

---

---

*Partly due to the political polarization that intensified during the election period, the negative trends identified in last year's MSI study continued in 2010. But even more so, the overall decline of the media sector was caused by the accumulated consequences of the economic crisis evidenced by an additional drop in advertising revenues.*



## BOSNIA & HERZEGOVINA

P

Political disputes and polarization within Bosnia and Herzegovina (B&H) deepened in 2010. No significant progress was made towards harmonization of the constitution and electoral law in line with the judgment of the European Court of Human Rights that limiting eligibility for the House of Peoples to “constituent peoples,” namely Bosniaks, Croats, and Serbs, is contrary to international law. Political disputes were frequent at all administrative levels and governmental institutions on different administrative levels have been undermined by their underperformance, lack of consensus, and controversial political rhetoric. Political leaders from Republika Srpska have loudly questioned the sovereignty and sustainability of Bosnia and Herzegovina by underlining that the country is a “virtual state,” sustained only by the presence of the international community. Attempts in the Republika Srpska parliament to open the door to a secession referendum threatened national unity. Such rhetoric intensified during 2010, in the run-up to the general elections held on October 3.

In Republika Srpska, the election did not bring major changes in power distribution and a coalition was established in December. In the Federation of B&H the Social Democratic Party (SDP), followed closely by the previously leading party, the Bosniak Party of Democratic Action (SDA) won the majority of votes. Unlike SDA, SDP is perceived to be a civic-oriented, multiethnic party, but it is supported mainly by Bosniaks, and therefore lacks the potential to reduce the current ethnic polarization. Its election campaign focused mainly on economic progress and abandoning the nationalistic politics. The government at the national and Federation level is yet to be established.

The mandate of the Office of High Representative (OHR), an ad hoc international institution responsible for supervision of civil affairs in the country, was officially extended for a year, indicating that B&H had not proved able to govern its political affairs. However, OHR itself functions on the principle of promoting domestic responsibility and often chooses not to impose decisions that could potentially address the political crisis.

Partly due to the political polarization that intensified during the election period, the negative trends identified in last year’s MSI study continued in 2010. But even more so, the overall decline of the media sector was caused by the accumulated consequences of the economic crisis evidenced by an additional drop in advertising revenues. The political parallelism and problematic financial circumstances also caused a decline in professional standards, particularly impartiality and balance.

Overall, Bosnia’s score sank significantly compared with last year, as it lost 0.38 point. Each objective fell at least modestly, with Objective 1 (freedom of speech), Objective 4 (business management), and Objective 5 (supporting institutions) taking the most serious hits.

# BOSNIA & HERZEGOVINA AT A GLANCE

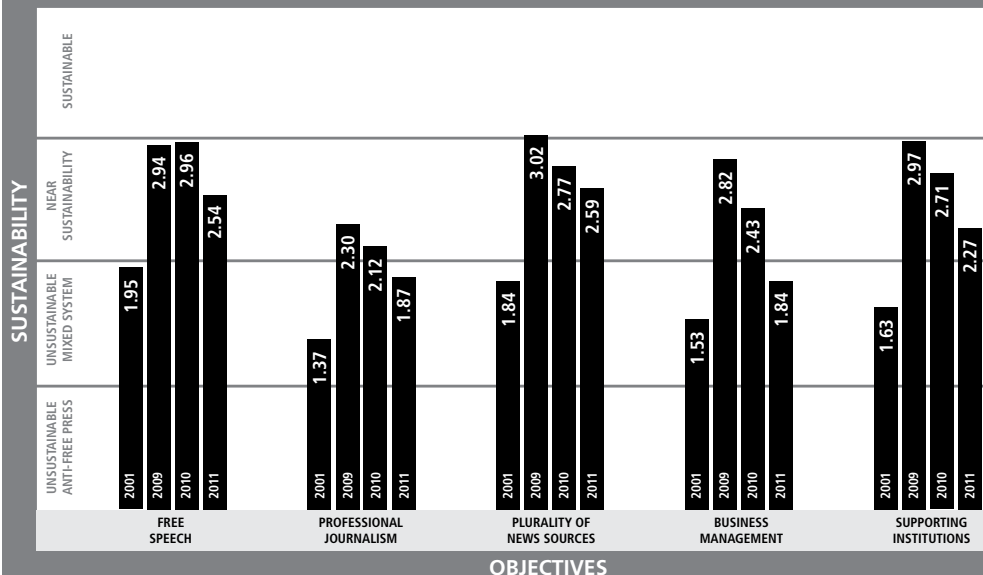
## GENERAL

- > **Population:** 4,621,598 (July 2010 est, *CIA World Factbook*)
- > **Capital city:** Sarajevo
- > **Ethnic groups (% of population):** Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (*CIA World Factbook*)
- > **Religions (% of population):** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > **Languages:** Bosnian, Croatian, Serbian
- > **GNI (2009-Atlas):** \$17.12 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$4,700 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 96.7% (male 99%, female 94.4%) (*CIA World Factbook*)
- > **President or top authority:** Presidents Nebojša Radmanović, Željko Komšić, Bakir Izetbegović (presidents rotate every eight months)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 11 daily newspapers, 86 periodicals (weekly and monthly newspapers, periodical magazines); 143 radio stations; 44 television stations (BH Press Council and Communications Regulatory Agency)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** The top three television stations are Federal TV (15%), Pink BiH (14.3%), Mreza Plus (13.1%), (Mareco Index Bosnia, 2010)
- > **News agencies:** FENA (state), SRNA (state), ONASA (private), NINA (private), MINA (Islamic Community in Bosnia and Herzegovina), KTA (Conference of Bishops of Bosnia and Herzegovina)
- > **Annual advertising revenue in media sector:** Television: \$37.4 million; Radio: \$11.8 million (CARDS 2006); Print Media: N/A
- > **Internet usage:** 1.422 million (2009, *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscscores.xls](http://www.irex.org/system/files/EE_msiscscores.xls)

### Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

### Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

### Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

### Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

## OBJECTIVE 1: FREEDOM OF SPEECH

### Bosnia & Herzegovina Objective Score: 2.54

Panelists stress that the legal framework supporting free speech has generally been marked by the lack of strong mechanisms, capacity, and incompetence of the personnel within the agencies that are mandated to enforce laws and regulations that guarantee freedom of media. The objective scored significantly lower than the last year, losing more than four-tenths of a point. Only three indicators did not suffer a notable loss in score: indicator 4 (attacks on journalists), indicator 5 (law guarantees editorial independence for public media), and indicator 9 (free entry into the journalism profession). Three indicators managed to maintain a score more than half a point higher than the objective score: indicator 2 (media licensing), indicator 8 (media access and use of foreign and domestic news sources), and indicator 9. However, indicator 4, indicator 5, and indicator 6 (libel laws) all lagged behind by at least half a point.

Freedom of speech and freedom of media in B&H are guaranteed at both the national level and the sub-national level. Article II/3h of the constitution of B&H, article II/A2 of the Federation constitution, and articles 32 and 34 of the constitution of RS constitution establish these freedoms. International covenants such as the European Convention for

#### LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

##### FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

*In spite of the pressure on CRA, panelists evaluated it positively, saying it had contributed to the development of media freedom. Licensing procedures are seen generally as impartial, transparent, and apolitical.*

the Protection of Human Rights and Fundamental Freedoms further support these freedoms. Specific legislation and regulations at various levels of government go even further. Therefore, panelists agree that the legal and regulatory preconditions for the freedom of media are developed and perceived as progressive.

However, the general stance of the panelists is that implementation of media freedoms has been dropping since 2006. The panelists explained the decline of free speech by pointing to underdeveloped social norms protecting and promoting free speech, reflected in deliberate obstructions, as well as in largely immature mechanisms to protect it. As Faruk Borić, editor in chief of Sarajevo-x, stated, "Very often certain political circles contribute to disrespect for legal and social norms when it comes to information that is not suitable to them... [E.g.,] journalists from Federal Television were denied access to the government of Republika Srpska."

Press freedom was especially endangered in 2010 because of the general elections. Journalists and media were exposed to various pressures coming from political agents interested in manipulating the public's perceptions and the image of candidates and parties. Panelists felt that the election campaign was followed by a significant subordination of media content to the needs of powerful political parties, whether based on censorship, or self-censorship. Dunja Mijatović, former director of the broadcasting division of CRA, now an OSCE representative on media freedom, made note in an interview published in Infokom that "an increased number of complaints [concerning media content] submitted to the Agency either by politicians, or political parties, religious communities and other public figures and institutions" is indicative of such pressures being intensified at the beginning of 2010.<sup>1</sup> One of the more visible violations of media freedom came when the Alliance of Independent Social Democrats party in RS notified Banja Luka's ATV that its journalists were barred from covering its Election Day activities. As Borka Rudić, secretary general of the BH Journalists Association, added, a complaint was addressed to the Central Electoral

<sup>1</sup> Interview with Dunja Mijatović, published in Infokom, No.29, p.53, May 1, 2010.

---

---

*A MediaCentar Sarajevo interview with a lawyer who handles libel cases suggests that whether or not a public official is held to a higher standard is highly dependant on the presiding judge.*

Commission, as well as to OSCE mission and CRA. However, the Central Electoral Commission replied that it did not have the authority to influence the party in this regard.

Laws regulate hate speech, but online hate speech is not presently stipulated as a criminal offense under national law. Web content is especially difficult to regulate since the servers are mostly based abroad, often in the USA, where what would be considered hate speech in European legislation, and therefore penalized, is protected by law. Presently, the online media are held accountable only for libel, in accordance with already established court practice.

Freedom of expression as well as the development of a broadcast sector free of political control and manipulation is stipulated by the Law on Communications. The Communications Regulatory Agency (CRA) regulates broadcasting. Independence of the CRA is granted through its financial autonomy, as well as through the mechanisms for the appointment of its management. Supporting financial independence, CRA's budget submission, approved by the multi-ethnic Council of Ministers, cannot be amended more than 20 percent by the council. CRA also receives its own sources of financing from licensing fees as well as loans and international donations. CRA has executive powers to enforce the rules and regulations governing the broadcast sector. The director of CRA is also appointed by the Council of Ministers.

Despite the existence of regulatory guarantees of its independence, the CRA is constantly exposed to political pressures. As Asja Rokša-Zubčević, head of the Division of Audiovisual Services and International Cooperation in Broadcasting at CRA, pointed out, such pressures intensified during 2010. The delay in appointing the general director of CRA, now in its third year, is considered to be a form of politically motivated pressure on CRA. The Council of Ministers has given no official justification for its refusal to appoint a director. The current acting director is faced with significant administrative difficulties as a result of his status.

In spite of the pressure on CRA, panelists evaluated it positively, saying it had contributed to the development of media freedom. Licensing procedures are seen generally as impartial, transparent, and apolitical. However, Radmila Žigić, editor in chief of PAN radio, expressed a need for a more

sophisticated approach to licensing, so that programming criteria would meet the needs of different geographic areas as well as a variety of social groups.

Broadcasters are obligated to report, and get a written consent from CRA, for the changes in their program scheme that exceed 20 percent of airtime. However, enforcement of this provision is lacking. Panelists suggested developing the mechanisms that would ensure broadcasters' adherence to the program schemes for which they received their license. Currently, CRA is not mandated to conduct, and does not have capacity for, monitoring programming to ensure compliance with license requirements, especially since there are 187 broadcasters. As Adnan Osmanagić, director of Radio Stari Grad, stressed, "It seems to me that certain [broadcasters] got...their license thus, but I believe that they haven't been implementing [the program defined by the license] to the fullest. My only remark would be that the implementation should be monitored and the treatment of such cases should be stricter."

Panelists expressed their concern at the lack of efforts to introduce different rates of value added taxes for different industries. Currently, there are no tax breaks for the media that would assure a better market position. Otherwise, market entry for media enterprises is not unduly restricted.

The panelists agreed that the crimes against journalists were fortunately not frequent in 2010, but that there were more subtle forms of pressure on journalists. The Free Media Help Line, a service aimed at helping journalists resist pressure and protect their rights and freedoms,<sup>2</sup> registered 40 cases of violations of media freedoms and rights of journalists during 2010, amongst which nine fall under the category "threats and pressures" and five under the category "physical assault." The case that caught the most public attention was that of a lawsuit against journalist Damir Kaletović, a reporter for public broadcaster FTV. In July 2010, former B&H Ombudsman for human rights Vitomir Popović filed a lawsuit against Kaletović for publishing unauthorized audio-video material recorded during an unofficial conversation. In the recording, Popović makes serious threats, stating that a journalist and his editor "deserve a bullet in the forehead." The case is still ongoing, with vast support for Kaletović from media professionals and the wider community.

The public condemns particularly the fact that the threats against journalist have been treated with impunity. One of the most recent cases of physical violence occurred in front

---

<sup>2</sup>The Free Media Help Line is operated by the BH Journalists Association. Journalists are encouraged to report any kind of pressures or labor rights violations. In reported cases, it provides legal advice as well as support in the form of publicity about the case. Additionally, it organizes debates and seminars. See more at: <http://www.bhnovinari.ba/linija/en/>

of the building of the State Court, when employees of RTVSA were attacked by a police officer. Charges were not brought against the officer, but a petition was filed with the State Court and a complaint submitted to the Free Media Help Line. Editor in chief of RTVSA, panelist Amir Zukić, did not know whether any disciplinary action was taken against the officer. There was also one registered case of a death threat, made against journalist Mišo Vidović during a press conference.

Panelists compared the laws protecting the editorial independence of public media as generally adequate and comparable to the laws on public broadcasting in developed countries. The law on the public broadcasting system guarantees editorial independence and the institutional autonomy of public broadcasters. The process for appointing the board of directors and the position of executive manager is one guarantee of independence. As a precondition for editorial independence, financial independence is stipulated through financing based on public fees and partly on advertising and sponsorship. While regular programming cannot be subsidized, the government can allocate financial aid for programs of national significance, broadcasting by satellite, archive preservation, etc.

Nevertheless, panelists felt that the laws that guaranteeing editorial independence are not being implemented. Despite the law that regulates selection of public media management, Zukić stated that, with some exceptions, "During the past and current year it has become more than obvious that not a single person lacking political support can be selected for such positions." Panelists expressed concerns over the fact that Parliament is appointing members of managerial boards in public broadcasting services. Partisan affiliation rather than competence of candidates and serving the public interest is therefore the primary criteria for appointment according to Zukić, Rudić, and Jasmin Duraković, founder and executive producer of the web portal depo.ba.

There are also 78 broadcasters founded and financed by cantonal and municipal authorities, which also fall under the category of public media. However, there is no equivalent regulation of financial independence of these media outlets. For example, in 2006, most public radio stations run by cantonal or municipal governments received more than half of their revenues from local government budgets, while some of them are entirely dependent on such financing.<sup>3</sup> The influence of local authorities on editorial policies of public media is therefore potentially heavier. The panelists agreed that local media are in fact more exposed to such influence. Rule 42/09 on public broadcast stations stipulates that editors in chief and/or directors of public stations at

any level (state, entity, canton, municipality, and district) cannot be a public official and cannot perform duties within political party or organizations affiliated with a political party. Panelists suggest that in practice, managerial personnel are possibly either appointed on the basis of their affinity towards the local authorities, or they are exposed to different kinds of pressures in order to comply with the interests of local authorities. In such circumstances, as Zukić put it, "It is extremely difficult to fight successfully for a minimum of professional work."

Libel has been regulated by civil law since 2003, which panelists viewed as a positive development. However, there are indications that libel is misused to pressure journalists. Panelists stressed that court proceedings are time- and energy-consuming, and often problematic since: the burden of proof is put on defendants (instead of the plaintiff, as the law stipulates); there are no deadlines for assessing emotional distress; suits can wait for several years before court proceedings begin; courts lack the capacity to deal with a large number of lawsuits; appeals are lengthy and expensive, which leads to media being inclined to accept decisions of the municipal courts without appeal, and; municipal courts are often unlikely to be impartial, if impartiality would put the courts in opposition to local authorities.

Entity libel laws (Article 7 of the Federation's libel law; Article 6 of the libel law in RS) stipulate that courts weigh different circumstances particular to each case when rendering a decision. According to Rudić, this includes "whether it pertains to issues from private life of affected person or to issues of political and public relevance. An example of a court proceeding for libel against Radio Q, processed in 2010, was seen as highly disputable. The decision was unfavorable to Radio Q, although the municipal court had reached the final verdict that [the plaintiff] had perpetrated a misdemeanor." A MediaCentar Sarajevo interview with a lawyer who handles libel cases suggests that whether or not a public official is held to a higher standard is highly dependant on the presiding judge.

In most cases information is accessible in everyday practice through interviews, public officials' statements, etc. However, there are cases of denying access to information by delaying replies or offering inadequate information. For example, research on media freedoms published in 2010 showed that three respondents (out of 15 journalists and editors interviewed) said they had experienced an absolute denial of information and refusal to give interviews on the part of a number of social actors, primarily political officials, whom they had previously written about critically.<sup>4</sup> Panelists

<sup>3</sup>Communications Regulatory Agency. *Overview of the Communications Sector in Bosnia and Herzegovina*, 2008, p. 143.

<sup>4</sup>Hodžić. S. *Under Pressure: a report on state of media freedoms in Bosnia and Herzegovina*. Mediacentar Sarajevo. 2010. p. 26.

*Žigić accentuated cases of violation of the privacy of minors as the worst examples of journalistic misconduct. She pointed out a case in March 2010 concerning sexual abuse of a minor wherein the minor's identity was revealed.*

also reported on such practices. The Freedom of Access to Information Act stipulates that public officials have to provide requested information to any citizen, including journalists, using specified procedures. However, journalists employ this legislation rarely, mostly in order to provide insights for investigative stories. Reuf Herić, director of Radio Q, suggested that journalists generally lack persistence when requesting information. "In most cases, media and journalists give up the very first time a certain institution refuses to provide them with the information. We, for example, had a similar experience with the Public Health Institute of Zenica-Dobož Canton, or with the Parliamentary Assembly of Bosnia and Herzegovina, and so on."

Research conducted by Mediacentar Sarajevo in 2006 shows that institutions often fail to provide access to information pursuant to obligations defined by law: 51.7 percent of 240 requests submitted as part of this research received no response. After requests were re-submitted, a total of 68.7 percent were responded to.<sup>5</sup> Reasons for not providing requested information includes a lack of willingness or intent to hide information by officials; understanding of how the law is implemented, and; insufficient capacity and efficiency to provide timely responses.

The original law does not provide for sanctions on public agencies for non-compliance. At the end of 2009 the law was amended to include such penalties, but there were no cases of these being applied to date. Fines range from KM 1,000 to KM 15,000 (\$700 to \$10,500) for public agencies, or from KM 200 to KM 5,000 (\$140 to \$3500) for individuals responsible for failure to act pursuant to the law. However, this was amended only at the national level, which means that public institutions at other levels can still deny or delay access to public information with relative impunity.

<sup>5</sup>Džihana, Amer. "Monitoring Democratic Development in B&H: Accessibility Index of Public Institutions, Organizations, and Agencies," Mediacentar Sarajevo, 2006. Available at: <http://www.media.ba/msonline/bs/tekst/monitoring-demokratskog-razvoja-u-bosni-hercegovini-indeks-otvorenosti-javnih-institucija-or>.

Media access to news sources is open and unrestricted by law. However, panelists felt that increasingly there are infringements of intellectual property rights. In practice, copyrights are constantly violated by some media outlets, especially when it comes to online media content, despite provisions of the Law on Authorship and Related Rights.

Entry into the journalism profession is open and the government does not impose any restrictions in this regard.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Bosnia & Herzegovina Objective Score: 1.87

The score for this objective fell a quarter of a point compared with last year, primarily due to losses in three indicators: indicator 3 (self censorship) indicator 4 (journalists cover key events), and indicator 6 (balance of entertainment and news). Most of the indicators stayed within half a point of the objective. However, indicator 5 (pay levels for journalists) fell short by half a point. Despite their losses in score, indicators 4 and 6 both exceeded the objective score by three-quarters of a point.

The lower scores are partly because, as Amir Zukić, the editor in chief of TV SA, pointed out, the professional journalism community is not engaged in the promotion of professional standards. The overall low level of respect for professional norms is also seen as a consequence of financial deficits, and a lack of policies that would address this problem. Namely, annual advertising revenues are scarce and cannot support a huge number of broadcasters. As Reuf Herić, Director of

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well-sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Radio Q, stated: "Until this situation is improved...you cannot expect a pay rise at the media that struggle to make ends meet month after month, and that is exactly how electronic media stand."

Panelists agreed generally that professional norms are not consistently respected, especially in print and online media. Practices of partisanship, failing to get all sides of a story, ethnic bias in reporting on certain issues, lack of background investigation, as well as publishing of false information, were identified as some of the causes for concern.

Žigić accentuated cases of violation of the privacy of minors as the worst examples of journalistic misconduct. She pointed out a case in March 2010 concerning sexual abuse of a minor wherein the minor's identity was revealed. Journalistic reports included initials, full names of the relatives, area of residence, her nationality, and even photographs, although with eyes blurred.

The fall of the overall score, in comparison to recent years, was explained by the panelists in light of the election campaign, where partisan affiliations of media outlets resulted in biased reporting and violations of journalistic norms. As Borić stated, "I believe that all three public broadcasters failed the test during this election period... In that period, I saw some of the most monstrous things in print media in Bosnia and Herzegovina since the Dayton Accord was signed...the propaganda of political parties was evident and I believe that only few media remained unblemished."

On the other hand, print media are not regulated at the institutional level, but rely on a self-regulatory mechanism. The Press Council, as a non-governmental agency, promotes good journalistic values in print media, but only based on the voluntary acceptance by the print media outlets themselves.

Panelists also stressed the need to regulate online media content more as the role of online media in the creation of political environment increases. Borić said that there are efforts to include online media in the self-regulatory system, which is currently operating within the print media sector. He expressed his concern about the efficiency of the system, relying as it does on the voluntary acceptance on behalf of the media outlets, in the circumstances where the editorial decisions are more likely to be governed by political and economic interests rather than by professional norms.

Within the broadcasting sector, the Broadcasting Code of Practice for Radio and Television Programs defines the standards of programming, while the Press Code defines the professional standards for the print media sector. The CRA has executive powers over electronic media in cases of violation of journalistic norms. Unlike CRA, the Press Council does not enjoy executive power, but it has a mandate to suggest

*As Borić summarized, "I believe that all the media respect the Code...as long as no other interest prevails, which is in most cases of an economic nature."*

press media publish retractions or corrections in cases where the Press Code is violated. Results of research conducted in 2009 and 2010 suggest that the self-regulation system is not being fully accepted in the professional community,<sup>6</sup> and that publishing the decisions of the Appeals Council (functioning within Press Council) still has not become a common practice in print media.

Violations of accepted professional standards pointed out by panelists included, as mentioned above, disrespect for privacy of minors, but also one-sided presentation of information and unjustified conclusions and failure to distinguish between assumptions and facts (especially with regard to guilt of court defendants).<sup>7</sup> Panelists suggest that the practice of plagiarism is common in online media, but did not report on such cases in other media sectors.

Additionally, a significant proportion of journalists are not actually familiar with the ethics codes and there is a lack of efforts of individual media outlets to develop their own internal ethical norms and procedures. Respect towards professional standards is not promoted, and violations, such as accepting payments for certain types of coverage, are not penalized by the managerial and editorial staff.

A dominant orientation towards profit before professionalism, combined with the development of survival strategies in times of economic crisis, have resulted in the commercialization of media content to the point where professional standards are set aside.

The economic interests of media owners are the prevailing cause of self-censorship and the primary obstacle to robust implementation of professional norms. Media content can be subjected to the interests of economic power when media outlets are financially dependent. As Borić summarized, "I believe that all the media respect the Code...as long as no other interest prevails, which is in most cases of an economic nature."

There was a consensus among panelists that self-censorship is vastly present in media outlets in B&H. Additionally,

<sup>6</sup>See Hodžić, S. *Under Pressure: Research Report on the state of Media Freedom in Bosnia and Herzegovina*. Mediacentar Sarajevo, 2010. pp. 16 and 33. Available at: [http://www.media.ba/mcsonline/files/shared/UNDER\\_PRESSURE\\_FINAL\\_ENGL.pdf](http://www.media.ba/mcsonline/files/shared/UNDER_PRESSURE_FINAL_ENGL.pdf).

<sup>7</sup>Source: Hodžić, 2010, p. 33, footnote 109.



---

---

panelists agree that there is a strong fragmentation of the journalistic community based on ethnic identities, and furthermore based on political affiliations. This fragmentation also often leads to biased reporting and other violations of professional standards.

Panelists believe that key events and issues are covered in the media, although not with equal and constant promotion of standards of quality and credibility.

Entertainment programming does not considerably eclipse information programming. Informative programming seems to have its place, and there is audience demand for such programming, even more so in times of political and economical crisis. As Adnan Osmanagić, director of Radio Stari Grad claimed, "These programs' ratings are rising and...it is exactly due to these reasons that the media are inspired to include such programs."

Yet, the quality of informative programs is often questionable. One of the main reasons is the particularly low economic status of media outlets. As Reuf Herić, director of Radio Q points out, broadcast media that are in dire financial straits reduce their informative program to cheap and bad news, and a few agency news since they are unable to finance their own journalists' field work, purchase of new equipment, investigative journalism, and so on."

There is little attention paid to developing unique and interesting news programming. Most of the informative programs are deemed similar in all media outlets, lacking appeal and distinctiveness. Media content is underdeveloped in several areas, such as news, education, children's, and documentary programming.<sup>8</sup> Production of news for special population categories, such as refugees and persons with impaired hearing, as well as of religious programs and programs for minority groups is especially scarce. However, panelists consider that the key issues are generally covered, each by at least some of the media, if not by all of them. Limited human and financial capacities of the outlets hinder the impartiality or overall quality of the reports, but do not result in complete absence of relevant issues from the media content.

Blogs are also seen as an additional sphere in which socially marginalized groups and local communities can become more visible. However, positive examples of covering relevant issues in blogs and forums have been rare and have had limited social impact.

<sup>8</sup> Source: CRA Programs available to viewers and listeners in Bosnia and Herzegovina. 2002. available at:<http://www.rak.ba/bih/aktuelnost.php?uid=1270505112&searchterm=PROGRAMI+DOSTUPNI>.

Pay levels for journalists are insufficiently high, especially in regard to long working hours and the pressures to which journalists are often exposed. Borka Rudić, Secretary General of the BH Journalists Association, stressed for example that there were scores of dismissals in media outlets during 2010, and many more can be expected. Significant differences among media in this regard were pointed out, depending on the economic position of various media outlets. While in some media outlets pay levels for journalist have been constantly rising over the past several years, other media demand more work from journalists' although the pay rates are declining.

Paychecks are not received regularly in some media outlets. The salaries of journalists amount to around KM 1000 (\$706) in public television stations, or around KM 1100 (\$777) in more successful private television stations. However, salaries drop at smaller, local media and at less successful private media. On the other hand, pay levels of public officials are significantly higher, with salaries of members of parliament being more than KM 4000 (\$2826) per month.

State and entity level public broadcasters appear to be in a somewhat better position, since they have steady revenues from the public budget. However, Borka Rudić emphasized that 11 employees had to leave FTV in the previous year for one reason or another. Panelists agree that there is a high rate of attrition of journalists seeking better paid and more secure professions, namely public relations. Mira Lolić-Močević, Director of RTRS public broadcaster stated that this situation in RTRS is an exception and shows a tendency of improving. "This year, there was a slightly lighter exodus of journalists and editors compared to the past year, and an increased number of applications for certain positions since we [RTRS] still have a regular income."

Borka Rudić, Secretary General of the BH Journalists Association, points out that the journalists' labor rights have been grossly violated. As findings of research conducted in 2008 suggest, the most violations are concerning salaries (irregular salaries, low salaries, minimal wages officially reported), the length of the working day and general working conditions. Other violations reported include irregular social and health security contributions, violations of the right on annual vacation, atypical working arrangements such as unregistered hiring, or false single-purpose contracts (while journalist perform full time working duties), etc.

Social status of journalists and the level of respect for labor rights are perceived to be low, but more so due to general socio-economic circumstances in the country than to special

conditions within the journalistic profession.<sup>9</sup> Based on Rudić's experience, even if the court rulings that protect journalists' labor rights, such as reappointment of dismissed media workers, are reached, their implementation remains uncertain. There were eight cases of infringement of labor rights reported to Free Media Help Line during 2010, such as unjustifiable dismissals and nonpayment of salaries.

There are huge variations between individual media outlets regarding technical resources for production and distribution of news. Digital production within broadcasters is still generally in its inception, with private media being leaders in the technical developments and public broadcasters lagging behind. The B&H Council of Ministers adopted the digitalization strategy developed by the Digital Television Transition Forum in June 2009, but no significant process has been made since. However, Zubčević pointed out that important prerequisites for the digitalization process have been realized, since the technical plan for frequencies that had been developed is evaluated as the best in region. Additionally, Zubčević said, "Public broadcasters have formed...a team of experts which have already developed all possible technical plans for digitalization." Still, most of the panelists agree that there were no significant results in practice; broadcasting is still using analog technology, with no indication that B&H will soon catch up with the European countries.

Journalists are generally not specialized in specific niche programming, but are engaged in different areas of journalism. The imperative of fast production of media content, combined with the cost reduction strategies, does not lend itself to media to developing specialized reporting. Few journalists are specialized in covering economic issues, as that is an area that requires additional education that journalists and media outlets can rarely afford.

Public broadcasters, unlike private ones, have regulatory requirements to produce specialized programs. The Rule 41/2009 on public RTV stations stipulate that public broadcasters must produce content intended for children and special categories, such as displaced persons, national minorities, and vulnerable categories. Whether this obligation is constantly fulfilled by public broadcasters remains debatable, since there is no monitoring of their content. CRA has the mandate and capacity to react only upon specific complaints about the programming.

<sup>9</sup> See more in: Hodzic, S. 2008. Chapter on B&H. in *Labor Relations and Media*. SEENPM and Independent Journalism Center-Moldova

*Amir Zukić asserted that online portals are taking over the role previously played by news agencies, since the same news is published on portals before they are received from news agencies. Additionally, web portals include multimedia content that news agencies do not provide.*

### OBJECTIVE 3: PLURALITY OF NEWS

#### Bosnia & Herzegovina Objective Score: 2.59

The score for this objective dropped somewhat, from 2.77 last year to 2.59 this year. Much of the drop is due to lower scores for indicator 4 (news agencies) and indicator 6 (transparency of ownership). Indicator 6, along with indicator 3 (public media are nonpartisan), scored about three quarters of a point lower than the objective score. Indicator 1 (plurality of news sources and viewpoints) and indicator 2 (citizen access to media) scored about two-thirds of a point higher.

There are a variety of media sources available to citizens within different media type (print, broadcast, online) and with different ownership structures (public and private).

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, internet, mobile) exists and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are non-partisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.
- > The media provide news coverage and information about local, national, and international issues.

*Concentration of media ownership is currently not regulated in any way. Previous laws pertaining to media concentration have expired.*

Editorial policies within individual media allow expression of a plurality of viewpoints; in many cases independent of the interests of financiers and political affiliates.

The possibility of licensing community radio has existed for several years now. However, only one community radio license has been issued so far, to religiously affiliated radio Marija for frequencies in Sarajevo and Banja Luka. The lack of interest in community radio stems primarily from issues of financial sustainability: they are prohibited from obtaining advertising revenues (rule 42/2010, article 12).<sup>10</sup> Radio Marija is financed solely through donations.<sup>11</sup> Nonetheless, there are a few radio stations whose mission can be characterized as public service meeting the needs of a specific population.<sup>12</sup>

In addition, the role of online content is increasing in the light of rapid growth of Internet penetration. This includes web portals of mainstream media and online media outlets, blogs, forums, and social networking tools. However, content communicated through blogs, and even more so through social networks (such as Facebook and Twitter) and forums, is mostly considered lacking informational value. Occasionally, they appear as sources of news and information and facilitate citizen engagement. On the other hand, they are also burdened with homophobic, fascist, nationalistic, and/or sexist outbursts that initiate more criticism than praise for new media. In spite of that, potential of these media is recognized, and they are seen as places of possible expression of "authentic civil society not dictated by donor interests and national programs."<sup>13</sup> More systematic use of such potential is expected in the prospect of general development of civil society engagement in B&H. Citizen journalism in B&H is still

in its infancy, and citizens still turn to mainstream media as the primary sources of information.<sup>14</sup>

There are no government restrictions over accessing domestic or foreign media. Several public and private broadcasters have nationwide coverage. Print media circulation is geographically differentiated based on the ethnic identity of the readers. Panelists agree that economic reasons prevent citizens from accessing a variety of news sources. Income levels affect access to different kinds of media beyond television, which still remains the primary source of information. The average monthly Internet subscription costs around KM 30 (\$20) and the price of dailies is KM 1 (\$0.67), average domestic magazines cost KM 3 (\$2), while foreign magazines are far more expensive. Media consumption is therefore relatively expensive since the average salary rate is KM 795 (\$530).

Overall Internet penetration has been rapidly increasing over the years. The percentage of Internet users older than 15 increased from 4 percent in 2002 to 35 percent in 2009.<sup>15</sup> CRA reports that there were almost 400,000 Internet subscribers in 2009. It was assessed that there were 1,421,540 Internet users (37 percent of the population) in 2009. The number of users with broadband Internet access has especially increased over the years, with 292,113 broadband subscribers and 107,216 dial-up subscribers in 2009.<sup>16</sup>

Additionally, Žigić stressed that there are major differences between individual geographical areas when it comes to availability of different news sources. Mostly, major city centers enjoy a plurality of news sources, while certain other areas are deprived of the necessary infrastructure to achieve that. Smaller cities and rural areas especially depend on few available news sources. Print and online media are not considered a common source of information within rural areas, due to financial and infrastructure reasons. As Zubčević said, "There is a problem with rural areas that simply do not have access to any kind of communication infrastructure or means, including coverage by radio and television stations and especially the Internet."

<sup>10</sup> Also see Coyer, K, and van Beek, J. Community radio in Bosnia and Herzegovina. In Jusić T. (ed) *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*. Mediacentar Sarajevo 2010. Bosnian version available at: [http://www.media.ba/mcsonline/files/shared/Participatorne\\_komunikacije\\_Final\\_za\\_web.pdf](http://www.media.ba/mcsonline/files/shared/Participatorne_komunikacije_Final_za_web.pdf)

<sup>11</sup> Source: e-mail reply of Amela Odošević, Head of Public Affairs, CRA. February 24, 2011.

<sup>12</sup> Ibid. Coyer and van Beek identified Vesta Radio (Tuzla), Studio 88 (Mostar), Studentski radio IFM (Sarajevo), and Radio Balkan (Banja Luka).

<sup>13</sup> Nedimović, S. 2009. Ljepota poruka forumanja. Available at: <http://www.media.ba/mcsonline/bs/tekst/ljepota-poruka-forumanja>.

<sup>14</sup> See for example Jusić, T and Hodžić, S. Source: Jusić, T & Hodžić, S. *Local Media and Local Communities: Towards Public Policies for the Promotion of Local Media Content in Bosnia and Herzegovina*. In Jusić, T (ed) *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*. Mediacentar Sarajevo, 2010. available at: [http://www.media.ba/mcsonline/files/shared/Participatorne\\_komunikacije\\_Engleska\\_Ver2\\_Final.pdf](http://www.media.ba/mcsonline/files/shared/Participatorne_komunikacije_Engleska_Ver2_Final.pdf)

<sup>15</sup> Source: AGCOM & CRA, *Overview of the Communications Sector in Bosnia and Herzegovina*, 2008, p. 143. available at: <http://rak.ba/en/public-affairs/msword/Twinning%20Light%20Report%20final%20engl.doc>, 12.1.2010). GfK BiH, 2006b, *Electronic media in B&H—which are most viewed and listened-to?*, available at: [http://www.gfk.ba/public\\_relations/press/press/003245/index.ba.html](http://www.gfk.ba/public_relations/press/press/003245/index.ba.html).

<sup>16</sup> Annual survey of holders of CRA licences for provision of Internet services in B&H for 2009, available at: <http://www.rak.ba/bih/index.php?uid=1272548201>, p. 3, accessed on 08.01.2011)

Serving the public interest was not a priority of public media during the election period. Panelists agreed that the candidates with current government positions during the election campaign were promoted more than other candidates, and that there was additional bias of individual media towards certain political options. There is a need for a change in the rules and regulations that would assure more balanced reporting on both the ruling and opposing parties, especially in the election period.

The panelists also stressed that impartial programming in the public interest is rare in public media that function at cantonal and municipality level, since they are financially dependent on local governments.

Additionally, Duraković called attention to the tendency of public media to focus their reporting on politics to the extent that other areas are neglected. For example, programs of educational and cultural significance are scarce or given less importance.

News agencies failed to adapt to rapid changes in the media environment and growing needs of media outlets in terms of timeliness and quality of news services. Amir Zukić asserted that online portals are taking over the role previously played by news agencies, since the same news is published on portals before they are received from news agencies. Additionally, web portals include multimedia content that news agencies do not provide.

Two news agencies in B&H are public, and four are commercial. Borić stated that most media use the services of at least one of the agencies. He considers that most of the news provided by the agencies is neutral, but a small portion of the news offered by some agencies can be considered "time bombs," with information presented in a biased manner.

The services of international agencies are normally not used by media in B&H, due to their costliness as well as local media's focus on national and/or sub-national issues. Information on international affairs is received through international media sources instead.

Panelists agreed that the majority of private broadcasters and print media produce their own news and information programming. Although web portals are regarded as a sphere in which copyrights are especially infringed, some of the portals produce their own news content as well. However, the previous section of this report showed that there are substantial reservations about the quality of production of news and informative programming in different media sectors. Other online media (blogs, forums, etc.) often amalgamate information from other sources, but also include

personal experiences and reflections thereby contributing to plurality of public debate.

Concentration of media ownership is currently not regulated in any way. Previous laws pertaining to media concentration have expired. Zubčević believes that the development of new, adequate regulations will require involvement of state authorities, CRA, and the Council of Competition B&H. CRA is currently trying to initiate development of such legislation, which would address not only concentration in the broadcasting sector, but in overall media market.<sup>17</sup>

Furthermore, media are required to submit documents on media registration and ownership structure to CRA. Still, panelists believe that the actual, as opposed to official, ownership structure is not always known. For example, the fact that the owner of Radio-RTV Travnik is a political party, which is contrary to the law, was discovered only at the beginning of 2010.<sup>18</sup>

Panelists agree that transparency of ownership and concentration of media has deteriorated in comparison to the previous years. Panelists expressed fear that the concentration of ownership will increase in the near future. Certain media owners already hold a significant market share.

Public broadcasters have a responsibility to assure certain programming for and about national minorities, displaced persons, and vulnerable groups. However, special shows for national minorities are rare, while programs in minority languages are aired only on Radio Republika Srpska. Two print media for minority groups have been identified as well.<sup>19</sup> Duraković pointed out that Internet portals give minority groups more opportunity to be represented and can produce content for them.

Additionally, information about and for local communities is marginalized, if not excluded completely from media content. Approximately 25 cities in B&H are covered by the signal of at least two television stations and at least four radio stations, but more than 50 municipalities do not have local broadcast media within their communities. Commercial local media mostly include news programming, but are primarily focused on entertainment. Local public media are directly financed by local authorities, which raises serious concerns over their editorial independence. However, public broadcasters FTV and RTRS broadcast at least one television show each about local

<sup>17</sup>The Council of Competition initially confirmed interest to participate in these developments (e-mail correspondence with Helena Mandić, Sector for programming standards appeals and regulation in broadcasting sector, 06.09.2010)

<sup>18</sup>Source: Kavazović K, Global, No.82, p.12-13, 20.08.2010.

<sup>19</sup>Marko, D. Media and Minorities in Bosnia and Herzegovina in Hodžić, E and Jusić T. Against the Margins: Minorities and Media in South East Europe. Mediacentar 2010. p. 156-157.

*Contrary to such estimates, Mira Lolić Močević, director of RTRS, claims that the business efficiency of RTRS in 2010 was high, with significant investments in technical and human capacities of this public broadcaster.*

communities in B&H. Civil journalism and online platforms are not developed enough to be considered as a continuous sources of news on local issues. By contrast, national and international issues are sufficiently reported.

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

### **Bosnia & Herzegovina Objective Score: 1.84**

Scores measuring the business management side of the media plunged in the past year, with nearly all indicators taking a hit. Only indicator 5 (government distortion of the media market) did not experience any movement; however this indicator has been the perennial laggard; unfortunately the objective score sank closer to it. Indicator 6 (market research) was the only indicator to score noticeably different from the objective score, exceeding it by more than half a point. Such backsliding indicates that the business environment has become significantly more hostile toward media outlets during the past year.

#### **MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.**

##### **BUSINESS MANAGEMENT INDICATORS:**

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and internet statistics are reliably and independently produced.

Panelists agreed that media outlets have immense difficulties attaining sustainability. As Herić pointed out, media outlets outside big city centers face the greatest difficulties given that, “Most media are struggling to survive month after month—reflected in the low incomes of their employees, unpaid phone bills, electricity bills, and so on.” Additionally, growth is stifled because media often cannot employ either competent journalists, or economists, marketers, and human resources personnel who could potentially enhance their efficiency and help them turn business around.

Revenue sources are drying up, especially after international media projects are terminated—leaving media outlets adrift in an uncertain media market, commented Osmanagić. To explain this year’s immense drop in scores, the panelists point to the economic crisis, and specifically the additional dropdown of advertising revenue in an already modest, overcrowded media market. According to unofficial estimates, advertising revenues fell by 25 percent in 2009, and an additional 10 percent in 2010.<sup>20</sup>

Maintaining a large number of media in the context of the economic crisis is considered a fatal flaw within the market, which has ultimately “undermined all possible standards of production,” according to Duraković.

Available data from 2006 suggest that advertisements are the most important source of revenue in the television sector, followed by license fees (for members of the Public Broadcasting System), and finally public funding (for municipal or cantonal level broadcasters).<sup>21</sup> Panelists stressed that the dependence on major advertisers (and potentially associated political actors) is increasing. Consequently, those advertisers are gaining more power to influence editorial policies, directly or through self-censorship. As Borić stated, “I am convinced that not a single editor would fail to carefully reconsider publishing a big story that casts a negative shadow on one of their biggest advertisers...it is questionable whether journalists and editors would even embark on investigating such a story, knowing in advance that they might lose a big advertiser; this kind of auto-censorship probably appears at the very outset.” Such tendencies are particularly worrying, as they endanger both the sustainability of a vast number of media and journalistic credibility.

State and entity level public broadcasters (RTRS, FTV and BHRT) are financed through fees collected from the public. However, fee collection has been inadequate to

<sup>20</sup> Ibid, p 79, footnote 44.

<sup>21</sup> Data from 2006 show that advertisement has a 45 percent share, RTV fees 33 percent and public funding 4 percent. Overall revenues of the television market were KM 180,000,000 (AGCOM and CRA, 2008, Overview of Communication Sector in Bosnia and Herzegovina, version on Bosnian Language available at [http://www.rak.ba/bih/results.php?se\\_arhinput=pregled+sektora&submit=Tra%C5%BEi](http://www.rak.ba/bih/results.php?se_arhinput=pregled+sektora&submit=Tra%C5%BEi) ; pp. 89-99).

ensure business efficiency.<sup>22</sup> Zukić expressed concern about the future sustainability of the members of PBS. These broadcasters must raise advertising revenues to maintain their financial efficiency. Contrary to such estimates, Mira Lolić Močević, director of RTRS, claims that the business efficiency of RTRS in 2010 was high, with significant investments in technical and human capacities of this public broadcaster.

A large number of public media (64 radio stations and 14 television station functioning at municipality and canton level)<sup>23</sup> are funded primarily by local governments—and therefore, they distort the media market. Additionally, there are a few media outlets known for being owned and financed by political or religious institutions.

Advertising agencies work actively with all media sectors (print, radio, television, and Internet), to the extent the advertisers are interested in each media type. Television broadcasters still pull the largest share of advertising, but the Internet ascended to second place—leaving the print and radio sector behind.<sup>24</sup> Advertising agencies are also seen as agents that do not have the power to support the advertising market, since major advertisers manipulate them as well. As Osmanagić put it, “Their conduct depends on their advertisers and the media...there are still some public institutions, such as BH Telecom, that can manipulate their campaigns.”

Besides telecom operators from B&H, some of the major advertisers are foreign brands such as Procter & Gamble, Henkel, and Nivea. Advertising is mostly concentrated in bigger cities, while major advertisers typically ignore media in smaller communities—especially local television stations, which rely mostly on small local enterprises.

Research gathered by Mareco informs distribution of advertising revenue between media.<sup>25</sup> Panelists also underlined preferential treatment of certain media in allocating the marketing shares, based on affiliations between media and advertising agencies. In one case, Borić mentioned, the same person owns both a magazine and

<sup>22</sup> Currently, the taxes are being collected as a part of telephone bills. In 2006, only 63 percent of revenues from RTV fees were collected, which is far below 85 percent that would assure financial sustainability of the public broadcasting service. Jusić i Džihana, Bosnia and Herzegovina, in: Bašić-Hrvatinić S., Thompson. M., Jusić, T. (ed.), *Divided they Fall: Public Service Broadcasting in Multiethnic States, Mediacentar Sarajevo*, p. 98. available at: [http://www.media.ba/118/mcsonline/files/shared/Bosnia\\_divided.pdf](http://www.media.ba/118/mcsonline/files/shared/Bosnia_divided.pdf) 2008. Additionally, as Amir Zukić pointed out, possible separation of the telephone bills and the tax collection process would additionally endanger future self-sustainability of the PBS system.

<sup>23</sup> See more in Jusić, T & Hodžić, S. 2010. *Supra* note 67.

<sup>24</sup> Source: Senad Zaimović, director of advertising agency Fabrika. Telephone interview, 28.02.2011.

<sup>25</sup> According to Senad Zaimović, the diary method is applied four times per year for radio, telemetric for television, and data on readership gathered by Mareco twice a year- on a sample of five thousand people.

*Since unofficial assessments suggest that advertisement revenues were reduced by approximately 35 percent in last few years, many of the media face serious financial difficulties.*

an advertising agency—a clear case of conflict of interest, and major manipulation of the market occurred as a result. Additionally, lack of information on newspaper circulation distorts the market, since it hinders allocation of advertising revenues based on market positioning.

A small segment of those media that rely primarily on advertising revenues (109 broadcasters) are self-sustainable, while others limp by on the edge of existence. Since unofficial assessments suggest that advertisement revenues were reduced by approximately 35 percent in last few years, many of the media face serious financial difficulties. According to Senad Zaimović, director of the advertising agency Fabrika, the media employ strategies of lowering the prices of advertisement in order to attract advertisers and assure steady incomes. Osmanagić said that increasing the amounts of advertisements is in fact the result of price dumping, rather than increased demand or advertising. As he pointed out, such price dumping has a devastating effect, since essentially the leading television stations dictate the prices in all other media sectors. Therefore, private/commercial media relying primarily on advertising revenues are pushed further to the brink.

The advertising limitation for public broadcasting is six minutes per hour for radio, and four minutes per hour for television broadcasters. Private television stations are limited to 12 minutes of advertisements per hour, and private radio stations to 20 percent of daily broadcasting time. Some panelists doubt that all media comply with the permissible amount of advertisements. Zukić shared his belief that public media frequently exceed their limits. As Herić observed, injecting commercial considerations in such circumstances reduces informative content and interferes with the overall program quality. To illustrate, Herić said, “Some of us have to insert commercial breaks with ten or fifteen commercials—forcing us to cut informative and other programs.” In such circumstances, as Herić points out, media are pressed to use more advertisements, which probably reduces news programming and hinders its quality.

Major advertisers are seen as close to different political actors, where political loyalty is used as a criterion for

giving preference to certain media outlets in allocation of advertisements, according to Hadžiarapović.

Different governmental institutions also tend to provide subsidies for media. For example, the government of Republika Srpska provided donations for a majority of media in that entity in 2009, amounting to KM 5 million (\$3.5 million). Serious doubts about the criteria of the distribution of such revenues have been raised, especially in light of the forthcoming elections.<sup>26</sup> As Žigić stated, “The government of RS issued a public call—but they allocated the funds to television stations, newspapers, and the most influential outlets before the public call was closed.” As mentioned in the previous MSI report, the criteria used for distributing the assistance were not defined in terms of promotion of public interests, but were based on the number of employees, circulation, the scope of programming, and financial factors.

Similarly, Herić noted that Zenica-Doboj Canton has been providing electronic media with a small amount of support, but that one radio station consistently receives much more than the others.

Therefore, specific problems with current government subsidies are multiple. First, the criteria and procedures are non-transparent, and the processes are not centralized and cannot be monitored and evaluated. Furthermore, subsidies are not intended explicitly for promotion of public interest—but possibly for promotion of interests of governmental institutions.<sup>27</sup>

In terms of market research, panelists agree that the research for enhancing strategic business planning is not used consistently and universally across all media. However, some panelists believe that awareness about the relevance and value of research for business development is rising, especially within the broadcasting sector. Osmanagić stated: “I believe that televisions have started to apply this in practice... analyses are being conducted, programs are moved on the programming scheme according to their ratings, and new programs are being introduced.” Furthermore, Osmanagić and Močević both see evidence that these broadcasters are using the research results as a basis for their editorial policies.

Many media outlets are still unwilling to finance ratings and circulation research out of fear that the results could be financially adverse for them. This is one reason cited for the fact that the print media have never initiated a sector-wide study on print media circulation and the market position of every newspaper. However, Mareco Index conducts research on readership of newspapers twice a year, while four

newspapers in Republika Srpska endorsed an Audit Bureau of Circulation audit for newspapers.<sup>28</sup> According to unofficial assessments, overall daily circulation of the six leading newspapers does not exceed 90,000 copies.<sup>29</sup>

Mareco Index Bosnia, subcontracted by the Association of Media Industry of BiH (UMI), also conducts broadcast media ratings research, and occasionally conducts ratings research for television, radio, and newspapers in B&H. However, Mareco Index ratings research studies became the subject of vast debate and controversy at the end of the 2010. The results of the research were called into question, due to accusations that distribution of advertising revenue has been arranged between several key actors, and that the results are not accurate.<sup>30</sup> At the same time, other actors argue that such accusations are completely unfounded and they are fueled by those outlets with low ratings, who aim to dismantle the system of measurement. After a period of disputes between members of UMI, an agreement was reached according to which a new public call for a research agency will be opened. Panelists expressed their fear, however, that any research will face similar attacks, because there will always be some broadcasters unsatisfied with the results. As Osmanagić stated: “Many criticize the research only for one reason and that is to completely prevent the implementation of the research, which is the worst possible option...but this does not mean that there should not be a request for an audit, a company that will conduct better work and for less money, etc.” He added that previously, Mareco was, by far, the only financially acceptable option. He stressed that the absence of the research would be the worst option, given that the big international advertisers would not invest in a market that is lacking research data. If that happened, Osmanagić estimates that the advertising revenues would drop to a devastating point, with not even 50 percent of current advertisement income entering the market.

Duraković pointed out that stakeholders in neighboring countries that would benefit if this happened—if advertisers abandon B&H for lack of research, all the marketing business could, for example, be conducted more efficiently in Zagreb. Therefore, he concluded that the process of the research agency selection should be freed of influence of such stakeholders.

Internet-based media are seen as the least problematic in terms of research needs, since using Alexa and Google Analytics for information on ratings and browsing behavior

<sup>26</sup> Source: Radio Free Europe. Article available at: [http://www.danas.org/content/republika\\_srpska\\_vlada\\_mediji/1875374.html](http://www.danas.org/content/republika_srpska_vlada_mediji/1875374.html)

<sup>27</sup> See more also in: Jusić, T and Hodžić, S. 2010. supra note 67.

<sup>28</sup> These are Pres, Blic, Ljepota i zdravlje and Šik. Source: Senad Zaimović, Director of Fabrika. Telephone interview, 28.02.2010.

<sup>29</sup> Estimates from Freedom House in 2009. Source: <http://freedomhouse.org/template.cfm?page=251&year=2010>.

<sup>30</sup> See Ćosić. M. Slobodna Bosna, No 727, 21.10.2010. p. 54.

is considered a solid basis for the internal development of editorial policies. Additionally, around 34 websites are also prepaid on gemiusAudience research.<sup>31</sup> Media, as well as international advertisers, are generally aware of the value of ratings data, and are familiar with rating terminology. On the other hand, according to a telephone interview with Senad Zaimović, many domestic advertisers still do not fully understand online advertisement possibilities and ratings data. Still, the fact that the Internet share in overall marketing revenues is growing shows that awareness of the potential of online advertisement is also rising.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Bosnia & Herzegovina Objective Score: 2.27

Objective 5 scores dipped dramatically from last year's study—by nearly a half a point. Much of the loss came from indicator 1 (trade associations), indicator 2 (professional associations), indicator 4 (academic journalism programs), and indicator 5 (short-term training). Indicator 4 and the new indicator 8 (ICT infrastructure) scored half a point or more lower than the objective score. Indicator 6 (access to media equipment and printing) scored nearly a point higher.

There are several broadcasters' associations in Bosnia and Herzegovina, including the Association of Electronic Media (AEM), the Association of Private Broadcasting Media, and

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

*Panelists agree that the associations did play an active role while the international community was present in the sector, especially in the development of media regulations. However, they stressed that they are no longer as active; they lack both the support and capacity for a more substantial role.*

the Association of Local Broadcasters of Republika Srpska. As Herić states, these associations are mostly preoccupied with the financial sustainability of the media, especially pertaining to issues of "state contributions, building quality relationships with the regulatory agency, and participating in the drafting of regulations." Herić commented that AEM's membership growth—from a dozen members in 2004 to 52 members currently—indicates relevancy. Panelists agree that the associations did play an active role while the international community was present in the sector, especially in the development of media regulations. However, they stressed that they are no longer as active; they lack both the support and capacity for a more substantial role. From her experience as a representative of CRA, Zubčević said, "AEM was formerly the leader in articulating the positions of broadcasters in lobbying the CRA in regard to regulations, compensations, and so on...yet lately...we have not received any feedback from AEM."

Regarding professional journalists' association, there are six journalist associations in B&H, as well as three journalist trade unions at state and entity levels. Most of the associations are not very active or visible. Only the B&H Journalists' Association has remained active throughout the years, with a mission to improve the state of media freedom and working conditions for media professionals and journalists, raise public awareness on media-related issues, and organize debates and provide additional assistance for its members.<sup>32</sup>

There are several NGOs whose mission is not oriented primarily to media but their more general human rights agendas do have some overlap and they react to some of the issues that appear in media sector as well. These NGOs are based mostly in the main cities and include the Helsinki Committee for Human Rights in B&H; Helsinki Citizen Assembly in Banjaluka; Helsinki Committee for Human rights

<sup>31</sup> Conducted in cooperation of Valicon and Gemius S.A.

<sup>32</sup> See more in Hodžić, S. *Under Pressure: Research Report on the State of Media Freedom in Bosnia and Herzegovina*. Mediacentar Sarajevo. pp. 29-31. Available at: [http://www.media.ba/mcsonline/files/shared/UNDER\\_PRESSURE\\_FINAL\\_ENGL.pdf](http://www.media.ba/mcsonline/files/shared/UNDER_PRESSURE_FINAL_ENGL.pdf)



*The target groups are mostly students of journalism and inexperienced journalists; previous experience showed that working journalists were reluctant to engage in such programs, due to lack of spare time.*

in Republica Srpska, Info House, Sarajevo, Human Rights Office Tuzla, etc. Some NGOs, or associated individuals, react to certain extreme media-related cases, and they occasionally issue reports on media-related topics, but it cannot be said that the NGOs have committed to continuous efforts to improve the situation in the media sector.<sup>33</sup>

To improve their contributions to the media sector, NGOs need support in providing educational programs for journalists, such as programs on niche reporting and investigative journalism, but they also need guidance in advocating for policy changes that will help ensure the sustainability of media, their relative independence from centers of power, and the production of quality programs of public interest. For example, NGOs could help advocate for more sophisticated licensing procedures, adjusting the number of media to market capacity, ensuring production of content of interests for local communities and specific groups through program requirements and providing funds for such programs, ensuring that public funding is conducted according to public interest based criteria and through transparent procedures, developing more guarantees of editorial independence, and including a conscience clause in the labor contracts of journalists, etc.

Formal education for journalists is provided, as in the previous year, by four public institutions, and one private faculty of journalism. Panelists agreed that the journalism degree programs are poor and do not meet the needs of the media market. They stressed particularly that practical education on the media production process is simply missing from the curriculum. According to the panelists, efforts to transform the educational system simply led to even greater distance from the actual needs of the media labor market.

Short-term training opportunities to compensate for the poor formal education options are declining, as well—both in quantity and quality. As Rudić stated, “Mediacentar and Mediaplan formerly offered two types of quality education programs (BBC Journalism School, and High

<sup>33</sup> However, Mediacentar Sarajevo (which has been subcontracted by IREX to produce this report) and the Association BH Journalists, supported by USAID, are implementing a three-year project aimed at improving the journalism profession in B&H.

School of Journalism). Today, others also offer training, but I do not think that they offer... such quality.” However, both Mediacentar and Mediaplan have organized other educational programs in the past years as well. Mediacentar Sarajevo is shifting its programs to focus more heavily on new media platforms, based on assessments of priorities. The target groups are mostly students of journalism and inexperienced journalists; previous experience showed that working journalists were reluctant to engage in such programs, due to lack of spare time. The panelists noted also that financial hardship has curtailed opportunities for journalists to study abroad; just a few years ago, that was a common strategy for promising students.

There are no restrictions on importing and/or purchasing materials, such as newsprint, software, video equipment, or transmission equipment. Panelists agree that all the equipment is available; the only limitations are financial.

In the print media, channels of media distribution are privately owned, as are printing houses. Television transmitters, on the other hand, are owned by entity governments. Two major telecommunications companies are state-owned.

In a departure from previous MSI studies, the panelists raised serious questions surrounding distribution, and consider the situation highly problematic. Zubčević believes that the Internet and telecommunication market is especially challenging at the regulatory level. The core concern is that dominant telecommunications and cable companies hinder positive trends with their monopolistic behavior. Although regulations stipulate that BH Telekom should assure free access to telecommunications, Zubčević pointed out that the private cable operator, Logosoft, has filed numerous complaints due to Telekom’s constant avoidance of this obligation. The courts have been slow to complete the proceedings and fully implementing this regulation.

Furthermore, Zubčević stated that there are cases of cable distributors making decisions about transmitting certain television channels based on the political background and related interests of the cable distributor and television channel owners. In addition, usage fees for telecommunications companies are extremely high. Osmanagić said that the dominant relays/repeaters are mainly owned by PBS or telecom operators, and he remarked, “The demands are enormous, and you have to give thousands of marks for a certain location with no guarantees for support, responsibility, security...and all under their conditions. The alternative is usually nonexistent or very poor.”

The panelists said that Internet and mobile service providers are obligated to enable access to all their services on a

---

---

non-discriminatory basis. Online media outlets and bloggers are free to choose software and platform options.

However, the panelists provided the lowest scores within Objective 5 to the question of how well the information and communication technology infrastructure meets the media needs of citizens and media professionals. The panelists stressed that Internet connections are slow and that the technology underpinning the transfer of video images is underdeveloped. Not all Internet service providers offer high bandwidth due to infrastructural limitations—especially in smaller cities. Additionally, the prices of better bandwidth are high and less affordable for online media outlets. Within the media industry, some opt to use servers from abroad instead of those based in the country—which are considered overly expensive and notoriously slow.

## List of Panel Participants

**Adi Hadžiarapović**, web editor, Dnevni Avaz, Sarajevo

**Adnan Osmanagić**, director, Radio Stari Grad, Sarajevo

**Amir Zukić**, editor-in-chief, RTVSA, Sarajevo

**Asja Rokša Zubčević**, head, Division of Audiovisual Services and International Cooperation in Broadcasting, Communications Regulatory Agency, Sarajevo

**Borka Rudić**, secretary general, BH Journalists Association, Sarajevo

**Boro Kontić**, director, Mediacentar Sarajevo, Sarajevo

**Faruk Borić**, editor-in-chief, Sarajevo-x.com, Sarajevo

**Jasmin Duraković**, founder and executive producer, Depo.ba, Sarajevo

**Mira Lolić-Močević**, program director, Republika Srpska Television, Banjaluka

**Nevenko Erić**, editor, Srpska Republika News Agency, Bijeljina

**Radmila Žigić**, editor-in-chief, Radio PAN, Bijeljina

**Reuf Herić**, chairman of the board, Association of Private Radio and Television Stations; director, Radio Q, Visoko

## Moderator

**Tarik Jusić**, program director, Mediacentar Sarajevo, Sarajevo

## Author

**Sanela Hodžić**, research coordinator, Mediacentar Sarajevo, Sarajevo

*The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, Mediacentar Sarajevo, Sarajevo. The panel discussion was convened on December 6, 2010.*

*Disclaimer: The views and opinions presented in the chapter on Bosnia & Herzegovina are those of the panel participants and do not necessarily reflect the views and opinions of Mediacentar Sarajevo.*