

# BALKAN MEDIA BAROMETER

An analysis of the media landscape  
in Bosnia and Herzegovina



**BALKANSKI  
MEDIJSKI  
BAROMETAR**

**BOSNIA AND HERZEGOVINA 2014.**

BALKAN MEDIA BAROMETER  
BOSNIA AND HERZEGOVINA 2014

Edited by Nataša Tešanović

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Tel.: +387 (0)33 722-010  
E-mail: fes@fes.ba  
www.fes.ba  
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**Edited by:** Nataša Tešanović  
**Responsible:** Judith Illerhues  
**Rapporteur:** Duška Jurišić  
**Translation:** Senada Kreso  
**Proofreading:** Zinaida Lakić  
Colleen London and Gina Landor  
**Reviewers:** Milkica Milojević and Srđan Blagovčanin  
**DTP:** Filip Andronik

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BOSNIA AND HERZEGOVINA 2014**

**FRIEDRICH  
EBERT   
STIFTUNG**

Sarajevo, 2014



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# Introduction

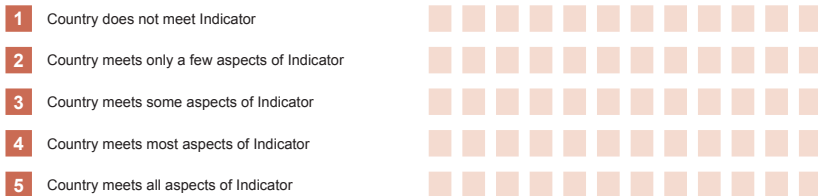
The Media Barometers facilitated by the Friedrich Ebert Stiftung (FES) are self-assessment instruments to gauge the status of freedom of expression and of the media in a national context. Such assessments have been undertaken in various countries in Africa since 2004 and in Asia from 2009.

In September 2011, the Balkan Media Barometer (BMB) was initiated in Bosnia and Herzegovina, as a pilot project for Southeast Europe and the rest of the continent. In 2014, the second Balkan Media Barometer was developed for BiH, given that the original plan – as envisaged in the basic concept – was to repeat this panel discussion every two to three years. The same was done in other parts of the world so that development of the situation could be observed with the passage of time.

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 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 women's 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:



The Barometer is not meant to be merely an exercise in data collection but also to provide a lobbying instrument to promote the debate on political 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 does not only compile and present 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.



## Summary

Three years after the publishing of the first Balkan Media Barometer for Bosnia and Herzegovina, the country still lags behind most European countries in all relevant indicators, i.e. political, economic, social, and particularly in those indicators related to the fulfilment of conditions for its accession to the European Union. According to the preliminary results of the October 2013 Population Census, the population of Bosnia and Herzegovina amounts to 3,791,662, of which 2,371,603 are in the Federation of BiH, 1,326,991 in Republika Srpska, and 93,028 in Brčko District. Compared to the 1991 Census, the results of which are still used as the basis for the establishment of the bodies of authority, Bosnia and Herzegovina has recorded a population decline that amounts to more than 500,000.

The country's Constitution is an integral part of the Dayton Peace Agreement and its numerous annexes that regulate the issues of regional stabilisation, inter-entity boundary, elections, establishment of public companies, information, human rights, etc. According to the Dayton Constitution, the entities of BiH have the competence within their territories over matters of security, taxation policy, legislation, economy, healthcare, education and culture, while some competences are brought down to the so-called cantonal level. Foreign policy is up to the three-member rotating Presidency of BiH, which appoints the Chair of the Council of Ministers of BiH, upon prior endorsement of the Parliamentary Assembly of BiH consisting of two houses: the House of Representatives and the House of Peoples. The House of Peoples has the power of veto over any law adopted in the House of Representatives if the majority of Bosniak, Serb, or Croat delegates concludes that the law in question threatens their vital national interest. In case there is no agreement, a final decision is taken by the Constitutional Court of BiH.

However, above all these bodies of authority there is still the Office of the High Representative (OHR) for BiH with the so-called Bonn powers, due to which the Constitution of Republika Srpska and that of the Federation of BiH have been amended several times, along with other pieces of legislation. OHR also has pronounced judgments, prohibited the involvement in politics of certain representatives, and ousted political officials in various bodies. The truth is, in the last several years we have observed that the OHR has resorted to the Bonn powers much more rarely than earlier.

The international presence in Bosnia and Herzegovina has secured, at least on paper, the rule of law in relation to its media landscape. The Constitution of BiH directly incorporates Article 10 of the European Convention on Human Rights that guarantees the freedom of expression, while BiH was among the first countries of Southeast Europe to adopt an Anti-defamation Law and the Law on Freedom of Access to Information.

To have a full legal framework in Bosnia and Herzegovina it is also necessary to adopt legislation on transparency and on concentration of media ownership and advertising, as well as to harmonise the existing entity legislation on defamation and on the freedom of access to information with that at the state level. The Law on Public Broadcasting Services is not fully implemented, the situation being further complicated by the fact that legislative political bodies select management boards of Public Broadcasting Services and of the Regulatory Communications Agency of BiH on the basis of political, rather than professional criteria. The freedom of expression is limited in practice and through numerous forms of pressure exerted on journalists, including death threats. Journalists' phones are bugged and the number of court rulings against journalists and the media for defamation is constantly on the rise. Cases of pressure of media owners on journalists and limitations imposed on their right to critically report on political and economic centres of power are not rare.

On the other hand, journalists in Bosnia and Herzegovina cannot be sentenced to imprisonment for defamation and there are no bans on the operation of portals and blogs, which is considered positive. However, there are cases of abuse of the freedom of expression on the Internet as well as a growing demand to introduce more regulation in these media platforms.

There are no estimates on the extent to which citizens use their rights stipulated in the laws on the freedom of access to information. In most cases, it is NGOs, journalists and the media, and, to a lesser extent, citizens, who address governmental institutions with requests for access to information, wherein they often face delays in getting information or receive incomplete, i.e., selected information and unclear explanations about alleged secrecy. The 2005 Law on Protection of Secret Data of Bosnia and Herzegovina was drafted in line with European standards and adopted with the support of the European Commission. This law, however, does not provide an opportunity to fulfil requests pursuant to the legislation on the freedom of access to information, while, at the same time, it includes neither appellate procedure, nor judicial or administrative procedure.

Efforts on the improvement of media freedoms in Bosnia and Herzegovina does not involve a sufficient number of participants: among 12 NGOs which deal with the media, and six journalist associations, only a few are consistently and continuously active in the protection and promotion of journalism freedoms.

A similar disproportion is noticeable in the number and the quality of media outlets. Citizens of BiH have access to numerous foreign TV channels, along with 44 domestic ones, 140 radio stations, four news agencies, nine privately owned daily newspapers, over 104 periodical magazine and 80 *online* media.

The issue of transparency of media ownership and media concentration is not regulated, which, along with a poor economy and close ties between political and economic centers of power with some media outlets, contributes significantly to the erosion of the quality of information and to the suffocation of investigative journalism, as well as to cases of self-censorship.

Governments in Bosnia and Herzegovina allocate budgetary funds to public and private media alike. The procedure for allocation of public money is often non-transparent; money goes to the “apt” media, while grants are not structured as to facilitate and support specific projects, such as children’s, documentary and educational programmes.

Domestic media produce very few programmes dedicated to minorities and to members of constituent peoples living in areas where they are in a minority; religious programmes are insufficient and often trivialised, while the presence of women in the media depends exclusively on the number of women active in public and, primarily, political life. So-called gender-sensitive language in the media is not sufficiently present, while public services do not pay sufficient attention to a balanced representation of languages of the three constituent peoples.

The public broadcasting system, consisting of three public services, is complicated and non-sustainable. This is due to a low collection of RTV tax, particularly in the Federation of BiH, where a majority of Bosnian-Herzegovinian Croats, dissatisfied with the editorial policy of their public broadcaster, refuse to fulfil this legal obligation. On the other hand, due to the absence of legislation that would impose the collection of this tax as mandatory, some public broadcasters have become greatly commercialised. Neither marketing revenue, nor revenue from RTV tax, are distributed through a joint bank account, since a Public Corporation of Broadcasting Services has never been formed although it is an obligation defined in the relevant law. So, while political leaders of BiH Croats persistently demand the introduction of a third public broadcasting channel, this one in the Croatian language, the debt of BHRT and the RTV of the Federation of Bosnia and Herzegovina to the state is growing, while the ruling party’s political control over the Public Broadcasting Service of Republika Srpska is as strong as ever.

In both entities, political structures have strong hold over the selection of members of managerial bodies of their Public Broadcasting Services and of the Regulatory Communications Agency. This regulatory body, which in the first years of its existence recorded significant results in terms of establishment and observance of technical and programme-related standards in the broadcasting sector, is faced with the situation wherein for seven years now it has an acting director with only a technical mandate, so that its effectiveness is visibly reduced. It needs to be noted that the Agency has failed to sanction some media outlets for their serious errors, such as the use of language that instigates or promotes hatred. All these developments

together contribute to the inflation of so-called irresponsible journalism both in printed and in *online* media.

On the other hand, the number of cases of successful self-regulation is on the increase. According to the data of the Press Council, the number of citizens who opt for filing complaints to this body relating to the articles in some print *online* media is growing, with 63% of complaints being solved through self-regulation. The Press Council is actively engaged on the initiative to create a register of *online* media; one idea is that the condition for launching a web portal is the production of more than 75% of the portal's own content.

There is a question as to what extent it will contribute to the increase of the quantity of information covering local communities, culture, education, as well as serious investigative stories on negative phenomena, such as corruption, nepotism, economic and regional themes, yet not exclusively in a negative context. The prevailing opinion in the media and academic community is that it is easier to "sell" to the public the stories about crimes, scandals, and tabloid headlines on celebrities and politicians. Media owners thus avoid making individual political sponsors angry, while journalists, struggling for their mere existence, greatly underpaid, and unwilling to show a greater mutual solidarity, tend to resort to "lighter stories" and self-censorship.

This self-censorship is identified as one of the greatest threats for free journalism in Bosnia and Herzegovina. It can be found in private media because they fear that they would lose their revenue from advertisements, but also in public media, due to their fear of losing positions, and because they want to show loyalty to their local communities, as well as to their political and family "connections". On the other hand, one of the major sources of marketing revenue is the state itself; through public companies, it keeps many media outlets in financial dependency. Journalists themselves are often victims of their own opportunism, editorial pressures, and the lack of internal codes of practice and ethics that would regulate relations between media owners and journalists. Only 16% of media outlets have established trade unions, and we see more and more court cases where media employees are trying to solve their problems of unpaid salaries. Despite this, employees in the media require further education about the benefits from trade union organisation, i.e. about their labour-related rights.

The participants in the panel share the view that the adoption of new laws, and harmonisation of existing laws, efficient implementation of all media-related laws, improvement of economic status of journalists and the media, better professional and trade union organisation, and greater solidarity among media employees, as well as cooperation with the NGO sector aimed at advancement of media freedoms and democratisation of society, are just a few of those steps which would, if taken, contribute to having media that could be not a mere reflection of the state of society, but rather contribute to their becoming a part of a better and more prosperous side.



# SECTOR 1:

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

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

Freedom of expression is guaranteed in the Constitution of Bosnia and Herzegovina, which directly incorporates the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Constitution stipulates that the rights and freedoms guaranteed by the European Convention shall be directly implemented in Bosnia and Herzegovina, consequently, the right to the freedom of expression.

Along with the regulation of the freedom of expression, in the state and entity legislation and policies relating to media regulation, it is necessary to have a Law on Public Broadcasting Services, support to the media industry, and freedom of access to information, an anti-defamation law, a copyright law and a law on the expansion and use of technologies.

To have a complete legal framework in Bosnia and Herzegovina, we need to adopt the Law on Transparency and Concentration of Media Ownership and the Law on Advertising.

In a country where 80 rulings of the supreme judicial body, i.e. the Constitutional Court of BiH, have not yet been enforced, the existence of any sort of legal framework does not mean much, while opinions about its quality are divided.

Although most of the legal acts aligned with European practice have been practically imposed by the international community, i.e. the Office of the High Representative, the majority of panellists consider that it is exceptionally important that these laws do exist.

Due to partial and selective application of some laws, and the fact that some legal provisions simply cannot be implemented, their revision and harmonisation is what is required now.

The Laws of Protection from Defamation and the Laws on the Freedom of Access to Information at the entity and state level are not fully harmonised. Their harmonisation is needed in the segments that relate to sanctions and the initiation of appeal procedure and harmonisation of judicial practice at the levels of the state, the entities and Brčko District.

We have a similar situation with the Law on the Freedom of Access to Information, which also requires harmonisation so that entity laws would provide what is provided in the law at the state level.

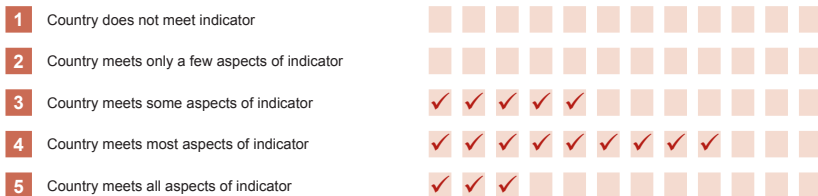
The Law does not regulate the relations between owners and journalists, which affects negatively the freedom of expression. An illustrative example of violation of freedom of expression in Bosnia and Herzegovina is the trial of the three individuals from Banja Luka who participated in protests for the protection of a park in that city.<sup>1</sup> Although they were exonerated in the second-instance proceedings, the very fact that they were prosecuted represents a defeat for the freedom of expression.

On the other hand, there are views that in Bosnia and Herzegovina it is often the case that laws are being passed, but not implemented, so that it is the laws that are “blamed” for the failure, instead of those whose duty it is to implement them. This is a wrong approach, since it is only in the process of the implementation of a law that we can detect its potential anomalies.

The assessment of some participants is that Bosnia and Herzegovina has only a part of the set of necessary laws. Media laws cannot possibly be assessed only on the basis of their existence. The issue of their implementability needs to be viewed in the context of a wider referential framework. The view shared by some participants in the panel is that if there is no adequate Law on the Election System, financing of political parties, and the Supreme Court of BiH, it is an illusion to talk about the quality of the Anti-Defamation Law and other laws that regulate the area of media.

In addition to this, media freedom is limited by the fact that management boards of public broadcasting services and the Regulatory Communications Agency of BiH are elected by the two parliaments, mainly on the basis of political, rather than professional criteria.

## Scores:



**Average score:**

**3,9**

1 <http://Individual scores.rtvbn.com/308906/Banjalucki-setaci-oborili-presudu>



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

Citizens and journalists cannot freely enjoy their right to freedom of expression. Of 45 cases reported in the last six months to the Helpline for Journalists of the BiH Journalists Association, two were death threats and over 20 were cases of political pressure.

On the other hand, journalists in Bosnia and Herzegovina cannot receive a prison sentence for defamation and there are no prohibitions of operation of portals or blogs, which is considered positive.

However, the phones of some journalists are intercepted and their activities on the Internet are followed. The Commission for Supervision of Security Agencies of the Parliamentary Assembly of BiH has not dealt with these cases, i.e. it has not examined whether these were lawful interceptions and whether there was following and publishing of content of the intercepted phone conversations.

One distinct form of pressure on the media at the beginning of 2014 consisted of judicial, prosecutorial and police requests for surrender of the footage taken during the protests in Sarajevo, Tuzla, Mostar, and Zenica. Given that a number of media outlets have surrendered their footage, the public began losing confidence. When the Press Council of BiH submitted a protest against the confiscation of footage, a woman judge who had made such a request to media outlets stated to the Council representative: “These are questions that are too serious to discuss with journalists.”

In the implementation of the freedom of expression, journalists are more courageous than the media they work for. Considerable limitation of freedom of some media has been noticed since they are exposed to demands made by politicians and owners as well as editors and managers. The media cannot freely criticise the authorities as long as they depend on their donations.

When it comes to citizens there is a dilemma as to whether they are waiting for someone else to react instead of them since they consider that it is how things work, or whether they live in fear of the consequences of a freely expressed view. Some participants think that citizens are too “lazy” and that they are not interested in moving to act.

One of the examples that corroborates the thesis on negative consequences is the example of “whistle-blowers”, i.e., individuals who speak out in public or report to competent governmental or non-governmental organisations cases of corruption or other forms of unlawful acts in institutions or companies. The position and

treatment of whistle-blowers illustrates the gravest of consequences, such as permanent or temporary loss of job, degradation, mobbing, etc. One of the participants in the exercise of development of Media Barometer said that a clear message is being sent to the whistle-blower: Do not do this (do not report corruption) since you'll pay the price. Every individual who has done it has paid the price.

There are no estimates on the degree to which citizens use their rights arising from the Law on Freedom of Access to Information. In most of the cases NGOs and journalists as well as citizens are those who address an institution requesting information. Some institutions, such as the City Administration of Banja Luka, are very diligent in responding to requests, but often formally, rather than in substance.

Freedom of expression on the Internet is unlimited, which leads to abuses. Some participants think that this area needs to be regulated and that abuses should be sanctioned by the Regulatory Communications Agency (RCA) of BiH, rather than leaving it to self-regulation. On the other hand, there are views that a virtual visitor to a forum is not a citizen since he/she does not share his/her view given that he/she is anonymous.

### Scores:

|   |   |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |
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Average score:

2,7

### 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

The Law on Protection of Secret Data of Bosnia and Herzegovina of 2005 was drafted pursuant to European standards and adopted with the support of the European Commission. This Law does not provide the opportunity to meet the requirements of the Laws on Access to Information, to prevent lodging appeals, as well as the requirements of judicial or administrative procedure.

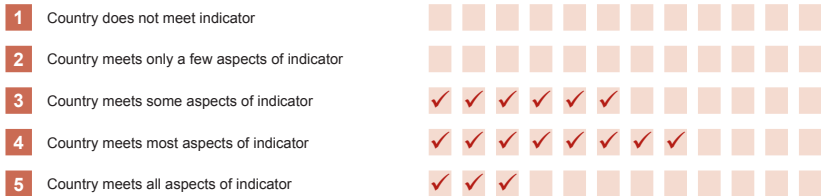
Secret data are those data the disclosure of which to unauthorised person, through public information media, organisations, institutions, or bodies of another state, may jeopardise the integrity of Bosnia and Herzegovina, particularly in the areas of:

- a) public security
- b) defence
- c) foreign affairs and interests
- d) intelligence and security interests of Bosnia and Herzegovina,
- e) communication and other systems of relevance for national interests, judiciary, projects and plans of relevance for defence and intelligence and security activities
- f) scientific, research, technological economic and financial affairs of relevance for the security of the functioning of Bosnia and Herzegovina, i.e. security structures at all levels of the state organisation of Bosnia and Herzegovina.<sup>2</sup>

Freedom of expression is limited by the Rulebook of the Court of BiH, which prevents the presence of journalists and the recording of parts of judicial proceedings or entire judicial proceedings. In line with this Rulebook, the Court of BiH decides which part or parts of judicial proceedings will be disclosed to the media. In a great many cases, the Court of BiH does not meet the requests of journalists to follow the hearings of parties to proceedings, witness hearings (excepting protected witnesses) and evidence of their choosing.

In addition to the aforementioned Law on Protection of Secret Data, there are practically no laws in Bosnia and Herzegovina that limit the freedom of expression, but access to some information, such as the property data of politicians and elected officials, is generally hindered.

**Rezultati:**



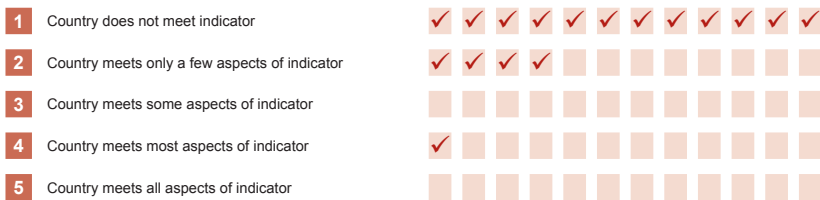
**Average score:** **3,8**

<sup>2</sup> Law on Protection of Secret Data of BiH, Art. 8, Official Gazette of BiH, Nos. 54/05 and 12/09.

## 1.4. Government makes every effort to honour regional and international instruments on freedom of expression and the media

Except for the formal incorporation of the European Convention as the highest European legal act related to rights and freedoms of citizens, the Constitution of Bosnia and Herzegovina, and legislation on access to information, decriminalisation of defamation and legal regulation of the sector of public broadcasting services, there are almost no efforts made by the authorities in Bosnia and Herzegovina to respect regional and international instruments related to the freedom of expression. Violations of European standards is evident in the attempts to take control through management boards of public broadcasting services and the proposed amendments of the Law on Communications of BiH, which reprints an attempt to introduce control over the Regulatory Communications Agency.

### Scores:



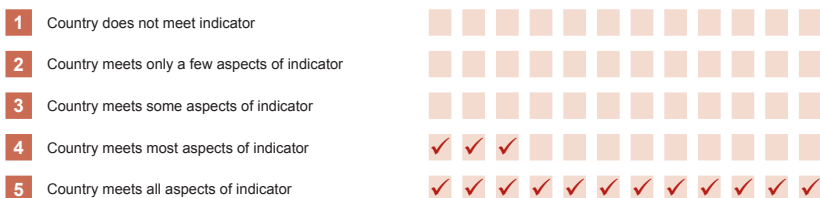
Average score:

1,4

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

Executive authorities do not issue licences for the launching of newspapers and other publications.

### Scores:

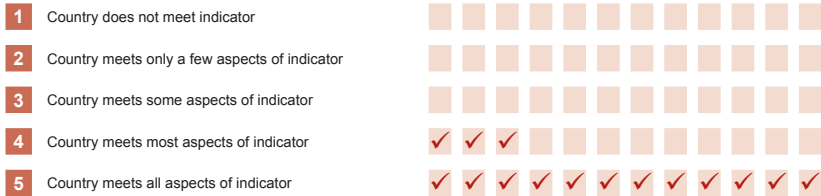


Average score: 4,8

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

Any person may start practicing the journalistic profession in Bosnia and Herzegovina. Some participants think that this is an unfortunate fact.

### Scores:

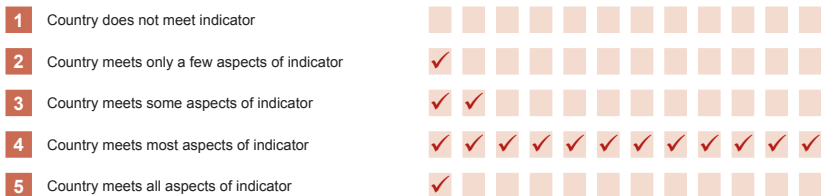


Average score: 4,9

## 1.7. Confidential sources of information are protected by law and/or the courts

According to the law, sources of information are protected, except in cases of serious criminal offences. In recent years, experiences are somewhat different from those of the previous period. There are instances of abuse, when on the pretext of need to conduct an investigation of individual suspects for terrorism, as was the case of the protests in several cities in February 2014, the disclosure of confidential sources was demanded.

### Scores:



Average score: 3,8

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

Although the legislation on freedom of access to information at the state and entity levels guarantees free access to information, it is not the case in practice. When it comes to accessibility of information to journalists and media, the assessment is not that negative, given that the most persistent ones, such as the Centre for Investigative Journalism (CIN), do get the information the institutions of authority try to hide.

“The most sensitive” information, which pursuant to the law should not be accessible to the public, requires time which most of the media outlets do not have. Most of the media do not have the necessary sections for investigative journalism due to high cost and lack of human resources; journalists are more likely to be in demand to cover daily events.

Based on the regulations on freedom of access to information in the United States of America, 95% of the requests submitted are by citizens and NGOs, and only 5% by journalists.

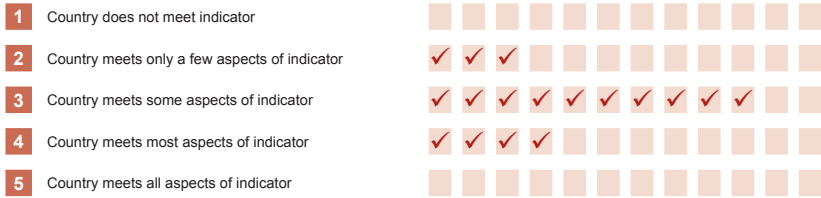
There is no country that practices ideal solutions, but in Bosnia and Herzegovina it takes a lot of time for ordinary citizens to get information requested pursuant to legal regulations. Due to lengthy procedures, with a maximum deadline of 15 days, and with practical impunity for those who duty it is to supply information, citizens often tend to give up.

A special problem is the fact that citizens are not sufficiently informed about their rights arising from legislation on access to information.

Citizens are often denied information about property ownership. Procedures of getting information from the cadastre are lengthy, and information is only accessible with great effort.

The authorities, in principle, very often provide information without major problems and delays if that information cannot cause them any harm. Banja Luka was proclaimed the most transparent city in Bosnia and Herzegovina on two occasions, since, as one panelist pointed out, its City Administration provided 95% of the requested information, but it did not disclose the most relevant and most delicate 5%.

### Scores:

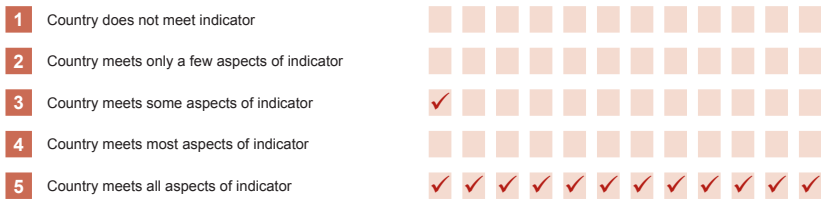


**Average score:** 3,1

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

The authorities in Bosnia and Herzegovina do not require the registration of web pages and blogs, however, this does not mean that the space of *online* media should not be regulated so that data on the name of the media, ownership structure, editor-in-chief and seat are not publicly available. Regulation in this area needs to be undertaken in such a manner that it does not jeopardise the freedom of the Internet and international standards.

### Scores:

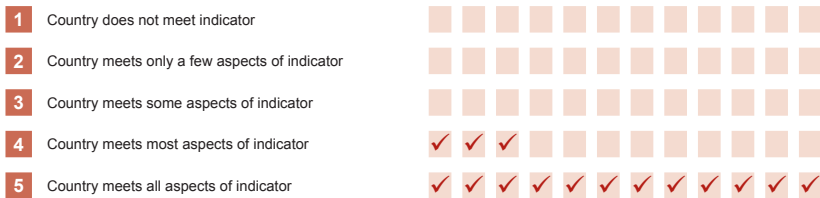


**Average score:** 4,9

## 1.10. The state does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society

So far, the authorities in Bosnia and Herzegovina have not shown a tendency to filter Internet contents, as is the case with Russia and Turkey, where operation is prohibited and contents are blocked to some portals, blogs and social networks.

### Scores:



Average score:

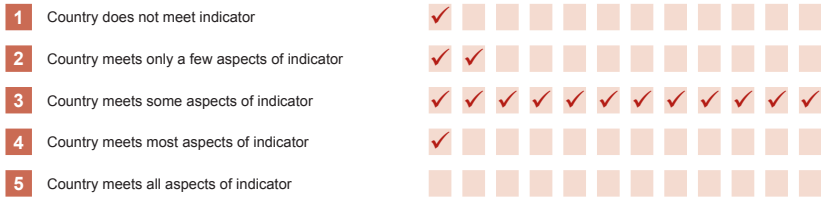
4,8

## 1.11. Civil society in general and media lobby groups actively advance the cause of media freedom

In Bosnia and Herzegovina there are six journalist associations, of which only one, the BH Journalists Association, has been continuously working on the improvement of media freedoms. Along with journalist associations, there are 12 NGOs that deal with the issues of media freedom, but they are not all sufficiently active, both in terms of their support to the media and journalists, and in terms of support when amendments to laws and legal procedures related to media freedom are initiated. With some exceptions, such as the amendments to the Law on Freedom of Access to Information, there have been almost no joint efforts to stop negative processes and to improve the situation in the media.



## Scores:



**Average score:** 2,8

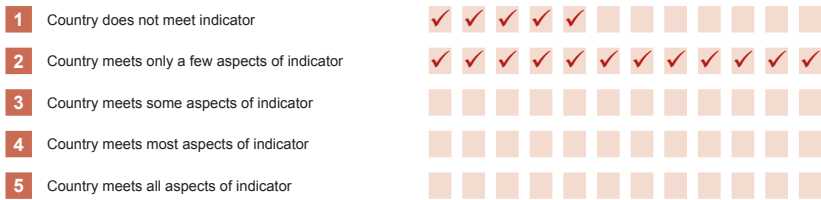
### 1.12. Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups

Legal proposals and amendments are mostly not available to the public, at least not in an adequate manner. Many important laws have been adopted without being noticed. One cannot speak about quality consultations, public debates and transparency of the work of legislative bodies in the process of adoption of regulations. The practice of consultation of the authorities with the civil sector on legal acts is almost non-existent.

“Partnership between the NGO sector and authorities does not exist, and the NGOs are treated as enemies”, one of the panelists observed.

However, a positive exception was mentioned: prevention to amend the Law on Freedom of Access to Information that, if adopted would have led to deterioration in this area, and this was primarily thanks to the debate that was initiated in the civil sector and the media.

## Scores:



**Average score:** 1,7

**Overall average score for sector 1:** 3,6

# SECTOR 2:

**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

In Bosnia and Herzegovina there are 44 TV stations, 140 radio stations, 4 news agencies, 9 private daily newspapers, and more than 100 periodical magazines and about 80 *online* media.<sup>3</sup>

Several new news agencies have recently been established, e.g. *Hrvatski medijski servis*, *Patrija*, and *Atrakcija*. It is indicative that these agencies were established before the General Elections in Bosnia and Herzegovina so one participant in the discussion expressed his suspicion that political parties are behind these agencies. However, that would not be a problem if sources of financing of these agencies were transparent.

The problem with this wide spectrum of the media in Bosnia and Herzegovina is that they are not all available to all citizens because of the poor financial situation. Unlike the wide spectrum of TV channels, we found that weekly magazines, and even a daily newspaper, are less and less the matter of choice of citizens due to their low living standard and savings that they are forced to make. The saying that “the bigger one’s TV set is, the smaller is his library” is more than valid. The packages offered by cable operators that enable the reception of programmes of a minimum of 50 channels is three times less costly than a monthly subscription to one daily newspaper. Poverty is the most important factor limiting accessibility. One third of the population of Bosnia and Herzegovina lives in poverty, while one third lives on the verge of poverty.

Accessibility of Internet in Bosnia and Herzegovina amounts to 62%, which means that access is provided to approximately 2 million citizens. An evident problem is IT literacy, but the fact is that children and young people, due to IT literacy, have better access to information they are interested in than do their parents, although the spectrum of interest is different.

### Scores:

|   |   |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
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| 2 | Country meets only a few 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"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 | Country meets some aspects of indicator       | <input checked="" type="checkbox"/> | <input checked="" 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"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 | Country meets most aspects of indicator       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" 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"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 | Country meets all aspects of indicator        | <input checked="" 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"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Average score:

4,0

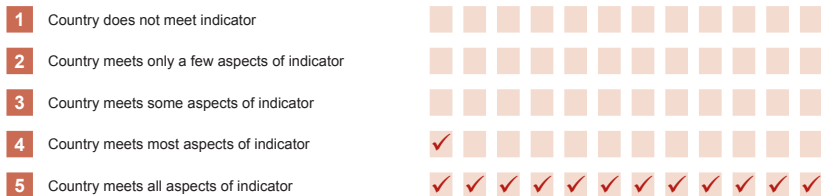
<sup>3</sup> Media Integrity Matters, Bosnia and Herzegovina, Sanela Hodžić, 2014, p. 129.

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

One might say that there is greater accessibility, i.e. availability of media to citizens in Bosnia and Herzegovina than in most other countries, including those that are economically much more developed, such as Germany. Nevertheless, there is the limitation in terms of domestic media sources that are not free, i.e. that are under the influence or control of certain political circles. Thus, a segment of those who use those media is limited and directed towards the information and events for which the political elites think that these need to be made available.

It is, however, a fact that nobody can prohibit citizens from reading, listening or watching what they wish so that free choice enables them to get the information they want.

### Rezultati:



**Average score:**

**4,9**

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

Measures for increase of circulation of printed media have not been taken in urban, let alone, in rural areas.

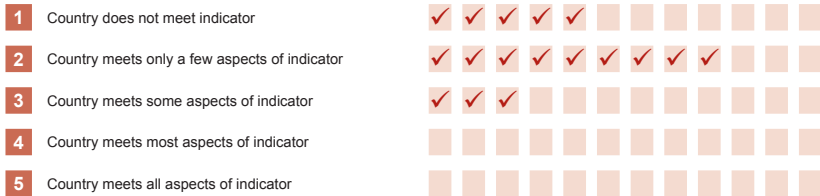
The fact is that the media are trying to increase their circulation, but they are doing it by publishing sensationalist stories and not stories of real public interest, both for the inhabitants of rural and of urban areas.

Newspapers, reviews, and periodical magazines are distributed to major urban centres, while rural communities are marginalised. The main goal is to make a profit,

and not to inform citizens. Rural communities, including the smallest ones, are reached primarily by the tabloids since the complicated distribution to those areas still does bring revenue, and therefore does take part in making that profit.

Generally speaking, newspaper circulation is dropping, in cities and villages alike. On the other hand, as one panelist said, “nowadays, one can live in a village and still be a citizen of the world”.

### Scores:



**Average score:**

**1,9**

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

In Bosnia and Herzegovina there are the media owned by public bodies, such as *Naša riječ* of the Municipality of Zenica, *Unsko-sanske novine* financed by Cantonal Government, *Goraždanske novine* financed by the Municipality of Goražde, along with the towns of Gračanica, Bijeljina, and some other municipalities that also have their printed media. Generally, there are the media owned by public bodies, but at lower level of governance. These media are almost fully an extended hand of public bodies that finance them, and their editorial independence is out of the question.

Public bodies often allocate funds for the financing of magazines for ethnic minorities.

## 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

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

Bosnia and Herzegovina does not have regulations to prevent media concentration and monopoly. In the past, there was a legal act that regulated this issue, but for a definite period of time, i.e. for 18 months. It was the time when there were foreign nationals who were members of the Council of the regulatory Communications Agency. One panelist noted, “Interestingly enough, they insisted that this rule should last only for 18 months”.

This issue cannot possibly be resolved at the level of a regulator, but through legal arrangements. There are individuals in Bosnia and Herzegovina who are at the same time owners of printing companies, distribution networks, newspapers and marketing agencies as well as electronic media. It is indispensable to draft and adopt legislation to regulate the issue of transparency of ownership, marketing and media concentration.

The BH Journalists Association, in cooperation with the Council of Europe has been trying to work on the adoption of laws that would regulate the area of marketing as well as the issues of media ownership. In this context, consultations were held with representatives of the media community, advertising industry, legislative authorities and European experts.

Meanwhile, the Competition Council of BiH is in a position to respond to complaints relating to media concentration. However, the problem is the Council decides on the basis of entity approval, and not on the basis of the factual existence of monopoly-driven behaviour. “The decisions they take are political, rather than professional”, said one panelist. The BH Journalists Association has been monitoring the situation of media concentration in cases of leaders of political parties and

political figures. Given that one of the key media moguls in BiH owned several newspapers and a TV station and then established a political party that took part in the elections, the Association, considering that this was in violation of the law, addressed the Central Election Commission with a query. However, the position of the Central Election Commission was different. Moreover, there is no regulation relating to the issue of media concentration, i.e. how many media outlets can be owned by one individual.

The Party for Democratic Action is the owner of the Cantonal TV station in Travnik. Although the Regulatory Communications Agency revoked their licence, this party maintains ownership, and the Central Election Commission does not consider this to be unlawful.

Media concentration exists in the case of ownership of Internet portals. Although ownership is not transparent, it is a common knowledge that politicians and bodies of authority own a great number of these portals. This issue is not regulated, which means that the concentration of ownership of Internet portals cannot be prohibited.

### 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:

1,2

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

The government in Bosnia and Herzegovina allocate budgetary funds for the funding of both public and private media. However, their grants are not structured in a manner that would enable support for specific projects, such as children's, documentary and educational programmes.

It is not a rare occurrence that media outlets which receive grants and budgetary funds on different other grounds, are often expected to be blindly obedient.

The trend of attempts of the authorities and political parties to influence editorial policy is noticeable throughout the country. It is a wide-spread phenomenon wherein, for the purpose of campaigns of political parties, web portals are established and financed only to be closed down once their goals are fulfilled. The owners and editors of those web portals remain unknown. One of the panelists mentioned the example of “a high official of the Government of Tuzla canton who allocated as much as 20,000 KM on a quarterly basis for the financing of a web portal”.

Millions of KMs (Bosnian Convertible Marks) are allocated from the budget and spent on some cantonal TV stations whose managerial and editorial boards demonstrate total loyalty to the authorities, neglecting the principles of professional journalism and their mission of service to the public.

In Republika Srpska, according to one of the panelists, 10 million KM was allocated for the financing of both public and private media outlets, while the whole process was not transparent nor were the criteria on which this was done disclosed to the public. It has been found that municipalities, i.e. local communities publish tenders for the use of media services, but those funds are granted only to those media that are loyal to the authorities.

The Government of Republika Srpska invested enormous funds in the establishment and operation of the daily newspaper *Fokus*, which was eventually closed with enormous debt to suppliers and employees, while no one was held accountable for those debts. The newspaper received budgetary funds despite the fact that it did not meet one of the key conditions for it, i.e. it failed to pay taxes.

RTV Mostar has also received extremely high amounts of money thanks to connections with local politicians.

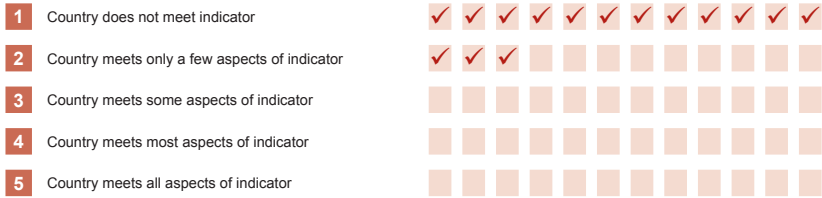
The only way to promote a diverse media landscape is to have fixed criteria and a transparent allocation of public funds.

Economic sustainability is assisted not only by the authorities, but also by party structures. Thanks to political parties the media are not only funded by public funds, but also by public enterprises.

Thanks to party and political support, some employees of *online* media have good salaries, although they do not have any professional credibility.



## Scores:



**Average score:**

**1,2**

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

The most drastic example of misogyny in 2014 was the attack of the private Sarajevo Face TV on the Polish journalist Paulina Janusz, who had written a critical text about media coverage of the disastrous flood in May 2014.

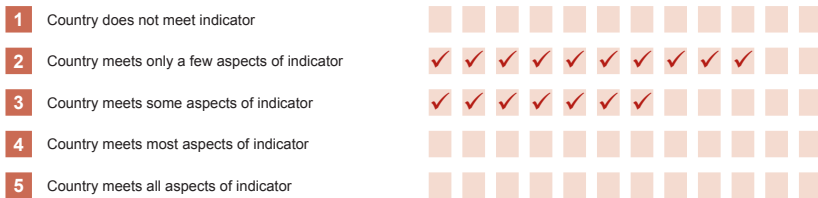
In 2005, the BH Journalists Association conducted research that demonstrated that only 3.4% of women participated in different programmes. In 2005, only one media outlet in Bosnia and Herzegovina used gender-sensitive language, while today the situation is significantly better, given that 50 media outlets regularly uses gender-sensitive language. Nevertheless, women appear in the media very rarely. The excuse used is that “there are not enough women experts”. In public broadcasting services women are likewise not equally represented – there is no explicit discrimination, but there is neglect.

According to recent research done by the Faculty of Political Science in Sarajevo, in 75% of the samples taken, men were chosen for the interlocutor in media programmes, stories, etc. Women are presented in the media either as successful, married into wealth, or as victims. According to research done by a doctoral candidate at the faculty of Philosophy of the University of Mostar, women are negatively presented in the media, although there are more women employed there than men.

If the presence of women in media space is better, it is mainly thanks to stronger political participation. In the Government of Republika Srpska, in addition to the Prime Minister, who is a woman, there are five women ministers. Some women delegates in the Parliamentary Assembly of BiH are more present in the media than many of their male colleagues.

The media stories about gender equality, successful women and women's rights are supported by donations provided by international organisations. They are not a product of editorial policy. In Sweden the problem of lesser representation of women in the media has been solved by establishing a list of 100 successful women in different fields that were sent out to all the media outlets. Thus the excuse that "there are no successful, nor competent women" was eliminated, and the list has yielded positive results.

### Scores:



**Average score:**

**2,4**

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

Media bear responsibility for uncritical presentation of different academic and political narratives.

"Minority discourse is not well represented. There are no programmes about minorities, or for minorities, with the exception of the example of the programme called "Govor tišine" broadcast by the Television of Bosnia and Herzegovina", according to one panelist.

There are no programmes offering information about minorities in relation to the way they can achieve their rights. There are no programmes in the languages of minorities either.

Diversities are often trivialised also in religious programmes that promote commercial interests for example in the promotion of certain foods or dietary customs.

Reporting on the issues of minorities is done on special occasions, stereotypes are generated and an image of exotic groups that do not have any real rights is created.

Particularly poor is the treatment of themes relating to the problems of the so-called constituent minorities, i.e. representatives of constituent peoples living in areas where other peoples are in the majority. Journalists are mostly negative in their attitude towards those groups. People from mixed marriages are “invisible” in the media.

Sarajevo-based Media Plan Institute conducted research on linguistic diversity in 2013 with regard to the legislation on public broadcasting services on the issue of equality in the use of languages. “After the research of the programmes of RTV of Republika Srpska, we came to the conclusion that all the anchor-men and anchor-women are speaking the Serbian language with the *Ijekavica* dialect (e.g. *mlijeko* instead of *mleko*). On RTV of Bosnia and Herzegovina (RTVBiH) and the RTV of the Federation of BiH (FTV) almost two-thirds of anchormen and anchorwomen speak Bosnian. Croatian language comes in second (RTVBiH 17% and FTV 15%), followed by Serbian (RTVBiH 15% and FTV 12%).”<sup>4</sup>

However, it is not only the lack of use of the languages of minorities, but also the lack of linguistic diversity of the constituent peoples.

The media are not active in terms of protection against the influence of fascist messages. They do not want to block elitist, disdainful, or hate speech. The media often create a wrong construction about ethnic and historical themes. The relations that have been established in the media space among the “warring” parties have not changed since the 1990s wars. Hate speech is present and it is manifested through the glorification of totalitarian ideologies and denial of crimes.

Some panelists think that one needs to be cautious when using the term fascism, given that in Bosnia and Herzegovina we still have a “frozen conflict, with attempts to form nation-states”.

## 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:**

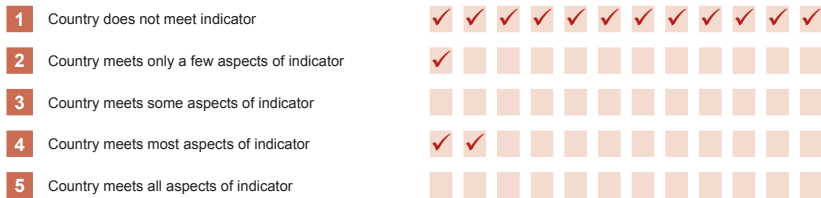
**1,7**

4 Jezik u javnim servisima, Media plan institut, 2013.

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

A coherent policy of IT technology is not being implemented yet. Nor is there a promotional measure to meet the needs of citizens for information. A Forum on Digital Terrestrial TV (DTT Forum) developed, already in 2009, the Strategy of Digitalisation, which was adopted by the Council of Ministers. It was only in March 2014 that the Ministry of Transport and Communications signed a contract on the procurement of equipment for digitalisation of microwave links for the transmission of programmes of public broadcasting services.

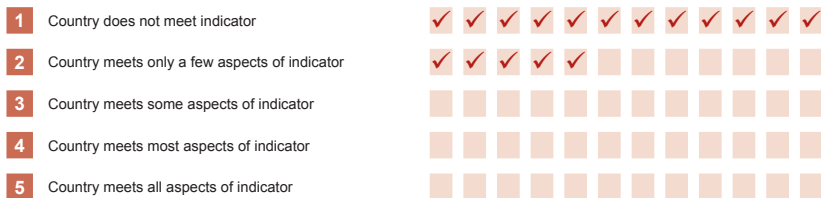
### Scores:



**Average score:** 1,4

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

### Scores:



**Average score:** 1,3

## 2.11. The advertising market is large enough to support a diversity of media outlets

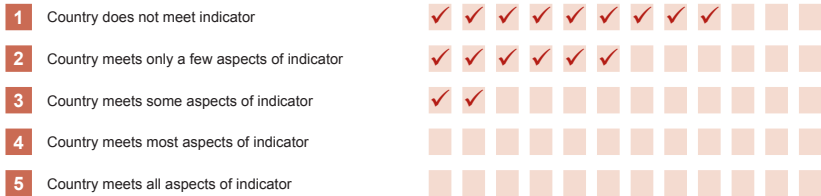
The advertising market in Bosnia and Herzegovina has been constantly decreasing since 2009. The value of this market amounts to approximately 50 million KM, which is almost 40% less than in 2009.

Croatia has an advertising market of four or five times greater value.

In BiH, there are numerous media outlets which survive thanks to a great number of sources. Enormous amounts of that money come from the so-called “grey zone”, i.e. sources of those funds are neither known, nor transparent. In other words, besides an unclear ownership structure, it is unknown whether influential political circles are able to find various ways to finance the media, and how owners residing abroad make the payments of those funds.

There are media outlets that do not function as private commercial media and at the same time, they are not public service. The media are used as a weapon of the political struggle. Owners “pump in” the money provided by political parties into those outlets.

### Scores:



**Average score:** **1,6**

**Overall 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**

### **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 Laws on Public Broadcasting System and Service of BiH were adopted by the Parliamentary Assembly of BiH in 2005. The entity Laws on Public Broadcasting Service, which were passed later, have never been harmonised with the state-level law. Thus, the entity laws regulate differently the issue of selection of members of management boards and are different from the state law. There are also differences in the regulation of method of financing public broadcasting services.

Even though it is stipulated in the Law on Public Broadcasting System, a fourth legal entity – the Corporation of Public Broadcasting Services – has never been formed. Its task should be to service technically and administratively all the three services. The RTV tax should be collected to a single account and then distributed, with the help of the Corporation, according to the legally defined principle: 50% to BHRTV, and 25% each to Radio-Television of Republika Srpska (RTRS) and Radio-Television of the Federation of BiH (RTVFBiH). The same principle of distribution, as defined in the Law, has never been applied to marketing. RTV of the Federation of BiH still makes twice as much revenue from marketing annually as RTRS and BHRTV together. Thus, for example, the ratio of marketing revenue and that collected through tax by RTV of Republika Srpska is 1:5, while for RTV of the Federation of Bosnia and Herzegovina this ratio is almost equal (1:1).

Since 2005, when legislation regulating the system of public broadcasting services was adopted in Bosnia and Herzegovina, instead of securing financial autonomy and an independent editorial policy, the authorities at the state and entity levels have been trying to control the selection and operation of managerial structures in the public broadcasting companies. Not only have the competencies and powers of the Regulatory Communications Agency been either reduced or suspended when it comes to the selection of the best candidates for management boards, but the individuals who had worked in government or who are obviously close to the ruling political parties are selected for members of management boards and managers.

The method of selection of managerial structures in public services is a serious problem, primarily because selection procedures for management boards of entity broadcasters, pursuant to entity legalisation, excludes the Regulatory Communications Agency. The relevant laws define the criteria for selection of managerial structures; however, it was still possible for a former minister in the government of RS and an influential member of the ruling Alliance of Independent Social Democrats to be selected as a member of the Management Board of RTV of Republika Srpska.

The panellists are of the opinion that, generally speaking, the main criterion for the selection of members of managerial bodies is party aptitude and partly belonging to one or the other nationality.

It was only in the first competition, in 2006, that the selection was done by the Regulatory Communications Agency, pursuant to the law then in force. However, the National Assembly of Republika Srpska was not happy with the RCA's choice and sent back the candidate list with the explanation that none of the candidates had won their support and with the demand for a new competition to be opened. RCA refused to repeat the procedure, which led to amendments to the Law according to which RCA was obliged to do this any time when the National Assembly of RS rejects the candidate list.

The fact that the current laws do not provide for an adequate legal framework and instead give rise to endless manipulation can be illustrated by the decision that enables the Management Board of RTV of Bosnia and Herzegovina to change its Statute and select its editors.

In 2012, the House of Representatives of the Parliament of the Federation of BiH tried to select and appoint the Management Board of Federation RTV without the competition procedure for selection of candidates.

The process of appointment was suspended since the Constitutional Court of FBiH has not yet decided whether the process of selecting the Management Board of RTV FBiH involved a violation of vital national interests.

In terms of programme, public broadcasting services are exclusively focused on the themes that relate to the three constituent peoples. Programmes on minorities are not mandatory, but rather optional, although desirable. Programme Councils practically do not exist, not even formally. Management Boards select the members of the Programme Councils. This legal arrangement might be acceptable for well-regulated and orderly societies, but not for Bosnia and Herzegovina.

In any case, Bosnia and Herzegovina does have a legal framework for regulation of the public broadcasting sector. The problem lies in the fact that it is not implemented or is implemented only partly, which hinders the creation of a favourable ambiance for the system to flourish.

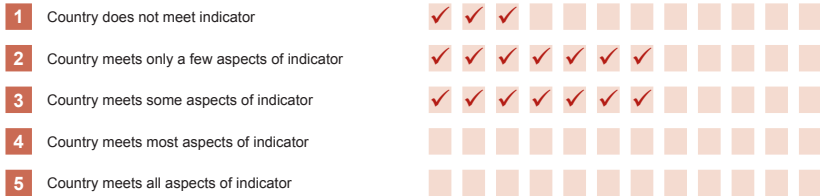
Public broadcasting services are mutually competing. Their main problem is how to collect the RTV tax. Federation TV broadcasts the best programme of all other public broadcasting services, however, it has practically become a commercial television station. A good public broadcasting service needs to be watched with regard to frequency of being interrupted by advertisements. Public broadcastings services in Bosnia and Herzegovina are in such a situation that they have to compete for



marketing revenues with private media outlets since they are unable to collect the RTV tax.

All of these are reasons why it is impossible to create a favourable ambience, not only for private media, but also even for public broadcasting services.

## Scores:



**Average score:**

**2,2**

### 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 Law stipulates that the Council of the Regulatory Communications Agency is selected so that the Parliamentary Assembly of BiH forms an *ad hoc* commission, with equal number of representatives of governmental and no-governmental sectors. This commission has a duty to make a list of fourteen candidates for the RCA Council, and based on this list the Council of Ministers determines its proposal of seven candidates and submits it to the Parliament for final approval. In case the Parliament of BiH does not approve the proposal of the members of RCA Council, the procedure has to be repeated. “This arrangement enables the Parliament to send the procedure back to the Commission’s revision until it gets the candidates it wants”, said one panelist.

According to previous legal provisions, the Regulatory Communications Agency was charged with publishing the competition and selecting candidates that were then submitted for approval to the Council of Ministers and the Parliamentary Assembly of BiH. The selection made by the *ad hoc* Parliamentary Commission is not transparent enough, given that there is no procedure for the selection of members of the Commission from the NGO sector.

It is clear that with the change of the Law and with the opportunity now given to the *ad hoc* Commission to propose candidates, and the fact that the Parliament of BiH can repeatedly send the list back until it gets a satisfactory proposal, there is ample space for manipulation.

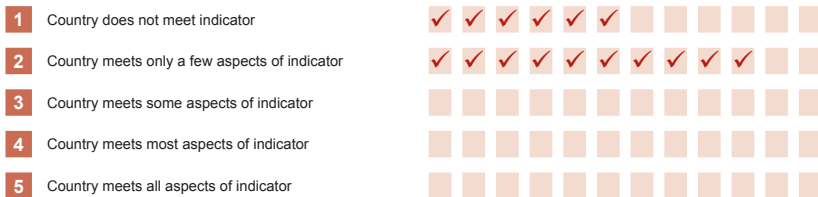
According to one panelist, “this brings candidates into the situation that they have to lobby for their own selection”. Otherwise, it is not worth the effort, since they would not get the support of the members of Parliament”.

The method of work of the *ad hoc* Commission is disputable since the list is short-listed only on the basis of interviews with candidates. “Individual results of voting during the selection of the RCA Council, done last year, showed that a majority i.e. four out of the six members of the *ad hoc* Commission, was in favour of interviews with candidates as being decisive for the final assessment, according to some participants in the panel.

There are attempts to create an illusion that the whole system is democratic, and that everything is done by the book, yet procedures are still by-passed.

Furthermore, the terms and conditions for election into the RCA Council are set in such the way that only the present Council members could meet them, since one requirement is five years of experience in the field of telecommunications.

### Scores:



**Average score:**

**1,4**

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

The Regulatory Communications Agency of BiH is one of the most successful operations of the international community since the war. The Agency, which used

to be called the Independent Media Commission, became operational almost exclusively with foreign nationals as its members. The start was brilliant since, in the wake of the war, it fought the hate speech which was very present, imposing precise programme, technical and financial conditions, thus bringing order onto the scene and instating the implementation of standards of professional journalism, pronouncing sanctions even for stories that were not obvious commentaries or news.

“What can be done to an independent and modern institution in Bosnia and Herzegovina is best seen when it falls into the hands of local politicians,” in the view expressed by one panelist.

“Recently the RCA Council acted as a ‘group of desperados’, when in the summer of 2013, they opened a public debate on the important issue of limitation of marketing time slots to public broadcasting services and then hastily enacted that decision, in the autumn of that same year, despite the warnings of international factors as well as some media organisations and advertising agencies in Bosnia and Herzegovina, that a quality analysis should be conducted before taking any such decision”, according to one panelist.

The Public Broadcasting Service of Bosnia and Herzegovina, the Public Broadcasting Service of Republika Srpska and the Public Broadcasting Service of the Federation of BiH are financed, in addition to the RTV tax, from funds earned by marketing activities. Given that the BiH governments, i.e. the Council of Ministers and the governments of Republika Srpska and the Federation of BiH, have failed to meet their legal obligation to establish a sustainable system of collection of the RTV tax, the sustainability of broadcasting services still significantly depends on their marketing revenue. That is why the decision taken by the RCA to reduce the quotas of the programme dedicated to advertisements and marketing could have directly jeopardised the survival of public broadcasters. In the beginning of 2014 a new Council of the RCA was selected, and it put out of force the aforementioned decision on the reduction of quotas for the marketing programme in public broadcasting services.

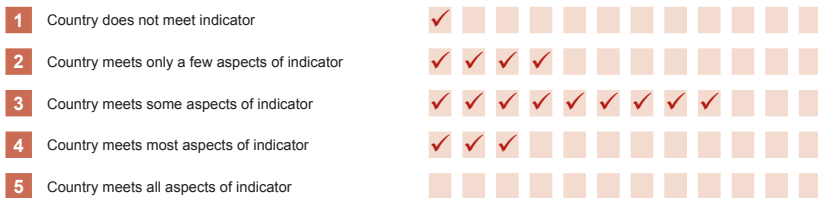
Furthermore, the Regulatory Communications Agency has failed to carry out quality monitoring of the amount of diverse programmes produced by public broadcasters – ranging from news, educational, children’s, documentary and entertainment.

Amendments to the relevant law and decisions of the Council of Ministers of BiH have developed a legal framework for the deconstructing or destruction of the RCA. A law on electronic communications, which would perhaps divide the RCA between the two entities and thus destroy the work of the state Agency, is being prepared. It should be noted that representatives of the RCA are excluded from the working group tasked with drafting this law.

Due to the unresolved status of the manager of the Regulatory Communications Agency, whose nomination has not been confirmed by the Council of Ministers since 2008, a trend of the reduction of activities of the Agency has been noticed when it comes to surveillance of electronic media and implementation of the Code that regulates the application of the principle of accurate, impartial and fair reporting. Several panelists are of the opinion that this is directly related to the fact that the new RCA's manager has not been appointed yet and to the fact that the current acting manager has remained in this position for more than 6 years.

In Bosnia and Herzegovina there is a dual system: the Press Council and the RCA. As one panelist expressed it, "In electronic media we have the principle of regulations, whereby this body can behave as a tyrant, even to undermine the fundamental principles of the functioning of electronic media. There is a constant question of how and when it will come to the point of undermining. The RCA has not turned into that. In any case, conditions should be created so that a regulator is not needed."

### Scores:



**Average score:**

**2,8**

### 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

With the exception of some positive examples, individuals on the management boards of public broadcasting services are the product of a lack of adequate political culture, who have developed narratives that spill over to public discourse. There are exceptions, though, who are trying to maintain professional standards.

On the management boards there were even people who undermined the public services. Currently, among their members there are former government ministers and party cadres as well as individuals with family links to owners of some private media. At one point, the Parliamentary Assembly of BiH stopped the selection of

the Serb and the Croat members of the Management Board of Bosnia and Herzegovina, after which the Regulatory Communications Agency was forced to publish a new competition since, in the meantime, the mandate of all the Management Board members had expired.

Since July 2013, the RTV of the Federation of BiH has functioned with a Management Board whose mandate has expired.

There is no system for establishing the responsibility of public services towards the public, nor transparency of the work of the board. Monitoring of the RCA is necessary to serve as a basis for determining whether the public broadcasting services meet the conditions spelled out in their licences and whether they are acting responsibly toward the public.

Analysis of the functionality of the management boards is also necessary. Criteria for the selection of their members should not be based solely on their ethnic background. Management boards of public broadcasting services need to have more members and should include representatives of the NGO sector.

### 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:

1,8

### 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

One of the formal and legal requirements for membership in the management boards of public broadcasting services is that candidates should not be members of political parties or elected officials. Although the relevant law regulates that individuals who have financial interest in the broadcasting industry cannot be on

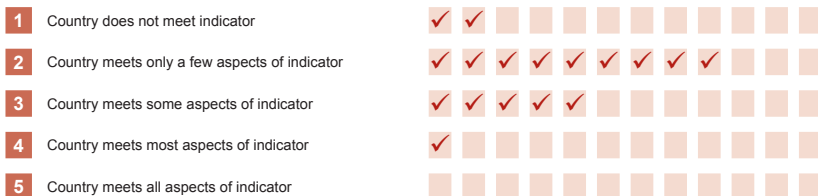
the management boards, in the past there were cases where owners of marketing agencies were at the same time members of management boards.

One participant in our panel raised the ethical issue of whether it is better for members of management boards to be members of a political party, instead of nonpartisan members that we have now who nevertheless serve some political interests and elites and thus transfer their political agendas to the media outlets.

This issue cannot be observed solely in formal and legal terms. A person who held a ministerial position in the government for eight years cannot be independent irrespective of the fact that, formally, he/she has left both the government and the party.

There are many examples of individuals who are regularly sitting on management boards of public companies. These individuals must have the support of some political circles to be in such a position, which consequently means they are not independent.

### Scores:



Average score:

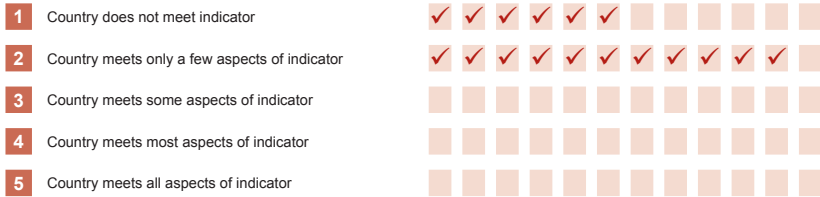
2,3

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

As many as 80 rulings of the Constitutional Court have not yet been implemented in Bosnia and Herzegovina. None of the laws can be said to be fully implemented. Nonetheless, due to their own needs, most of the citizens respect the laws, although there is almost nothing to force them to do so.

Editorial independence of public broadcasting services is guaranteed by law, but it is not implemented in practice.

## Scores:



**Average score:**

**1,6**

### 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

There is a steady trend of decrease of revenues from the RTV tax for public broadcasting services at the state and entity level. In the first quarter of 2014 alone there was a 1.6 million KM decline in the collection of the tax in comparison to the previous year. The RTV of the Federation of BiH is an illustration for this trend since, in 2012, FTV had a revenue amounting to 16,642,000 KM (roughly 8,400.000 Euros) from RTV tax, which was 950,000 KM (roughly 480,000 Euros) less than in 2011.<sup>5</sup>

The National Assembly of Republika Srpska adopted amendments to the law pursuant to which budgetary allocations may be made for the financing of the Public Broadcasting Service of Republika Srpska.

There are still problems with the collection of the RTV tax in the areas with a Croat majority. Croat political leaders advocate the establishment of a Croatian language public broadcasting service. It is not a rare occurrence that they even call upon citizens to abstain from paying this tax to the existing public broadcasters. When in 2005 the Law on Public Broadcasting System in BiH was passed, Croat politicians brought the case before the Constitutional Court of BiH claiming that the fact there is one broadcasting company at the state level and two at the entity level violates Croat vital national interests. Their demand to have their own national TV channel has not been met.

<sup>5</sup> Independent Auditor's Report on the business performance of Public Broadcasting Service of the Federation of BiH, 31 December 2012.

One participant in the discussion said, “most of the people feel contempt for those who pay this tax. The editorial policy of public broadcastings services is received with repulsion among the Croats and this will not change any time soon.”

Unlike the continued problems with the collection of the tax in the Federation of BiH, particularly in Croat-majority areas, in Republika Srpska the collection of the tax in a period of time was as high as 80%, *inert alia*, thanks to the legal possibility of enforced collection, which has never been introduced in the Federation of BiH.

The Public Broadcasting regulatory body needs to assess the amount of funds needed to meet their legal obligations and perform their legally binding functions. This has proven to be indispensable even in the debate about the marketing time slots required to gain revenues.

“Radio Television of Republika Srpska claims that it can secure revenue even without marketing provided that the production of news programmes is under the same conditions as that in private media,” said one participant in the discussion. According to the panelists, “the programme of the Federation TV in prime time looks like the programme of private television stations”. If the collection of RTV tax is so low, the question arises how has the system survived and is the FTV management so much better than that in the other two broadcasting services. One participant emphasised that “the representatives of the *platform* government, who appear in the programmes of the Federation TV more than in the others has provided this station with a much greater share of marketing partners than to the other two broadcasters”.

The debt of the two services – RTV of Bosnia and Herzegovina and the RTV of FBiH – for taxes and contributions they have not been able to pay to the state, exceed 70 million KM. At the same time, Federation RTV, according to the claims of its manager, made recently in a TV programme, pays to BHRT for the rental of equipment and premises several hundred thousand KM every month since that is how the system functions. Reform that would bring about a reduction in the number of employees at all the three public broadcasters has not been fully implemented.

However, public broadcasting services at the state and entity levels are not the only ones who must undertake necessary reforms for the purpose of rationalisation of costs and human resources. The employees of RTV Herceg-Bosna have not received their salaries for 26 months. The fact that this regional public broadcaster has not received the funding from the annual cantonal and municipal budgets indicates that the demands to introduce a Croatian language TV channel is an “instrument of mobilisation of the electorate”, which is mainly used before elections. One of the arguments offered by Croat officials for their demands to have a Croatian language TV channel is the fact that the population in Western Herzegovina, which is the



region with a Croat majority, refuses to pay the RTV tax. As the matter of fact, it is not a question of the need for a Croatian language channel, but rather the need to have equally represented themes on public broadcasting services.

The Laws on Public Broadcasting Services are not implemented in many aspects, inter alia, the representation of languages, peoples and minorities. Out of seven editorial positions at BHT, only one is a Croat.

The aim is to create three political TV channels for the implantation of three political agendas. “If we see a continued insistence on the existence of a Croat channel, then we would need to create three national channels and one channel for “the others”. In that case, Bosnia and Herzegovina would get three radio and television stumps that would be the loudspeakers of political parties and political leaders”, stated one of the participants in the panel.

### 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:**

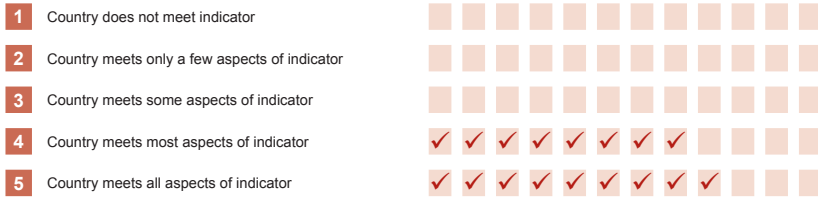
**1,1**

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

Radio and Television of Bosnia and Herzegovina is accessible in almost 100% of the country’s territory. Coverage with the feed is available to 4,046,219 citizens. Television of FBiH can be viewed by 3.3 million, and Radio Television of Republika Srpska by three million citizens.<sup>6</sup>

6 Pojedinačni rezultati.rak.ba, Korisnici dozvola, Javni TV servisi, Tehnički uslovi

## Scores:



**Average score:**

**4,5**

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

Public broadcasting services do not meet their legal obligations in line with codes and rules set by RCA. The children's programme is mostly limited to animation films and re-runs of domestic productions. When it comes to domestic production of the educational programme, it is also mostly re-runs of old production. None of the services has adjusted to the time and conditions, while their excuse for programme shortcomings and failure to fulfil their mission is the lack of money. The quality of the documentary programme, in the opinion of the panelists, is better. There is a lack of programmes that provide answers to the everyday existential, health, social and other needs of citizens.

A great problem lies in the total politicisation of program, since public broadcasting services have become the advocates of specific political interests. If the Chef-du-Cabinet of the Prime Minister of Republika Srpska has become director-general of the RTV of Republika Srpska, one could hardly consider the public services to be independent.

Public services are not user-oriented. In terms of their programmes they act more like state-run television stations than as public services. Uncritical transmission of statements made by politicians and political parties is an indication of this phenomenon.

Public services do not have the best programmes; instead, they broadcast mediocre or poor quality programmes. Public services should have a decisive impact on decision-making and setting agendas. Instead, public services only contribute to the confusion among the public.

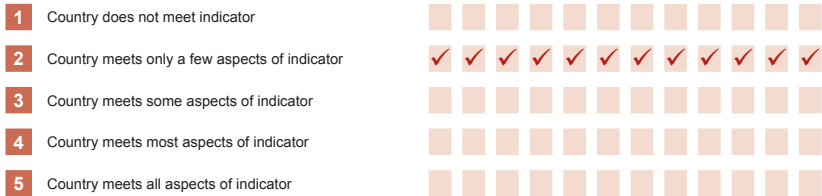
Certain positive steps are being made by political magazines, e.g. „Crta“ and „Mreža“, as well as TV panels such as „Treća strana“ and „Pošteno“, where it is possible to hear different and opposing political views and positions.

There are no visible efforts to raise journalism standards and there is no visible interest of management and editors to respond to the expectations of the public.

In editorial and programme profiling, an important role should be played by the programme council; however, these either do not function, or they are not yet established.

Nevertheless, the participants in the panel stated that there are positive examples; thanks to joint procurement and broadcast of quality series produced in the region, entity public broadcasters, RTRS and FTV have contributed to a more relaxed atmosphere among the citizens of Bosnia and Herzegovina.

### Scores:



**Average score:**

**2,4**

### 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

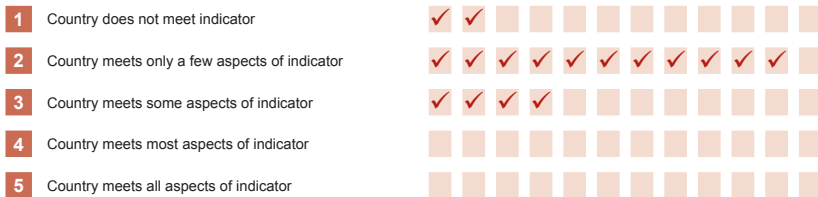
Journalists are making an effort to present different views, however, the circle of individuals who appear in the media is limited. The lack of freethinking intellectuals and those ready to publicly express their views is not the problem of journalists, but of the shortcomings of the academic community. This still does not mean that there is no need to strengthen media culture that would enable greater participation of individuals ready to publicly express their opinion. This reluctance is caused by fear of being criticised for presenting arguments that are not aligned with prevailing views. Such individuals are described in negative terms and, in addition, their jobs and their existence is threatened if, and when, they do so.

Extreme conformism rules the academic community: 80% are paid to say nothing. Young people may be afraid to speak out. Those who have built academic careers have nothing to be afraid of except for the loss of privileges. “The academic community is subordinated and this is more responsible for the situation in society than the media”, said one panelist. The intellectuals’ narrative that dominates public services is exclusivist and does not respect the opinion of others and the need for consensus. Those who do not behave as the majority of members of such a conformist academic community have a problem. Tolerance is decreasing, the need for pluralism of opinions is not appreciated, which may lead journalists in public broadcasting services into the position of inviting in their programmes only those interlocutors who speak in a “desirable”, prevailing voice.

Avoidance of some themes of relevance for the society of Bosnia and Herzegovina is noticeable in public broadcasting services. “One example is the absence of reports, TV stories and analyses of the Resolution of the European Parliament on the Progress Report of BIH for 2013”, one panelist pointed out. There are the so-called blacklisted intellectuals, media representatives and those from the civilian sector, who are undesirable for some media outlets, as was the case with RTRS which was admitted by its former director, in an interview given to a Banja Luka daily.

There is still a great number of protocol-related information and stories that offer nothing but free promotion of officials and political elites, and when it comes to investigative journalism, it is very often reduced to reporting on events commissioned or ordered by intelligence or police services.

## Scores:



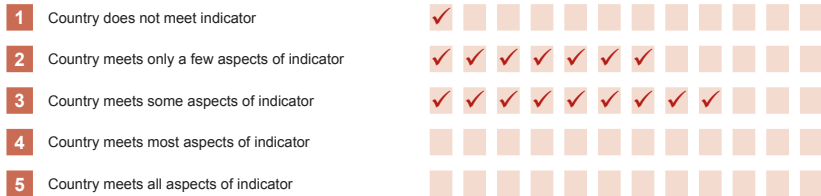
**Average score:**

**2,1**

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

When conducting its analyses of TV programmes, the Regulatory Communications Agency took three successive weeks at three public services as a sample. The rules established by RCA stipulate the amount of different types of programmes they have to produce per week. Individual results were very poor. For the time being, the Agency has produced only written warnings for broadcasters' failure to adhere to the conditions of their licence. However, the RCA has not been performing its regular monitoring of public services for some time now, because, they claim, there is a lack of financial and human resources. A strategy for assistance to the media was developed for 2015 to 2020. The panelists are of the opinion that this should be required to include a plan to train and hire individuals and procure equipment for the Agency to be able to conduct this monitoring of the operation of public services. Only on the basis of precise data about the content of the programmes of public broadcasters will it be possible to exert pressure on them and, if needed, change the legislation. In the first years of the existence of the RCA monitoring was done with the help of the OSCE. A significant part of the funds charged and collected by RCA on different grounds ends up in the state budget so that it is absurd not to use those funds to enable the Agency to conduct monitoring.

#### Scores:



**Average score:** 2,5

**Overall average score for sector 3:** 2,2

# SECTOR 4:

The media practice 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**

Currently, 12 printed media outlets and 5 online media are members of the Press Council and an additional 35 applications were submitted by online media for membership.

The Press Council of BiH has received a great number of complaints in the first six months of 2014. Most of these 300 complaints relate to web portals, however, not relating stories but comments. Two years ago the Press Council initiated the action “You are not invisible”. An increase in the number of comments with elements of hate speech, discrimination and defamation has been recorded. The question is whether the Council should be taking those complaints into consideration. It is noted that in other European countries prosecutorial offices are more efficient, and there are laws that regulate this area.

There are many complaints relating to language that instigates hatred in the printed media and violations of Press Code in regard to accuracy and the right to privacy.

The Council had several cases of violations of the article of the Code related to public interest. A further increase in the number of such complaints is expected. 80% of the complaints were submitted by citizens, which is a great progress in comparison with previous years, when the only complaints lodged were by public figures and journalists. Citizens even get organised on Facebook seeking the removal of certain stories. The Press Council was targeted by *SAFF*, that spreads hate speech, primarily against minority populations, such as the LGBT population, as well as against those who react to their stories.

Decisions of the Complaints Commission are mostly respected. Self-regulation has been the way of resolving 63% of the complaints, i.e. media outlets that violated the Code decided to publish a retraction.

The Press Council held some ten meetings with the representatives of the media who want to be familiarised with the rules. 60 journalists, mainly those working for web portals, attended a training course.

The key problem lies with lack of organization of the new media. To start a portal, one is not required to be registered or to get a licence. Nobody favours the introduction of strict administrative procedures, but ownership structure is unknown for many portals, there are no data about the number of online media, and there

is no *impressum* posted so that public can know who the editor is and who their contributors are.

There are cases of ordered and paid agitation as a method of settling accounts with political opponents. These actions are carried out by political entities, mainly political parties who use it to mobilise their membership, which goes both unnoticed and unpunished.

In earlier times, owners and editors were not held responsible for the comments of their readers. This is now changing. It is the responsibility of the editor if he fails to remove some content from his portal when he is warned about it.

Recently, the Press Council received 150 links from *Klix* and from the portals of *Nezavisne novine* with a demand by citizens to have them removed. Both editors responded positively and promised to remove those comments.

Bosnia and Herzegovina has a platform for *cyber* crime, but does not have any legislation regulating web portals.

The fact that there is no registration, that ownership structure is not known and that there is no *impressum* prevents law enforcement agencies from reacting in cases of defamation and discrimination and the spreading of ethnic hatred.

The Press Council has received a complaint from an international organisation against a portal. In this case, the police identified the owner right away.

All the Press Councils in Europe agreed in 2010 and 2011 that the press code should be valid for editors and owners of web portals, but not for the comments posted thereon.

The Press Council contacted the Regulatory Communications Agency inviting it to participate in the regulation of this area, given that audio-visual material is also posted on web portals, but the RCA did not show an interest since its competencies are clearly defined.

It would be useful to introduce an administrative registration and regulations, but not the way it is done in Russia, where there is a legal possibility for prohibition of a portal and denial of access.

Self-regulation does not include sanctions. That is why it is a democratic concept. If 63% of the complaints have been solved through self-regulation, if editors do remove texts and comments, and publish apologies, retractions and corrections, then self-regulation has proven to be effective.

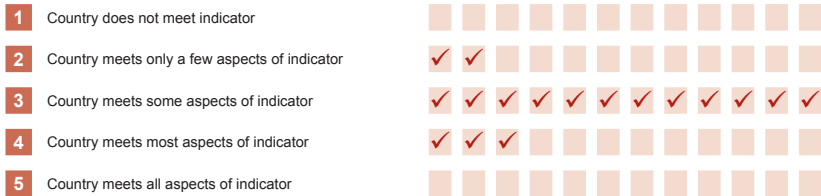


The fundamental idea of the European practice of regulation is that *online* media are privately owned since they do not get anything from the state. The concept of self-regulation implies journalistic honour. It is believed that the worst thing that can happen to a journalist is to lose honour and reputation.

The media community should take the initiative and open debate on the regulation of this media space. It is especially important, inter alia, to adopt laws on the transparency of ownership, and to secure the existence of a media register, as well as to pass a law on advertising and new technologies. With the existence of the law on freedom of access to information, protection against defamation, the Press Council and the regulatory Communications Agency as a regulatory body, an adequate general legal framework would be created.

Still, some participants on the panel think that at least one criminal sanction for instigation of racial, ethnic and religious intolerance would influence significantly the behaviour of those who use hate speech on web portals.

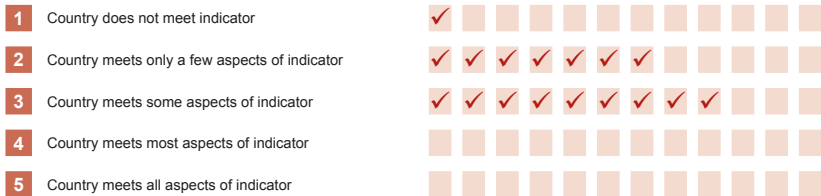
### Scores:



**Average score:** 3,1

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

### Scores:



**Average score:** 2,5

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

Many important events in Bosnia and Herzegovina remains unreported in the media. They may be registered and reported as protocol events or as dry daily reports.

Partiality in private media comes from their ownership, while in public media it comes from political influence. Although we do have pluralism and diversity of media outlets, we do not have pluralism of information and opinions.

All the major printed media in Bosnia and Herzegovina are privately owned. They do not have an obligation to cover topics of relevance for the state and society. Important events beyond the borders of BiH are also not reported. What determines the content of newspapers is merely the interest of their owners.

In daily newspapers there is almost no investigative journalism. One of the rare organisations that deal with it is the Center for Investigative Journalism, funded by foreign donors. However, even when they publish their stories it is very rare that it becomes a basis for action taken by prosecutorial offices. Journalists usually face great problems when they publish investigative stories, and it is much easier for them to deal with easier topics. Investigative journalism is still making pioneering steps. Conditions for it to flourish do not exist.

Still, in Republika Srpska, there is a portal *Capital.ba*, which deals with economic issues in a serious and analytical manner.

There are rarely instances of investigation in basic journalistic stories: Agencies and social networks as sources of information are the end and not the beginning of a journalist's story, and these sources are not being double-checked.

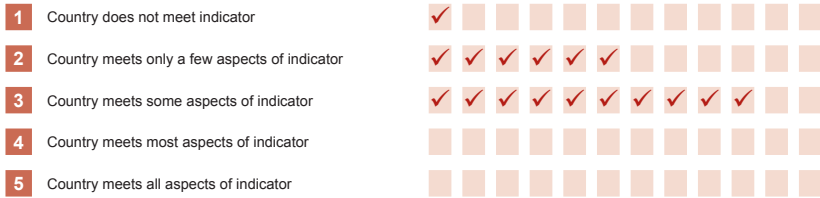
There is no room for investigative journalism, inter alia, because journalists have to write several stories and cover several events per day. With a shortage of time, they settle with talking with those who agree to talk, and do not seek out the best possible interlocutors. Most often the same journalist writes both for a newspaper and for the portal.

Reporting on political events and crime prevails in the media. Some newspapers do cover events in smaller towns. The panelists have cited the examples of *Glas Srpske* and *Nezavisne novine*. It is unclear whether this is a matter of the interest of owners or editorial policy or simply of filling space in their newspapers. This

does not mean that there is coverage of the full spectrum of events. As was noted by the participants in the panel, a broad spectrum would imply, for example, “how to enable blind persons to vote at elections”. Publishing press statements written by public affairs officers of different institutions and organisations does not mean that the public gets all the information it needs to get. There is no selection of topics, and there are no affirmative stories about events happening across the entity boundary: “The Portal *Buka* in Republika Srpska is the only one that published stories from the other entity.

“The other” entity is usually treated as if it is located “abroad”, while events happening in the world are reported mostly by news agency stories. In media outlets in the region, there are almost no journalists specialised in different fields of science.

### Scores:

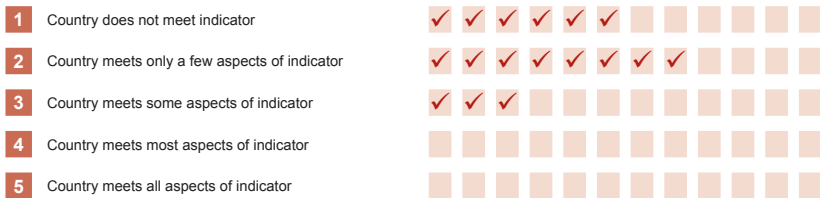


**Average score:**

**2,5**

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

### Scores:



**Average score:**

**1,8**

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

Self-censorship in Bosnia and Herzegovina is like *Jeti*: everybody talks about it, yet nobody has seen it. Journalists accuse editors, editors blame owners, while owners accuse those in a position of political power that they are to be blamed for the appearance of self-censorship.

Owners have interests that sometimes conflict with the interests of journalists. Between them there are editors who are held responsible by the owners to carry out their orders.

Self-censorship is always linked to the issues of making a living and staying legal in one's profession. Sometimes, ignorance and lack of education are also linked to self-censorship.

Although journalists would not admit it, avoidance of certain topics is also self-censorship and is very much present in the media.

In private media, the loss of major advertising companies is always linked to the way of reporting, even though the marketing client would never admit it. For journalists employed by private media outlets in the small marketing space of BiH this is a special burden. "Private media companies respect professional principles, but in their codes of ethics one can recognise the elements that are conducive to self-censorship", one of the panelists observed.

The government is one of the greatest advertisers. Links between politically powerful individuals and those who possess money is exceptionally strong so that critical reporting on a campaign may have a great influence on the interests of politicians or political groups. The awareness that there is this link between politics and companies which advertise their products that can threaten the existence of media outlets is what makes room for self-censorship and additionally reduces the spectrum of topics reported by the media.

Although this problem exists in other countries as well, in Bosnia and Herzegovina, self-censorship is very much present even in the public media as a mixture of motives connected with ideology, politics, nepotism and corruption.

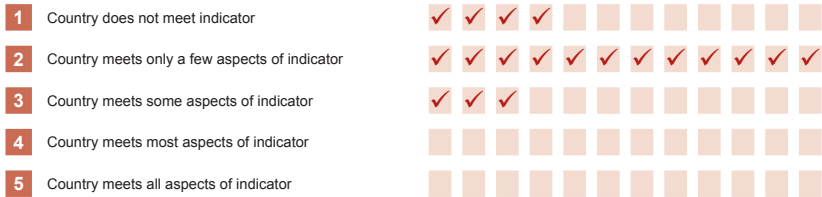
Unfortunately, with the end of the war, the language that promotes hatred did not disappear from the media. Students are educated to be professional journalists. When they are employed, the media organisations they work for happens to be under the scrutiny of political circles, parties or elites. A lot of time is invested into teaching them that they should never "bite the hand that feeds them".

Self-censorship entails a change of conscience and conformism. It is not journalism. “A journalist must be brave and aware of the situation in the outside world as well as the struggle with editors”, several participants observed. Others would say that being brave is not critical. It is curiosity that matters; courage is not an exclusive obligation of journalists. But there is the problem that many journalists should not be in this profession.

They have accepted to say what they are expected to say. TV stations and newspapers are aware what the dominant narrative is and they become blind to different narratives. In the words of one panelist, “Those who accept to speak in ethnocentric voices will be promoted in Mostar and those who pretend to speak in multi-ethnic voices will be well received in Sarajevo, whereas those who speak in alternative voices will be totally marginalised.”

Self-censorship and censorship are the consequence of explicit political pressures on journalists. These pressures and their proponents are not adequately sanctioned. There are physical attacks, journalists get insults, and these instances have never been sanctioned but instead are treated as socially desirable. Every fifth person interviewed in a survey<sup>7</sup> said that “journalists need to be beaten up from time to time”.

### Scores:



**Average score:**

**1,9**

## 4.6. Owners of established mainstream private media do not interfere with editorial independence

There are four stages in the evolution of the press, according to Walter Lippmann: (1) submission to the monopoly of control by government; (2) Control by political parties; (3) gradual independence thanks to the reading public; and (4) placement in the service of the search for truth. In the assessment of the panellists, the main

<sup>7</sup> Mediji i društvo u BiH 2014, Friedrich Ebert Stiftung, Chapter 4, Millenium i Ipsos Puls.

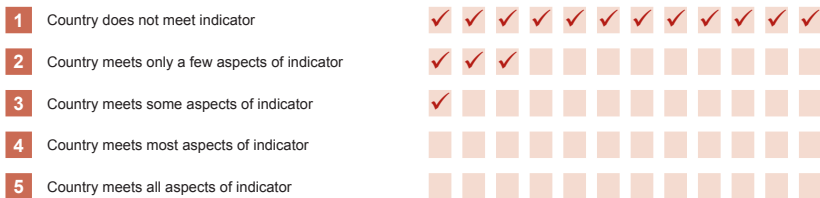
private media outlets are in the stage of submission to the monopoly of control by the government and under indirect and, in some cases, even direct control of political parties and elites.

Individuals in the leadership of political parties have their own newspapers, which is not against the law, but these newspapers are nothing but their bulletins or political flyers. There is a lack of responsibility in the attitude to readers who pay for a daily newspaper that offers him six or seven pictures or news items about the president of the party in question.

Owners of private media outlets take the following stand: “I have invested my money and I am entitled to interfere”, or: “I wish I could get rid of journalists so that I can make a good newspaper...” The link between private media outlets and political circles that have control over the key marketing clients, both in the private and in the public sector, has become more evident with the deterioration of the economic situation in the country.

One participant in the panel recalled that Habermas had written a letter appealing for the salvation of a great newspaper, which was the very beginning of the bloodstream of democracy. A good newspaper is the foundation for other media outlets entering into the bloodstream of the whole society. Given the ever-growing dependence of private media outlets in this country on the will of the political elites, these media outlets are getting further and further away from Lippmann's ideals of the quest for truth.

### Scores:



Average score:

1,3

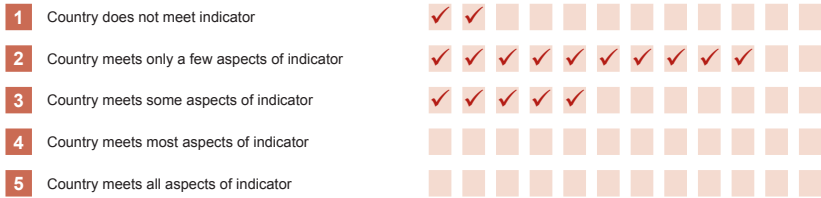
## 4.7. Journalists and media houses have integrity and are not corrupt

Football clubs pay journalists who report on their activities. Journalists get free tourist trips from tourist agencies to write positive stories about them. Croatia has

adopted the Code of Honour and the attempt made by the BH Journalists Association to conduct a survey on whether we in BiH would be ready to introduce such a Code was ridiculed.

Generally, to speak of this as corruption, particularly in the above-mentioned cases, is wrong, in the view of one panelist, while others said that media companies are terribly corrupt and closely linked to political elites. One sign of corruption is when a journalist who has covered the activities of a company suddenly becomes its spokesman.

**Scores:**



**Average score:** 2,2

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

Relations between owners, editors and journalist are not regulated: the ownership structure is not separated from editorial policy. We need a legal act that would regulate the relationship between owners, editors and journalists.

Journalists are not informed about their rights. When they come to work, they only know what the demands are. There are many journalists who do not identify themselves with their profession. There are journalists who serve to perform the dirty work for the owners. There are journalists who work for a media outlet and serve for the realisation of some mission.

There are two branch trade unions for media employees in Bosnia and Herzegovina: the Trade Union of Printers, Publishing and Media Employees of BiH and the Trade Union of Media Employees and Printers of RS. Collective agreements have been signed. The system of trade union protection is well regulated in public services; however, in other media, the situation is significantly worse. Only 16% of

the media outlets have trade union organisations. In a significant number of cases, the owners do not allow the establishment of trade unions there.

The lowest value of journalism work registered in Republika Srpska is 130 KM, while in the Federation of BiH it amounts to 96 KM. According to a study done by the Journalists' Association, the average monthly salary of a journalist in BiH is about 600 KM.

In small media outlets salaries are not paid regularly, and they do not exceed 350 KM. Overtime work is not paid. There are cases where media owners demand from journalists to give up their salaries retroactively: e.g. the employees of RTV Mostar were offered contracts with a clause stipulating that they give up their previously earned salaries.

There are many cases of journalists who receive minimal amounts of salary on their bank accounts, while they receive the rest in cash. In this way, the owners evade the payment of higher health and pension insurance contributions.

In the opinion of one panelist, there are many editors who are paid high salaries. Others, on the other hand, claim that there are very few such editors.

In some media outlets, such as *Al Jazeera Balkans* and the weekly magazine *Slobodna Bosna*, there is a system of remuneration of journalists which stipulates that for quality work, they receive bonuses and a higher salary.

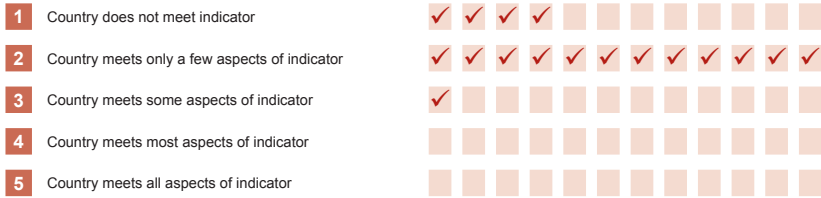
In those media outlets where trade unions exist, journalists are not the trade union leaders. There is one well-known example of a night watchman in the position of the president of the trade union and this is, ironically, a firm where most of the trade union members have a university degree.

Working conditions in some media outlets are very poor: there are no limits to working hours, while equipment is either inadequate or out-dated. Journalists need to be educated on their trade union rights. Collective agreements and labour codes need to be dealt with by Economic and Social Councils before they are adopted.

It is worrying that there is still such a great number of journalists' associations in Bosnia and Herzegovina, only one of which is dedicated to the protection of their labour-related rights. Fragmentation and division facilitates the management and manipulation of journalists, making their professionalism unrecognisable.



### Scores:

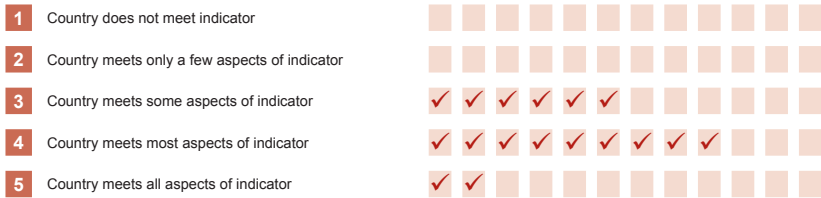


**Average score:** 1,8

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

Media organisations in Bosnia and Herzegovina offer a broad spectrum of training for journalists, but management and editors of media outlets do not enable them to benefit from this opportunity. Editors cannot find substitutes for journalists who would take part in such training.

### Scores:



**Average score:** 3,6

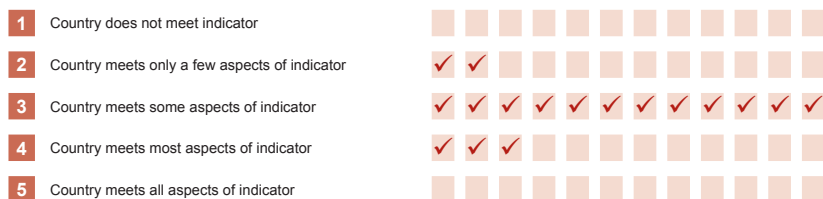
## 4.10. Journalists and other media practitioners are organised in trade unions and/or professional associations

In addition to trade unions and six journalist associations, we have the Association of Private Media, the United Media Industry and the Association of Electronic Media in Bosnia and Herzegovina.

The United Media Industry has brought together electronic media and advertising companies. One of the goals was to solve the issue of polls in an adequate manner through the tendering procedure. In 2006, *Mareco Index Bosna* was selected. Then in 2012, a campaign was launched by certain media outlets against *Mareco Index Bosna*, so that, eventually, the Institute for Metrology granted the licence to another market research company under questionable conditions.

The United Media Industry has significantly reduced its activities. The Association of Electronic Media and the Association of Private Media have undertaken scores of significant activities: the most recent one was the initiative that TV and radio stations that were affected by the disastrous floods in 2014 should be exempted by RCA from mandatory broadcasting fees.

### Scores:



**Average score:** 3,1

**Overall average score for sector 4:** 2,4

# Developments over the last few years and the way forward

## Negative developments:

- Poor economic and social status of media employees
- Political and economic pressure on the media and journalists
- Links between politics and media owners
- The harangue launched by Face TV against Polish journalist Paulina Janusz because of her analysis of reporting on the floods in BiH in 2014
- Constant increase of political pressure in the media; explicit threats of some political leaders targeting journalists and media outlets; the expulsion of journalists from press conferences and denial of information relating to the work of institutions in RS
- Increased corruption in the media community
- Inadequate level of education
- Selective information
- Appointment of former government officials to managerial positions in public broadcasting services
- “Privatisation” of public media by individual editors
- Promotion of some politicians from politics into public media
- Unprofessional discrediting of political opponents
- Support to illegitimate (the so-called Platform) government in the FBiH
- Stimulus of the preferred voice of ethnic elites
- Divisions among journalist associations and media employees
- Lack of collegial relations and attacks of journalists on other journalists

- Increase of sensationalist reporting in the media
- Lack of balance in public services, especially along ethnic lines
- Destruction of the regulator's independence
- Non-transparent decision taken by RCA on shortening of marketing time slots for public broadcasters
- Politicisation of selection of RCA Council
- Wire-tapping of journalists
- Avoidance of certain topics in the media, particularly in the public broadcasting services
- Great number of lawsuits for defamation and judgments in favour of politicians and not in favour of freedom of expression
- Impunity of those attacking journalists
- Attempt to destroy FTV by electing a Temporary Management Board (Federation Parliament)
- Inadequate and sensationalist reporting of some media outlets about the floods in BiH
- Untruthful reporting on the protests held in 2014
- Instigation of ethnic tensions in the reporting of the 2013 Census
- Lack of a full legislative regulatory framework for fair and competitive work of all media outlets, e.g. a law on marketing/advertising, regulations/norms on the registration of all media editions and outlets (without administrative limitations, except for those in accordance with general statutory regulations), regulations on transparency of ownership and editorial board (*impresum*) for all media outlets, regulations/norms on financing of media outlasts from public funds
- Political corruption and ideological and political self-censorship in the media along the lines of religion/entity-based divisions, in regard to the characterization of the recent war, culture of remembrance and historical revisionism and in terms of daily political and private interests of politicians, tycoons and media editors

- Insufficient prevention and sanctioning of hate speech based on ethno-religious, gender and sexual affiliation and orientation by editors/owners, the regulator and the judiciary
- Deepening of ethnic and entity division among the media and media space to the point of total loss of a unified view of the media, the political and cultural space of BiH, and an autistic media reporting in various media and ethnic groups.
- Non-existence of critical choices of topics and critical, investigative media reporting which could open new horizons and new, diverse fields and topics for information and education in the public interest; lack of theoretical and practical alternatives in media space
- Direct promotion and sponsoring of ethno-fascism in media reporting

## Positive developments:

- Existence of general legal framework for regulation of the media environment
- Development and improvement of media self-regulation
- Introduction and acceptance of self-regulation in the web media
- Accessibility of public broadcasting services
- Media pluralism
- Entry of foreign media companies (TVs and agencies)
- Strengthening of internet media and social networks as sources of information
- Special efforts made by some journalists in reporting on the consequences of the floods in 2014 in BiH
- Suspension of inadequate amendments to the Law on Freedom of Access to Information
- Suspension of the appointment of a temporary management board of FTV
- Increased active participation of journalist clubs in local communities

- Increase of interest of citizens in the observance of the Press Code indicated in a higher number of complaints lodged with the Press Council
- Promising educational programmes for future generations of journalists
- Affirmation of online media (Žurnal, Tacno.net, Buka, and Radio Sarajevo)
- Affirmation of professional organisations (BH Journalists and Press Council of BiH)

## Way forward / Recommendations:

- Establishment of a fund for journalists who are fired because of their reporting
- Work on the increase of media literacy
- Development of a culture of dialogue
- Improvement of the level of education and of the educational system
- Depoliticising and professionalizing of the media
- Improvement of working conditions for journalists
- Greater activity of journalist associations
- Strengthening of investigative journalism
- Strengthening of *DATA* journalism
- Promotion of the media and journalists who show high integrity in their work
- Adoption of legislation on transparency of ownership of the media
- Adoption of legislation on marketing/advertisement
- Adoption of a code to separate media ownership from editorial policy
- Harmonisation of the Law on Defamation and the Law on Freedom of Access to Information
- Improvement of the Law on Public Broadcasting Services
- Implementation of legal provisions on the use of language in public broadcasting services
- Steady monitoring of radio and TV by RCA
- Development of public media registration
- Dialogue among journalists on the values of their profession
- Strengthening of the self-regulatory body, the Press Council in BiH
- Protection of journalists and their working conditions
- Punitive measures for verbal and physical attacks on journalists
- Establishment and strengthening of trade unions in the media

## Panelists:

Mile Lasić, Professor of Political Science

Helena Mandić, Media Law Expert

Mehmed Halilović, Media Expert

Enes Osmančević, Professor of Communications

Srđan Puhalo, Psychologist

Mladen Miroslavljević, Professor of Communications

Lejla Čaušević-Sučeska, Trade Union Activist

Josip Blažević, Journalist

Srđan Šušnica, Lawyer

Darko Brkan, NGO Activist

Lejla Turčilo, Professor of Communications

Boro Kontić, Journalist

Adnan Rondić, Journalist

Milan Vego, Professor of Political Science and Journalism

Ljiljana Zurovac, Journalist

Adis Arapović, Political Scientist

Borka Rudić, Journalist



