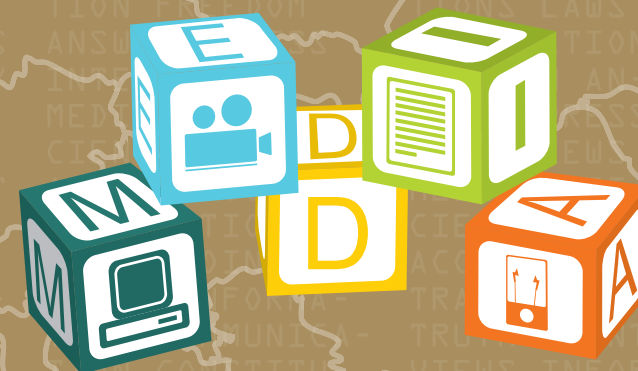


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BALKAN MEDIA BAROMETER

The first home grown analysis of the media
landscape in Bosnia and Herzegovina.



BOSNIA AND HERZEGOVINA 2011

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Edited by Nataša Tešanović

Sarajevo, 2012

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Introduction

The Media Barometers facilitated by the Friedrich Ebert Stiftung (FES) are self-assessment instruments to gauge the status of freedom of expression and of the media in a national context. Such assessments have been undertaken in various countries in Africa since 2004 and in Asia from 2009.

In September 2011 FES initiated the Balkan Media Barometer (BMB) with Bosnia and Herzegovina serving as a pilot project for South East Europe and the rest of the continent. A panel of experts from BiH discussed and scored a list of 44 indicators based on standards referenced to European documents, most of them drawn up by the Council of Europe. This approach of working on the basis of home-grown principles is meant to give the assessments greater relevance and to allow civil society groups and media activists in the various countries to evaluate and measure up their findings directly against declarations and documents adopted and accepted by their own governments.

The panel usually comprises five to six members drawn from the media and an equal number from civil society at large. This is to make sure that the assessment is not left to media insiders alone, who might have a jaundiced perspective, but also draws on the views and experiences of other knowledgeable citizens from organisations such as universities, trade unions or womens' rights' groups. Care is taken, as far as possible, to choose a panel on which both urban and rural communities as well as the ethnic, religious and gender diversity of the country's population are sufficiently represented.

At the end of the discussion on each of the indicators, panellists, in an anonymous vote, award a score on a scale from 1 to 5: if, in their opinion, the country does not meet the indicator the score will be the minimum 1, while if it meets all aspects of the indicator it will be the maximum 5, with the other scores for partial compliance according to the following scale:

1	Country does not meet Indicator	
2	Country meets only a few aspects of Indicator	
3	Country meets some aspects of Indicator	
4	Country meets most aspects of Indicator	
5	Country meets all aspects of Indicator	

According to the BMB concept, the plan is to repeat this exercise every two to three years, as is being done in other parts of the world, so that developments over time can be traced.

The Barometer is not meant to be merely an exercise in data collection, but also serves as a lobbying instrument to promote debate on political and social reforms. At the end of the two-day session panels identify positive and negative trends and tendencies in the recent past and formulate recommendations for media development for the coming years. The Balkan Media Barometer, then, is not an end in itself - it not only compiles and presents useful information, but can also serve as a very practical tool to assist in further media reform efforts and campaigns.

The FES is the facilitator of the process only, and the assessments in this report do not necessarily represent the views of the foundation.

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Banja Luka Office, Bosnia and Herzegovina

Executive Summary

Bosnia and Herzegovina (BiH) is a deeply divided country whose people still carry the scars of the 1992-1995 war after the collapse of former Socialist Federal Republic of Yugoslavia. The war in Bosnia and Herzegovina ended with the Dayton Peace Agreement signed in December 1995 and which introduced complex power-sharing arrangements.

The country of 3.84 million people is home to three ethnic groups: Bosniaks (Muslims) [48 per cent], Serbs (Orthodox) [37.1] and Croats (Catholic) [14.3], termed the “constituent peoples” (preamble of the Constitution), as well as other peoples and citizens. Bosnia and Herzegovina is divided into two entities: the Federation of Bosnia and Herzegovina (FBiH), administered by the Croats and Bosniaks, covering approximately 51% of the territory, and the Republika Srpska, which is administered by the Serbs and covers approximately 49% of the land, plus the Brčko District. Each entity has its own governmental structures with parliaments and executives. The central state, which has very limited powers, is a parliamentary republic with a legislature and a three-member Presidency, one from each of the constituent peoples.

Another centre of power is the Office of the High Representative for BiH (OHR), which represents the international community and implements the Dayton Peace Agreement. The Office has powers to impose laws and intervene in any sphere of the country’s political or economic life.

The political, social and psychological divides in the country impact greatly on the status of freedom of expression as well as the structure and performance of the media.

On paper Bosnia and Herzegovina seems to be exemplary in its support of basic human rights. The Constitution is one of the few in the world to allow for direct domestication of international legal instruments. The European Convention on Human Rights, with its Article 10 on the right to freedom of expression, thus in effect forms part of the country’s basic law. In line with these provisions, Bosnia and Herzegovina was the first country in South East Europe to decriminalise defamation. Confidential sources of information are protected and must not be disclosed by journalists. Access to public information is guaranteed by law.

Just having relatively good laws, however, is not sufficient. The social and political climate also needs to be conducive to their being respected and there must be mechanisms to ensure their implementation. Such conditions and mechanisms are lacking to a considerable degree.

In regard to defamation, there is a fear that it might still be possible for judges to be influenced by certain political parties and hand down judgements with damages that could bankrupt a journalist. The law on access to information is being implemented only in a very restrictive manner. either it is

Worry over how one will cope with the demands of daily life, the fear of losing privileges, and the lack of community spirit among both ordinary people and the so-called intellectual elites, are a constant reality. Many people are afraid to speak their mind. The division of society adds to an atmosphere of fear and hate, and the media are often used by politicians to manipulate the public space. There is no censorship in any formal sense, but the pressure of the ruling elites on the media, especially the public broadcasting services, is ever present.

Although people have access to a broad spectrum of information, particularly thanks to broadcasting and the internet, this diversity is technical rather than real. People try to get important information primarily from those media with which they share the same ethnic background and political convictions, that is “they watch ‘their’ TV channels”. This is because a large number of media are still ethnically divided and many reports on the same events and issues are given a corresponding, sometimes completely different slant. An unacceptably large number of media directly serve certain political forces.

This goes especially for the public broadcasting services. The complex structure of public broadcasting and its legal framework in Bosnia and Herzegovina is a reflection of the complex state structure. After a decade-long period of obstruction by politicians who wanted to keep control over the formerly state-owned broadcasters, the Office of the High Representative imposed legislation which established Bosnia and Herzegovina Radio Television (BHRT) as the country-wide public broadcaster, and two entity broadcasters to serve the Federation of BiH on the one hand and the Republika Srpska on the other. As a fourth pillar and umbrella organisation, the laws envisaged establishing a Corporation of the Public Radio Television Services, which has never been set up. The public broadcasting services of the different entities are controlled by political elites. Government in the Republika Srpska uses various mechanisms to turn the public broadcasting service into a “forum for the single-minded”. All dissenting voices, people who disagree with the party’s policies, are not only denied access to programmes, but are sometimes exposed to a kind of “public lynching”. The ruling party in the Federation of BiH also clearly intends to place the public broadcasting service under its total control. Only the country-wide RTV BiH offers somewhat balanced information and attempts to reconcile all three political sides by emphasising the smallest common denominators. In comparison, it should be noted that some commercial services offer a higher degree of balance in their news and information programmes.

Public broadcasting services generally suffer from an absence of professionalism, uncertainty as to the very purpose of their existence, lack of financial resources, political interference with editorial decisions, and a lack of public awareness about the specific role to be played by public broadcasters. The offerings of the public broadcasting services differ very little from those of their commercial counterparts. There is no adequate system of monitoring the output of public broadcasting services. This could be one of the responsibilities of the Communications Regulatory Agency (CRA). The agency's independence, however, is questionable and so is its efficiency. Its Director General has for years acted on a so-called technical mandate since the Council of Ministers of BiH has not approved his appointment. Nevertheless, the CRA has still made an immeasurable contribution towards establishing some order in broadcasting in Bosnia and Herzegovina.

The print media have set up a system of self-regulation for their sector by establishing the Press Council of BiH and developing a common code of professional standards. All editors have signed the code and therefore all print media in Bosnia and Herzegovina have to abide by it. An Appeal Committee, whose members include editors, journalists, prosecutors, judges and academics, deals with complaints from the public. Citizens turn to the Committee on a daily basis, with 150 to 160 cases being decided every year. Most media respond to the inquiries from the Press Council based on such complaints and publish corrections or denials and decisions of the Appeal Committee. The Press Council also offers training programmes for members of the judiciary on the implementation of the defamation legislation. In fact, courts now try to reach an amicable settlement between parties as provided for in the law and then refer such cases to the Press Council, arguing that self-regulation is a better route than litigation. The Council recently decided to adjust and expand and improve the application of the Press Code rules to include the new media, in particular news portals. The system of self-regulation is to apply only to those media that agree to it. The owners of the portals were very sceptical at first, but now more and more are opting to abide by the code.

Despite all these efforts, the standard of journalism is regarded as fairly low. There has been a resurgence of hate speech and violent language in some media in recent times. A whole range of important subject matters receive no coverage at all. Sensational reporting and scandal mongering are very popular, attracting more advertising and growth, thus making for better business results. This leaves little space for serious topics. In-depth analysis of events and issues is missing because journalists are overworked and do not have enough knowledge. There is some investigative journalism but generally too little attention and resources is given to this type of texts and contributions. Still, there are some examples of good investigative stories, especially on corruption. For this reason citizens are now increasingly approaching the media with information on alleged corrupt

practices. Self-censorship, however, remains a major problem and is practised widely. Many journalists are very careful when writing about ruling parties or the political elite. Self-censorship is particularly prevalent in the private media, where the interests of the owner and advertisers must also be taken into account. Journalists want to keep their “head, job and connections”.

Only a handful of non-governmental organisations like the Press Council are interested and active in lobbying to improve the situation of the media in the country. Among journalists and media practitioners themselves there is a dangerous lack of solidarity. Although most are members of one of the six professional associations, many of these groups exist largely on paper only. While journalists with the public broadcasting services are organised in trade unions, those in the private media sector do not join trade unions for fear that this might cost them their jobs.

Despite all these negative trends there was consensus on the panel that “the media represent the better part of our society”.

The report represents the majority opinion on the panel, but on certain issues it does not necessarily reflect the individual opinion of all participants.



SECTOR 1:

**Freedom of expression, including
freedom of the media, is effectively
protected and promoted**

Freedom of expression, including freedom of the media, is effectively protected and promoted

1.1. Freedom of expression, including media freedom, is guaranteed in the constitution and supported by other pieces of legislation.

The Constitution of Bosnia and Herzegovina, which is a constituent part of the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, was signed on December 14th 1995 in Paris, France, and regulates the issue of human rights and fundamental freedoms of all persons within the territory of Bosnia and Herzegovina.

“Freedom of expression” is referred to under sub-clause (h) of Article II, paragraph 3. An important overarching provision in regard to this and other basic rights is contained in paragraph 2 of Article II:

“The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These acts shall have priority over all other law.”, as stipulated in article 2, paragraph 2 of the Constitution of Bosnia and Herzegovina.¹

This provision makes the constitution one of the few in the world to allow for direct domestication of international legal instruments, without the need for prior adoption or ratification. Article 10 of the European Convention on Human Rights 1950 thus in effect forms part of the country’s basic law and provides that:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions,

¹ Constitution of Bosnia and Herzegovina, 1995






restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.²

In the Constitution of Bosnia and Herzegovina, in Article 2 (3) which is entitled Enumeration of Rights, the right to freedom of expression is specified as one of fundamental human rights.

In line with these provisions, Bosnia and Herzegovina was the first country in South East Europe to decriminalise defamation (see Indicator 1.3). Confidential sources of information are protected and must not be disclosed by journalists. A journalist, and any other natural person regularly or professionally engaged in the journalistic activity of seeking, receiving or imparting information to the public, and who has obtained information from a confidential source, has the right not to disclose the identity of that source (see Indicator 1.7).³ Access to public information is guaranteed by law. Every natural or legal person has a right to access this information to the greatest extent possible consistent with the public interest, and public authorities have an obligation to disclose this information (see Indicator 1.8).⁴

Scores:

Individual scores:

1	Country does not meet Indicator	
2	Country meets only a few aspects of Indicator	
3	Country meets some aspects of Indicator	
4	Country meets most aspects of Indicator	
5	Country meets all aspects of Indicator	

Average score:

5

² European Convention on Human Rights, 1950

³ Law on protection of Defamation B-H and Law on Protection of Defamation of Republika Srpska, 2003 and 2001, www.vzs.ba

⁴ Free Access to Information Acts in Bosnia and Herzegovina, Federation B-H and Republika Srpska, 2000, 2001, 2001, http://www.vzs.ba/index.php?option=com_content&view=article&id=212:zakon-o-slobodi-pristupa-informacijama-u-bosni-i-hercegovini&catid=9:novinarski-zakoni&Itemid=12

1.2. The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Bosnia and Herzegovina is home to three ethnic groups: Bosniaks (48 per cent), Serbs (37.1) and Croats (14.3), which the constitution in its preamble refers to as “constituent peoples”, as well as other peoples and citizens. A population census has not been conducted since the 1992-1995 war.. According to the 1991 census (the last census conducted) there were 4.3 million people living in BiH, of which there were 44 per cent Bosniaks, 31 per cent Serbs, 17 per cent Croats, and 8 per cent Others. It is estimated that between 100 000 and 250 000 people were killed in the course of the latest war, and that half of the population left their pre-war place of residence. These groups were at war with each other over four years until December 1995, and the scars of this war are still to be seen and remain all over the country.

What is “true” and what is “fair” is defined differently by the various groups. Society is made up of “one-dimensional minds”. Viewed from a formal perspective, there is democratic atmosphere in Bosnia and Herzegovina. Although formally there are democratic processes, in practice however there is what panellists called a “democrature”, a democracy by name only. Reality differs significantly from what is stipulated by the legislation of Bosnia and Herzegovina.

The pressures of political parties and politicians on courts of law represent a major problem. Still, the authorities in Bosnia and Herzegovina have so many problems of their own that they have no time to “meddle” with the media scene. The very moment the political situation stabilises, the non-democratic character of the powers-that-be will become apparent in regard to their attitude towards the media. In the Republika Srpska, the government openly controls the public broadcaster and some private media. In the Federation of Bosnia and Herzegovina there is a clear intention of the authorities to take control over not only the entity public broadcaster, but also the private newspapers with the widest circulation.

Formally there is no censorship and no direct interference by the ruling elites, but the pressure of the ruling elites on the media, especially the public broadcasting service is ever present. This is one of the reasons for self-censorship, which is strongly encouraged by owners, directors and editors in the media houses. There are “three different political narratives” and you have to go along with the one of your own group: “... and when the phones are not ringing, that means that you are reproducing the view of the world that suits them”. Whatever is said by one group in their own environment and is seen as a democratic expression

of free speech may or will be interpreted by other groups as enemy talk. It is in this respect that the panel finds the situation to be disconcerting. In addition, attacks are launched by journalists from one media against journalists from another media, and unfortunately, this is not seen as animosity, but as something desirable. In the ongoing “wars” of political, spiritual and commercial elites, the media are often used simply as a tool, and journalists as socio-political warriors. It is not possible to speak of political reporting through the categories of division of BiH space according to its constitutional set-up. The threat to freedom of expression exists as a problem independent of the BiH territorial organization. Civic awareness of democracy, according to which the citizen must be the centre, is absent. A special problem is posed by the existence of a divided public, but there are also internal political conflicts within each ethnic public. It has also been said that Bosnia and Herzegovina is a country of a captive mind and therefore the media must play the role of builders of a new political culture, in order to create a society of free people. There are only a small number of media outlets that practise editorial autonomy, try to keep outside the ethnic divide and “stop triumphing over the deficits of others”. The editorial autonomy in Bosnia and Herzegovina somewhat resembles the story of Don Quijote and comes at a price: journalists, and citizens in general can practice their right to freedom of speech, if they are prepared to give up their career or social status. Only a few are willing to take this chance because there is a lot of existential fear due to poverty, a high unemployment rate and “ignorance”. There are still individual instances of threats to the lives and health of journalists, as evidenced by the case of the former Ombudsman for the protection of human rights when a journalist was threatened with a “bullet in his forehead.” However, the media has to take its share of responsibilities here.

In conclusion, it can be stated that at present the authorities in Bosnia and Herzegovina do not interfere directly with the media.

Scores:

Individual scores:

1	Country does not meet Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of Indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of Indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2,1

1.3. There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Bosnia and Herzegovina was the first country in South-East Europe to decriminalise defamation. Between 2001 and 2003 legislation was passed in the different entities, protecting journalists and media from the possibility of being criminally prosecuted and imprisoned for defamation.

The objective of the Law on Protection against Defamation in the Federation of Bosnia and Herzegovina, for example, is to balance the harm caused to an allegedly injured person with the possible harm to media freedom.

Article 8 of the Federation of Bosnia and Herzegovina Law on Protection against Defamation, whose wording is similar to the one in the respective Republika Srpska law, stipulates:

An allegedly injured person shall undertake all necessary measures to mitigate any harm caused by the expression of false fact and in particular requesting a correction of that expression from the person who allegedly caused the harm.⁵

If the case comes before a court of law, “the court shall examine whether the parties can reach an amicable settlement” (Article 11).

If a court has to determine compensation for any harm caused, Article 10 provides that it “shall be awarded solely with the purpose of redressing the harm”, i.e. compensation is not meant as a form of punishment. The same article goes on to say that in setting the amount for damages the court is obliged to consider “whether this would likely result in severe financial distress or bankruptcy for the person who allegedly caused the harm”.

These laws were “copied” from Sweden and the Netherlands “but this doesn’t mean that the laws are good”, said one panelist. They have shortcomings which need to be addressed. The panellists have expressed concern about the fact that history has known dictatorships which had perfect laws, but where these laws were not complied with. It is therefore not enough to just have relatively good laws; there must also be mechanisms to ensure their implementation. There is a fear that it might still be possible for judges to be influenced by certain political parties and hand down judgements with damages that could harm a journalist.

5 Law on Protection against Defamation in Federation of Bosnia and Herzegovina, 2003, http://www.vzs.ba/index.php?option=com_content&view=article&id=209:zakon-o-zatiti-od-klevete-fbih&catid=9:novinarski-zakoni&Itemid=12

1.5. Print publications are not required to obtain permission to publish from state authorities.

Print publications in Bosnia and Herzegovina are not required to obtain permission to publish from state authorities.

Scores:

Individual scores:

[illegible]

Average score: 5

1.6. Entry into and practice of the journalistic profession is legally unrestricted.

There are no legal restrictions on becoming a journalist or practising as one.

Scores:

Individual scores:

[illegible]

Average score: 5

1.8. Public information is easily accessible, guaranteed by law, to all citizens.

There are three laws in place regarding free access to information: one at the state level and one each at the level of the entities: the Republika Srpska and the Federation of Bosnia and Herzegovina. The Freedom of Access to Information Act for the Federation says in its Article 1:

These laws regulate access to information held by public institutions:

1. acknowledging that information in the control of public institutions is a valuable public resource and that public access to such information promotes greater transparency and accountability of public institutions, and is essential to the democratic process;
2. establishing that every natural and legal person has a right to access this information to the greatest extent possible consistent with the public interest, and that public institutions have a corresponding obligation to enable disclosing of this information;
3. enabling every natural person to request the amendment of, and to comment on, his or her personal information in the control of a public institution.⁷

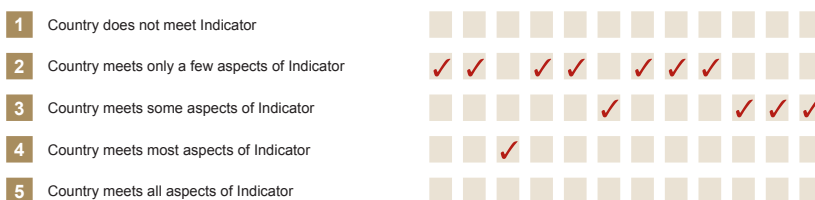
However, these laws, which are primarily intended for the citizens of Bosnia and Herzegovina, are not being implemented or, if so, only in a very restrictive manner. There are also numerous examples of abuse of laws on free access to information, i.e. their provisions stipulating that Article 14 (4), for example, provides that public authorities should disclose the information sought within 15 days. In most cases, however, the authorities wait until the very last day of the allotted period before doing so. Also, in addition to waiting until the last day of the 15- day period, it is a frequent practice that the requested information is often sent by ordinary mail, which additionally slows down the access to information and E-mail addresses are not accepted. The laws on free access to information should be amended in this respect. The Freedom of Access to Information Act of the Federation of BiH does not spell out any sanctions for those who deny information, while the one passed in the Republika Srpska does not provide for court protection for those who seek to use their right in accordance with the law. Information provided on the basis of the Republika Srpska Law on Freedom of Access to Information is not regarded as administrative act, so that it can not be recognised as evidence in a

⁷ Freedom of Access to Information Act for Federation B-H, 2001, http://www.vzs.ba/index.php?option=com_content&view=article&id=209:zakon-o-zatiti-od-klevete-fbih&catid=9:novinarski-zakoni&Itemid=12

court of law if citizens want to use it as evidence of their rights. At the same time, some legal acts in the Republika Srpska restrict the right to public access to certain information. Generally speaking, if a piece of information is requested which is not likely to harm a public body, citizens of Bosnia and Herzegovina can obtain that information practically immediately. As regards information which the public body feels that the disclosure of which might cause harm to that body, it will decide to breach the law because there are no adequate sanctions for such breaches.

Scores:

Individual scores:



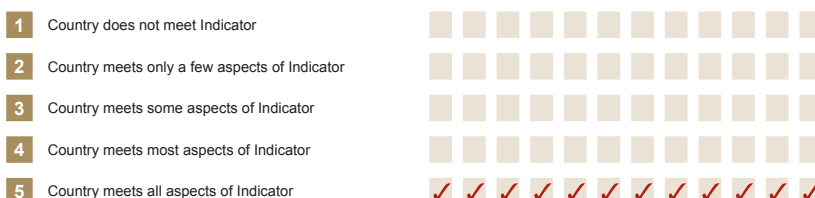
Average score: 2,5

1.9. Websites and blogs are not required to register with or obtain permission from state authorities.

Currently, web portals are not required to obtain any permission before they are launched. It is not beyond imagination, however, that at some point, once the authorities begin to address the issue of new media, they may put new restrictions in place.

Scores:

Individual scores:



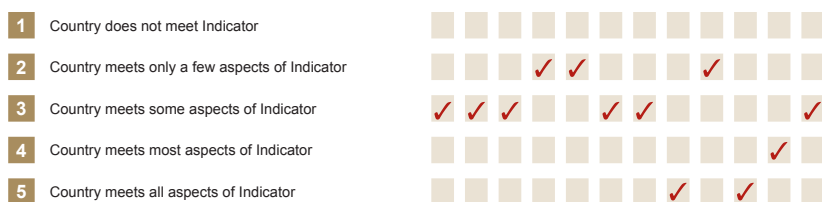
Average score: 5

They have, for example, tried to draw the attention of the European Union to the need to reform the public broadcasting services in BiH. However, since the state level law regulating the public broadcasting system and the public broadcasting service of BiH was adopted in 2005, the European Union has done nothing to encourage the reform process that it started.

NGOs and the media often see each other as competitors rather than as partners, both vying for grants from donor organisations.

Scores:

Individual scores:



Average score:

3.2

1.12. Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

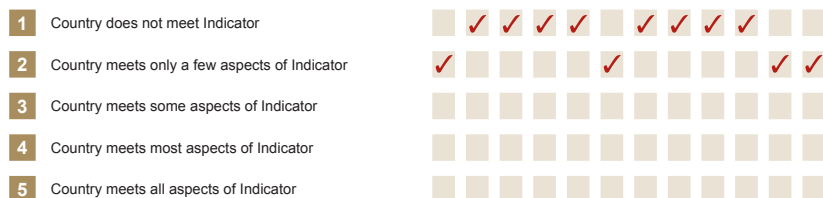
There are no public debates or public hearings on media – or any other – legislation. The government does issue formal invitations to such events but no one attends because they are not regarded as meaningful.

The core media laws were imposed by the international community – that is by the Office of the High Representative to Bosnia and Herzegovina – without the involvement of citizens or stakeholders.

NGOs active in the field of media development have initiated a number of seminars and workshops to educate citizens about the laws on free access to information. Special attention should be given to laws on the public broadcasting system and public broadcasting services, which will certainly undergo changes in the future.

Scores:

Individual scores:



Average score: 1,3

Average score for Sector 1: 3,8

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability

The media landscape, including new media, is characterised by diversity, independence and sustainability

2.1. A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.

Print

There are six major newspapers on the market: *Dnevni Avaz*, *Dnevni List*, *Oslobođenje*, *Nezavisne Novine*, *Glas Srpske* and *Večernji List*. The most influential political weeklies are *Dani*, *Slobodna Bosna* and *Reporter*. *Azra* and *Gracija* are popular women's magazines. A range of entertainment-driven magazines and local newspapers in municipalities are also available. In general, credible figures on the circulation of all these media are not available.

Broadcasting

In Bosnia and Herzegovina there are no less than 144 radio and 45 television stations on air, including public broadcasting services. Out of the 144 radio stations, 65 are public and 79 privately financed, with the majority of the public channels being owned by municipal or cantonal governments. Operated within the Public Service Broadcasting System, there are: BH Radio 1, Radio of the Federation of BiH, and Radio of Republika Srpska, as well as the three television stations - BHT1, Federation TV and Republika Srpska TV.

Out of the 45 television stations, 30 are private and 15 public. 12 of the public are run by municipal or cantonal governments and three operate within the Public Service Broadcasting system in BiH: BHT1 at state level, FTV at the level of the Federation BiH entity and RTRS at the level of the Republika Srpska entity. Apart from these three, two others can be watched in most parts of the country: OBN and PINK. The audience shares of the public TV stations are steadily decreasing. Commercial stations, on the other hand, are gaining viewers, as are state broadcasters, from the neighbouring states Croatia and Serbia.

Internet

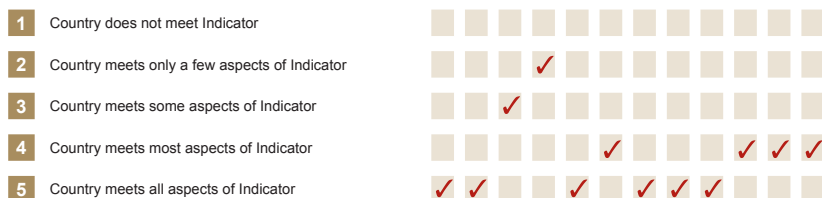
The country has recently witnessed a development of internet portals. In 2010 the number of internet users increased to 52 per cent of the population. Web portals are very popular and visited often, not only for news, but also for the possibility of commenting on various news items, as well as the publication of signed authorised comments by journalists, political or economic analysts, and publicists. Under these circumstances the print media publishers are forced to search for ways to survive. This necessitates a strategic approach, which the publishers in Bosnia and Herzegovina, unlike those in some neighbouring countries, do not have. *Dnevni Avaz*, the newspaper with the largest circulation in Bosnia and Herzegovina, experienced a decrease of ten to fifteen per cent in the number of copies sold, while at the same time the number of visits to its web portal increased.

In some smaller communities in Bosnia and Herzegovina, which altogether are not insignificant in terms of numbers, the public broadcasting service still has no signal, there is no cable TV or internet access, and no local newspapers are published. This adds to the already poor quality of life of people in such areas and thereby threatens the exercise of their human rights. There is still a large number of illiterate persons living in Bosnia and Herzegovina. A large number of children, particularly girls, do not go to primary school.

Nevertheless, the panellists agreed that most people have access to a broad spectrum of information, particularly thanks to cable TV operators and the internet. However, the public is divided and people try to get important information primarily from those media with which they share the same ethnic background and political convictions. "Information exists, but the question is whether you want to hear it", said one panellist. There are only very few relevant media that enjoy credibility, while most have been "captured by profit and political ideology". Over the past ten years, the media have been subject to the influence of political parties and financial powerhouses that use various methods of exerting pressure in order to impose and pursue their own interests. In most cases, these financial powerhouses are linked to political elites. Thus, the diversity of the media has become questionable.

Scores:

Individual scores:



Average score:

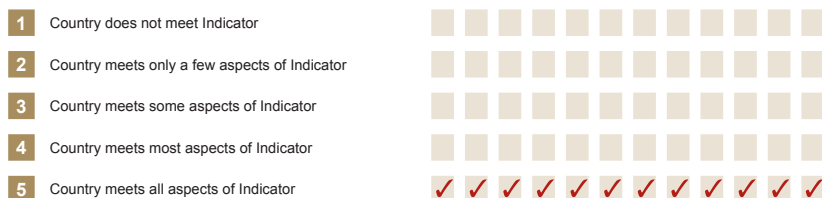
4,3

2.2. Citizens' access to domestic and international media sources is not restricted by state authorities.

The state does not restrict people's access to national or international media sources.

Scores:

Individual scores:



Average score:

5

2.3. Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

There are no efforts to increase the scope of circulation of the print media in smaller communities in Bosnia and Herzegovina. On the contrary, all attention focuses on the major cities, and the correspondents of print media in smaller towns are being dismissed.

Scores:

Individual scores:

Indicator	Country	1	2	3	4	5
Country does not meet Indicator	✓	✓		✓	✓	✓
			✓			
Country meets only a few aspects of Indicator			✓			
Country meets some aspects of Indicator						
Country meets most aspects of Indicator						
Country meets all aspects of Indicator						

Average score: 1,3

2.4. The editorial independence of print media published by a public authority is protected adequately against undue political interference.

The panel decided that this indicator does not apply as there are no state-owned print media in the country.

2.5. Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

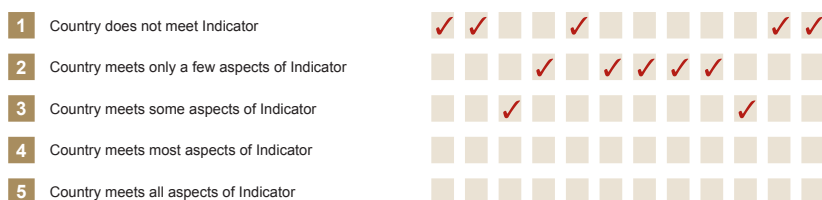
In 2004, the Communications Regulatory Agency of Bosnia and Herzegovina attempted to establish some rules for media ownership. According to this set of guidelines a natural person or legal entity cannot own two or more radio or two or more TV stations covering the same area or population group. In order to limit cross-media ownership a natural person or legal entity is allowed to

own only one broadcasting and one print media outlet, or one radio and one TV outlet at the same time targeting a particular area and a single population group. In practice this means that it is legally possible for entrepreneurs to buy or set up several TV stations provided that these cover different parts of BiH.

The rules are difficult to implement as the Communications Regulatory Agency is responsible for the broadcasting and telecommunications sector only, not for print media. Also, there are ways of circumventing the rules: formal ownership is often not identical with the actual ownership of any given radio or television station. This possibility of formal registration of ownership in the name of other persons (e.g. relatives) opens the door to abuse of media space.

Scores:

Individual scores:



Average score:

1,8

2.6. Government promotes a diverse media landscape with economically viable and independent media outlets.

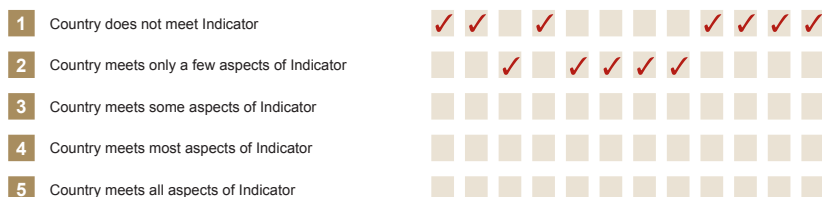
There is no fair or consistent government assistance that would serve to promote a diverse media landscape.

Decision-making in tenders for granting funds to assist media is often not transparent, while pro-government media often receive assistance without such tenders, especially in the Republika Srpska. The government put the survival of print media significantly at risk by introducing the value added tax of 17 per cent, thereby threatening their commercial sustainability and independence. The fact that the number of media outlets in local and small communities is diminishing because of their financial difficulties, and that this leaves ever fewer

media able to respond to the specific needs of inhabitants or members of such communities, is a matter of concern.

Scores:

Individual scores:



Average score:

1,4

2.7. All media fairly reflect the voices of both women and men.

In 2005 the Association of Journalists of BiH monitored the five most influential BiH dailies, including the processing of 68 editions of dailies with approximately 4,500 published items (short news, information, reports, thematic texts, interviews, comments). The aim was to determine the prevalence/presence of women in newspapers and the way in which they are presented, in other words the social model of women that is propagated by the media.

The findings showed that women appeared in either an active or passive role in only 4.4 per cent of the items. More than a quarter of these stories were about women in stories on crime (26.2 per cent).

An analysis of the daily press carried out by the Organisation of Women “Lara” in January, February and March of 2007 recorded a slight increase in the representation of women. Only 13 per cent of the space belongs to women, whereas in 87 per cent of the items the interlocutors and actors are men. The front pages and first pages of newspapers are reserved for men, as well as the last pages covering sport events.

According to all these analyses, the media, through their content, i.e. their programmes, mostly encourage the stereotypical division between male and female social roles – columns dealing with politics, business and sport are reserved for

men, while women are mostly present on pages dealing with entertainment, leisure, beauty or home decoration.

The participation of women in news dealing with internal politics is far smaller than the real representation of women in legislative, executive and judicial authorities in BiH. According to the Global Media Monitoring Project, which has in three editions included a section on media in BiH records, there is approximately 25 per cent representation of women in media content. This includes the representation of women and men that are authors or newsreaders/anchors of newspaper texts or broadcast news.⁸

Media in Bosnia and Herzegovina pay much more attention to the ethnic representation of their interlocutors than to gender related issues. Forty per cent of those who work in the judiciary of Bosnia and Herzegovina are women, but this is not reflected in their media presence. Eighty per cent of primary school teachers and half the teachers at secondary schools are women.

There is also no adequate support on the part of authorities in Bosnia and Herzegovina for media that are ready to promote non-stereotyped presentations of women and men and to avoid scenes of violence and sexual dialogue.

Scores:

Individual scores:

1	Country does not meet Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country meets only a few aspects of Indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1,8

8 Milkica Milojevic and Investigation Team of NGO Lara from Bijeljina, Women in Daily Newspapers – Visibility, Roles and Stereotypes, 2008, http://www.zenskiforum.com/index2.php?option=com_docman&task=doc_view&gid=18&Itemid=56

2.8. All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

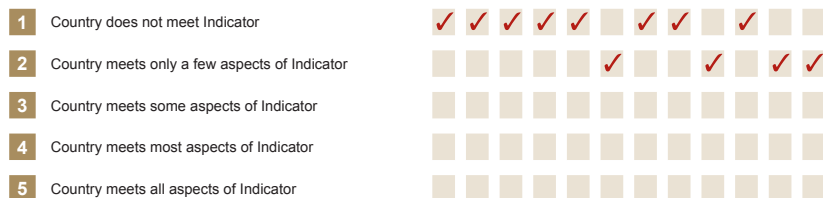
Commercial media hardly ever deal with minority groups and issues because this market is regarded as being too small. This makes it even more imperative for the public broadcasting services to fill the gap. Unfortunately, this is not the case.

Public broadcasters have a legal obligation to produce programmes in minority languages but they do not comply. Some do not even perform their public service role with regard to all the constituent peoples in their respective areas, i.e. Bosniaks, Serbs and Croats. The cultural vision of the majority is imposed on the other groups.

Generally, the editorial policy in the majority of media is based on issues that separate, rather than those that unite the peoples in Bosnia and Herzegovina. Another problem is that all memory of any of the facts of citizens' former life together is being suppressed.

Scores:

Individual scores:



Average score:

1,3

2.9. The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

In 2009, a Strategy for the Migration from Analogue to Digital Broadcasting in Bosnia and Herzegovina was adopted by the Council of Ministers, based on a

draft developed by the Digital-Terrestrial Transmission Forum (DTT Forum).⁹ Since then, no action plan has been drawn up, no money has been secured for digitalisation, training for staff or procurement of the necessary equipment.

By now, the Strategy seems to be already outdated.

Scores:

Individual scores:

1	Country does not meet Indicator	
2	Country meets only a few aspects of Indicator	
3	Country meets some aspects of Indicator	
4	Country meets most aspects of Indicator	
5	Country meets all aspects of Indicator	

Average score:

1,7

2.10. Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Government authorities in Bosnia and Herzegovina primarily use their power over the placement of vacancy advertisements and advertisements announcing tenders for contracts by instructing the responsible departments to publish them in certain media outlets only. There are well-known examples of public companies that use their marketing budgets to give business to those media that are less or not at all critical towards them. These media often have only limited circulation, and this prevents government advertising or messages from reaching the broader population.

⁹ http://dtb.ba/eng/dtt_sub_17_strategija.html

broadcasting services (RTRS and RTV BiH) combined. Advertising revenue might decrease further because of the competition posed by television stations in neighbouring countries which especially target the Serb and Croatian populations in BiH.

Scores:

Individual scores:

1	Country does not meet Indicator	✓	✓					✓	✓			✓	✓	✓	✓	✓
2	Country meets only a few aspects of Indicator			✓	✓	✓				✓						
3	Country meets some aspects of Indicator															
4	Country meets most aspects of Indicator															
5	Country meets all aspects of Indicator															

Average score: 1,3

Average score for Sector 2: 2,1

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster

3.1. Broadcasting legislation has been passed and is implemented so that it provides for a conducive environment for public, commercial and community broadcasting.

The complex structure of the public broadcasting system in Bosnia and Herzegovina and its legal framework is a reflection of the complex state structure established by the Dayton Peace Agreement signed in December 1995.

For a decade politicians and authorities in the country tried to obstruct the legal restructuring of the broadcasting sector because they wanted to keep control over the formerly state-owned broadcasters. As a result, the Office of the High Representative finally imposed the Law on the Basis of the Public Broadcasting System and the Public Broadcasting Service of Bosnia and Herzegovina.¹¹

When the international community, with the European Commission in the forefront, made the reform of the public broadcasting system a precondition for European integration, the Law on the Public Broadcasting System and the Law on the Public Broadcasting Service of Bosnia and Herzegovina were finally endorsed – as late as 2005 – by the parliament at the state level. Although the Law on RTV of the Federation of BiH was only adopted in 2008, the European Commission accepted that the condition of reforming the public broadcasting system in BiH had been met once the state level laws were adopted.

According to these laws, the public broadcasting services in Bosnia and Herzegovina consist of Bosnia and Herzegovina Radio Television (BHRT) as the country-wide public broadcaster, Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH), and Radio Television of the Republika Srpska (RTRS) as the two entity broadcasters.¹² The laws envisaged the

11 Decision of OHR to impose the Law on Basis of PBS of Bosnia and Herzegovina 2005, http://www.ohr.int/decisions/mediadec/default.asp?content_id=8444

12 Law on Public Broadcasting System of Bosnia and Herzegovina, 2005, https://www.parlament.ba/sadrzaj/zakonodavstvo/ranije_usvojeni/default.aspx?id=18820&langTag=bs-BA

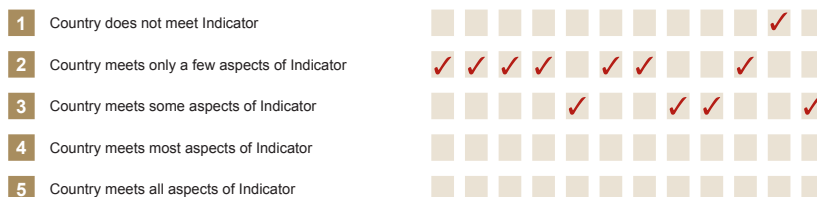
Corporation of the Public Radio Television Services of Bosnia and Herzegovina as a fourth pillar and umbrella organisation.

From 2005 until the present day the international community has not concerned itself with the implementation of the laws or the reform of the public services. The laws obviously exist but are not implemented. The government of the United Kingdom had allocated 3 million pounds under a programme of assistance of the European Union to train journalists and draft organisational charts following the example of the BBC. However, due to the poor adaptation of these models to local circumstances, the plans have never been implemented, let alone incorporated in legislation governing the public services.

Since the BiH authorities adopted the laws only under strong external pressure, they never showed any desire to implement them, so that the responsibility for the survival and reform of the public broadcasting services has been given over solely to their boards of governors and their managements. One example of failure to implement the laws is the fact that six years after they had been adopted the Corporation of the Public Radio Television Services as a fourth legal entity within the public broadcasting system has still not been established. The task envisioned for the Corporation is to operate, control and maintain the transmission network, carry out marketing services for the three public broadcasters (one at the state and two at the entity level), provide technical services to public broadcasters and maintain relationships with international organisations and agencies. One of the panel members believes that it was a mistake on the part of the international community not to have imposed the establishment of the Corporation as well at the time when the laws were adopted. The boards of governors of the three public broadcasting services act in line with the political environments they belong to. The one in the Republika Srpska wants only a loose corporation, just as the political leadership wants only a weak national state. Bosnia and Herzegovina Radio Television wants a strong corporation, while the leadership of Radio Television of the Federation of Bosnia and Herzegovina, according to a statement made by a panel member, does not seem to be interested in the question at all. All three services have no real interest in changing the situation because they are “just fine” in their three separate institutions. Meanwhile, the three public broadcasting services have become separate units with regard to financial, technical and managerial matters, and there is a well-founded concern that the Corporation will never be established. “One should do everything to save the roof”, said one panellist. The matter should be brought back before the three parliaments, which would have to start from scratch. When the legislation was adopted between 2005 and 2008, inter-ethnic relations in the country were better. Now, in view of political tensions, the possibility of resolving the problem seems remote.

Scores:

Individual scores:



Average score:

2,3

3.2. Broadcasting is regulated by an independent body adequately protected by law against interference, and whose board is appointed – in an open way – involving civil society and not dominated by any particular political party.

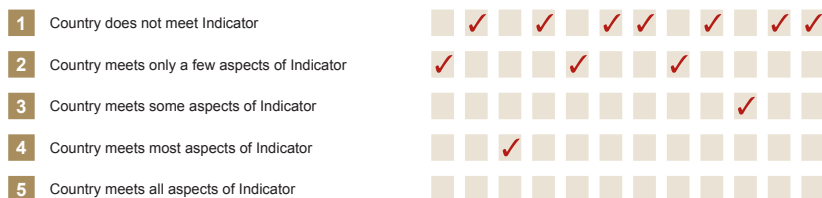
The Communications Regulatory Agency for Bosnia and Herzegovina was established in 2001 by merging the Independent Media Commission and the Telecommunications Regulatory Agency into a single institution. Its mandate and structure are defined by the Law on Communications of Bosnia and Herzegovina, originally imposed by the Office of the High Representative in October 2002, and adopted by the Parliamentary Assembly of Bosnia and Herzegovina in September 2003. According to the law the members of the CRA Council are nominated by the Council of Ministers (the government of the central state) on the basis of a list of candidates submitted by the Council of the Agency. Their appointment must be approved by the parliament. The Council of the Agency nominates the Director General who will need the approval of the Council of Ministers.¹³ The appointment of the present Director of the Agency, however, has never been officially approved.

The Agency is subject to the Law on Ministries, which places it under the responsibility of the Ministry of Transport and Communication of Bosnia and Herzegovina as a superior body. This jeopardises the Agency's independence.

¹³ Communication Law, 2003, <http://www.rak.ba/bih/index.php?uid=1269443180>

Scores:

Individual scores:



Average score:

1,7

3.3. The body regulates broadcasting services and licences in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Licences are granted after open tenders and applicants have to supply information on the technical standard of the intended operation, its financial sustainability, programming (percentage of local content) and number of employees. The duration of the licence period is ten years. This is regarded as too short and likely to create legal and planning insecurity.

The panel members also find that the procedure for issuing licences is not sufficiently transparent because the Agency is not bound to give any reasons for its decisions. Not enough attention has been paid to the needs of people in local communities. Many local radio stations lost their licences because they had not complied with programming, technical or financial conditions. Local populations were thus deprived of sources of information of local character, which is what they need most.

Part of the mandate of the Agency is to issue regulations as well as codes of conduct which are supposed to be enforced by the regulator. The CRA does not record and is not obliged to record programmes. Every radio and TV station has to record and keep tapes of programmes for a given period of time. If a complaint is brought to the CRA, the Agency will ask for a copy of the programme in question to be provided, make its analysis and give an opinion. Still, it is necessary for the CRA itself to carry out some periodic monitoring.¹⁴

14 Regulatory Agency in B-H, Broadcasting Code, 2008, <http://www.rak.ba/bih/index.php?uid=1269867979>

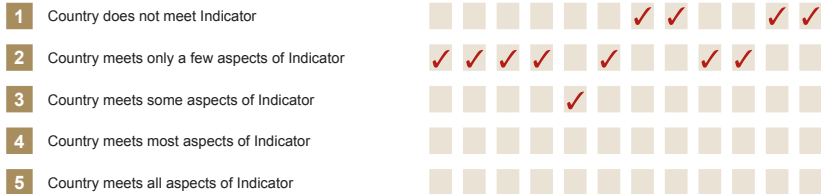
It is evident that reports on adherence to programme schedules as submitted by the broadcasters are accepted without any analysis as to whether things were actually done as planned. Such analysis would require monitoring. In addition, some panel members find that in recent years there has been an increase in cases of libel and defamation as well as hate speech in the broadcasting media, which remain unpunished.

When the Television of the Federation of Bosnia and Herzegovina broadcast a programme that compared the leadership of the Republika Srpska with Nazi leaders, the Agency did not react. Although the programme was condemned by the station's Board of Governors as well as the Agency Council, RTV FBiH was not sanctioned.

Despite an obvious lack of efficiency, the CRA has contributed towards establishing some order in broadcasting. “Without the CRA, the war would continue as a war of hate speech”, said one panellist.

Scores:

Individual scores:



Average score:

1,8

3.4. The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

According to the Law on the Public Broadcasting Service of Bosnia and Herzegovina, the Board of Governors consists of four members to be appointed by the Parliamentary Assembly of Bosnia and Herzegovina, one from each “of

the constituent peoples and one from Others”.¹⁵ For the appointments to be made by parliament the Communications Agency puts out a tender and submits a shortlist of candidates. Although the Agency has in recent years submitted such lists specifically for the selection of Serb and Croat members of the Board of Governors of Bosnia and Herzegovina Radio Television, the state parliament has never approved these candidates. Instead, in 2011 parliament requested that the Agency should re-publish the tender, a request, which the leadership of the Agency found to be illegal.

According to the Law on the Public Broadcasting Service of the Republika Srpska, the National Assembly selects the members of the Board of Governors of the Republika Srpska Radio Television on the basis of a shortlist of candidates submitted by the Communications Regulatory Agency for BiH.¹⁶ Amendments to the Law on the Republika Srpska Radio Television enable the members of the National Assembly to request that the Agency start the public nominations process all over again if they are not happy with the proposed candidates, which makes the whole process absurd. In fact, this allows for the chopping and changing of shortlists until they serve the political interest of the majority party.

Unlike the two laws stated above, the Law on the Public Broadcasting Service of the Federation of Bosnia and Herzegovina does not give the Communications Regulatory Agency for BiH any competence to participate in the process of tendering for and selecting of candidates for members of the Board of Governors of the RTV FBiH.¹⁷ According to this law, members of the Board of Governors of the RTV FBiH are appointed by the Appointments Commission of the Federation Parliament, which sends the list of candidates to both houses of Parliament for approval.

In order to enable society to have a say in their output and operations, public broadcasters are bound to establish Programme Councils, which should include representatives of all ethnic groups and both genders, the non-governmental sector, intellectuals, representatives of chambers of commerce, etc. The Programme Councils are meant to serve as an advisory body, but they are not fulfilling this role.

In the Public Broadcasting Service of Bosnia and Herzegovina, the members of the Programme Council are appointed by the Board of Governors instead of the state parliament. The Programme Council of RTV BiH has so far made no input at all into the programme. Unlike the RTV FBiH, which still does not

15 Law on the Public Broadcasting Service of Bosnia and Herzegovina, 2005, <http://www.mkt.gov.ba/bos/dokumenti/zakoni/?id=275>

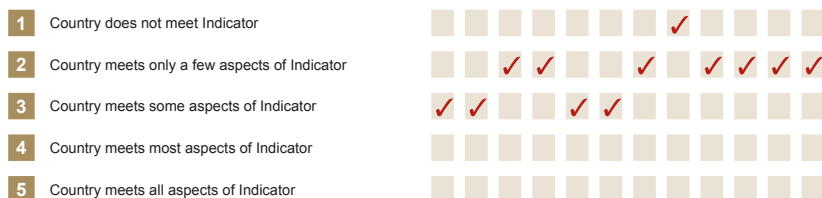
16 Law on Public Broadcasting Service of Republika Srpska, 2006, http://lat.rtrs.tv/rtrs/zakon_rtrs.php

17 Law on Public Broadcasting Service of Federation B-H, 2008, http://www.rtvfbih.ba/loc/template.wbsp?wbf_id=206

have a programme council, the RTV of the Republika Srpska has a Programme Council, appointed by the National Assembly of the Republika Srpska, whose structure reflects the ethnic structure of the population of this entity, and which meets once every two months. However, after initial enthusiasm it soon became evident that there is no desire to make any changes since council members feel they can do nothing because their recommendations are not accepted by the management, which “does all in its power to marginalise the role of the Programme Council”. Also, members of the Programme Council receive no remuneration for their work and are expected to be motivated purely by enthusiasm.

Scores:

Individual scores:



Average score:

2,3

3.5. Office bearers with the state and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

According to the legislation the following groups of people and individuals cannot be nominated for membership of the Boards of Governors:

1. Officials in legislative, executive and judicial structures, at any level of government;
2. Members of political party machineries;
3. Employees of PBS BiH, RTV FBiH and RT RS;

4. Employees in other companies carrying out activities in radio or television broadcasting, members of their governing and supervisory bodies, or persons that are in businesses that may cause a conflict of interest.¹⁸

All of these exceptions notwithstanding, no member can be elected if he or she lacks political support.

Scores:

Individual scores:

1	Country does not meet Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country meets only a few aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of Indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of Indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1,8

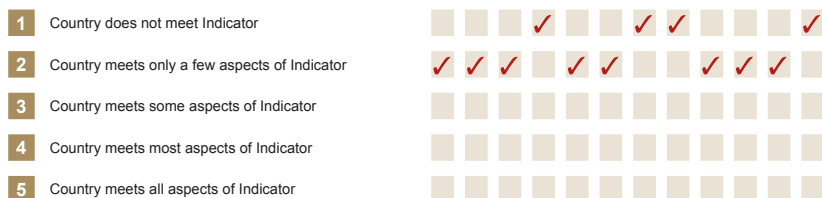
3.6. The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised.

The editorial independence of public broadcasting services in Bosnia and Herzegovina from political influence is guaranteed by law, but not upheld in practice. The broadcasting stations of the different entities are controlled by political elites. At Radio-Television of the Republika Srpska opposition representatives, as well as all critics of the government in general, are not adequately covered in information programmes, and it often happens that, although there are no editorial reports about specific events, government reactions to such events are reported.

18 Law on Public Broadcasting System B-H, 2005, <http://www.slist.ba/Aktuelno/Broj%2078/broj78.htm>

Scores:

Individual scores:



Average score:

1,7

3.7. The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

Public broadcasting services in Bosnia and Herzegovina are funded by the Radio Television (RTV) tax of Bosnia-Herzegovina Convertible Marka (BAM) 7.15 (Euro 3.63), which should be paid by all citizens who own TV receivers, as well as by commercial activities and allocations from state budgets earmarked for specific projects. The RTV tax in the neighbouring countries is significantly higher. Besides, in other countries only one public broadcaster is funded by this tax, not three of them. The collection rate of the RTV tax, which is collected by phone companies as part of the phone bills, has never reached the pre-war level of above 90 per cent. On average, it is between 60 and 70 per cent. In the area with a majority Croatian population the rate has never gone beyond 26 per cent. The refusal to pay the RTV tax is related to repeated demands by Croatian parties in Bosnia and Herzegovina for a public broadcasting channel in the Croatian language. According to the Law, the formula for the allocation of the tax revenue should be 50 per cent for RTV BiH and 25 per cent each for the two entity broadcasters. The same formula should be applied in the allocation of collected advertising revenues.

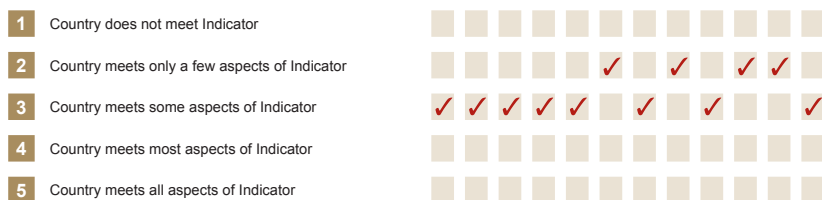
In spite of the economic crisis, as one panel member said, the RTV of the Federation of BiH is recording a consistently high profit of BAM 12 million (6 million Euro) a year, which it keeps all to itself, whereas the advertising revenues of the two other broadcasters are much smaller. Advertising revenue is allocated to certain broadcasters based on political decisions since the directors of public

enterprises, including two out of the three telecom operators in BiH, are also appointed by governments.

Public broadcasting services are, with the exception of the RTV of the Republika Srpska, burdened by millions in debts originating mostly from the period when there was no organised approach to RTV tax collection. One of the panel members pointed out that individual public broadcasting services spend more than they earn although they can, in addition to the RTV tax and advertising revenue, get grants from state budgets.

Scores:

Individual scores:



Average score:

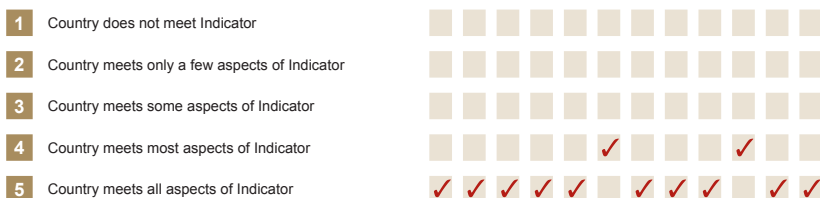
2,7

3.8. The state/public broadcaster is technically accessible in the entire country.

The signals of Radio-Television of Bosnia and Herzegovina cover 94 per cent of the country. The signals of RTV of the Federation of BiH reach 67 per cent, and those of Radio-Television of the Republika Srpska 56 per cent of the territory. The public broadcasting service at the state level is obliged to ensure full national coverage of its signal.

Scores:

Individual scores:



Average score:

4,8

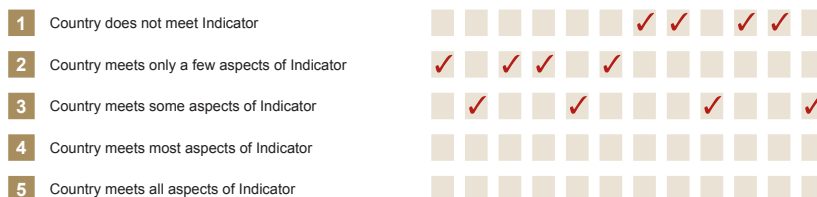
3.9. The state/public broadcaster offers diverse programming formats for all interests.

Public broadcasting services in Bosnia and Herzegovina suffer from the absence of professionalism, uncertainty as to the very purpose of their existence, lack of financial resources, political interference with editorial decisions, and lack of public awareness about the specific role to be played by public broadcasting services.

The offerings of the public broadcasting services differ very little from those of their commercial counterparts. Public broadcasting services in Bosnia and Herzegovina do not offer balanced and objective information in their news and information programmes. Examples of violation of human rights, particularly the right to work, are insufficiently represented. There are hardly any children's and educational programmes, or programmes that foster human rights. Public broadcasting services have become commercialised and offer a large share of cheap and entertainment driven formats of questionable quality. There are also hardly any programmes for minorities, or programmes which would promote common values of all the peoples of Bosnia and Herzegovina, something sorely needed in the process of stabilising the country and achieving post-war reconciliation.

Scores:

Individual scores:



Average score:

2,0

3.10. The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

With the occasional exception of RTV BiH, panellists felt it would be cynical to speak of any balanced approach in regard to the public broadcasters. There is no balance or fairness either in news or any other programmes.

RTV BiH offers somewhat more balanced information than the entity broadcasters. It tries to reconcile all three political sides by emphasising the smallest common denominators.

Radio Television of the Republika Srpska is a “forum for the single-minded” – those from the ruling Party of Independent Social Democrats. People who disagree with the party’s policies are not only denied access to programmes, but have sometimes been exposed to a kind of “public lynching”. The situation is similar in the case of the Radio television of the Federation of Bosnia and Herzegovina where the ruling party in the Federation also clearly intends to place the public broadcasting service under its total control.

Other parties, particularly those representing Croats, often complain about the insufficient representation of views and opinions of Croats as one of the three constituent peoples in the programmes of the public broadcasting services. That is why requests are continually raised to establish a Croatian public broadcasting service, i.e. one in the Croatian language.

In comparison to public broadcasting services, some commercial TV services offer a higher degree of balance in their news and information programmes.

Scores:

Individual scores:

[illegible]

Average score:

1.7







































































3.11. The state/public broadcaster offers as much diverse and creative local content as economically achievable.

There is no adequate monitoring system of all three services which would show to what extent the public broadcasters comply with their legal obligation with respect to the relative percentages of educational programmes, documentaries, programmes for children, cultural programmes, programmes for minorities, as well as to their obligation to purchase material produced by independent national production companies.

Thus public broadcasting services often neglect their legal obligation to inform, educate and entertain the public, primarily as a result of their struggle for financial survival. They compete with their commercial counterparts for advertising revenue by churning out entertainment content of dubious quality. Generally speaking, the content is neither creative nor diverse.

Scores:

Individual scores:

1	Country does not meet Indicator														
2	Country meets only a few aspects of Indicator														
3	Country meets some aspects of Indicator														
4	Country meets most aspects of Indicator														
5	Country meets all aspects of Indicator														

Average score:

1,9

Average score for Sector 2:

2,2

SECTOR 4:

The media practise high levels of professional standards

The media practise high levels of professional standards

4.1. The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

The print media in Bosnia and Herzegovina have established a system of self-regulation. Self-regulation is a new concept in BiH and it was very difficult for it to take hold. The Press Council of BiH as a self-regulation body was set up in 2000, after six separate associations of journalists had agreed on the text of a Press Code.¹⁹ The Code is a very good and precise one, on par with other European countries where freedom of expression is widely exercised. The Press Code “is intended as the foundation of a system of self-regulation that shall be considered morally binding on reporters, editors and owners and publishers of newspapers and periodicals” (preamble). Efforts are constantly made to improve the Press Code and render it more precise. At annual sessions of assemblies of self-regulation bodies of European countries, press codes are analysed and lessons learned for BiH. In 2011 the Code was updated to incorporate provisions pertaining to internet media. Amendments of the Code are conducted in a very transparent way. Proposed changes are first submitted to the Board of Directors of the Press Council and then to the editors of the media and associations of journalists.

During the first five years of its existence the Press Council did not achieve much. It was mostly approached by politicians who have no understanding of freedom of expression and expected the Council and its Appeal Committee, which deals with complaints and makes decisions, to sanction journalists who had “mentioned” them. The change in the public attitude towards the Press Council occurred in 2005 and 2006, and has become even more apparent over the past three years. Citizens now turn to the Council on a daily basis. The procedure requires that complaints must be addressed to the editor of the media outlet that published the information, as well as to the Press Council. Unlike the situation in the first few years, most media now respond to the inquiries from the Press Council based on such complaints by citizens.

Members of the Appeal Committee include editors, journalists, attorneys of law, judges and intellectuals. They are proposed by the members of the Press Council's Board of Directors and elected by consensus, with the Assembly of

¹⁹ Press Code, 1999, http://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9&lang=bs

the Press Council confirming their selection. Candidates for membership of the Press Council Appeal Committee may not be members of any political party.²⁰ They must be persons who are respected professionals and citizens, and have an understanding of the standards of journalism. In the selection process, due care is also taken of ensuring ethnic and gender representation. As one of the panel members put it, recent compliance with the decisions of the Appeal Committee has significantly clearly improved. In a large number of cases the print media publish corrections, denials and decisions of the Appeal Committee. If they fail to do so, the content of the Appeal Committee decisions is available on the website of the Press Council of BiH.

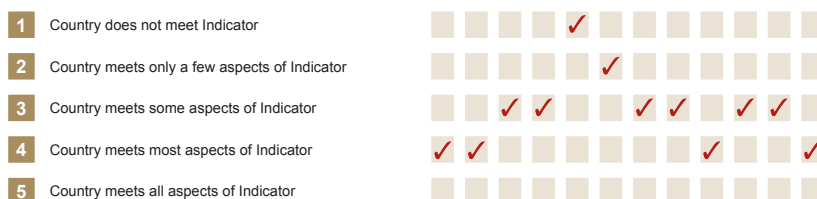
The Press Council offers training programmes for journalists and judges on the implementation of the Law on Protection against Defamation and the Law on Free Access to Information.

The Press Council of BiH receives no money from the state.

In the view of the panel, it is very important that the Press Council has agreed to regulate news portals. The Press Council has started a campaign called “You are not invisible”, which will involve law enforcement agencies in Bosnia and Herzegovina, non-governmental organisations and journalists. The aim is to prevent and, where necessary, punish the occurrence of more and more virulent hate speech in the new media. However, the issue of regulation of social networks, such as Twitter and Facebook, remains a challenge.

Scores:

Individual scores:



Average score:

3,1

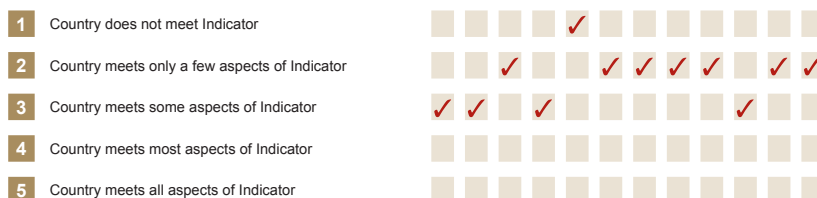
20 Statute of the Press Council, http://www.vzs.ba/index.php?option=com_content&view=article&id=418&Itemid=7%E2%8C%A9=bs1

4.2. The standard of reporting follows the basic principles of accuracy and fairness.

Print media often publish incomplete, one-sided information, where the core of an event that is reported is often completely lost. This might be due to editorial policy, but also the low level of knowledge among journalists. The main problem is a selective approach with a bias towards specific political opinions, which leads to the suppression of certain information or the non-coverage of events. “If I want to know who thinks what, I read the papers. If I want to get the news, I go to [internet news] portals”, said one panellist. Media often feature “artificially assembled stories” and “campaigns against individuals” that go on for a few days and then nothing happens – there are no consequences and no reactions either on the part of the public or from the law enforcement agencies. According to research conducted by the Media Plan Institute, 65 per cent of the stories run by news agencies and newspapers have a single source. When it comes to information programmes of broadcast media, the situation is slightly better, but the sources of information are still one-sided, and the opinion of the other side is not presented. On numerous occasions certain media feature invented stories based on lies: they create and write up scandals for the purpose of ruining people’s reputation or initiating a hunt on them.

Scores:

Individual scores:



Average score:

2,3

4.3. The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

In the dailies with the largest circulation in Bosnia and Herzegovina, the most popular topics of coverage are entertainment, sports and internal politics. “The measure of successfulness of a newspaper is the number of obituaries published in it”, one of the panellists quoted the owner of the newspaper with the largest circulation. More and more sensational reporting attracts the public and thus opens doors for more advertising, and this increases publishers’ profits. Thus there has been a shift in media towards commercialised content. The internet wipes out language and all other barriers, which in turn encourages consumerism.

Media are not sufficiently covering information on the business relationship between the state and society. It is the duty of media outlets to provide accurate information, and take responsibility for issues of common interest, ranging from security to health, environmental protection to economy. “It is high time for media to start perceiving their relationship with the economic sector as an interdependent rather than opposing one”, said one of the panel members.

“You only need to look at the way some newspapers and news rooms are structured. For example, only two journalists will monitor what is going on in the cultural sector, while many more are following crime stories”, said one panellist. In-depth analysis of events and issues is missing because journalists “who have to write three stories a day simply do not have the time”. Neither do they have the knowledge: “There is universal ignorance. Journalists don’t know what questions to ask”.

Little attention and resources are given to serious investigative journalism. It is very rare for freelancers or members of non-governmental organisations to be hired for investigative articles, as is the practice in developed countries. The situation has worsened since donations from international organisations for investigative journalism have dried up. Now only a few media houses can afford to engage in investigative journalism.

In spite of all this, there are a number of examples of good investigative stories, especially on corruption, so much so that the public thinks “corruption is fought by the papers rather than prosecutors or the police”.

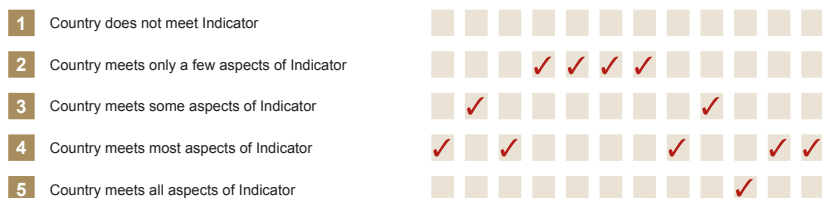
Citizens are increasingly approaching the media with information on alleged corrupt practices. This willingness, however, can be dangerous as “every source has its own interest” and stories on corruption are too often politicised: papers report on scandals happening on the “other side of the political divide” but do not “wash their own dirty linen”.

Unfortunately, exposure of corruption in the media is generally not followed up by appropriate action from the justice system, so that the actors in criminal affairs remain not only unpunished, but continue to stay on in their positions or offices.

All in all, however, there was consensus that “the media represent the better part of our society”.

Scores:

Individual scores:



Average score:

3,3

4.4. Equal opportunities regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Estimates say that 10 per cent of the workforce in the media in Bosnia and Herzegovina are women and 90 per cent men.

One of the exceptions is a public broadcasting service where 67 per cent of those employed are women. However, out of total number of 14 managerial positions, only one is occupied by a woman.

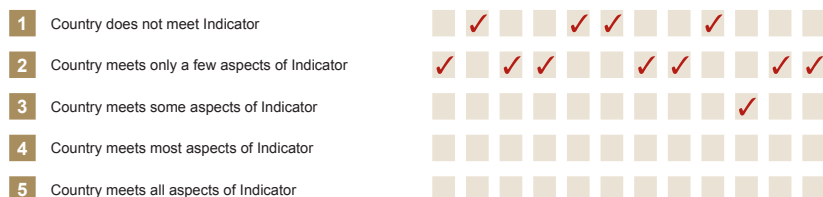
Television stations hire students as news anchors because the main criterion for selection is good looks.

There is no equal treatment of these groups in media. In addition, journalists have not received formal education that would prepare them for reporting on marginalised groups. Marginalised groups such as Roma have no equal opportunities: “all minorities are excommunicated because they do not bring in money”.

With a view to encouraging reporting, an award for professional reporting on marginalised groups has been established in Bosnia and Herzegovina.

Scores:

Individual scores:



Average score:

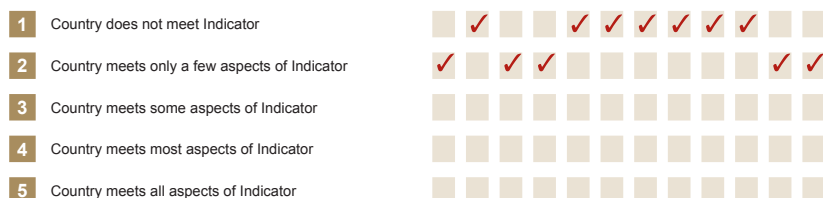
1,8

4.5. Journalists and editors do not practise self-censorship.

Self-censorship is practised widely. Many journalists are very careful when writing about ruling parties or the political elite. Self-censorship is particularly prevalent in the private media, where the interests of the owner and advertisers must also be taken into account. Journalists want to keep their “head, job and connections”.

Scores:

Individual scores:



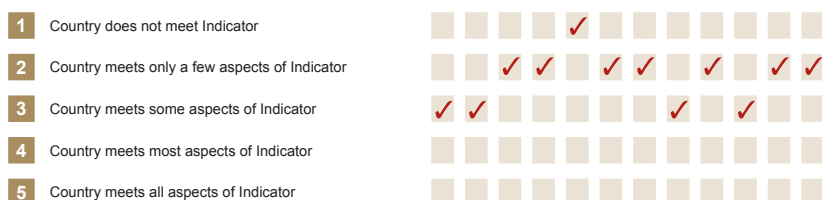
Average score:

1,4

A system of employing members or relatives has developed, and you can get in only if you agree to keep silent about it. Media cannot remain outside of that system and they cannot be seen to be keeping outside of it.

Scores:

Individual scores:



Average score:

2,3

4.8. Salary levels and general working conditions for journalists and other media practitioners are adequate.

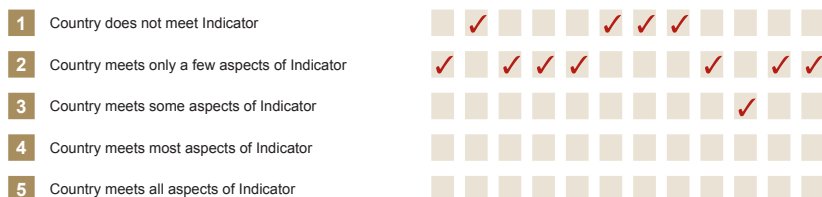
Bosnia and Hercegovina has continuously failed to comply with Resolution 1636 (2008) of the Council of Europe Parliamentary Assembly, which stipulates that “journalists should have adequate working contracts with sufficient social protection, so as not to compromise their impartiality and independence”.²¹ The social and labour law-related status of journalists and the state of media freedom are very closely linked. Exploited and poorly paid journalists, who are afraid of being sacked, cannot be truly free and motivated to adhere to professional standards in their daily work.

According to research commissioned by journalists' associations, journalists are paid low or insufficient wages for the job they are doing, especially in view of their working hours and level of education. Quite a number of media employees work for periods of over five years without any contract, health insurance or employer's contribution to a pension or disability fund.

21 Council of Europe Parliamentary Assembly, Resolution 1636, 2008

Scores:

Individual scores:



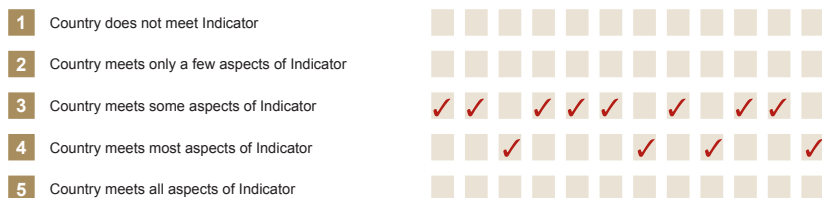
Average score: 1,8

4.9. Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

There is adequate access to various forms of training in the country or abroad, but there is often not enough interest in such courses. The majority of journalists and editors do not want to attend new forms of training although such programmes are available. Non-governmental organisations also offer courses in specific areas, such as reporting on minority rights, rights of marginalised groups or gender equality. However, editors often do not allow their journalists to attend these workshops because they do not want them to be absent from work. There is also sometimes an ignorant and belittling attitude towards such forms of education or topics covered.

Scores:

Individual scores:



Average score: 3,3

Developments over the last few years and the Way Forward

Negative developments

1. Division along ethnic lines amongst the public in general and the media in particulars;
2. Entity division between public broadcasting services and political leaders in these entities;
3. Increased direct interference of governments in editorial decisions of the public broadcasting services;
4. The use of public broadcasting services of the Federation of Bosnia and Herzegovina and the Republika Srpska as a propaganda tool of ruling parties;
5. Payments from the budget in the Republika Srpska made to pro-government oriented media;
6. Increased pressure on the freedom of expression and professional journalists by politicians and religious leaders;
7. Strong influence of religious institutions on reporting in some media;
8. Abuse of newspapers for election and other political activities of their owners;
9. Resurgence of hate speech and violent language in some media;
10. Media attacks on individuals;
11. Loss of public trust in the media;
12. Intimidation of journalists by politicians and advertisers and increased self-censorship for fear of losing their jobs;
13. Lack of solidarity among journalists;

14. Poor working conditions and low salaries for media workers;
15. The prevention of Journalism organising in trade unions of media employees;
16. A decrease in the circulation of print media;
17. Neglect of marginalised groups in the media.

Positive developments

1. Increasing impact of online media and social networks;
2. Stronger presence of civil society in the media;
3. Effective work of the Press Council and now accepted practice of self-regulation and publication of corrections in most print media;
4. Efforts among established news portals to improve their professional standards and accept self-regulation;
5. Better understanding of media freedom on the part of the judiciary and thus fewer court decisions on defamation in the media, thanks to the mediation efforts of the Press Council;
6. Introduction of gender sensitive language in the media and more careful reporting on children and victims of crime;
7. Positive influence on the manner of reporting on women, domestic violence and other topics of social importance amongst the non-governmental sector.

The Way Forward

Reconciliation

1. Continue media campaign against hate speech;
2. Encourage the media to play a more prominent role in the process of reconciliation.

Strengthen journalistic profession

1. Improve solidarity among journalists;
2. Support associations and trade unions of journalists so that political powers respect them as partners;
3. Strengthen the protection of journalists against ethnic and political pressure;
4. Raise gender awareness;
5. Amend the Penal Code with the aim of making attacks on journalists a criminal offence, with the definition ranging from actual attack, to threat or to the prevention of a journalist from completing his or her professional assignments.

Self-regulation of media

1. Promote codes of professional standards further to weed out hate speech in the media;
2. Adopt internal codes of conduct in media houses to improve standards of professional journalism;
3. Encourage internet news portals to participate in the process of self-regulation by joining the Press Council and accepting its code of conduct.

Public broadcasting services

1. Review legislation for public broadcasting services and establish the Corporation of the Public Radio Television Services of Bosnia and Herzegovina;

2. Ensure that the public broadcasting services fulfil their mission of providing accurate, unbiased and fair information to the public;
3. Set up a monitoring system for public broadcasting services to report regularly on their performance.

Access to information

1. Improve the law on freedom of access to information.

Corruption

1. Continue the campaign against corruption in society in general and the media in particular;
2. Intensify cooperation between the media and non-governmental organisations in this area.

Panel Members

Name	Affiliation
Mr. Srđan Blagovčanin	anti-corruption campaigner
Mr. Faruk Borić	editor-in-chief of political magazine
Mr. Darko Brkan	civil society activist
Ms. Dragana Dardić	human rights activist
Mr. Duljko Hasić	economic expert
Mr. Mile Lasić	political scientist, Doctor of social sciences
Ms. Milkica Milojević	journalist
Mr. Srđan Puhalo	psychologist and researcher
Mr. Goran Stanković	trade unionist
Mr. Radenko Udovičić	media expert and researcher
Ms. Radmila Žigić	non-governmental activist
Ms. Ljiljana Zurovac	media regulation activist

Rapporteur:

Ms. Duška Jurišić

Moderator:

Ms. Nataša Tešanović

The panel meeting took place at Mt. Vlašić, Bosnia and Herzegovina, from 23 to 25 September 2011.

Note:

[illegible]

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Note:

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