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# BOSNIA & HERZEGOVINA

At the end of 2011, almost 15 months after general elections, six political parties finally reached an agreement and appointed members of the Council of Ministries on the state level. The state budget was approved, both for the coming year and retroactively for 2011. In March 2012, officials reached an agreement on principles for resolving the issues of ownership and use of defense and state property, an important step toward the accession of Bosnia and Herzegovina (B&H) into NATO.

Despite these gains, the country's complicated governance structure—it comprises two entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (hereafter, the Federation), as well as the self-governing Brčko District, each with separate internal governance structures—continues to be troublesome. An intense struggle for power is underway among political parties at the local, entity, and state levels, at certain points disregarding legal procedures. The multi-ethnic Social Democratic Party removed the Bosniak Party of Democratic Action from the state Council of Ministers in October 2012. And, after months of controversies regarding procedural irregularities, a Social Democratic Party-led coalition reshuffled the Parliamentary Assembly, adding the Croatian Democratic Union of B&H and a smaller splinter party. The restructuring of the Federation government was still an unresolved issue by the end of 2012. Separately, RS President Milorad Dodik received the resignation of the entire RS government on February 27, 2013. Political disagreements had been building since the local elections of October 2012, which, while generally in line with democratic procedures, left some unresolved issues.

Politicians could not agree on solutions to implement a European Court of Human Rights ruling requiring changes to the B&H constitution on ethnic eligibility to stand for elected office, and as a result the country failed to meet an EU road-map deadline. Senior RS officials have continued to campaign against, and take action to diminish, the authority of state institutions over those of the RS and the Federation.

Suspected links between the media and political parties, as well as a recent rise in ethnic divisions in the media, seem to be feeding new political biases. Political pressure to introduce direct political appointments of Communications Regulatory Agency (CRA) officials, more attempts to influence public broadcasters, and rhetoric aimed at abolishing the public broadcaster have been evident. The media industry also continues to be affected by the country's dire economic conditions. As in previous years, particularly amid shrinking advertising spending, the market is not supporting an independent media. Outlets are pushed toward clientelism, and their credibility continues to be endangered.

The overall MSI score is almost the same as last year, failing to reverse the negative trends of recent years. Only Objective 5, Supporting Institutions, logged a notable improvement, while Objectives 2 and 4, Professional Standards and Business Management, respectively, scored notably lower. Professional standards remain a luxury for media outlets and their reporters, while business strategies are undermined by political and macroeconomic pressure not supportive of a robust media sector.

# BOSNIA & HERZEGOVINA at a glance

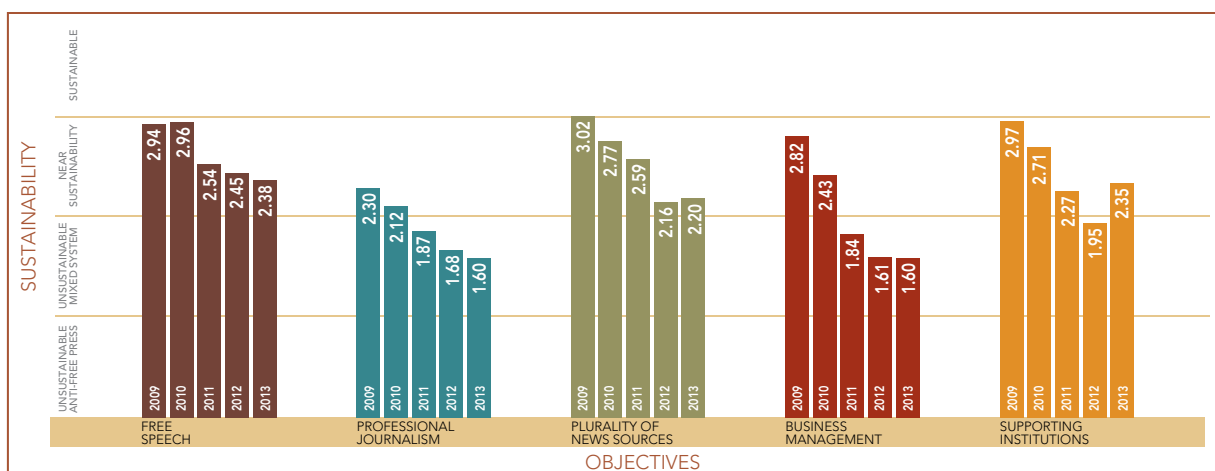
## GENERAL

- > Population: 4,621,598 (July 2010 est., *CIA World Factbook*); 3,752,000 (World Bank, 2011)
- > Capital city: Sarajevo
- > Ethnic groups (% of population): Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (2000 est., *CIA World Factbook*)
- > Religions (% of population): Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > Languages: Bosnian, Croatian, Serbian
- > GNI: \$17.93 billion (World Bank Development Indicators, 2011)
- > GNI per capita (2009–Atlas): \$4,780 (World Bank Development Indicators, 2011)
- > Literacy rate: 97.9%; male 99.4%, female 96.5% (2010 est., *CIA World Factbook*)
- > President or top authority: Presidents Nebojša Radmanović, Željko Komšić, Bakir Izetbegović (2010–2014)

## MEDIA-SPECIFIC

- > Number of active print outlets, radio stations, television stations:
- > Print: 8 daily newspapers, 105 periodicals (magazines of diverse content); Radio stations: 142; Television stations: 42 (B&H Press Council, Communications Regulatory Agency (CRA))
- > Newspaper circulation statistics: N/A
- > Broadcast ratings: Top three television stations: Federal TV (14.4%), Program Plus (11.9%), Pink B&H (9.7%) (Mareco Index Bosnia, March–April 2012); top three radio stations: Kalman (10.6%), Radio Stari Grad (9.5%), Radio BN (7.6%) (Mareco index Bosnia, March–April 2012)
- > News agencies: FENA (state-owned), SRNA (state-owned), ONASA (private), NINA (private), MINA (Islamic Community in B&H), KTA BK B&H (Conference of Bishops of B&H), AA (Anadolu Agency)
- > Annual advertising revenue in media sector: Television: \$37.4 million; Radio: \$11.8 million (CARDS, 2006); Print media: N/A. Unofficial estimate: \$65.47 million for 2012, TV share at 67%, radio 5%, print 16%, Internet 2%, and outdoor 10% (Fabrika advertising agency, 2012)
- > Internet usage: 1.422 million users (2009 est., *CIA World Factbook*); 2,113,100 users, i.e., 55% of population (CRA, 2011)

## MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



## MEDIA SUSTAINABILITY INDEX 2013: OVERALL AVERAGE SCORES



### CHANGE SINCE 2012

▲ (increase greater than .10) □ (little or no change) ▼ (decrease greater than .10)

**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.

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

## OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.38

The score for this objective has been relatively stable over the past few years, suffering just a slight drop from 2012. Scores for crimes against journalists and outlets and libel proceedings fell precipitously. Declines were also seen in the scores for public-media independence and free access to information. Licensing, access to news, and entry to the journalism profession continue to receive the highest scores for this objective, significantly raising the average.

In sum, the legislative framework governing journalism is considered to be developed in its wording, and as a result, “everyone can say what they want and get a place in public space and media,” according to panelist Rubina Čengić, editor-in-chief of *Start* magazine. However, the mechanisms and capacity for implementing existing laws and dealing with violations of them are considered underdeveloped, and as a result it is possible to disregard or bypass the laws with relative impunity. A few prominent cases of officials restricting access to information under the rationale of protecting privacy were considered by some panelists to be symptomatic examples of how freedom of speech can easily be diminished.

### 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 of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties 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.

Freedom of speech is guaranteed under both international covenants and the state and entity constitutions. It is also protected by regulations specific to the media sector. Article 4 of the Law on Communications guarantees freedom of expression and development of the broadcasting sector free of political control and manipulation, and financial autonomy is also guaranteed.<sup>1</sup> However, in practice, political pressure continues. The director of the CRA, Kemal Huseinović, has never been officially confirmed, so he has been acting in an interim capacity for six years. Since the Parliamentary Assembly of B&H refused to accept a proposal for appointing members of the CRA Council in 2009, no new proposals were submitted. The refusal of candidates, especially without giving clear justification, was seen as a form of political pressure.

In 2012, the authorities sought to change procedures for the appointment of CRA members, and the Law on Amendments to the Law on Communications was adopted in the second reading in the Parliamentary Assembly on December 4. Major changes are related to the fact that the Council of Ministers is given the primary role in the appointment of CRA Council members, reducing parliamentary checks and balances. The MSI panelists are concerned that future appointments will be politically motivated and will endanger the independence of the CRA’s decision making, a sentiment shared by some political leaders. The MSI panelists do not believe that these pressures have yet compromised the CRA, but they are concerned about whether they will do so in the future.

The Press Council seeks to promote journalistic norms in print and, more recently, online media. Unlike the CRA, the Press Council does not have executive powers and relies solely on a self-regulatory system and voluntary compliance of print and online media with journalistic norms and Council decisions. The Press Code encompasses ethical norms for print and online media. Several online media organizations joined the Press Council in the past few years, demonstrating readiness to participate in the self-regulatory system. However, the system needs to be further promoted in terms of higher membership in the organization and to foster more consistent compliance of media with professional norms and Council decisions.

In addition, all types of media in B&H can be held accountable in criminal court for libel, as well as incitement of hatred based on national, racial, or religious identity.

<sup>1</sup> The CRA is funded through license fees and grants or donations for implementation of specific tasks and projects of public interest (Law on Communications, Article 44). The CRA director general submits a budget proposal to the Council of Ministers for each fiscal year, which may not make adjustments of more than 20 percent before voting to approve (Law on Financing B&H Institutions, Article 9).

Licensing of media in the broadcasting sector is under the jurisdiction of the CRA. Media representatives generally consider these procedures impartial and apolitical, despite the aforementioned political pressure on the institution. As in previous years, the panelists said they believe media do not sufficiently respect programming obligations under existing laws and the programming schemes for which they are licensed. According to Benjamin Butković, news editor at the public broadcaster BHT1, even the public media do not adhere to a minimum of program requirements: "If we analyzed our programming, we would establish that we violate some provisions, because we have obligations to provide foreign productions, educational programs, programs for minority groups, etc., and we do not have them all." Licensing procedures give preference to programs deemed underrepresented in the media.

A vast number of local public broadcasters are seen as lacking editorial independence, as they are directly financed by local authorities, and members of the country's Public Broadcasting Service (PBS) are under continuous political influence and pressure.

Media outlets are generally seen to be commercializing their content, with private media especially focused primarily on entertainment programs. So far, only three licenses have been given to community radio stations, and therefore this sector does not significantly contribute to better media representation of minority and marginalized groups. A particularly daunting factor is the prohibition of advertising revenue for this type of media.

Due to the aforementioned issues, there is a strong need to monitor the extent to which the media adhere to laws, regulations, and programming obligations. Currently, no institution has a mandate or capacity for continuous monitoring. However, the CRA conducted a systematic one-week monitoring program on B&H broadcasters in 2012. The monitoring was intended to track broadcasters' compliance with regulations, revised in 2011 to better comply with the EU Audiovisual Media Services Directive requirements on issues such as on-demand services, protection of minors, and age-appropriateness ratings. This was seen as a good way to stimulate better fulfillment of minimum requirements by broadcasters and is the main reason for a slight improvement of the score for licensing, compared with the previous year.

Entry into the broadcast media is considered unbiased, but some panelists, including Asja Rokša-Zubčević, of the CRA, believe that the continued existence of a large number of broadcasters, despite a continuous drop in advertising revenue, raises questions about funding patterns and prevents the development of a healthy, transparent media

market. As a result of political and economic affiliation, as panelist Reuf Herić, of Radio Q, said, "The 'good' media are decaying faster than the 'bad' ones, because the good ones get under the skin of some sponsors." Achieving both complete editorial independence and diverse sources of revenue appears very difficult to achieve. Although this cannot be controlled through licensing procedures, the panelists believe that there should be more transparency in funding as well as more insight into media performance.

When it comes to print media, entry into the market is completely free; concerns are mostly related to the lack of regulation of online content and the lack of monitoring, sanctioning, and preventive mechanisms with regard to violations of journalistic norms. The CRA is now completing its register of online television services and will increasingly regulate this area. As mentioned earlier, some online media have joined the self-regulatory system, but the truth is that a large portion of online communications still remains beyond regulation.

Media outlets have an equal market position to any other business. There is no differentiation of value-added tax (VAT) or any other tax breaks for media. The panelists agreed that taxes overburden media outlets given the current economic crisis. Some panelists stressed that print media are in an especially difficult situation; Čengić believes that the fact that VAT is paid based on the number of printed copies, regardless of the proportion of actual circulation, is problematic, although understandable due to the lack of circulation data.

As in the previous year, panelist Angelina Albijanić-Duraković, of Depo.ba, stressed that although free entry of online media is desirable, the negative aspect of this is that portals registered as businesses, which regularly pay taxes and employees under existing laws, are put in a subordinate position, compared with portals that are not registered but are competing in the same market. Panelists Predrag Zverac, of the private newspaper *Dnevni List*, and Herić, of Radio Q, stressed that private media, while they may enter the market freely, are at a disadvantage, compared with the public broadcasters, whose sustainability is largely guaranteed through direct financing by local authorities.

While the panelists were generally agnostic on the tax structure media firms must navigate, some panelists maintained that the lack of supportive fiscal policies, combined with unpreferential tax policies, further complicate media organizations' sustainability and push them toward editorial compromises, bypassing of laws, and bankruptcy. As panelist Boro Kontić argued, "Taxes are used as a bludgeon for media," because many outlets are already facing huge financial problems. Kontić suggests that the tax

policies facing the industry are condemnable, as they ignore the financial limitations inherent to the media environment in B&H. In addition, panelist Borka Rudić believes that tax regulations have on occasion been used to put political pressure on media. *Slobodna Bosna* magazine has reported that coercive tax audits of its own finances, as well as those of TV1, *Oslobođenje*, *Dani*, and *Slobodna Bosna*, were ordered by Prime Minister Vjekoslav Bevanda based on the interests of his political party.

Crimes against journalists, as reported by the Free Media Help Line, increased slightly in 2012, with 47 cases reported by November 10. While the cases included five physical assaults, three death threats, and 17 threats and pressures, the remaining are related to other infringements of media freedom. Those included four issues related to labor rights, two criminal charges against journalists, six libel cases, five cases of journalists seeking protective legal advice, three public outcries related to media issues, and two cases of third parties complaining about journalists' conduct.

Though pressure on journalists is considered an everyday practice, severe physical assaults are still rare. One of the most prominent cases was the assault and battery of Štefica Galić, editor of the web portal Tacno.net, in Ljubuški. Another case made public was that of journalist Siniša Vukelić, who was verbally attacked when he asked a businessman charged in a case before the RS Supreme Court to comment on the court's decision. An earlier report by Vukelić had initiated the investigation and felony charges against the accused.

Borka Rudić, of BH Journalists, said her organization's experience with police is mostly positive and that officers' work is timely and thorough, with the exception of some cases, such as one in Herzegovina-Neretva canton when police asked BH Journalists for evidence in an assault even though officers were present at the scene. There is continuous dissatisfaction with the work of the Prosecutor's Office and courts. Panelist Butković believes that attacks on journalists are common but that sanctions against perpetrators are rare. In his words: "Are those who commit these crimes brought to court? No, or very rarely. Whom do they declare responsible? Virtually no one—usually journalists come out guilty because they investigated someone, pushing their nose where it doesn't belong. Do crimes against journalists lead to public protests? As far as I know, no, never." Butković speaks from his own experience, having been exposed to pressure and threats as BHT1 news editor. "Most were messages from certain government officials and totally anonymous people, meaning people who called, threatened, intercepted me...From the way they talked to me, it was possible to detect very clearly where the threat was coming from," he said.

In addition, it can be assumed that the number of attacks and pressures on journalists is considerably higher than the number of reported cases. As Čengić and Albijanić-Duraković suggest, journalists are accustomed to certain pressures and often do not report them. One of the reasons is that the professional community's reactions are often insufficient. As Čengić put it, "Generally, even we ourselves do not pay enough attention to it; BH Journalists' association with the Help Line remains alone to fight against opponents with the strength of lions."

Since pressure is continuous, especially if journalists are working on investigations, the panelists have over the years expressed fear that journalists are increasingly discouraged and less prepared to tackle sensitive issues for fear that their safety would be jeopardized. Butković summarized his sentiments by stating that journalists feel "totally unsafe and that this is, to a large extent, reflected in their work."

The editorial independence of PBS, which includes BHTV, B&H Radio, Radio FB&H, FTV, and RTRS, is guaranteed by the Law on the Public Broadcasting System of B&H. Its financial independence is based primarily on collection of radio and television (RTV) fees, levied on all who own a television or radio, and additionally through advertising revenue. Independence is also, in theory, guaranteed by the procedure of appointing the PBS board of governors and executive manager and restrictions on political engagement by the board, director, or editor-in-chief. Yet the panelists believe that affiliations with political parties are in fact major criteria for PBS appointments. Butković believes that it is "perfectly clear...[that] management and managerial boards are directly appointed from the political level. They are an extended arm of politics, and we have come into a situation in which that is no longer hidden. In my view, this phase is the most dangerous one, when we consider it a normal situation."

Over the course of 2012, claims were most often related to the strong influence of the president of the RS and the Alliance of Independent Social Democrats (SNSD) party on public radio and television station RTRS, as well as Social Democratic Party (SDP) influence on public broadcaster FTV. As the panelists stress, the latter made progress toward editorial independence in 2012, after which the authorities hastily attempted to establish an "interim" FTV Board of Governors in June and to announce vacancies for three board members in October, which was all seen as an effort to reassert political control. Establishment of an "interim" board was abandoned after the inconsistency with legal procedures drew strong reactions from the international community and domestic public; the vacancies for three members contradicted the law stipulating the appointment of only one member per year, and the vacancy itself was not

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announced according to law. In November, B&H President Nebojša Radmanović finally annulled the vacancies. With the Federation Parliament's current demand to relieve sitting board members under the pretense of poor business performance, the issue of appointing the board has yet to be resolved. The mandate of several PBS governors has expired, and the CRA in September drew up a list of new nominees to govern RTRS and BHRT and passed it on for the parliamentary appointment procedure. In this politicized context, disagreements over the establishment of the Public Broadcasting Corporation—an entity that would coordinate the switchover to digital broadcasting and provide technical leadership and management support to PBS members—continue, hindering the transition to digital broadcasting.

In 2012, the RS government continued its contentious practice of funding print and electronic media. In budget restructuring in September, grants to media increased from 1.4 million marks (KM) to 3.6 million KM (about US\$932,000 to US\$2.4 million). These practices of media funding by the government are seen as problematic, mostly as a sort of buyoff for the purposes of assuring favorable reporting.

The same doubts about editorial independence are particularly relevant to about 80 broadcasters in B&H that are directly financed by municipal or cantonal authorities, since ideas of privatizing these broadcasters have long been abandoned, along with hopes of assuring their editorial sovereignty. Rule 57/2011 on state and entity public radio and television stations stipulates that members of the board of governors cannot be public officials, while the editor-in-chief and director cannot perform public duties or actively participate in a political party or organizations affiliated with one. While the rule is formally respected, it applies only to the principal three broadcasters and not to the more than 80 local broadcasters supported directly by municipal and cantonal authorities. The public media are also in a favorable position, compared with private media, with whom they compete for advertising. Over the years, no official stance has been taken on whether this constitutes prohibited competition, and no policies have been developed in this regard.

It should be emphasized again that in the circumstances of an overburdened media market, with constantly shrinking advertising revenue, heightened dependence on public funding places media in a vulnerable position and raises more questions about their independence and credibility. For all these reasons, public media independence was one of B&H's weakest MSI indicators.

Libel has been processed under civil law since 2003, and this was welcomed as a significant improvement in comparison with previous Criminal Code provisions. However, over the

years there have been significant concerns with regard to the implementation of the Libel Law. Stagnant scores on this indicator demonstrate the lack of progress in the implementation of the law. The panelists pointed to a number of court proceedings that they see as highly controversial.

Mehmed Halilović, media law expert at Internews, mentions cases where rulings in two courts in different entities of B&H are contradictory—one in favor of the journalist and the other in favor of a public official suing for libel, namely President Dodik. Rudić argues, "The court in Banja Luka [the de facto RS capital] protects Dodik as a politician." She referenced a legal brief filed on behalf of Dodik against the FTV in a local RS court. "It is even written that they intended to slander Dodik because he was a candidate for RS president, but that they obviously did not succeed because he was elected president." The initial ruling against the FTV's two journalists implies that greater protections against libel will be offered to public figures. As the ruling states, "Given that the plaintiff performed the duty of the president of Republika Srpska...we can undeniably conclude that the information published on the television...has greatly harmed his reputation, given a situation where he obviously enjoys the public esteem and trust afforded him by the electorate." Indeed, contends Rudić, the Libel Law clearly differentiates speech "whether it pertains to issues from the private life of the affected person or to issues of political and public relevance" in both the Federation (Article 7) and RS (Article 6) iterations.

One problem in the implementation of the Libel Law is that in practice journalists sometimes must provide evidence on the accuracy of published information. Standards for establishing emotional distress are not precisely developed, nor are standards in dealing with anonymous sources. Media representatives expressed doubts about the impartiality of the judiciary in some of these proceedings, especially if the plaintiffs were people in positions of power. Political officials often file lawsuits against media outlets, including the Union for a Better Future (SBB) party president Fahrudin Radončić—himself the owner of the major daily *Dnevni Avaz*—in addition to President Dodik. Panelist Milkica Milojević believes that they are treated preferentially in libel cases. As Lejla Bičakčić, of the Center for Investigative Reporting in Sarajevo, said, all this results in self-censorship, as the general feeling is that journalists cannot rely on institutional protection even if their reporting is accurate.

The panelists also think there should be some kind of education for media professionals on libel court proceedings, as well as additional legal support, such as that provided by BH Journalists. For example, Halilović said that journalists rarely take advantage of a legal stipulation that

defines that it is not necessary to build one's defense on proving that the published information is true, but rather is enough to simply provide evidence that the journalist did everything in his/her power to prove the truthfulness. Evidence in favor of this can be the fact that a correction was issued if inaccurate information was published. Čengić believes that raising judges' awareness is also needed, since not all of them are versed in processing libel cases.

The country's Freedom of Access to Information Act (FOIA) guarantees access to public information. But panelists believe that there are still major obstacles in the implementation of FOIA and that not all institutions implement the law consistently and are able to bypass it with relative impunity. In some cases, requests go without reply, incomplete information is given or access is completely denied, or the level of access depends on relations between particular media and the given source. The latter was especially obvious, as Albijanić-Duraković believes, during the 2012 election campaign. The wording of FOIA is considered fairly good, but there are still some issues with regard to its incompatibility with a few other laws, such as the Law on Protection of Personal Data. Rudić mentions one case in which the Personal Data Protection Agency asked for removal of politicians' property cards from the website of the country's Central Election Commission. This was considered overly protective toward public officials, and later the Court of B&H ruled that publishing property cards is not inconsistent with the law. Bičakčić believes that there is general inconsistency in the way personal data are understood. In her experience, public institutions still look for exceptions from the obligation stipulated by FOIA. For example, she believes that the property-cards case included justified concerns about publishing personal data, such as personal identification numbers and addresses of public figures, but she wonders "why the Central Election Commission as such did not go in the direction of purification of property cards in the interest of the public. Are they there to work in the public interest or to work in the interest of those groups of politicians protected by the law? The test of public interest was not applied."

Halilović points to complaints procedures mediated by the institution of ombudsman, but even after all means are exhausted, information can remain inaccessible. Sanctions for public officials and institutions for denying access to information are stipulated by the state-level law, but court practice in this regard is still not developed. Additionally, there are no similar stipulations under entity-level laws, and Rudić emphasizes that these stipulations should be introduced to further promote free access to information. Legal remedies are often inefficient, and as previously

reported by Bičakčić, the Center for Investigative Reporting has been involved in several lawsuits that were not processed in court for years after filing. However, she also reports a positive experience with a lawsuit against the Civil Service Agency of B&H after access was denied to information on salaries of agency officials under the rationale of protecting personal data. As Bičakčić said, the case, including the appeal, was processed relatively quickly by the Court of B&H, and in just three to four months the center won the ruling.

Milojević believes that publicizing institutions' failure to follow information-access norms is important, as it can prompt public condemnation and civil-society reactions. One case especially incited much controversy: the newly adopted regulations of the Court of B&H on access to information, issued based on suggestions of the Personal Data Protection Agency. The regulations are considered restrictive and contrary to the public interest, even more so since this court deals with cases of war crimes and organized crime, which have great public significance. Among other things, these regulations include guidelines for keeping anonymous the names of people, institutions, firms, and agencies involved in court proceedings, as well as names of municipalities mentioned in cases. The court will disclose only their initials. Enforcement of these regulations is a constraint on further media development.

Legal use of outside news sources remains a bright aspect of the country's media sector. Access is open and unrestricted by the law, but the major issue continues to be lack of protection of intellectual property rights, especially when it comes to online media. Media content is often republished without properly naming the original source.

Entry into the journalism profession remained highly assessed as well. There is no government restriction of entry and no special restrictions or obligations for journalists. Panelists have over the years been unwilling to give a maximum score for this indicator due to lack of professional requirements, which they believe would result in higher-quality journalism. A few panelists also pointed out some incidents where public institutions required accreditation for covering certain events, shutting out some journalists. Milojević noted: "Recently the RS president denied accreditation to Ljiljana Kovačević, journalist of agency BETA, without any explanation."



## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 1.60

The trend of journalism's declining quality, tracked in B&H since 2009, continues with another slight decline this year. Professionalism issues in general remain a major constraint on media sustainability, scoring well below the overall country average.

Various breaches of journalistic norms can be seen in media content, while quality and investigative journalism are almost nonexistent. The panelists point to different factors contributing to this trend: Media managers are not motivated to invest in quality and investigative journalism while they fight for their financial survival; media outlets are understaffed, and journalists are under pressure to produce content quickly; and editorial independence is restricted by financial dependence on centers of power.

When it comes to balance in reporting and use of different relevant sources, the panelists painted a gloomy picture. Butković thinks that information is often unsupported, it comes from irrelevant sources, and the right to reply is often ignored. The reasons for this include a lack of resources, political affiliations of media organizations, and a lack of competent journalists. Albijanić-Duraković believes that objective, well-sourced reporting is "rare, because [only] a small number of media are totally independent and have the possibility of using uncontrolled, uncensored, and objective information. On the other hand, the number of quality journalists is declining."

### 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.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

A few panelists still were of the view that extreme examples of breaches of journalistic norms are rare, especially when it comes to broadcasters. However, the panelists agreed that the practice of thorough investigation of news stories, involving different sources and expert consultations, is worryingly uncommon. Different sources indicate that reporting is biased as a result of media outlets' political and/or ethnic affiliations.<sup>2</sup>

Professional standards in the broadcasting sector are defined by the Communication Law and CRA rules and codes. The CRA reacts either upon complaints or *ex officio* to noncompliance with regulations, exercising its executive powers through warnings, suspensions, and fines. When it comes to print and online media, the Press Council, as stated earlier, has accepted codes of conduct, but their implementation relies on the self-regulatory principle. In addition, some media have in-house codes of practice.

However, the level at which media outlets follow these regulations is far from desired. CRA's report on violations of regulations in the broadcasting sector for 2010 found 89 cases related to program standards and principles of advertising and sponsorship.<sup>3</sup> Rokša-Zubčević said there have been no extreme violations, such as open hate speech, in the broadcast media for years but added, "The most frequent cases of violation of codes are related to sensationalistic reporting, disregard for accepted standards, such as impartial program editing, right to response, presenting the stance of the other side, and others."

The panelists also mentioned that infringements include lack of credible sources of information and lack of distinction among rumors, assumptions, and facts, as well as biased reporting based on political affiliations or financial dependence on major advertisers. As Zvjerac said, "It's enough to ask which media outlet in B&H writes against a bank. They will until the moment it gives an advertisement." Biased reporting is based either on internalized values diverging from the public interest, self-censorship, or in rare occasions, pressure from officials. As Čengić reported, a journalist she knows "used to come to press conferences and say 'I've been sent by the editor with an assignment to trash this person.'" In addition, several decisions resulting from the systematic monitoring carried out by the CRA in 2012 were related to violations of provisions on advertisements and sponsorship, lack of originally produced content, and lack of protection of minors in terms of marking age-restricted content and adhering to appropriate broadcasting time slots.

<sup>2</sup> See, for example, reports and books published by Mediacentar Sarajevo at: <http://www.media.ba/bs/o-mediacentru/publikacije>

<sup>3</sup> Source: Report on Cases of Violations of Rules and Regulations in the Year 2010. CRA. 2011. Available at: <http://www.rak.ba/eng/index.php?uid=1273696230>

Herić stresses that frequent violations of journalistic norms are not surprising since media outlets have over the past few years cut back on human resources and now do not have the knowledge or capacity needed for proper implementation of ethical standards. In addition, Rokša-Zubčević suggests that commercial interests overshadow normative standards in circumstances where media compete in an overburdened and poor market.

Although direct censorship is considered rare, the panelists believe that self-censorship is a common practice. As Kontić said, "This is normal here...Is it possible today in the RS to write an article against [President] Dodik?" Čengić reports that her contacts with some journalists involved in investigative stories supported by international donors showed that "they chose certain formulations and threw out some information or did not include some sources because that would upset the owners of the media they work for."

Some views suggest that even self-censorship is uncommon, given that consumerism and ethnic and political polarization result in a lack of awareness among journalists about social correctness and the public good. As panelist Samir Šestan points out, the enemies of journalism lie "in the infinite mass of falsely declared 'colleagues,' who defend—instead of the profession and society—the interests of capital and related politicians."<sup>4</sup>

Senad Zaimović, in line with the view of several other panelists, said, "Self-censorship is not a matter of the state baton but a matter of economic survival. The problem is if [reporting] means losing one's job. Then between the existential and the professional, you choose the former."

The panelists believe that the majority of key events and issues get coverage, either by a multitude of media outlets or by just some of them. The indicator related to covering key events and issues was ranked more favorably than the others under the professionalism objective, but still below the overall country average. Certain topics are marginalized, against the background of the utter politicization of the media sphere and excessive focus on political disputes. For example, Kontić mentions that domestic media's reporting on a story about pollution caused by an oil refinery in the town of Bosanski Brod, on the border with Croatia, was marginal and especially illustrative, if compared with coverage of the same issue in Croatia. "In the Croatian news, the pollution was an issue every day. For our media that does not exist, and that is horrible," he lamented. Similarly, Čengić noted a conference in Tuzla to consider the disposal of hazardous medical waste, which passed with almost no interest from local media.

<sup>4</sup> Article published in December 2012 at: <http://www.media.ba/bs/magazin-etika/cenzura-je-majka>

New media are constantly gaining more importance, but they are still struggling for substantial audience reach. The panelists point out that socially engaged online content draws nowhere near as much interest as entertainment content, and panelist Albijanić-Duraković said: "Online media are still not seen as serious media, since they are just now embarking on certain investigative stories and real articles. They continue to be seen as sources of entertainment." The panelists still see great potential in promotion of journalism through online platforms.

Pay levels of media professionals are considered relatively low on average, and this indicator received one of the lowest scores. Milojević said trade union data suggest that in RS, the average salaries of journalists are lower than the overall average, about US\$543 in October 2012, although journalists generally hold higher degrees. Salaries of media employees in B&H range from around 450 to 1,500 KM (US\$299 to \$997) or, in a few cases, up to 2,000 KM (US\$1,329) for editors at bigger outlets. For comparison, salaries of high-school teachers are between US\$640 and US\$740, and at universities between US\$740 and US\$1,340. It can be assumed that journalists in most smaller media outlets are underpaid and possibly susceptible to corruption and less motivated to produce relevant journalistic content. In some cases, Zvjerac pointed out, salaries are not regularly paid, and other panelists mentioned that rules covering vacation and overtime work are often violated. Albijanić-Duraković points out that media outlets are reducing their number of employees and piling more work on those who remain. Furthermore, three panelists reported that to avoid paying contributions for social and health insurance, which are detrimentally high for media organizations fighting for their survival, media owners in many cases do not sign employment contracts with journalists, so their work is not officially on the books.

The presence of news and information programming scored the highest within this objective, slightly higher than the overall country average. Despite cost-cutting at the expense of news and information programming, the panelists generally agree that entertainment programming still does not eclipse news. News and information programming is still present to a significant extent in the majority of media outlets, although Herić suggested that "a huge number of radio and television stations have nothing to do with news" and are primarily oriented toward entertainment.

But the major problem with news and information programming is that it often excessively focuses on coverage of institutional and partisan politics while other issues remain out of public sight. As Kontić said, "My theory is that perhaps there are more political programs here than there should be, while not discussing the key issues." Education,

culture, local communities, and ecology are among the neglected topics. Additionally, the quality of programming in this area was questioned, especially since content is often redundant, with most media focusing on the same few issues and often rebroadcasting from other sources with little, if any, original contribution. Broadcasters are obligated to produce at least 20 percent of original content (Rule 55/2011, Article 13, paragraph 5), but it is questionable whether this provision is respected. In addition, the level to which this content is based on fieldwork and investigation is most likely low for the majority of media.

Technical capacities for production of broadcast programs differ from one media outlet to another, with some commercial media having enhanced or at least sufficient technology at their disposal. Rudić, for example, suggested that technical capacities of small, local media are extremely limited; at the same time, with regard to public broadcasters BHRT and FTV, she noted: "You often have such differences in quality of picture and sound in the same program and reports from the field that are atrocious."

This situation is problematic, especially given that public broadcasters should be leaders in the switch to digital broadcasting. Although a digitalization strategy was adopted in 2009, there has been little progress toward transition to a digital signal due to procedural issues and political disagreements over the constitution of the corporation, which is supposed to coordinate the switchover. An expert commission on digital terrestrial television, an ad hoc body working under the auspices of the CRA, prepared an action plan for digitalization in April 2012 and passed it on to parliament. Installation of digital transmitters that would cover the areas of Sarajevo, Banja Luka, and Mostar is now in progress, and a tender for purchasing necessary equipment was announced in February 2012. More international pressure is expected in the following two years, and it has yet to be seen whether it will motivate more decisive action toward digitalization and provide all required conditions. These would include the transmission infrastructure, a functional PBS corporation, mechanisms for assurance of media plurality and promotion of needs of different social groups, public campaigning, and possible subsidies for citizens to assure that they are both technologically prepared for and well informed about the transition and their rights.

Niche and investigative reporting are considered extremely limited, rare, and heavily dependent on international funding and/or the enthusiasm of certain media outlets or journalists. In circumstances of newsroom staff cutbacks, journalists must act as general-assignment reporters and are under pressure to produce several stories a day. In these circumstances, reports seldom go beyond basic information

on current events to explore trends, policies, and context or to include alternative sources and expert commentary.

Only rarely do media outlets invest in investigative reporting or in specialization of journalists. CIN, supported by international donors, is the only successful project that focuses exclusively on investigative reporting. CIN regularly publishes investigative content, which is significantly republished by other online and print media. In addition, as panelists indicate, certain print and online media that publish investigative stories, although extremely rare, still exist. Examples of investigative stories can be found in the online magazine *Žurnal*, the weekly *Slobodna Bosna*, or the online portal *Buka*.

When it comes to other online platforms, blogs rarely provide politically engaging content or investigative content, but there are examples of exchange of information and social mobilization through social networks. Most notably, media content related to, for example, the economy or the judiciary is likely to be flawed and superficial. In addition, issues still evoking much political controversy, such as war crimes trials, are likely to be reported in a biased way based on the ethnic affiliation of journalists. Programs such as Radio Free Europe's "Facing Justice" are a key contribution to more balanced reporting on such issues.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Bosnia & Herzegovina Objective Score: 2.20

Overall, plurality of news sources did not change significantly since the 2012 report. Improvements in breadth of coverage on local, national, and international issues improved notably, but as in previous years, bias in the public media remained a major issue and one of B&H's worst-performing indicators. The media landscape, although marked with a huge number of outlets, is not characterized by a plurality of represented viewpoints and identities. Media do not adequately serve the interests of different groups of citizens, and editorial independence continues to be questionable.

Media outlets of various types are numerous. There are three different types of ownership: public, private, and the most recent category of community radio, of which there are three stations. Despite the huge number of licensed broadcasters, as well as licensing procedures that give preference to programs that cover underrepresented topics or views, most panelists believe that there is a lack of plurality of viewpoints. Even the public broadcasting service, with three television and three radio broadcasters,

## 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) exist 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 nonpartisan, 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.

is perceived to be lacking quality programming of public interest. A few media also perform, to some extent, a public-service role and cover specific social groups in B&H. Researchers Coyer and van Beek cited Vesta Radio (Tuzla), Studio 88 (Mostar), Studentski Radio IFM (Sarajevo), and Radio Balkan (Banja Luka).<sup>5</sup>

When it comes to representation of different political viewpoints, media are often biased, and affiliations between political parties and particular outlets are sometimes easily detectable. Čengić said that “less strong structures have no access to media space” and that in the most recent election campaign “there were some small parties which got absolutely no space in media, as if they did not even exist.” The viewpoints of most political streams in the country are fairly presented when one looks at the media space in its totality, but because citizens mostly rely on a few outlets for information, they may get a myopic view. In Herić’s words: “The biggest part of the population in B&H does not want to bother with analysis of what a number of media are doing about one event, but instead believe just one media outlet.”

Such fragmentation of the media space is especially problematic in the context of a deeply ethno-nationally polarized society, further strengthening tensions among sectarian lines. Herić illustrates the bias based on political and/or ethno-national identification by saying of journalists:

<sup>5</sup> K. Coyer and J. van Beek, “Community Radio in Bosnia and Herzegovina,” in *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*, ed. T. Jusić (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)

“Often while reporting on the same situation, they seem as if one was on the moon and the other was on Mars, and neither was at the scene.”

However, a few panelists noted a slight improvement in media pluralism due to the enhanced role of online media, primarily news websites, and to some extent social networks, most of all Facebook. Blogger.ba now hosts nearly 290,000 blogs and more than half a million monthly visitors. According to some estimates, the number of Facebook users in B&H has reached 1 million. Since Internet use is constantly increasing, the panelists believe that the use of online sources for producing and distributing news and information has likewise increased. That said, this may not be improving the quality of information citizens receive. CRA data show that the number of mobile-telephone users is extremely high—3,171,283 subscribers in 2011—but the practice of distribution of news via mobile phones has still not taken hold.

Access to media, both foreign and domestic, is open and unrestricted by law, but to some extent is limited by economic factors. Television is the most used media source, and nearly 100 percent of households have a television set. Cable distribution, however, still does not cover rural areas, and several television channels are still available mostly in urban areas. As Rokša-Zubčević said, “In rural communities, cable distribution is practically nonexistent, except for telecom operators’ attempts as of late to try to cover these regions with IPTV technology. No cable distributor has tried so far; they have not been interested in rural communities at all. The situation is still bad.”

When it comes to Internet availability, penetration is increasingly improving, and access is restricted mostly by economic factors. A monthly Internet subscription costs around US\$20. The number of registered subscribers in 2011 was actually slightly lower than the previous year, amounting to 515,296, but CRA estimates suggest that there were around 2,113,100 users in the country in 2011 and that 55 percent of the population older than 15 had Internet access.

Data on circulation of print media are not available, but it is assumed that it is clearly differentiated based on ethnicity of readers. Print media consumption is considered low. Freedom House data from 2010 suggest that the overall circulation of seven leading dailies does not exceed 90,000 copies. Dailies cost around 70 cents and magazines around US\$2, making them more luxury purchases in a country where the average salary is around KM 823 (US\$554) a month.

Milojević believes that a lack of media literacy diminishes the impact of news sources. She suggested the problem is

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“not basic illiteracy as much as civil and electronic illiteracy. We have a lot of people who don’t know how to use what is free.”

CRA regulations oblige public broadcasters to reflect the interests of citizens and different constituencies, such as displaced persons and minorities. At least 40 percent of programming is required to be dedicated to news and information, educational content, and content for children.

Despite these requirements, the score for public media bias is, as for the 2012 MSI, one of the lowest and well below the country average. As previously noted, the credibility of public broadcasters has been compromised for years due to their political partiality. With regard to the state and entity broadcasters, Rudić said, “Political influence on public broadcasters and agencies has strengthened in 2012, through biased program content, imposition of ‘partisan’ editors and directors, and illegal extension of mandates of members of boards of governors at BHT, or attempts to appoint political representatives to the managerial board of RTV FB&H.” However, the panelists agree that FTV, one of the three public-service broadcasters, made significant progress toward editorial independence during the year, when it saw turnover of its editorial personnel. A few panelists believe that state broadcaster BHT still provides more balanced news and information, while RTRS is considered to be completely under the influence of the SNSD party and RS President Dodik.

Kontić believes the circumstances are especially alarming if one considers the high number of public broadcasters and consequently high ratio of information that is politically controlled. “The sheer number of public media outlets is still high in B&H; it’s not just the three public broadcasters. Out of 140 radio stations, I think 50 percent are public, and out of 50 television stations, one-third are public,” he recounts. “They are politically [controlled] even at the level of the entities, whereas...municipal and cantonal ones, that is rock bottom...the information is politically controlled.” (Cantons are subunits within the Federation, with municipalities as the smallest governing units of both entities.) These local broadcasters are often funded directly by their local governments and are subject to virtually no regulations aimed to protect their independence. The results of such direct funding are clear.

In addition, public broadcasters, as Milojević said, are overloaded with advertising and commercial content. The increased number of drama series among their programs is seen as one of the markers of increasing departure from the public-service role. Several panelists mentioned a notable lack of educational programs or programs for children. Rudić, in addition, believes that religious programming

is mostly constrained to the three major religions (Islam, Orthodox, and Catholic), while smaller communities are not visible. Similarly, reporting on minority groups and usage of minority languages is only occasional.

Due to already mentioned reasons, such as the lack of capacity, pressure for fast production, and the lack of specialized journalists, the majority of media are heavily dependent on other media sources, most of all on news agencies. There are seven news agencies in B&H. Two are public, four private, and the other is the recently arrived regional office of the public Turkish news agency, Anadolu, which has had an important impact and brought in quality coverage. Other foreign media agencies, such as Reuters, AP, and AFP, may maintain correspondents but are not considered sources for local information by the panel. Media outlets in B&H regularly use the services of at least one agency. Albijanić-Duraković thinks that most outlets can afford the services of one agency, but not several. And only a minority of media can afford the services of international news agencies. This may be problematic given that the News Agency of the Republica Srpska and the Federal News Agency, the two strongest agencies, are owned by entity authorities and are most likely under substantial political pressure, especially since there are no legal or regulatory guarantees of their independence. Rudić mentioned an alleged agreement among the SDP-led coalition partners, where the Party of Democratic Action (SDA) has been replaced by the SBB, on appointing political affiliates of these parties to managerial positions in the agency. Milivojević believes the SRNA agency’s bias is detectable in the selective approach to the news it distributes, depending on whether it serves the interests of the governing parties.

Despite these shortcomings, the preponderance of news agencies merited their ranking well above the national average. Several panelists rated Anadolu as a new relevant actor that has raised standards of professionalism among news agencies on the market. The agency’s services are free for the first year.

In addition, media outlets increasingly use online sources for news, especially concerning international issues, taking advantage of open-use standards and the timeliness of the information.

The score for private-media news programming has risen slightly since the last MSI and is also comfortably above this year’s country average. Broadcasters and print media generally produce news content. Television and radio stations mostly have a central broadcast plus several short news broadcasts. However, many broadcasters rely almost exclusively on agency news or broadcast the news programs of the public-service broadcasters. Some broadcasters

produced original news, but as Rokša-Zubčević said, it is “in a form where the speaker reads the news, which is followed by a few, if any, features or live reports.” Still, Rokša-Zubčević believes that the high number of media on the market is a guarantee of media pluralism. As noted, licensing criteria give preference to content that covers issues that otherwise lack attention. Smaller and local stations mostly focus on issues relevant to local communities, while they mostly rely on secondary sources for national and international news. Financial limitations and dependence on local centers of power call into question editorial independence and the quality of the produced content. Only a small proportion of the content of online news portals is originally produced; the majority originates from secondary sources.

When it comes to balanced reporting, as well as the quality of production, the panelists assessed that Al-Jazeera Balkans stands out. However, Zaimović said that network’s audience share is still extremely low. The panelists believe local media attract a bigger audience with reports on current political affairs, while the regional Al-Jazeera attracts its audience with programs that are lacking in other media, such as locally produced documentaries.

As in the previous year, the major disadvantage concerning the transparency of media ownership is that there are no legal or regulatory guarantees preventing concentration of ownership. Rokša-Zubčević noted that despite CRA initiatives, no progress has been made in this regard due to lack of interest of state institutions. The B&H Competition Council is responsible for addressing the issue but has thus far taken no action. So far there have been no obvious cases of significant concentration of ownership, though *Glas Srpske* and *Nezavisne Novine* hold significant market shares in the RS and are both controlled by Željko Kopanja. A few panelists believe that ownership is problematic in cases where media owners are officials of political parties, as in the case of *Dnevni Avaz* owner Radončić. Apart from the CRA’s records on ownership in the broadcasting sector, there is no other monitoring of media ownership, and given the possibility that officially reported data do not match reality, concentration of power over media remains an open risk.

Groups that are socially marginalized—such as the main ethno-national groups in minority concentrations, Roma and other national minorities, LGBT people, refugees and returnees, the disabled, and, in many cases, women—are often neglected or inadequately presented in the media. Čengić also raises the question of whether representatives of certain groups that appear in the media are legitimate representatives of their perspectives and interests: “Even when representatives of less influential, less powerful groups are in the media, mostly the same persons appear,

and you are no longer sure if this is an attitude of a larger group of people or an individual that is chosen by chance.”

In sum, there is no strategic approach to provide content representing different social interests; due to limited capacities and lack of goodwill, as Čengić said, “Journalists are mostly guided by events...and that is how they choose sources and viewpoints.” Although public broadcasters have additional program obligations, the panelists believe these requirements are not followed. As noted, the law stipulates that 40 percent of programming on public broadcasters should be informational and educational, and 10 percent of that content is to be devoted to issues relevant to displaced groups, minorities, and the vulnerable. Similar provisions are made for children’s programming.

Some sources suggest that even if there is reporting on different ethnic groups, such content is mostly related to folklore, cultural heritage, and holidays, with hardly any coverage of politically relevant issues. Religious programming can be found on public-service broadcasters, but Rudić believes it focuses on the three dominant religions, while “small religious communities are invisible in public life.” In addition, a report on the perception of discrimination published by Open Society Foundations suggests that not only do media sometimes ignore reported cases of discrimination, but they also represent certain groups in a discriminatory manner. For example, the Roma are regularly discriminated against in media reports; their background will be accentuated in articles about crime. Transgender identities are often presented through prejudice, stereotype, and even hate speech, and some sources suggest that women are often presented in a stereotypical way, according to reports issued by Mediacentar Sarajevo. Additionally, ethno-national fragmentation among media influences reporting. For example, a ban on a peaceful protest in the town of Prijedor, marking the 20th anniversary of mass murders of non-Serb citizens, was not covered with the same attention and condemnation in all media in B&H.

Some content in mainstream media is produced for or adjusted to certain groups of citizens. Rokša-Zubčević mentioned, for example, that information and news programming on two broadcasters in the local communities of Kotor Varoš and Konjic is targeted at an audience with hearing difficulties. Online media have been providing more space for visibility of marginalized groups, and their impact has been rising over the years. Specialized portals such as *Diskriminacija.ba*, *Manjine.ba*, and *Tocak.com* are examples of outlets that focus on covering relevant stories and promoting the rights of minority groups.

The panelists suggest that media to some extent cover information on local, national, and international affairs.

Rokša-Zubčević said that the CRA's recent monitoring effort showed that local television stations significantly cover local communities, though this primarily involves communal services and the weather forecast. Several panelists, including Ajvaz, Čengiđ, and Milivojević, believe that local media do not sufficiently report on community issues. As in the previous MSI panel, some participants believe that news and information programming does not sufficiently focus on the needs of the audiences, such as local news. The panel agreed that the public media do not necessarily produce "public-interest" content. As Butković said, "Every local TV station, even the smallest one, has a section on world news. It spends resources, does not have appropriate staff, and does not have an appropriate technical structure that can support quality production of such programming."

It should also be pointed out that certain local communities may be underrepresented in media, especially as there are local communities with practically no local media. In addition, as Milivojević points out, their presentation in the bigger media is hindered because public-service broadcasters are cutting the number of correspondents from local communities. Public broadcasters FTV, through *Federation Today*, and RTRS, through *Srpska Today*, still broadcast shows about local communities in their territories. And finally, as noted earlier, financial dependence raises doubts about the impartiality and quality of locally produced content. Information on international affairs is mostly taken from secondary sources. National and entity-level affairs are sufficiently covered, but the impartiality and quality of this coverage is often disputed. Civil journalism is not yet developed, but information is increasingly disseminated through online platforms.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 1.60

Business management, in general, remained the weakest and least sustainable aspect of the media sector. State policies are underdeveloped, with even more detrimental consequences for media sustainability in the context of the economic crisis and reduced advertising revenues. Most media are fighting for survival in conditions of flawed fiscal policy, misuse of state subsidies, an overcrowded media market, lower advertising revenues, very low advertising prices, and competition from neighboring countries. Subsidies are perceived as a means of control over key media outlets, leading this indicator to receive the lowest score of all for the country. As media hardships over the past few years continue, their consequences are accumulating. Although the number of media outlets is not

considerably shrinking, the quality of journalism seems to be vastly affected.

With regard to business models, there are huge differences. The panelists believe that media outlets are generally not efficient and self-sustainable enterprises. Only a few firms function as efficient and self-sustaining enterprises, with financial departments in good order and robust marketing services. As Herić points out, most broadcasting media are in debt, especially radio stations, which are losing advertising revenues at an exponential pace. Several panelists also suggested that successful business models often mean attracting the audience, and subsequently advertisers, through entertainment and cheap and mostly socio-politically irrelevant content. In addition, Herić stated that the majority of media are artificially sustained through injections from government budgets, including subsidies, as well as direct government financing for local public broadcasters. Outlets hire professional accounting officers, and international accounting standards are accepted. However, Butković believes the implementation of these standards falls far short.

Rokša-Zubčević mentions that while the CRA reduced license fees for broadcasters on several occasions, she still believes "it is hard to explain how these broadcasters are surviving on such a small market." The media market is indeed overburdened, with 42 television stations and 142 radio stations, eight dailies, seven news agencies, and a large number of online media outlets and portals. However, despite the decrease of advertising revenue from previous years (30 percent), the number of outlets remained approximately the same in the past couple of years. Total advertising revenue in the market in 2012, as

#### 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.

estimated by the marketing agency Fabrika, was around US\$65.47 million (similar to 2011). Television broadcasters still convincingly held the highest share, 67 percent, while radio had 5 percent, print 16 percent, and the Internet 2%; the remaining 10 percent went to outdoor billboards, according to an unofficial estimate from the advertising agency Fabrika. In addition, international donor organizations that supported media projects for years have in the past few years been leaving the market. Therefore, the role of government institutions as sources of revenue is more vital than before.

The number of potential sources of revenue is limited. Major domestic advertisers are often affiliated with political actors, and therefore editorial policies can be driven by the interests of these actors and advertisers, even at the expense of the public-service role. As reported in previous years, there are several major domestic and international advertisers in B&H that most media depend on. Government institutions, as mentioned, are also key financiers. Municipal and cantonal authorities directly fund local public media and often provide subsidies for private media in local communities. The fact that there are no guarantees of independence of either private or public media under these arrangements raises serious doubts about their editorial sovereignty.

Public broadcasters RTRS, FTV, BHT, and Radio Federation B&H are funded primarily through RTV subscription fees. But the level of collection has been below the 85 percent required for their financial efficiency, according to independent audits. Refusal or reluctance to pay RTV fees is especially common among Croats, who feel that their interests are not represented in the current PBS system, as well as among Serbs, who question the current distribution of these revenues among the three parts of the system. Currently, 50 percent of the fees go to BHT, and 25 percent go to each of the two entity broadcasters, RTRS and FTV.

And finally, community media are not allowed to run advertising, which is seen as a hindering factor in developing the sector. The three existing community radio stations are Radio Marija, financed by the Catholic Church, Open Network Radio, funded by humanitarian contributions, and Radio Active Naša Djeca, funded by the Naša Djeca association on children's rights and protections.

Butković believes that "almost all media are susceptible to the influence of those bringing revenues." Milojević points out that big advertisers and government institutions are in a position where they can heavily influence content, since in the context of heavy competition in a poor market it is "hard to ensure a multitude of sources of revenue" that would enable editorial independence. Although there have been no publicly revealed cases, Čengić said that "one can

hear in the corridors that there are secret arrangements; journalists sometimes hear that a particular media outlet did not want to publish a story explaining that the story could jeopardize its relationship with someone who advertises in the media outlet, and similar things."

Major advertisers among domestic firms are telecom operators and electric power distribution companies; among foreign brands, the three largest are Procter & Gamble, Henkel, and Coca-Cola. Advertising agencies act as go-betweens and work more or less with all types of media outlets. As in previous MSI panel discussions, the panelists believe that market-research results are not consistently used as the only criteria for advertising contracts, but rather that different personal, political, and financial affiliations sometimes distort market position. In addition, Albijanić-Duraković believes that advertising agencies mostly work with television stations, since she believes that television advertising brings the biggest profit to agencies. Zaimović stresses that this depends only on the results of market research, and that advertising agencies are subject to pressure from media outlets in this regard. International clients require marketing research data on audience/circulation.

Several of the television stations with the largest viewership in B&H do not have problems with securing significant advertising revenues, but this is a problem for most other media for several reasons. The print media have never provided transparent circulation data, and their quality is often below international advertisers' criteria. For the majority of broadcasters, audience share is too low to make them interesting for international and big domestic advertisers. The advertising market is especially underdeveloped outside major cities. Finally, only a few domestic companies invest significantly in large-market advertising, while others do not have sufficient funds or awareness of ads' importance. Local media markets are therefore almost completely dependent on local advertisers. Zaimović also stressed that radio stations are losing attractiveness for advertisers. Online media still have a low advertising share, but there are outlets with high traffic capable of drawing marketing attention. According to gemiusAudience, the top site, Klix.ba, had more than 450,000 real visitors in October 2012.

Zaimović and Rokša-Zubčević add that overspill of advertising revenue in foreign markets further endangers the domestic media market. Foreign advertisers reach the domestic audience through cable distribution, either through regional channels from Croatia and Serbia or channels such as Fox, Discovery, and Sport Club, so they do not need additional advertising contracts in B&H.



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In addition, Rudić mentions one case that indicates a possible conflict of interest—namely the owner of an advertising agency who hosted a political show on BHT1.

The two biggest sources of revenue for media are advertising and public funds. Overall advertising revenues are around US\$65.47 million, with the biggest share taken by the television market (around 65 percent). The most recent comprehensive study, dating to 2006, suggests that the share of public funding is 4 percent of the overall television market value, but the panelists believe that in the past few years this percentage was increasing because advertising revenues were shrinking. The PBS system receives the biggest share of overall market revenues, especially through RTV subscription fees (33 percent of the overall television market value in 2006). In addition, a significant share is reserved for a few big private broadcasters, while the majority of media compete for a small piece of advertising revenues. As Zaimović said, the offer of media programs is huge, and competition often dramatically changes with each new commercial program purchased, such as television series from Turkey. Rokša-Zubčević adds that the results of monitoring carried out by the CRA indicated that “our TV stations—now I will speak specifically about TV, although this is present on radio stations, too—they are forced to completely change their program schedules for any chance of profit. Then we have violations of our codes, least of all regarding advertising time—you will rarely find a station that violates the rule of four, six, or 12 minutes per station—but you will find mass violations where a sponsor [is promoted] from the screen, by the hosts...in a way that is disgusting.”

Butković assesses that media are generally swamped with advertising. Although there is a limit on advertising in public media, there are doubts as to whether that is respected. Zaimović also said that FTV has significant viewership, but it is built on commercial programs rather than content of public interest. Public funding, both direct financing and subsidies, is considered the most problematic. Although government support for media would normally be desirable, in the B&H context it is implemented in a way that raises questions about whether it benefits citizens or just the interests of government institutions. In addition, public funds often enable media to charge lower advertising prices. As Čengić noted, “Media that receive considerable revenue from the state carry commercials at lower prices than private media, and thus lower prices on the advertising market.” Albijanić-Duraković called for urgent regulation of unfair competition and price dumping, since in her view prices are falling so low that advertising is simply not profitable for online media. Zvjerac added that “in print media an ideal ratio would be 45 percent of circulation and 55 percent of

advertising, but in the past two years the circulation of all media has dropped as much as the advertising share.”

With regard to government funding for media, doubts about transparency, criteria, and impartiality of allocation of funding continue. The most prominent example is allocation of funds by the RS government in recent years. In 2012, significant money was given to several leading media in the RS. Media analysts in previous years claimed that the procedure was not transparent and that certain outlets were given preferential treatment. Milojević believes funding was distributed even before the tender was closed. According to information published by CIN at the beginning of 2012, the RS government had at that time planned to give 1.4 million KM (about US\$932,000) for financing media, and some sources suggest that in the first four months of 2012 an additional 180,000 KM (about US\$120,000) was paid to private media outlets. In the course of a budget revision in September, the RS National Assembly more than doubled grants to media, raising them to US\$2.43 million. The panelists believe that similar funding will not be provided next year, since it is not an election year. Similarly, the Ministry of Agriculture, Water Management, and Forestry drew public criticism for contracts with several agencies and media outlets in 2012. The ministry was accused of disrespecting procedures on public procurement in distribution of funds, as well as of promoting a political party instead of domestic agriculture. Some sources suggested that more than 2 million KM (US\$1.45 million) was spent by the ministry through local media for its “Let’s Buy Local” campaign.

In addition, as mentioned, many local, municipal, and cantonal governments provide subsidies to media operating in their territories. These funds are rarely aimed at producing content of public interest but are instead guarantees of positive coverage of government activities. Criteria are often considered unclear, lacking specific requests for public-interest programming, and procedures are perceived as nontransparent. Government subsidies received one of the two lowest scores the panel assessed this year.

The score for use of market research for development of strategic plans remains generally unchanged from last year and is still below the country average. Some outlets use market research, but it is not affordable for most. Additionally, there have been significant controversies about the reliability of research provided for broadcasting media. Online media mostly use web analytics data, such as Google Analytics, to tailor their products to the needs and interests of users. However, in Albijanić-Duraković’s view, the interests of users mostly push media toward producing content of lower journalistic quality.

Mareco Index Bosnia still provides data on broadcast ratings, in addition to occasional ratings on broadcast and print formats from GfK BH, a branch of the Austria-based research company. However, serious doubts have been expressed since 2010 with regard to the accuracy and impartiality of the provided research. Čengiđ, for example, said: "There is increasing speculation that the agencies doing this are in conflict of interest because they are connected, through relatives or friends or another way, with media owners or members of managements of certain media."

The panelists also expressed concern that controversies and the lack of universally accepted research results will possibly lead to withdrawal of international clients from the advertising market. The Association of the Media Industry of B&H, recently operational again, is hoping to get support for conducting an independent tender procedure for a market-research company by mid-2013. Panelists in the previous year said that the prices of market research were generally intolerably high for the poor B&H market. The association therefore sees a great need for assuring financially feasible and independent media research through the upcoming tender procedure. In the meantime, Mareco is still accredited for market research, and as Zaimović said, most if not all media will sign contracts with Mareco for 2013. At the same time, Nielsen Television Audience Measurement will start providing data on the market. Zaimović assesses that this could have serious consequences for the poor advertising market. Having two separate providers could inject new uncertainty into the results of market research and could risk the financial viability of both players.

Data on circulation of print media are still mostly not available due to the lack of willingness of print media outlets to pay for research on their circulation and to ensure transparency. Only five print media outlets—*Press*, *Blic*, *Šik*, *Ljepota i Zdravlje*, and *Sport Centar*—are included in ABC audit research, which makes print unattractive for international advertisers.

In addition to web analytics, such as Google, several dozen online media use gemiusAudience research, which additionally provides demographic data and is more useful for advertisers.

Zaimović believes that neither the media industry nor advertisers fully understand the terminology used in media research. Čengiđ adds that domestic advertisers are driven more by their closeness with certain media outlets than by results of market research.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 2.35

This objective is the only one that significantly increased since last year and now scores above the average country score. Almost all indicators increased, especially professional associations, indicating that journalists' associations gained more credibility. Associations of owners also significantly improved, suggesting that they have been somewhat more active since the 2012 report. Scores for ICT infrastructure and quality degree programs received lower scores but increased somewhat, compared with the previous MSI. Sources of equipment and professional associations also improved, both scoring above the country average.

There are several broadcaster associations, including the Association of Electronic Media, Association of Private Broadcast Media, Association of Broadcast Media, and Association of Local Broadcasters of the Republika Srpska. As noted in the previous MSI, associations are mostly engaged in advocating for policies that better support financial sustainability. The panelists perceive that these associations significantly promote the interests of their memberships, and the score suggests this was more so during 2012 than in the previous year.

However, Herić points to a few factors that diminish their results, most of all the lack of interest in joining associations as well as conflicting interests of different associations: "The Association of Private Broadcast Media is interested in enriching the market; on the other hand, we have the

### 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 (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.

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situation that the Association of Broadcast Media, which has a bigger number of municipal media, supports taking money from the budget, from humanitarian organizations, and then we have a conflict of viewpoints over the CRA and Council of Ministers [appointments].”

Professional organizing remains fragmented; there are three general trade unions, including media employees (on the state and territorial entity levels), as well as six journalists’ associations. Union organizing is still not popular among media workers, and as Rudić reports, only 16 percent of media employees are union members. As in previous years, the panelists mentioned only BH Journalists as an active association promoting the rights of journalists. In general, Butković believes associations are resistant to political influence.

A significant leap of the score for this indicator may be attributed to several factors. One of them is the fact that BH Journalists achieved pertinent results in several cases of promotion of rights. As Rudić mentions, legal and professional help offered by the Free Media Help Line and BH Journalists contributed, for example, to the second-degree assault conviction against the assailants of a *Dnevni List* journalist. Another example is the association’s reaction to verbal attacks and denial of accreditation to Ljiljana Kovačević, the Banja Luka correspondent of the Serbian agency Beta, in response to reporting on RS President Dodik. There were also several failed complaints over threats and physical assaults in Trebinje, Sarajevo, Banja Luka, and others that were initiated with the support of BH Journalists. In addition, BH Journalists has founded local clubs of journalists in nine cities in B&H, and Rudić believes that the association’s local engagement is thus enhanced. And finally, Milojević suggests that BH Journalists gained more influence in the RS journalistic community than in the previous period. Fragmentation in the journalistic community along ethnic and entity lines is still seen as the biggest hindering factor. For example, Milojević mentions that in the case of death threats to ATV journalist Siniša Vukelić by a businessman from Banja Luka, associations across ethnic and entity borders reacted, but she believes that the public in the RS would have ignored this case if BH Journalists had not reacted first.

The panelists believe there are only a few NGOs that offer some support for media independence and rights of journalists. Milojević said there are not many allies but added: “Nevertheless, I view a number of nongovernmental organizations as our allies. They are Transparency [International], Center for Civil Initiatives, and Helsinki Citizens’ Assembly of Banja Luka.” Still, several panelists agree that NGO visibility in supporting the journalistic community is low, especially when it

comes to rural communities. Zaimović adds that NGOs are mostly project-driven and rarely are actively committed to social engagement beyond the project reach. Some of the burning issues that call for more attention of NGOs are political pressure on media, lack of transparency in public subsidies, and lack of support for quality programming of public interest.

Education for journalists is provided at four public universities and one private university in the country. Scores for the indicator pertaining to the quality of formal education suggest that standards are not sufficiently met, although there have been some improvements. As in previous years, the panelists believe that these programs especially fall short in providing practical knowledge of media production. Milojević concludes that these programs provide no practical learning and do not motivate young journalists, which renders them ill-equipped for working in newsrooms. Albijanić-Duraković wrote, “Depo.ba has on several occasions offered volunteer engagement to journalism students. But the incompetence of the young journalists was more than worrying.” Ajvaz, however, wrote that the extent of practical assignments during journalism studies is increasing and that some faculties, such as the Džemal Bijedić University of Mostar, have introduced one-semester compulsory practice for fourth-year students. Still, Albijanić-Duraković believes that such internships are not monitored or organized by universities, and thus the benefits are questionable.

Short-term training programs for journalists still exist, but their number has been reduced in recent years because the donor community is providing less funding. Therefore, the score for informal education has worsened in previous years and is now below the country average. Mediacentar Sarajevo implemented several education programs in 2012, mostly intended for young journalists and journalism students. Pursuant to the needs of the media market, training programs also involve practical learning on new-media production. Five panelists mentioned these programs, and Rudić and Herić believe that the programs of Mediacentar (which coordinated the MSI panel) deserve praise for the still relatively high score for this indicator. Ajvaz mentioned that the Media Plan also still provides education programs for journalists, and Bičakčić said that there are also useful international programs: “There was a training program on legal leaks which was implemented for journalists in the whole region related to freedom of access to information, but also including data journalism and computer-assisted reporting.”

There are virtually no restrictions on import and/or purchase of newsprint, software, and video or transmission equipment. Certain printing houses are sometimes possibly selective in providing their services based on political

criteria. However, this does not cause serious restrictions since others are available, as Zvijerac said, if not in the country, then in the region. Zaimović mentioned that the quality of newsprint is low, but this is more likely a result of management decisions to choose cheaper options rather than the unavailability of quality equipment.

Channels of media distribution also scored significantly above the country average. Two major telecommunications companies are state-owned, and in previous years there have been some indications of monopoly behavior by BH Telecom, despite existing regulations on free access to telecommunications. Television transmitters are also owned by the entity governments, while channels of distribution in the print media sector and printing houses are privately owned. The panelists indicate that cable distributors continue with irregularities in terms of monopolizing certain territories based on unacceptable arrangements among distributors. As Rokša-Zubčević said, distributors have “reached some sort of ‘gentlemen’s agreements’ to stick to their territories, which is unacceptable in terms of market principles. Every citizen of this country, according to our rules, should be free to choose. In terms of cable operators, we are not so free yet; it is possible we may reach that point with development of IPTV.” In addition to previous complaints that distributors were choosing television channels based on political interests and particular relations with owners of television channels, Rokša-Zubčević points to an additional problem: “Lately, we have had an increased number of cases where cable operators were not placing local TV stations in their systems, for which they heavily charge their subscribers. According to our rules, every cable distributor has an obligation to include in its primary, basic system every TV station that is in its network.” On the other hand, Internet and mobile communications services are provided on a nondiscriminatory basis. Online media and bloggers are free to choose software and platform options without restrictions.

The indicator on ICT infrastructure scored significantly better than last year and was about identical to the country average. Infrastructure, availability, and offerings in terms of ICT technology are constantly improving. Still, Čengić said that connection problems are not uncommon. When it comes to broadcasting services, Rokša-Zubčević indicated that on-demand and media services provided through the Internet have begun to emerge. There are three IPTV providers, and one is beginning distribution through the mobile-phone network. In addition, there are more distributors of phone, Internet, and television services. Broadband Internet is increasingly penetrating the market, but as Rokša-Zubčević said, bandwidth is still not completely satisfactory even in urban areas and is still scarce in rural areas. Furthermore, high-quality bandwidth that could be highly useful for media outlets is still considered overly expensive.

The panelists are doubtful that the prices of telecommunications services correspond with their quality if compared with international trends in the sector.

And finally, one of the panelists’ biggest points of dissatisfaction regards impediments to the switchover to digital transmission, with a lack of political will to build the necessary structures to implement the change and a lack of funding both responsible for the delays.

## List of Panel Participants

**Semina Ajvaz**, professor, Džemal Bijedić University, Mostar

**Angelina Albijanić-Duraković**, editor-in-chief, Depo.ba, Sarajevo

**Leila Bičakčić**, director, Center for Investigative Reporting, Sarajevo

**Benjamin Butković**, news program editor, Bosnia & Herzegovina Radio and Television, Sarajevo

**Rubina Čengić**, editor-in-chief, *Start* magazine, Sarajevo

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

**Boro Kontić**, director, Mediacentar Sarajevo

**Milkica Milojević**, journalist, Banja Luka

**Asja Rokša-Zubčević**, division chief, Broadcast Services and International Cooperation, Communications Regulatory Agency, Sarajevo

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

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