Freedom of speech in some rural areas is seen as interference with the activities of political and economic centers of power—often the sovereign and undisputable authorities in smaller communities.
Media in Bosnia and Herzegovina continue to operate in a complex political and legal environment. Following the end of the war in 1995, the Dayton Peace Accords created a constitutional system that defines Bosnia and Herzegovina as a state with three parts: the Federation of Bosnia and Herzegovina, with a majority of Bosniaks and Croats; the Republika Srpska (RS), comprised mostly of Serbs; and the Brcko District, with its own specific and independent administration. The accompanying General Framework Agreement for Peace (GFAP) designated the Office of the High Representative (OHR) as the highest authority in Bosnia and Herzegovina, responsible for the civilian aspects of the peace implementation plan. The High Representative is an international official nominated by the Peace Implementation Council—made up of 55 countries and international organizations—and endorsed by the United Nations Security Council. The broad powers of the OHR include the right to impose legislation, enforce decisions, and remove officials at all administrative levels when deemed necessary for the implementation of the peace process.

The current political landscape is further marked by the continuing rule of nationalist parties: the Party of Democratic Action (SDA - Bosniak) and Croatian Democratic Community (HDZ - Croat) in the Federation, and the Serb Democratic Party (SDS - Serb) in the RS. Under pressure from the international community, these political authorities are beginning to take on some responsibility for the country’s reconstruction and are shifting certain political and administrative powers, such as defense, to national-level institutions. As Bosnia and Herzegovina continues efforts toward European integration, additional legislative reforms, institutional changes, and the full reorganization of the Public Broadcasting System (PBS) are expected to follow. Implementation of media legislation remains dependent on an efficient judiciary and public administration, neither of which has complied with supposedly mandatory structural and organizational reforms.
Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

3 and above: Sustainable and free independent media
2–3: Independent media approaching sustainability
1–2: Significant progress remains to be made; society or government is not fully supportive
0–1: Country meets few indicators; government and society actively oppose change

Indicator Scoring

Each indicator is scored using the following system:

0 = Country does not meet indicator; government or social forces may actively oppose its implementation
1 = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
2 = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
3 = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
4 = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions
Minimal foreign business investment and a deepening economic crisis contribute to the difficulties of the media environment. Professionally managed media with strong sales departments compete efficiently for ad revenue, while smaller media, rapidly marginalized in their fight to gain advertising funds, struggle for survival. Overall, the media advertising market remains small by foreign standards, and in 2003, the competition for limited funds intensified with the entry of media companies from neighboring countries, such as Pink TV from Serbia and Montenegro and Nova TV from Croatia. Some fear that these outside actors will take over the majority of international ad campaigns, running them directly from neighboring countries by offering the Bosnian market as “value added” and thereby cutting further into revenues available domestically from advertising.

Print media readership continues to decline, due to economic circumstances and a relatively expensive product compared with the vast number of “free” electronic media. In addition, many print publications remain platforms for political and/or interest groups, although a few market-oriented publications continue to retain readership by focusing on topics of interest to their audiences. Journalism standards, though improving gradually, are still marked by frequent violations of professional codes as noted—for example, in the annual report of the Helsinki Human Rights Committee.

The broadcast media sector is regulated by the Communications Regulatory Agency (CRA), which is responsible for implementing broadcast regulations. Its broad powers, which include the ability to impose severe sanctions and to help ensure the absence of hate speech or politically motivated programming, have made the broadcasting arena far less inflammatory than the print sector. The CRA also issues broadcast licenses through a strict process. However, the total of 183 electronic media outlets—42 television and 141 radio stations—remains far more than the country’s limited advertising market can support. In addition, the recent entry of foreign media companies into Bosnia and Herzegovina has highlighted inadequacies in the broadcast regulations, leading one advocacy organization, the Association of the Electronic Media, to speak out against the resulting destabilization of the domestic broadcast market. In 2003, Nova TV bought the private broadcaster OBN, while Pink TV acquired partial or entire ownership of five television stations across Bosnia and Herzegovina. Both broadcasters cover the majority of the country’s territory through their affiliate stations. Mreza Plus, Bosnia and Herzegovina’s first commercial private television network, serves about 85 percent of the population. Three networks compete for market share with public broadcasters who are allowed to air advertising in addition to collecting subscriptions.

Despite these multiple sources of possible revenue, further reconstruction of the PBS, strongly supported by the international community, continues with emphasis on clearing an accumulated debt of more than $6 million (shared between RTRS, which serves the RS, and Federation TV 1, which serves the Federation). A second Federation channel has been closed in the reconstruction process, and plans include further staff reductions. A statewide public broadcaster (serving both the RS and the Federation) continues with limited transmissions through the infrastructure of RTRS and Fed TV. A reconstruction is planned pending the ability of the station to overcome existing debt. This would introduce a third state-owned broadcaster for a population of only 3.5 million. An upcoming agreement on collecting subscription fees through the telecommunication companies of the RS and the Federation seeks to assist the public system with some of its financial difficulties.

**Objective 1: Free Speech**

*Bosnia Objective Score: 2.35/4.00*

In addition to constitutional provisions, two media laws deal specifically with freedom of speech: the Law on Free Access to Information and the Law on Defamation. While the country is moving ahead in this area, difficulties emerge in the process of implementing laws, including an inefficient judiciary and a lack of awareness by both the public and journalists.

Although broadcast media operate in a well-defined environment that limits hate speech and slander, print media often reflect the influence of political or interest groups, including the spread of unsubstantiated accusations against individuals. Four recent court decisions targeted false information published by the daily newspaper *Dnevni Avaz* and the weekly magazine *Dani*.
Judicial response to defamation remains inadequate, however; the Sarajevo Canton alone has 190 open cases and a clearance rate of less than 5 percent. The number of defamation cases may indicate that the law is being used as a tool to influence media coverage. Libel has become part of the civil code, requiring a higher level of tolerance on the part of public officials. The law also provides protection to media in that it sets financial penalties that will not endanger a media company’s operations.

The Law on Free Access to Information is perceived as advanced and reflects the best European standards. One panelist suggested, however, that officials take some of its provisions “lightly.” Two years after the law’s passage, many public institutions have yet to create the necessary procedures for processing requests. Though the general public remains silent on the issue, a few associations, such as the Center for Free Access to Information, provide related legal assistance to media.

While criminal acts against journalists do not occur often, panelists agreed that when they do, investigation and prosecution are not satisfactory. Some cited the four-year-old case of the attempted assassination of Zeljko Kopanja, manager and owner of the Banja Luka-based daily Nezavisne Novine, which remains unsolved. A media helpline, established by the Organization for Security and Cooperation in Europe (OSCE) and run since 2002 by the OHR, appears only to log threats and attacks rather than help prevent them.

In the field of broadcast licensing, the independent CRA has established regulations, brought order to an oversaturated media market, and increased the professionalism of the country’s broadcast media. Overall, its processes and procedures are viewed as fair and its criteria as more or less solid. However, its decision to transfer frequencies and broadcast licenses to media that have recently entered the domestic market from neighboring countries raised controversy. In addition, commercial media continue to express concern over the ability of the PBS to accept paid advertising, which many feel grants it a privileged competitive edge.

Other legal aspects are rated as generally free in Bosnia and Herzegovina. Access to international news sources is not limited in any way. The high costs of services such as the Internet, due in part to a monopoly on high-speed access, and the poor financial situation of most media sometimes pose obstacles to adequate access. However, the rebroadcasting and reprinting of news is regulated by the copyright regulations and is not influenced by the authorities.

The legal framework and taxation system treat independent media as any other business. One panelist noted that taxes on advertising from abroad are calculated as an import of goods, and thus inadequately charged. The practice appears to result from lack of knowledge and misinterpretation of the provisions.

Entry into the journalism profession is free, though some panelists noted that the quantity of newly trained journalists is disproportional to the quality of journalism in general.
Objective 2: Professional Journalism

Bosnia Objective Score: 1.88/4.00

The quality of journalistic professionalism in Bosnia and Herzegovina is improving, albeit slowly and with evident differences between electronic and print media. Inexperience partly accounts for poor practices of fairness, objectivity, varied sourcing, and so on. Journalists too rarely search for additional information or further investigate stories; passive participation in news conferences is also common. Those with stronger skills are sometimes lost in newsrooms that struggle to balance news and commercial content.

A Code of Ethics, developed in accordance with European and other relevant standards, was adopted by all six of Bosnia’s journalistic associations more than three years ago. A report by the local organization Media Plan on the implementation of the Code in the October 2002 pre-election period showed a disappointingly high number of violations by all monitored print media. The 2003 annual report of the Helsinki Human Rights Committee raised the same concern. While some panelists fault a Press Council whose activities were practically invisible, others expressed the need for sanctions. In general, journalists are thought to lack education and awareness of professional behavior; some continue to accept work as presenters, advisors, or editors in specialized publications done by state authorities in exchange for providing favorable coverage. Standards in broadcast media are higher than among print journalists, which some participants attributed to the strict regulations under which electronic media operate.

Self-censorship remains a practice in Bosnia and Herzegovina, most often as a way to avoid conflict with interest groups or to maintain job security. Self-censorship also comes into play in the relationships between journalists and their editors, who either seek to shape content according to their own views or restrict stories on which journalists report. Panelists also mentioned financial pressure from advertisers, whose contracts may depend on favorable reporting. Self-censorship out of fear for safety may be more common in rural environments and in smaller towns, where the possibility of repercussions is more strongly felt than in larger cities.

Although there are cases of “special treatment” in exchange for favorable coverage, corruption among journalists in Bosnia and Herzegovina does not appear to be widespread. While salary levels remain low, at about €200 to €400 per month, they do not necessarily leave journalists vulnerable to bribes. Journalists, however, are sometimes tempted by positions in state institutions that offer greater economic security.

Journalists have access to most key events, although many outlets continue to divide focus along the borders between the RS and the Federation. Some outlets clearly identify with a particular ethnic group, and treat coverage of other ethnicities with varying degrees of indifference or bias. Aside from news agencies, Nezavisne Novine, based in the RS and with bureaus in the Federation, is an example of the effort to provide a quality product equally across the country. With the strengthening of joint national-level institutions, media increasingly include stories of country-wide importance.

Media content primarily focuses on news and information, and most media find such programming in demand from the public. Information accounts for 10 to 35 percent of total broadcasting, and up to 80 percent among print media. Panelists cited only a few
Established more to attract available donors’ funds, a large number of associations have failed to contribute to the protection of journalists’ rights.

Instances of media that concentrate on pure entertainment, mainly among radio stations. Use of fee-based information sources, such as news agencies, remains limited by economic constraints.

Due to production costs, studio-based programming remains an essential part of domestic production—all of it, in some cases—for most electronic media. One panelist noted that high costs also account for the lack of investigative journalism and other niche areas of reporting such as politics, economics, business, and agriculture. Most media do not have the finances to support the domestic production of specialized content, particularly when it is seen as more difficult to “sell” to potential advertisers. Panelists underscored the need for training to strengthen niche reporting skills.

Most media own modern technical facilities and equipment for gathering, producing, and distributing news. Many broadcasters, however, operate without backup transmission equipment, leaving them vulnerable to going off the air due to malfunctions. Technical capacity is also being affected by the shrinking advertising market and dwindling media assistance, although a few successfully managed media outlets still plan to expand and update their equipment to better compete. For smaller media, however, such technical advancement is out of reach. In addition, some panelists raised the difficulties caused by a lack of trained support staff. Overall, participants agreed that improving equipment standards could improve the content of broadcast media.

Objective 3: Plurality of News Sources

Bosnia Objective Score: 2.20/4.00

All panel participants agreed that the large number of media outlets in Bosnia and Herzegovina does not guarantee diversity of content. Although most media are concentrated in urban centers, rural areas do have access to public and regional television and radio stations. A dispersed and incoherent distribution system leaves print media less available. By some estimates, the total of all daily circulation averages fewer than 70,000 sold copies in a country of more than 3.5 million. Access to international media and the Internet is unrestricted but expensive. The limited sources of information tend to render the presentation of information rather uniform.

Panelists generally viewed public media as trying to present views across the political spectrum, though in some cases allowing more airtime to political parties in power. Under the close watch of the CRA, public programs are more likely to be characterized as disseminating unbiased information, which at times results in a “passive” and uninteresting news product. Some panelists attributed the low satisfaction with public broadcasters to the lack of a sound editorial policy and a misunderstanding of the role of public broadcasting. In the opinion of one participant, private media have been more active in fulfilling the public broadcaster’s legal mandate to focus on education, minority issues, and civil society. This tendency illustrates the ongoing debate about whether public broadcasters maintain too much of a market orientation while private media provide the diversity of programming content.

There are two independent news agencies on offer in Bosnia and Herzegovina—ONASA and SENSE. Both have financial problems due to competition from free information services on the Internet and elsewhere. One participant raised concerns regarding the quality of the

<table>
<thead>
<tr>
<th>Multiple news sources provide citizens with reliable and objective news</th>
</tr>
</thead>
<tbody>
<tr>
<td>■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.</td>
</tr>
<tr>
<td>■ Citizens’ access to domestic or international media is not restricted.</td>
</tr>
<tr>
<td>■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.</td>
</tr>
<tr>
<td>■ Independent news agencies gather and distribute news for print and broadcast media.</td>
</tr>
<tr>
<td>■ Independent broadcast media produce their own news programs.</td>
</tr>
<tr>
<td>■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.</td>
</tr>
<tr>
<td>■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.</td>
</tr>
</tbody>
</table>
agencies’ product, and in general, media are not seen to use a variety of such sources.

Independent broadcast media produce their own news programs, though panelists noted a decrease in domestic production. Generally, there is no significant difference between the news products of public and private media. The weekly newscasts of private NTV Hayat and daily newscasts of Alternativna Television (ATV) gradually are building a reputation for quality coverage and investigative journalism. All panelists agreed that even the smallest local media maintain a focus on foreign and national news while local and service-oriented coverage may be neglected. Potential affiliations with different political or interest groups do not appear to influence the news product of most media outlets, though one panelist argued that such influence is more visible in smaller towns when the connection between local authorities and media tends to be stronger.

The question of transparency and media ownership intensified in 2003 with the entry of foreign media into the Bosnian market. While conglomerates do not appear to exist, one panelist argued that neither the political situation nor the interpretation of media regulations encourages full transparency. With strong competition in the market, most media withhold information on their profit shares, actual position in the market, size of operations, and, in the case of print media, actual circulation. An attempt to create a circulation audit bureau failed because publishers saw it as a threat to their business interests. As in other industries, foreign citizens are prevented from being the sole owner of a media outlet, though the system allows for partnership between domestic and foreign companies. In the absence of a mechanism for verifying ownership, there may be a difference between listed and actual media owners.

In addressing coverage of minority issues, panelists noted that many communities in postwar Bosnia and Herzegovina have either shrunken or ceased to exist. Minority groups are not seen as well organized, and most media do not consider their needs or dedicate specific programs to them. There are no minority-language media. Bosnian, Croatian, and Serbian are considered constitutional languages in Bosnia and Herzegovina, and it is up to media to determine which to use. A few private outlets recently have introduced shows covering a wider spectrum of social issues, such as disabled people, women, or gays and lesbians. There have been no reported threats to journalists or media covering such issues.

---

**Objective 4: Business Management**

**Bosnia Objective Score: 2.01/4.00**

Independent media rarely operate as well-managed businesses, though increased competition seems to have provided some momentum for improvement. *Nezavisne Novine* stands as one example of success in generating profit; the company publishes a national daily as well as a weekly entertainment tabloid, runs a radio station, and recently opened a printing plant. Most existing printing plants, such as Avaz and Alden Print, appear to be self-sustainable, with the exception of the soon-to-be privatized *Glas Srpski*, the daily newspaper of the RS that also operates its own printing facility. While most distribution networks are private businesses, their general efficiency is questionable.

---

**The generally poor economy affects the operation of media outlets—stronger competition will force more differentiation of media and the slow disappearance of the weakest.**

---

**Independent media are well-managed businesses, allowing editorial independence**

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- 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 at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.
Even the media that invest in management and business approaches depend on the poor market economy and operate on the borderline of profitability.

Some panelists cited difficulties in distribution across the borders of the RS and the Federation, especially in the Herzegovina area. With decreasing readership and a high return rate, some distributors are able to take advantage of steep distribution costs or delays in distribution to limit the distribution of poorly selling publications that would not be worth their time to deliver. Most seem to conduct their operations with little transparency. Panelists viewed a lack of initiative in establishing a publishers’ association as a significant obstacle to developing a solid country-wide distribution mechanism for independent media.

Advertising constitutes 80 to 90 percent of the financing for commercial media, with donations accounting for the rest. Some panelists expressed concern that particular media may be financed by interest groups, as evidenced by their continued operation despite poor market share. In 2003, as in 2002, the market grossed 60 million KM (convertible marks), approximately $36 million. Although the advertising market was expected to grow up to 35 percent yearly, part of this budget has been redirected to Nova TV and Pink TV. Thus, while the size of the market remains about the same, the funds reaching Bosnia and Herzegovina media business are expected to shrink. In comparison with last year, the preference of advertising funds has somewhat shifted in favor of outdoor advertising: television now receives 60 percent; radio and print share 30 percent; and outdoor advertising takes the remaining 10 percent. Media seek year-long contracts from ad agencies, which they view as desirable partners. Media remain vulnerable to pressure from the threat of losing a significant advertising client affiliated with an interest group in case of unfavorable coverage. Depending on the profile of the program, ads on average make up from 5 to 15 percent of private media content.

About 80 percent of advertising comes from branch offices of international agencies, with only one strong company operating domestically. The PBS continues to enjoy a significant share of the market, which is seen as unfair competition by other electronic media. Much of the international community has encouraged the public broadcaster to operate commercially as a sustainable business in order to clear its $6 million in debt. Panelists emphasized that the public broadcaster’s ability both to collect subscriptions and take a significant share of the advertising market renders it one of the greatest threats to the market-oriented private media. This is even truer with two new country-wide broadcasters, OBN/Nova TV and Pink TV. Only by selling all available advertising time can broadcasters, particularly television, break even.

Some panelists questioned the subsidies that media can receive at the local level, where such outlets may be used as a promotional vehicle for the local authorities. Attributing such special arrangements to the affiliation of media managers with certain interest groups, panelists agreed that these subsidies sometimes resemble a subtle bribe, particularly considering the lack of transparency in the approval process. They suggested that greater transparency and openness would encourage private local television and radio stations to cover news of local interest.

Only a few media companies can afford professional research. However, in contrast with previous years, panelists noted increased interest and confidence in the objectivity of such research, although these studies are still used primarily as a reference point for comparison with the competition rather than as a tool for determining programming and business strategies. Still, member stations of the Mreza Plus television network, particularly ATV, consider media research a necessity for daily operations and future plans. Commonly, however, media dissatisfied with the research results simply ignore them.

Mareco Index Bosnia (MIB) has established itself as a respectable media research agency for broadcasters, and advertising agencies continue to use available research as a base for their media planning. However, there is no reliable research on print media circulation or publishing in general, primarily due to a lack of will on the part of publishers to establish an umbrella organization that could further the transparency of the business.

**Objective 5: Supporting Institutions**

**Bosnia Objective Score: 2.00/4.00**

More than 70 percent of media employees work without valid contracts, and most businesses will likely continue to operate in a semi-legal fashion until there is administrative and tax reform. Trade associations thus function as little more than a formality. AEM, however, serves as an exception. Representing more than 110 television and radio stations, AEM has well articulated the views of its...
members in issues including copyright fees and CRA regulations and decisions.

There was clear improvement in the development of media institutions during 2003, when three independent journalists’ associations joined to create a single national body called the Coordination of Journalists’ Associations. The organization is registering as a legal entity. Previously, Bosnia and Herzegovina had six separate journalists’ associations, divided between the RS and the Federation and seen as advocating the interests of particular ethnic groups. On the whole, however, the associations do not get much respect from journalists, who see too few concrete activities to protect their interests.

Bosnia and Herzegovina has journalism faculties in Sarajevo, Tuzla, and Mostar, and two in Banja Luka. The quality of the instruction is not uniformly high, but recent curricula reforms suggest potential for improvement. Panelists agreed the training must emphasize practice and that media should offer internships for students. They also agreed that available job opportunities cannot support the number of graduates, meaning many trained journalists seek positions abroad or in other industries.

There are many short-term training options in Bosnia and Herzegovina. With the departure of most international media development organizations, non-governmental organizations (NGOs) have assumed this role with mixed results. As one panelist argued, short-term training does not provide sufficient continuity and often suffers from disorganization. Two well-run programs, managed by the organizations Media Plan and Media Center, do produce strong results. Domestic trainers who have specialized in professional development now constitute the core strength in this field. Panelists suggested that further efforts should focus on in-house training, business management courses, and the specific needs of media operations.

While media distribution channels and printing facilities do not appear restrictive, their services are seen as overpriced. Most distribution channels are private, sometimes reflecting the views of interest groups through restrictive prices, delays in distribution, or poor placement in kiosks. Reconstruction of the PBS will transfer the transmission sites and equipment currently in the hands of public broadcasters to a single, independent, to-be-established Transmitters Agency.

**Panel Participants**

**Darko Aleksić**, vice president, Association of Electronic Media

**Mehmed Halilovic**, Media Ombudsman

**Dragan Jerinic**, editor-in-chief, Nezavisne Novine, Coordination of B-H Journalists’ Associations

**Jasna Kilalic**, Democracy Office, USAID

**Amira Krehic**, Center for Free Access to Information

**Branko Lazic**, program director, Alternative Television (ATV)

**Zoran Sarenac**, Radio Free Europe/Radio Liberty

**Aleksandar Trifunovic**, Buka magazine, Nansen Dialogue Center

**Moderator**

**Pavle Banjac**, independent consultant