists were harmed in these incidents, some of whom sustained serious physical injuries, it is clear that the situation significantly worsened in 2023.

Most journalists were attacked during protests and public events (5), by hooligans or participants in the protests who attempted to prevent journalists from doing their job. There were also recorded cases of break-ins into journalists' and editors' apartments and the theft of their laptops, as well as cases of journalists being beaten and physically assaulted. All incidents were reported to the competent authorities, and in each case, the journalists' association BH Journalists reacted as well. It is indicative that the police present at the scenes did not act to protect journalists and activists during the hooligan attacks. Journalists believe that the motive for most of the physical attacks lies in the articles they published, which they stated when reporting the incidents.

Categories	Number	Brief description of cases
<b>Actual attacks</b> This may include an actual physical or psychological injury, kidnapping, house/office raids, confiscation of equipment, arbitrary detention, failed murder attempts, etc.	6	<ul style="list-style-type: none"> <li>– Isa Džino from Konjic was attacked and beaten up by two men merely several hours after receiving death threats from a local businessman J. B.</li> <li>– Journalist and editor of E-Trafika, Vanja Stokić, and photojournalist Ajdin Kamber were physically attacked by a group of hooligans in Banja Luka during an attempt to prevent a gathering of LGBT activists. Kamber sustained an injury when a glass bottle was smashed over his head.</li> <li>– During a protest in front of the Parliament building of the Federation of BiH, protest participants first verbally insulted the news crews of N1 TV, Dnevni Avaz, FENA agency, and Face TV, and physically prevented N1 journalist and cameraman Aleksandra Tolj Ružičić and Haris Hukara from recording a statement. At the same time, they attempted to seize the mobile phone of Dnevni Avaz journalist Eldar Abazi in order to stop him from recording the protest.</li> <li>– Osman Mehanović, cameraman from Bratunac, was physically attacked in the evening hours by three unknown individuals who intercepted him at a bus station, assaulted him, and inflicted serious bodily injuries.</li> <li>– Unknown persons broke into the apartment of journalist Žana Gauk Karić and editor at Žurnal magazine Eldin Karić in Sarajevo, and stole two laptops. Police officers conducted an investigation at the scene and the victims filed a report to the Cantonal Prosecutor's Office in Sarajevo.</li> <li>– Journalist from Brčko, Mirza Dervišević, owner and editor of portal Times.ba was physically assaulted by a person wearing a balaclava who approached the journalist from behind, while the journalist was talking to his mother, and punched him wearing iron brass knuckles to the temple and brow bone, causing light bodily injuries to his head.</li> </ul>

## — C.14 THREATS AND ATTACKS ON MEDIA OUTLETS AND JOURNALISTS' ASSOCIATIONS

In 2023, five (5) attacks and threats against media outlets and organizations were recorded, two less than in the previous year. These attacks targeted eight media outlets. In addition to ongoing political and institutional pressure, the year was also marked by multiple simultaneous hacker attacks against certain media.

Institutional pressure on a private media outlet that began in 2022 by the CRA continued in 2023, with disproportionate financial penalties imposed on Face TV, even after expert analysis determined that it was not possible to establish what was actually said during the program. The culmination of institutional pressure on independent media occurred at the end of the year, when a court in Široki Brijeg issued a ruling assigning liability for defamation to journalists and editors of CIN for an article they neither wrote nor published.

This year also saw an increase in hacker attacks—four (4) media outlets were victims of simultaneous hacker attacks. Open pressure to delete content from media portals culminated in the slashing of the portal editor's car tires. This category also included online attacks, hate speech, and disinformation about a media outlet, again coming from Jasmin Mulahusić.



Categories	Number	Brief description of cases
<b>Threats and attacks on media outlets and journalists' associations</b> Threats may include harassments telephone harassment, arbitrary judicial or administrative harassment, aggressive statements made by public officials and other forms of pressure (graffiti, threatening messages, etc.). Actual attacks include office raids, confiscation of equipment, destruction of equipment and/or vehicles, etc.	5	<ul style="list-style-type: none"> <li>– For the portal Hercegovina.info, the end of 2022 and the beginning of 2023 were marked by a series of attempts to pressure the editorial team, including open threats demanding the deletion of certain articles. All four tires on the private vehicle of the portal's owner, Marijo Ćosić, were slashed. The case was reported to the police.</li> <li>– Several independent media outlets — <i>Nezavisne novine</i> and <i>Buka</i> magazine from Banja Luka, the <i>BNTV</i> portal from Bijeljina, and <i>Face TV</i> from Sarajevo — were subjected to DDoS cyber-attacks launched simultaneously, and which lasted for days.</li> <li>– Against <i>Face TV</i> from Sarajevo, the Communications Regulatory Agency (CRA) issued a decision imposing a monetary fine of BAM 15,000, citing a failure to adhere to “generally accepted standards of decency in programming content.” <i>Face TV</i> was fined with a disproportionately high amount because its editor, Senad Hadžifejzović, in one of his shows, while commenting on a procedure previously initiated by the CRA regarding a video in which Hadžifejzović — according to the CRA director's report — asked whether Milorad Dodik should be “killed” and used profanity. In a later procedure, the CRA dropped the case against <i>Face TV</i> concerning the alleged statement by Hadžifejzović.</li> <li>– On his Facebook profile, Jasmin Mulahusić, a citizen of BiH residing in Luxembourg, published threatening messages and disinformation regarding the Sarajevo-based portal DEPO, as well as its journalists and editors, thereby placing this outlet in a security risk, by spreading falsehoods about the media content published by this outlet.</li> <li>– Institutional pressure on the Center for Investigative Journalism (CIN) in BiH was exerted through a court ruling in Široki Brijeg, which assigned liability for defamation to CIN's journalists and editors for an article they neither wrote nor published.</li> </ul>



# Conclusions and Recommendations

## CONCLUSIONS

### AREA A

Although legal safeguards for freedom of the media and freedom of expression formally exist in Bosnia and Herzegovina, and are to some extent aligned with international standards, their implementation in practice remains problematic. In 2023, several legislative initiatives were launched that potentially threaten media freedom and freedom of expression, with the situation in Republika Srpska being particularly concerning. The criminalization of defamation in Republika Srpska poses a serious threat to freedom of expression and may have a deterring effect on journalists. Inconsistent judicial practice and pressure through lawsuits further hinder the work of the media and undermine trust in the judiciary, while the legal framework does not provide adequate protection against SLAPP lawsuits, the number of which is increasing, especially against independent and investigative media outlets.

The work of the Communications Regulatory Agency (CRA) continues to be problematic due to a lack of political and financial independence, operating without a full complement of staff, and non-transparent procedures, all of which seriously undermine its effectiveness. Public broadcasters are formally granted editorial independence, but legal provisions do not guarantee genuine autonomy, and political influence, along with growing reliance on budgetary funding, further endangers their independence. The announced reform of the public broadcasting system has yet to be implemented. The financing of media content from public funds remains non-transparent and lacks clear criteria, creating opportunities for abuse. There is still no advertising law at the state level, and government advertising is conducted without transparency and is subject to political influence, threatening market fairness and media integrity.

Although laws in BiH guarantee the confidentiality of journalistic sources, certain cases and amendments to criminal legislation indicate a growing legal and safety-related uncertainty for journalists. The unclear role of security institutions and lack of transparency in the work of public bodies undermine the trust in systemic protection and create space for potentially unlawful political and institutional interference in the work of the media.

Journalists in BiH are free to organize professionally and join associations and trade unions without direct pressure or legal obstacles. On the other hand, in 2023, there were recorded instances of interference with journalists' work by public officials. The new Law on Freedom of Access to Information was adopted only for the state-level institutions of BiH and includes some positive mechanisms; however, practice shows that institutions often act non-transparently and selectively, especially within the judiciary. Discrepancies in legislation, along with the expansion of legal exceptions to information access, further hinder journalists' ability to effectively access information of public importance.

## **AREA B**

Journalists in BiH face unstable working conditions, low salaries, frequent violations of labour rights, and poor social status, while union organization remains extremely weak. Most journalists work without adequate legal protection, often overtime and without contracts, while political pressure and censorship further undermine their position. Although private media in BiH formally separate ownership from editorial policy, in practice, owners frequently exert pressure on editorial teams, leading to censorship and self-censorship. The lack of transparency in media ownership and financing, along with weak institutional protection for journalists, further erode professional standards and journalists' labour rights. The editorial independence of public broadcasters in BiH is legally guaranteed but in practice it is seriously undermined by political pressure and financial dependence on the authorities. Public broadcasters—especially BHRT—are facing a severe financial crisis, with clear political influence in the work of governing bodies and the selection of management. On the other hand, not-for-profit media, although formally independent and committed to investigative and professional journalism, operate in an extremely unfavourable environment, without stable funding and under increasing political pressure, particularly in the entity of Republika Srpska. They are often targets of attacks and discreditation attempts. A particularly negative impact on their work could come from the Law on the Special Register and Transparency of the Work of Non-Profit Organizations, whose draft was adopted in the first reading by the RS National Assembly at the end of September 2023. Journalistic freedom in news production varies across media outlets but is most often limited by the political and economic interests of media owners. Most journalists believe that true editorial independence does not exist, except in online media, while clientelism, pressure, censorship, and self-censorship remain widespread. Poor working conditions and lack of protection further diminish journalists' freedom.

Female journalists in BiH face multiple forms of pressure, including both professional and gender-based violence, perpetrated by interview subjects, government officials, politicians, and even within their own newsrooms. This violence includes sexism, threats, and verbal attacks—particularly online—as well as attempts to discredit them based on their appearance, marital status, or gender, rather than on their professional work. Although most believe that formal equality exists, data clearly indicate disparities in career advancement, the underrepresentation of women in leadership positions, and the presence of gender-based discrimination.

## AREA C

In 2023, out of a total of 49 recorded cases, there were five threats to the lives and physical safety of journalists, six cases of physical attacks, seven attacks and threats targeting media outlets and organizations, and 31 instances of threats and harassment not directly aimed at journalists' lives or physical integrity. The number of attacks and threats against journalists and media outlets increased compared to 2022, when 32 cases were recorded.

Bosnia and Herzegovina does not have a dedicated legal framework for the protection of journalists. However, in 2023, "contact points" were established within prosecutors' offices and police agencies to improve coordination and monitoring of cases involving threats against journalists, to prioritize investigations and enable *ex officio* proceedings. However, the role of these contact points is not to directly report and handle such cases. Protection of journalists is not systemically regulated, and the criteria for granting police protection are unclear and non-transparent, often resulting in the denial of necessary protective measures. Although there is a basic awareness among police officers about the role of journalists, and cooperation with journalists' associations is relatively good, there is a lack of awareness in practice of the specific security risks journalists face.

Female journalists in BiH are particularly exposed to gender-based violence, threats, and harassment, while the legislative framework does not recognize the specific nature of their profession or the gendered dimensions of violence in the public sphere. On the other hand there is the problem of the lack of support from editors and media owners. The absence of institutional support, secondary victimization, underreporting, and weak systemic responses further hinder their protection and access to justice.

There is no consistent or principled practice of publicly condemning attacks on journalists, and politicians are often direct perpetrators of verbal assaults and pressure. Rare and selective responses from institutions and civil society contribute to the normalization of violence against journalists and reinforce a culture of impunity. Some progress has been made with the appointment of contact points in prosecutor's offices and the police, and through trainings, but these contact points do not have the mandate to conduct investigations themselves,

which limits their impact. Investigations into physical attacks on journalists remain insufficiently prompt, thorough, or independent—especially in cases involving politicians or public officials. Those who order these attacks are almost never identified, and journalists are often not recognized as a distinct professional category entitled to additional protections, further contributing to a culture of impunity. Online harassment of journalists is on the rise, but legal protection remains inconsistent, and institutional responses are slow and ineffective. While mechanisms for prosecuting such acts under current laws exist, in practice criminal complaints are often dismissed, and only a small number of cases result in convictions. Moreover, transparency in investigations into attacks on journalists remains limited. Although contact points in prosecutors' offices have been appointed to improve communication, journalists face difficulties in accessing information, including on indictments and case status. State institutions still lack a functional and comprehensive system for collecting statistical data on attacks against journalists.

## RECOMMENDATIONS

- With the support of international organizations, harmonize, amend, and improve media legislation in line with European regulations and the conditions that BiH must fulfil for EU candidate status; ensure the participation of journalists' associations and other civil society organizations in the process of amending laws that will enable transparent and professional media operations, greater media freedom, and enhance the protection and safety of journalists and media outlets.
- Adopt amendments to the Criminal Code of BiH that will treat attacks on journalists as a separate criminal offence, ensure efficient prosecution of attackers and impose stricter sanctions for criminal offences committed against journalists; the said amendments should be incorporated into Criminal Codes of the Entities and the Criminal Code of Brčko District BiH;
- Decriminalize the criminal offence of defamation from the criminal legislation of Republika Srpska;
- Adopt amendments to the Law on Protection Against Defamation in line with the initiative that was supported in BiH Parliament; define upper and lower thresholds for monetary fines in defamation cases to prevent the misuse of SLAPP lawsuits;
- A functioning mechanism for recording, monitoring, and publicly reporting on SLAPP lawsuits needs to be established as soon as possible, by including representatives of the media community and the civil society sector;



- Work on the development of anti-SLAPP protections and regulations to find the best model of protection for journalists and media outlets against such lawsuits;
- Harmonise legal standards on all levels in the country when it comes to access to information of public importance and ensure proactive transparency of all public institutions;
- Adopt amendments to the Law on Freedom of Access to Information in line with the requests of the professional media community and non-governmental organisations;
- Adopt a Law on Transparency of Media Ownership, define the criteria and ensure transparent media financing from public budgets on all levels of government;
- Improve the legal provision concerning professional reporting by the media and upholding of political pluralism, and not only during election campaigns;
- Adopt special laws at the state level that will clearly define hate speech, online violence and threats, as well as sanctions for the said criminal offences;
- Reform the process of appointing members to the CRA Council to ensure pluralist representation and independence from political structures, and amend the legislative framework for CRA funding to ensure that budget funds are not under direct influence of the Council of Ministers;
- Adopt the Law on Government and Institutional advertising at the state level that will stipulate clear, objective and controlled criteria for the distribution of funds, and mandatory disclosure of such data;
- Ensure efficient institutional control of the actions taken by security and judicial authorities to guarantee full protection of the confidentiality of sources and prevent abuse which undermines media freedom;
- Ensure editorial independence of public broadcasters at the state, Entity and local levels, as well stable funding of public broadcasting services through the reform of the system for the collection of RTV license fee;
- Reform the system of management and appointments in public media to ensure institutional independence and inclusion of all relevant social groups in the work of the Programming councils.
- Enhance the capacities of the labour inspectorate and courts in prosecuting and sanctioning violations of journalists' labour rights, and actively raise journalists' awareness of the importance of unionization;
- Enhance media independence and actively encourage journalists to report political and economic

pressures and to strongly fight for their labour rights through media campaigns and on social networks, as well as seminars on these subjects;

- Unionisation of journalists needs to be enhanced and a unified media trade union needs to be established at the state level to ensure more effective protection of their labour rights and improve working conditions;
- Adopt the needed protocols - documents guaranteeing separation and independence of editorial teams from management and marketing departments in public and private media, as well as safety protocols within newsrooms in the events of attacks on journalists and editors;
- Transparency of ownership and financing of media outlets needs to be legally regulated and mechanisms for the protection of editorial independence in private media newsrooms need to be set up;
- Institutional protection mechanisms for journalists' professional integrity need to be set up, including internal rulebooks and external protection mechanisms, together with enhanced system of reporting and sanctioning of pressures and censorship;
- It is necessary to introduce mandatory rulebooks on gender equality and protection from gender-based violence in all media outlets, along with ongoing education and enhanced support networks for female journalists;
- Capacity building for investigative authorities (the police and prosecutor's offices) and courts in prosecuting attacks against journalists to facilitate more efficient investigations and sanctioning for perpetrators of attacks and threats against journalists;
- Specific legal and institutional mechanisms need to be set up for the protection of female journalists from gender-based violence, including education for the judiciary and the police, as well as introduction of mandatory internal policies of protection and support for female journalists in media outlets;
- Government representatives and other politicians must start expressing clear, unambiguous and non-selective condemnation of attacks against journalists in order to send a message to the public that such attacks are unacceptable;
- Improve the established system of "contact points" in prosecutor's offices and police agencies by making the contact points serve not only the purpose of better coordination and monitoring of cases of threats to journalists and prioritising investigations, but for their roles to also include direct reporting and action in these cases;
- It is necessary to introduce mandatory training for police officers on protection of journalists and their

role in the society, along with strengthening police independence from political influence in their treatment of journalists; active exchange of experiences with the aim of better mutual knowledge and awareness of the rights and obligations of journalists/media outlets, investigative bodies and the judiciary as well as adequate enforcement of the rights and responsibilities.

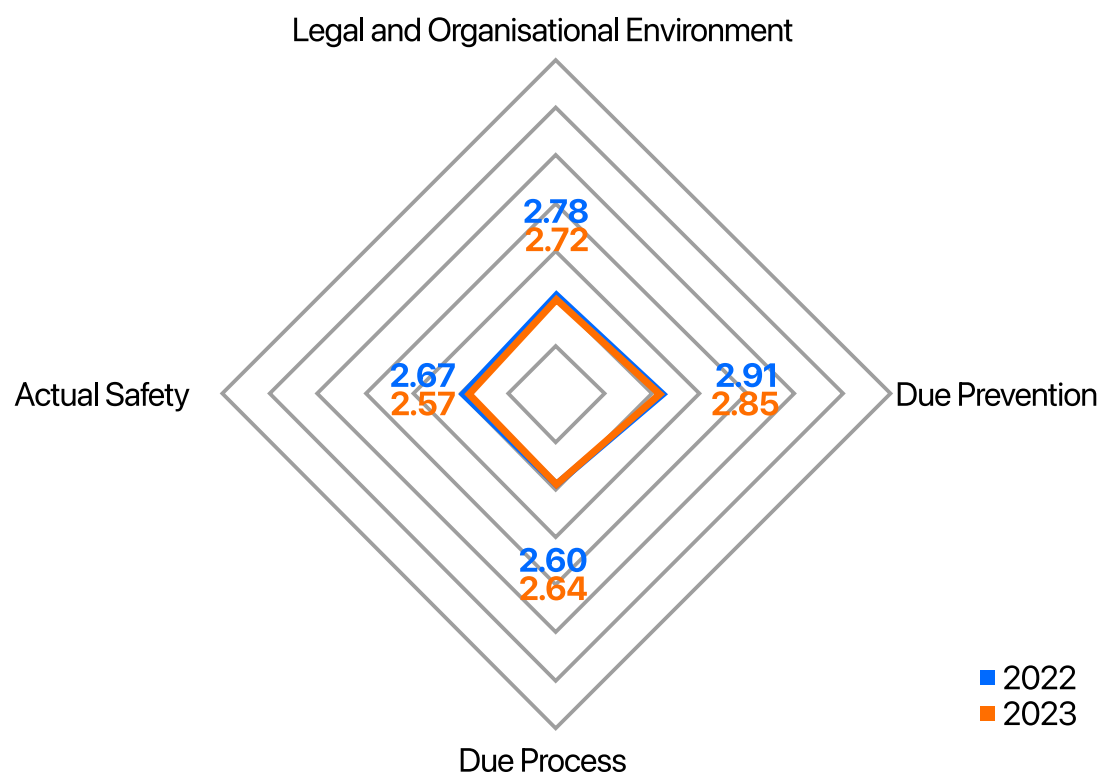
# IV

# Journalists' Safety Index in Bosnia and Herzegovina – 2023

This section of the report graphically presents the Journalists' Safety Index in 2023, compared to the previous year, 2022. For each of the four dimensions and for all 19 indicators, a brief explanation of the key changes that occurred in 2023 is presented.

A broader explanation of the data and the changes that occurred for each individual indicator of the Index can be read in the narrative section of the report – Chapter II: *Media Freedom and Journalists' Safety in Bosnia and Herzegovina* – Indicators:

Indicators of Journalists Safety Index	Narrative report
<b>I. Legal and Organisational Environment</b>	
Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	<a href="#">A.6</a>
The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities	<a href="#">A.8</a>
Other laws are enforced objectively and allow journalists and other media actors to work freely and safely	<a href="#">A.7</a>
Journalists are free to pursue their profession and to establish, join and participate in their associations	<a href="#">A.9</a>
The job positions of journalists are stable and protected at the workplace	<a href="#">B.1</a>
<b>II. Due Prevention</b>	
Journalist and media actors have access to immediate and effective protective measures	<a href="#">C.1</a>
Journalists and other media actors have access to special protection or safety mechanisms	<a href="#">C.2</a>
Female journalists have access to legal measures and support mechanisms	<a href="#">C.3</a>
The practice of regular public condemnation of threats and attacks against journalists and media	<a href="#">C.4</a>
Police authorities are sensitive to journalists' protection issue	<a href="#">C.5</a>
<b>III. Due Process</b>	
Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists	<a href="#">C.6</a>
Investigations of serious physical attacks on journalists and other media actors are carried out efficiently	<a href="#">C.7</a>
Journalists and other media actors are efficiently protected from various forms of online harassment	<a href="#">C.8</a>
Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently	<a href="#">C.9</a>
Quality statistics collection systems established by state authorities to stem impunity	<a href="#">C.10</a>
<b>IV. Actual Safety</b>	
Non-physical threats and harassment	<a href="#">C.11</a>
Threats against the lives and physical safety of journalists	<a href="#">C.12</a>
Actual attacks	<a href="#">C.13</a>
Threats and attacks on media outlets and journalists' associations	<a href="#">C.14</a>



	2022	2023		Main new developments in each dimension
Legal and Organisational Environment	2.78	2.72	↓	In 2023, defamation was re-criminalized in Republika Srpska, raising concerns over the potential suppression of media freedom. This legislative move contributed to an increase in SLAPP lawsuits, which journalists view as a form of pressure. Confidentiality of journalists' sources is legally protected, but attempts to undermine this protection were reported. Legislative changes contributed to a hostile environment for the media and civil society, while systemic safeguards against SLAPP lawsuits are missing. Journalists are free to join associations, but instances of interference with their work have been documented. The employment status of journalists remains precarious—characterized by insecure contracts, unpaid overtime, informal labour arrangements, and weak trade union protection, with political pressure and censorship still present.
Due Prevention	2.91	2.85	↓	Contact points have been designated within prosecutors' offices and police departments to improve communication, but these measures still lack operational capacity and do not enable effective handling of cases of threats and attacks. There are no specific protection mechanisms in place for journalists facing immediate danger. No cases of police protection being granted to journalists were recorded, while at the same time, there were documented instances where protection was needed but was denied by the police. Female journalists are additionally exposed to gender-based threats and violence, with weak institutional response and weak support from media employers. Threats and attacks against journalists are rarely publicly condemned, and politicians, who are often the source of such attacks, are not sanctioned. While the police formally cooperate with the media, they frequently lack sensitivity and respond ineffectively in practice. Trust in institutions is eroded, and reliance on the support of journalist associations remains essential.
Due Process	2.60	2.64	↑	Limited progress has been made in protecting journalists through the establishment of a network of contact points within prosecutors' offices and police departments; however, their roles are mostly coordinative and not intended for case reporting. Specialized investigative units for attacks on journalists exist only in certain cantons and are not systematically implemented across the country. Investigations into physical attacks on journalists are slow, rarely thorough, and often fail to uncover the background or those who ordered the attacks, especially when public officials are involved. Online harassment is on the rise, but the legal framework remains ineffective and inconsistent, with mild or no sanctions. Investigations are generally non-transparent, access to information is difficult and is often limited under the pretext of protecting the interests of the investigation. State authorities have yet to establish a reliable system for collecting statistical data on attacks against journalists, so institutions mostly rely on records maintained by non-governmental organizations.



	2022	2023		Main new developments in each dimension
Actual Safety	2.67	2.57	↓	In 2023, the safety of journalists and media professionals further deteriorated. Out of a total of 49 recorded cases of attacks, most involved threats and harassment which, although not directly aimed at physical safety, seriously undermined professional work and freedom of expression. There was an increase in verbal attacks, political and economic pressures, as well as aggressive rhetoric from public officials. Physical violence against journalists rose compared to the previous year, with most assaults occurring during public events. Media outlets were also targeted by hacker attacks and institutional pressures. These trends point to an increasingly serious threat to media freedom and a growing culture of impunity.
<b>Journalists' Safety Index</b>	<b>2.71</b>	<b>2.65</b>	<b>↓</b>	



# Legal and organisational environment



#### INDICATOR 1.1

##### — LEGAL PROVISIONS RELATED TO DEFAMATION AND THEIR APPLICATION DO NOT CREATE A CHILLING EFFECT ON JOURNALISTS AND THE MEDIA

**Result for 2022: 1,98 / Result for 2023: 1,83**

In 2023, defamation was re-criminalized in Republika Srpska, marking a step backwards for media freedom. Particularly concerning is the suspicion that these provisions were introduced with the intent to "discipline" journalists and protect public officials. Defamation laws in civil proceedings exist at the level of Entities, do not provide special protection for civil servants, and such proceedings are considered urgent. Analysis of judicial practice shows inconsistent application of standards and practices established by the European Court of Human Rights. Journalists often perceive defamation lawsuits as a form of political pressure. SLAPP lawsuits are on the rise, and their number has increased further following the re-criminalization of defamation in the RS.

#### INDICATOR 1.2

##### — THE CONFIDENTIALITY OF JOURNALISTS' SOURCES IS GUARANTEED IN THE LEGISLATION AND RESPECTED BY THE AUTHORITIES

**Result for 2022: 2,95 / Result for 2023: 2,89**

The confidentiality of journalists' sources is guaranteed by laws in BiH at all levels of government, both in criminal and civil proceedings, and these guarantees, which provide that journalists are not obliged to reveal their sources of information, are generally respected in practice. The right to protect the identity of a confidential source is not limited under any circumstances in proceedings conducted under these laws. However, in 2023, there were attempts by police and prosecutors to uncover sources. Proceedings were initiated, but fortunately, following reactions from journalist associations, media outlets, and journalists themselves, the cases were dropped. There are suspicions that some journalists were subjected to surveillance measures, but this information has never been officially confirmed or denied. Aware of this possibility, journalists have been taking appropriate protective measures.

#### INDICATOR 1.3

##### — OTHER LAWS ARE ENFORCED OBJECTIVELY AND ALLOW JOURNALISTS AND OTHER MEDIA ACTORS TO WORK FREELY AND SAFELY

**Result for 2022: 2,14 / Result for 2023: 2,06**

Amendments and proposed amendments to laws during 2023 created a hostile environment for media and civil society organizations and established a legal framework to legalize pressure on the media. There are no legal measures protecting journalists from SLAPP lawsuits, and the state does not keep records of them. In December 2023, an initiative

was submitted for the adoption of the Law on Civic Initiatives and Protection of Citizens and Activists in the Federation of BiH, and the proposed Law includes Anti-SLAPP provisions. Association BH Journalists announced the formation of a working group and the setting up of a Defence Fund for journalists, but institutions did not provide support. In 2023, 53 SLAPP lawsuits were recorded, increasingly affecting activists as well. Independent media outlets such as CIN, Žurnal, and N1 are frequent targets of these lawsuits.

#### INDICATOR 1.4

##### — JOURNALISTS ARE FREE TO PURSUE THEIR PROFESSION AND TO ESTABLISH, JOIN AND PARTICIPATE IN THEIR ASSOCIATIONS

**Result for 2022: 3,97 / Result for 2023: 3,97**

In 2023, there were no significant changes regarding the organization of journalists. Journalists are not required to have work licenses, nor were there attempts to introduce them. They freely join associations and unions without pressure from authorities or media owners. However, incidents were recorded where public officials obstructed journalists' work, such as banning their access to sessions in Prijedor and Zenica. There is no union exclusively representing journalists at the state level, even though Association BH Journalists initiated its formation at the end of 2022. There are five journalists' associations operating in BiH.

#### INDICATOR 1.5

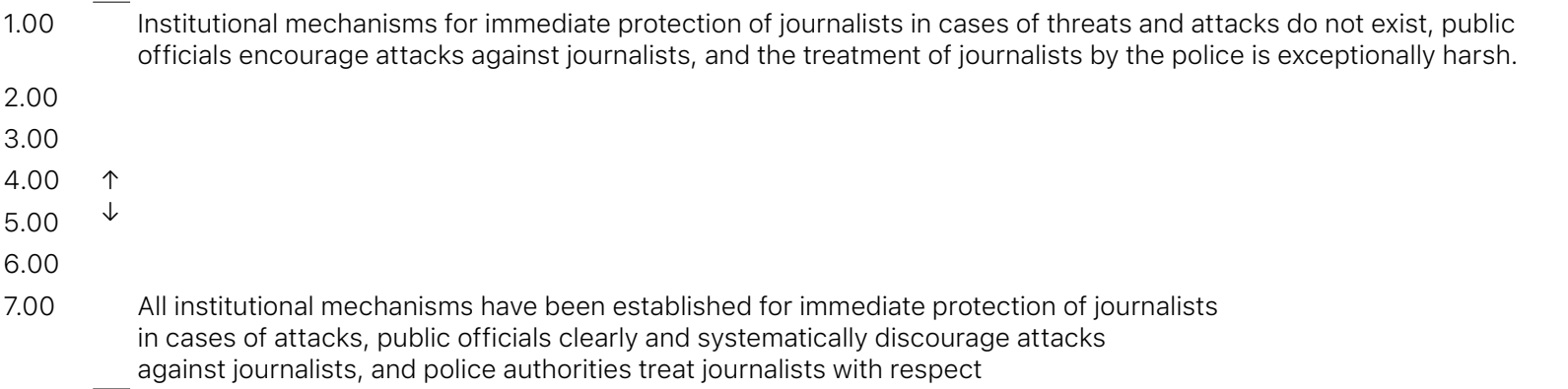
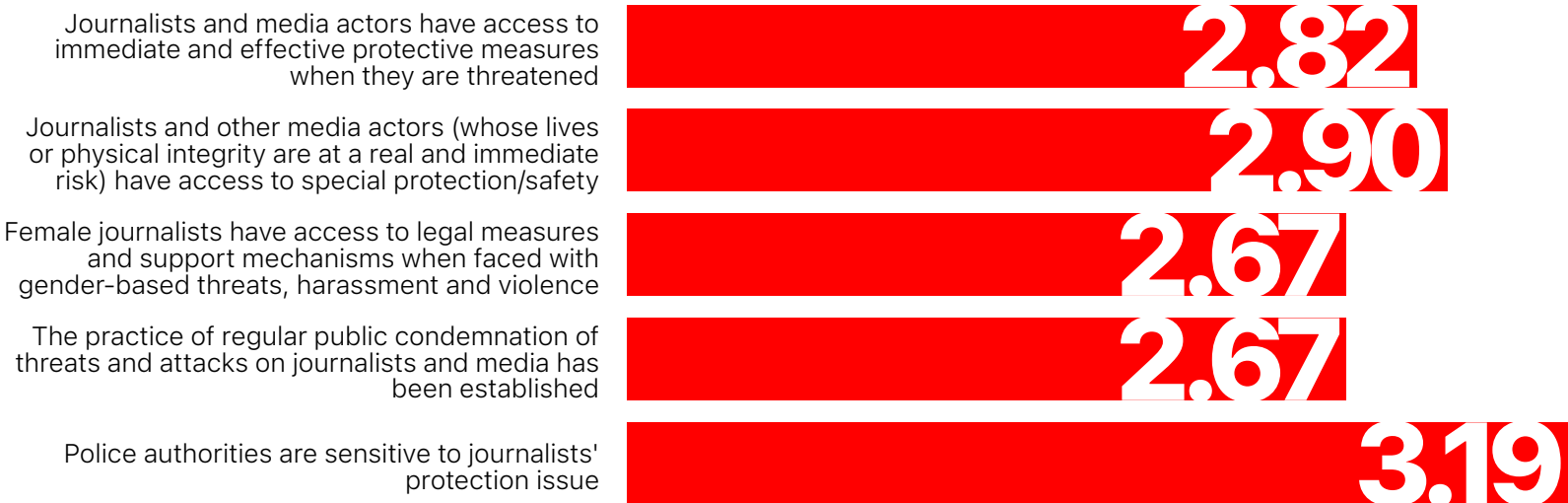
##### — THE JOB POSITIONS OF JOURNALISTS ARE STABLE AND PROTECTED IN THE WORKPLACE

**Result for 2022: 2,85 / Result for 2023: 2,85**

In 2023, there were no changes regarding journalists' labour rights in BiH. There are no specific regulations governing work in the media; rights are governed by entity labour laws. Most journalists work under fixed-term contracts, with frequent long-term freelance engagements. Journalists are poorly paid, and undeclared work and unpaid overtime are frequent issues. Particularly concerning is the fact that a significant number of journalists work without official registration or employment contracts — studies show that as many as 25% are not registered with the tax authority. Union organization is weak, with few labour unions in the media sector. Journalists report political pressures, censorship, workplace harassment, and violations of labour rights, indicating an urgent need for systemic improvements.



# Due Prevention





#### INDICATOR 2.1

##### — JOURNALISTS AND MEDIA ACTORS HAVE ACCESS TO IMMEDIATE AND EFFECTIVE PROTECTIVE MEASURES

**Result for 2022: 2,75 / Result for 2023: 2,82**

During 2023, slight progress was made with the appointment of contact points in prosecutor's offices and the police to improve coordination with journalists. However, these mechanisms are still in early development stages and primarily serve a communication role rather than an operational one, as they do not cover direct reporting and action in cases of threats and attacks. Institutional protection remains slow and inefficient, with an average case duration of 2.5 years. Although there are examples of quick responses by the police and prosecutors, these are exceptions. There is no specific legal mechanism nor a criminal offense exclusively protecting journalists and media professionals.

#### INDICATOR 2.2

##### — JOURNALISTS AND OTHER MEDIA ACTORS HAVE ACCESS TO SPECIAL PROTECTION OR SAFETY MECHANISMS

**Result for 2022: 3,09 / Result for 2023: 2,90**

Journalists and media professionals are formally covered by general police protection for citizens, but there are no clearly defined specific mechanisms to protect those whose lives or physical integrity are in actual danger. Although laws foresee the possibility of granting protection, the criteria for approval are not publicly available, and in practice, protection is rarely granted. In 2023, the situation worsened — not only was there not a single recorded case of police protection being granted to journalists, but there were also cases where protection was needed and requests for physical protection were denied by the police. Legal and psychological assistance mechanisms provided by associations are significant but insufficient for urgent and effective physical protection.

#### INDICATOR 2.3

##### — FEMALE JOURNALISTS HAVE ACCESS TO LEGAL MEASURES AND SUPPORT MECHANISMS

**Result for 2022: 2,67 / Result for 2023: 2,67**

In 2023, there was no progress in the protection of female journalists in BiH — the situation remains unchanged. Although they formally have access to legal measures and support mechanisms for gender-based violence, implementation is limited, and in practice, female journalists are often subjected to double victimization — during the incidents and investigations themselves, since institutions often fail to recognize the gender-based nature of the threats, however, lack of support from editors and media owners further complicates reporting and protection. Associations such as BH Journalists provide free legal and psychosocial assistance in cases of gender-based violence and threats.

Psychosocial support and continuous encouragement of female journalists are essential to empower them to report cases of gender-based violence, threats, and harassment.

INDICATOR 2.4

— **THE PRACTICE OF REGULAR PUBLIC CONDEMNATION OF THREATS AND ATTACKS ON JOURNALISTS AND MEDIA**

**Result for 2022: 2,67 / Result for 2023: 2,67**

The practice of regular public condemnation of threats and attacks on journalists and media has not been established. Institutions and political parties rarely and selectively respond, and such condemnations are often politically motivated, depending on whether the journalists are affiliated with media outlets close to them. Although there have been exceptions—such as the condemnation of the attack on journalist Mirza Dervišević by the Government of Brčko District and the FBiH minister—most attacks go without proper public condemnation. Politicians are often themselves the source of threats and hate speech, and not a single politician has been sanctioned. This environment contributes to the normalization of violence against journalists and a culture of impunity.

INDICATOR 2.5

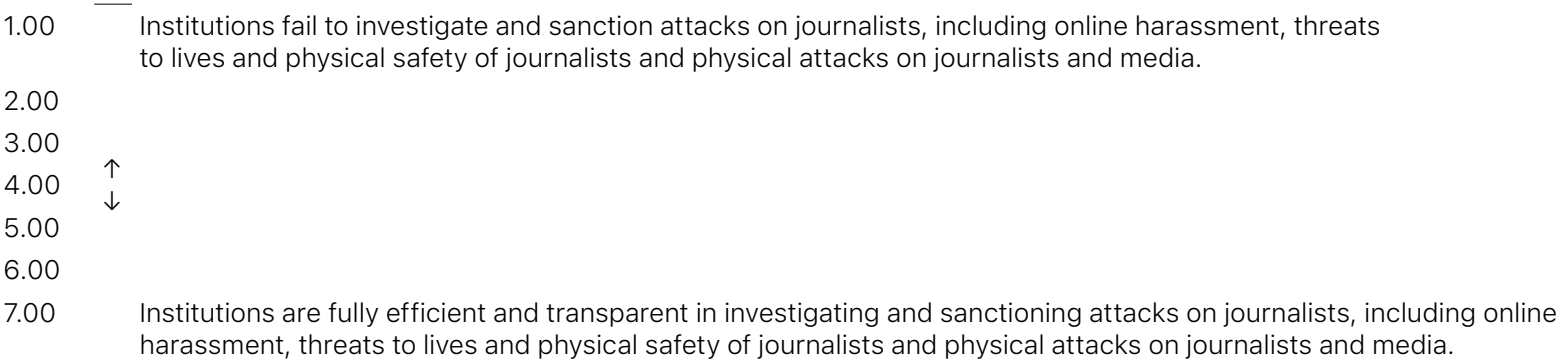
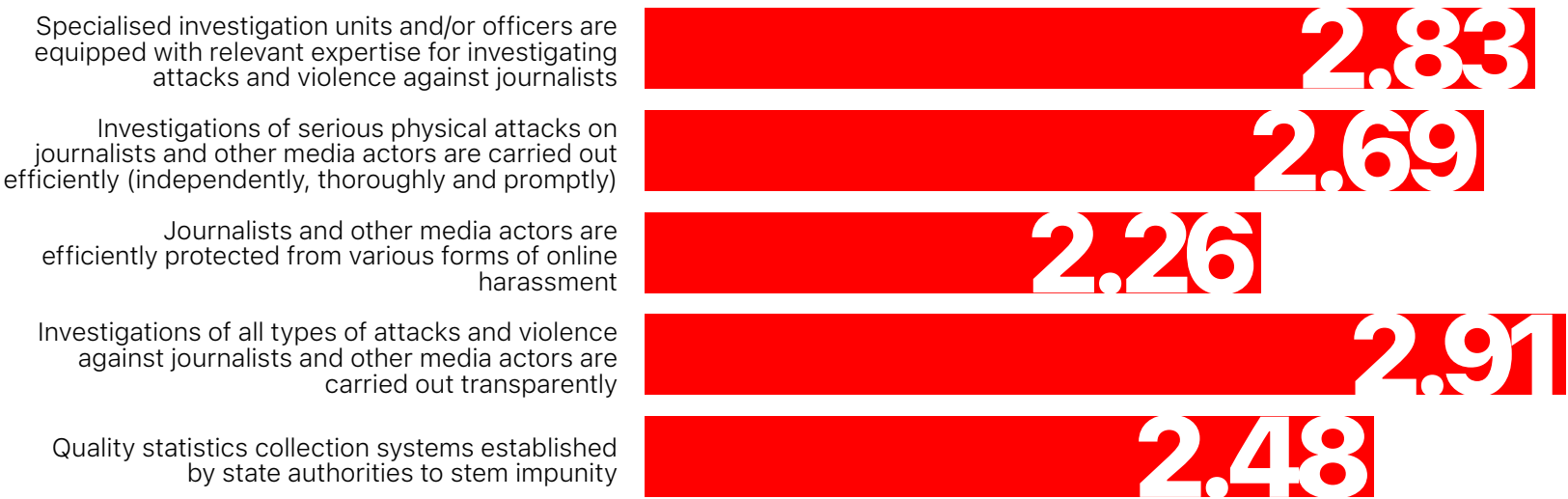
— **POLICE AUTHORITIES ARE SENSITIVE TO JOURNALISTS' PROTECTION ISSUE**

**Result for 2022: 3,35 / Result for 2023: 3,19**

Police authorities formally demonstrate a willingness to cooperate on the protection of journalists, but in practice they lack sensitivity and concrete efficiency. Although contact points have been appointed within the police and there are guidelines for cooperation with the media, police officers are often not sufficiently familiar with the challenges of the journalistic profession, nor do they demonstrate consistent way of responding to threats and attacks. The situation in this area was further worsened by the case of violence in Banja Luka, which gave the impression that the police were being instrumentalized for political purposes, further undermining public trust in institutions. On the other hand, cooperation with journalists' associations on an informational level generally functions well.



# Due Process



#### INDICATOR 3.1

##### — SPECIALISED UNITS/OFFICERS ARE EQUIPPED WITH EXPERTISE FOR INVESTIGATING ATTACKS AND VIOLENCE AGAINST JOURNALISTS

**Result for 2022: 2,73 / Result for 2023: 2,83**

Specialized investigative units and/or officers are still not fully trained and equipped to effectively investigate attacks and violence against journalists, although some progress was noted in 2023. A network of contact points was established (8 in prosecutors' offices and 13 in police departments), whose role is primarily to coordinate, prioritize case documentation, and improve communication with the media, rather than to conduct investigations themselves. There are trained professionals, such as the cybercrime unit within the Federal Police Administration and a specially trained prosecutor for hacker attacks in Sarajevo Canton. However, these practices are neither uniform nor systematically implemented across the country. Systemic reforms, capacity building, legal amendments, and institutional support for specialization in this field are needed.

#### INDICATOR 3.2

##### — INVESTIGATIONS OF SERIOUS PHYSICAL ATTACKS ON JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT EFFICIENTLY

**Result for 2022: 2,69 / Result for 2023: 2,69**

When it comes to investigations of serious physical attacks on journalists, the situation remains unchanged—they are generally not conducted effectively. Investigations are slow, rarely thorough, and often fail to uncover the motives or identify those who ordered the attacks, especially when public officials or high-ranking politicians are involved. Although in some cases the perpetrators have been identified and prosecuted, the motives and broader context of the attacks remain unexplored. The issue of urgency in handling such cases is not regulated by law nor by the Guidelines for Contact Points in Prosecutors' Offices and Police. Most attacks on journalists are still prosecuted under laws on public peace and order, which prescribe mild, mostly monetary sanctions. Such legal classifications allow for quicker proceedings but diminish the gravity of attacks on journalists as socially dangerous acts against individuals performing work of public interest.

#### INDICATOR 3.3

##### — JOURNALISTS AND OTHER MEDIA ACTORS ARE EFFICIENTLY PROTECTED FROM VARIOUS FORMS OF ONLINE HARASSMENT

**Result for 2022: 2,26 / Result for 2023: 2,26**

Journalists and media professionals still do not receive adequate protection from harassment and threats in the online sphere. Criminal legislation regulates these forms of violence sporadically and inconsistently, while the competent institutions rarely respond effectively to complaints. Online

violence, harassment, and threats against journalists are prosecuted under other criminal offenses that contain similar elements; however, prosecution is often ineffective and frequently results in the dismissal of complaints. A draft Law on Public Peace and Order had proposed treating the internet as a public space, with stricter sanctions for online "fake news," including high fines for journalists and media outlets, as well as bans on public appearances and practicing the profession for up to one year. However, due to widespread public criticism, the draft law was withdrawn.

#### INDICATOR 3.4

##### — INVESTIGATIONS OF ALL TYPES OF ATTACKS AND VIOLENCE AGAINST JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT TRANSPARENTLY

**Result for 2022: 2,91 / Result for 2023: 2,91**

Investigations into attacks on journalists and media professionals are still not fully transparent. Although contact points have been appointed in prosecutors' offices to improve communication, journalists often face difficulties in accessing court files and information about the status of cases. Timely and detailed information is generally unavailable, with institutions frequently justifying the lack of transparency by citing the interest of the investigation. Communication strategies and media action plans do exist, but their implementation is limited by a lack of funding and will. Associations such as BH Journalists are working to increase judicial transparency toward the media and the public.

#### INDICATOR 3.5

##### — QUALITY STATISTICS COLLECTION SYSTEMS ESTABLISHED BY STATE AUTHORITIES TO STEM IMPUNITY

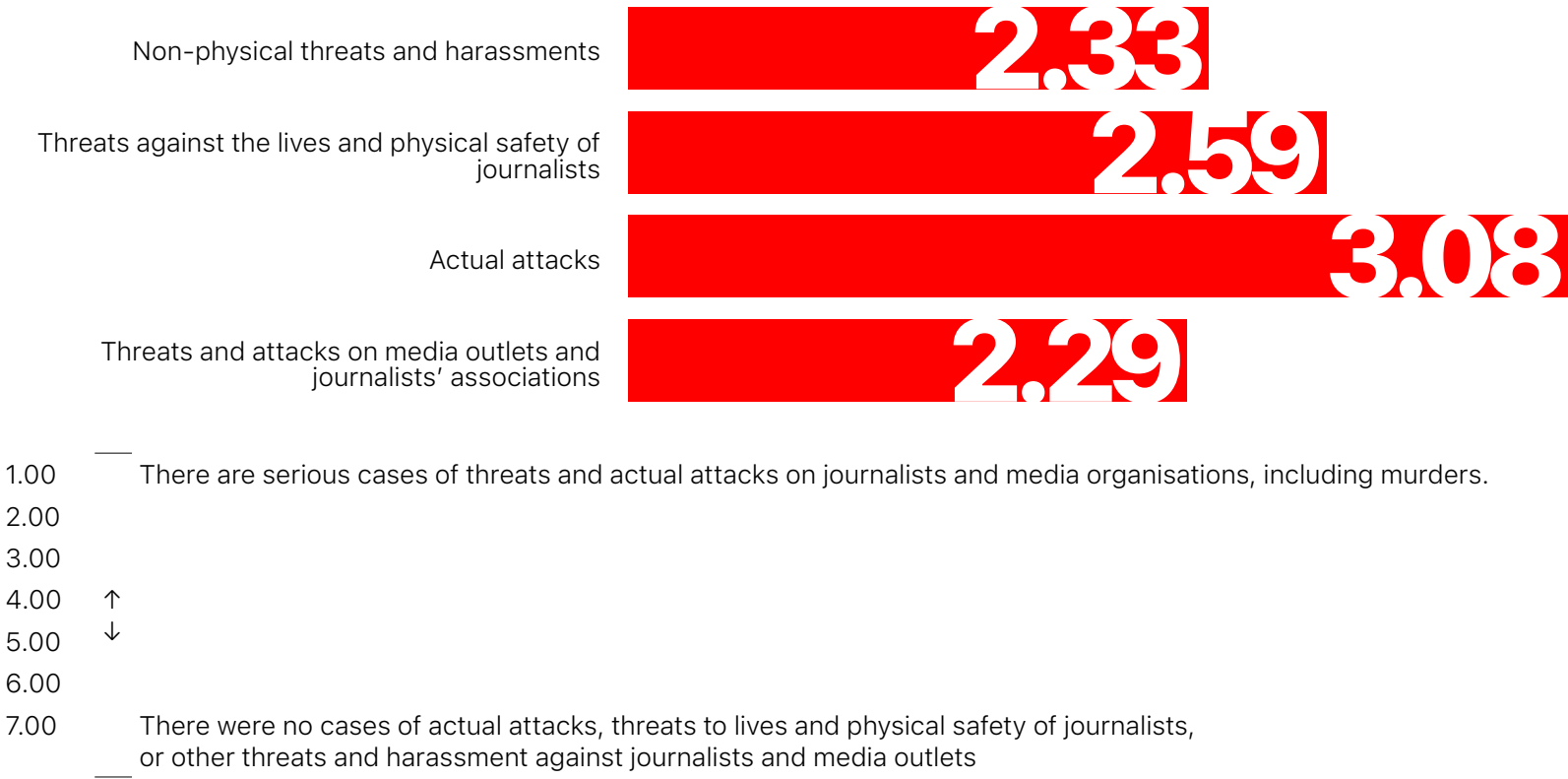
**Result for 2022: 2,42 / Result for 2023: 2,48**

A quality and reliable system for collecting statistical data on attacks against journalists has not yet been established. Progress has been made with the appointment of contact points in prosecutors' offices and police agencies, who are obligated to keep records, but these mechanisms have only recently been introduced, and there is still no official data on the number of recorded cases. Association BH Journalists and other non-governmental organizations maintain the most comprehensive databases, while state institutions mostly rely on their information.



IV

Actual Safety



#### INDICATOR 4.1

##### — NON-PHYSICAL THREATS AND HARASSMENT

This may include: surveillance or tracking; telephone harassment; arbitrary court or administrative harassment; aggressive statements made by public officials; other forms of pressure threatening journalists' safety in the exercise of their duties. These types of threats do not include mobbing and workplace harassment.

**Result for 2022: 2,43 / Result for 2023: 2,33**

In 2023, 27 cases of threats and harassment against journalists were recorded that were not directly aimed at their life or physical integrity. These incidents included verbal attacks, insults, refusal to answer legitimate questions, political and economic pressure, and aggressive behaviour by public officials. The number of such cases increased compared to 2022 (when there were 22), with the most frequent perpetrators being politicians and public officials. Most cases end with reports to journalists' associations and public condemnation, while in some instances, criminal complaints were also filed. Particularly concerning are repeated pressures on the same journalists, which led one female journalist to leave the profession.

#### INDICATOR 4.2

##### — THREATS AGAINST THE LIVES AND PHYSICAL SAFETY OF JOURNALISTS

This may include: incitement to kill journalists, their friends, family or sources; incitement to physical attacks against journalists, their friends, family or sources. These threats may be: direct or addressed through third parties; sent electronically or in personal communication; may be both implicit and explicit.

**Result for 2022: 2,59 / Result for 2023: 2,59**

There were five recorded threats to life and physical safety of journalists-four male and one female. Although the number of these threats is less than in 2022 (seven cases), the gravity of the incidents, which often involved family members, indicates no real improvement. The threats were usually made through social media platforms, followed by hate speech, insults and gender-based threats.

#### INDICATOR 4.3

##### — ACTUAL ATTACKS

This may include: causing physical or psychological harm, kidnapping, home/office raids, confiscation of equipment, arbitrary detention, failed murder attempts, etc.

**Result for 2022: 3,28 / Result for 2023: 3,08**

In 2023, six physical attacks on journalists were recorded, marking a significant increase compared to two cases in 2022 (two attacks). A total of ten journalists were assaulted

in these incidents, including some who sustained serious injuries. Most of the attacks occurred during protests and public events, with perpetrators being hooligans or protest participants. There were also recorded break-ins into journalists' homes and theft of equipment. The police often failed to respond, and journalists reported that the attacks were linked to their professional work. All cases were reported.

#### INDICATOR 4.4

#### — THREATS AND ATTACKS ON MEDIA OUTLETS AND JOURNALISTS' ASSOCIATIONS

Threats may include: telephone harassment; unfounded judicial or administrative harassment; aggressive statements made by public officials; other forms of pressure (graffiti, threatening notes and messages, etc.). Actual attacks: office raids, confiscation of property, destruction of equipment, vehicles, etc.

**Result for 2022: 2,39/ Result for 2023: 2,29**

In 2023, seven attacks and threats against media outlets and organizations were recorded—the same number as the previous year—but they involved more than 11 media outlets. In addition to ongoing political and institutional pressure, the year was marked by multiple hacker attacks, bans on reporting, public calls to boycott the payment of RTV license fee, and disproportionate penalties. The situation points to an intensification of pressure and attacks on independent media.

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