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BOSNIA & HERZEGOVINA

More than a year after the 2010 general elections, officials in Bosnia & Herzegovina (B&H) reached an agreement on forming the national government on December 29, 2011. The elections brought some changes in the distribution of power, with the Social Democratic Party (SDP) taking the lead among the Bosniak electorate in B&H. The SDP, perceived as a civic-oriented, multi-ethnic party, campaigned mainly on economic progress and abandoning nationalistic politics. Still, political disputes and polarization persisted in 2011, delaying the consensus on appointing the Council of Ministers until the very end of the year.

Amid this backdrop, the country's ability to function deteriorated further, and progress has been negligible. At the time this report was prepared, no state budget for 2011 had been adopted, and foreign direct investments had fallen off significantly. The European Court of Human Rights has ruled against discriminatory Bosnian provisions that let only constituent minorities (Bosniaks, Croats, and Serbs) run for the House of Peoples and the presidency—but the ruling has yet to be implemented.

Bosnia and Herzegovina is composed of two entities—Republika Srpska (RS) and the Federation of Bosnia and Herzegovina—as well as Brčko District, a separate administrative unit. Political representatives in Republika Srpska continue to challenge state institutions by expressing secessionist ideas and questioning B&H statehood. They also challenge the authority of the Office of the High Representative (OHR)—the *ad hoc* international institution responsible for overseeing the implementation of the civilian aspects of the Dayton Accords, the multi-national peace agreement for B&H. Nationalistic statements from officials continue to seep into political rhetoric. On the level of the Federation of Bosnia and Herzegovina, a coalition government was formed on March 17, 2011. However, as the leading parties representing the Croat people were left out of the coalition, some question the government's legitimacy. Thus, conditions for the closure of OHR have not been met, and the political crisis remains unsolved. The European Commission Progress Report concluded that political representatives lack a shared vision on the country's direction.

Although open pressure on the media eased temporarily after the 2010 general elections, political parallelism escalated in the media sector. Additionally, the consequences of the economic crisis further endanger media sustainability, with dire effects on the credibility and quality of news reports. With advertising revenues shrinking in the already overburdened market, and media depending on fewer sources of revenue (public budgets being an essential one), outlets are more likely to serve the interests of their political and economic affiliates than the public.

The overall MSI score fell from 2.22 to 1.97, with a worrying proximity to the 2001 and 2002 score of 1.66. All objectives faltered somewhat compared to last year, with Objective 3 (plurality of news) suffering the biggest loss, approaching half a point. Objectives 2 and 5 dropped significantly as well, indicating that as media and supporting institutions continue to reduce capacity to cope with the grim political and economic context, their quality and credibility are declining steadily.

BOSNIA & HERZEGOVINA AT A GLANCE

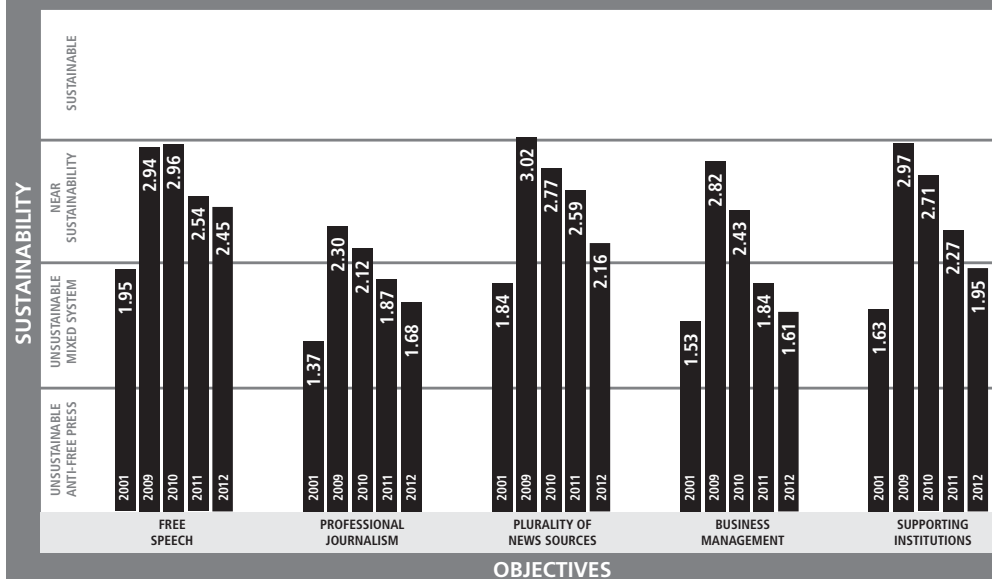
GENERAL

- > **Population:** 4,622,292 (July 2011 est. *CIA World Factbook*)
- > **Capital city:** Sarajevo
- > **Ethnic groups (% of population):** Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (*CIA World Factbook*)
- > **Religions (% of population):** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > **Languages:** Bosnian (official), Croatian (official), Serbian
- > **GNI (2010-Atlas):** \$18.02 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$8,970 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 96.7% (male 99%, female 94.4%) (*CIA World Factbook*)
- > **President or top authority:** Presidents Željko Komšić, Nebojša Radmanović, Bakir Izetbegović (presidents rotate every eight months)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 9 daily newspapers, 101 periodicals (weekly and monthly newspapers, periodical magazines); 147 radio stations; 48 television stations (BH Press Council and Communications Regulatory Agency)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** The top three television stations are Federal TV (14.5%), Program Plus (13.3%), Pink BiH (11.1%) (Mareco Index Bosnia, 2011)
- > **News agencies:** FENA (state), SRNA (state), ONASA (private), NINA (private), MINA (Islamic Community in Bosnia and Herzegovina), KTA (Conference of Bishops of Bosnia and Herzegovina)
- > **Annual advertising revenue in media sector:** Television: \$37.4 million; Radio: \$11.8 million (CARDS 2006); Print Media: N/A
- > **Internet usage:** 1.422 million (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



Scores for all years may be found online at http://www.irex.org/system/files/EE_mscores.xls

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.45

Objective 1 scored close to last year's MSI, with four indicators dropping slightly and a few increasing somewhat. Indicator 9 (free entry in the journalism profession) saw the biggest fall but still scored a full point higher than the objective. Indicator 6 (libel proceedings) improved and scored close to the objective score. Indicators 5 (guarantees of independence for public media) and 7 (access to information) were the only indicators to score more than half a point lower than the objective score, the former by more than a point and the latter by about two-thirds of a point. Joining indicator 9 at the top was indicator 8 (media access and use of news sources), which outscored the objective by about two-thirds of a point.

As in previous years, panelists stressed that the legal and regulatory framework is well established, but implementation falters due to underdeveloped social and institutional mechanisms protecting the freedom of speech. The panelists took this year's progress in some indicators not as a sign of inherent improvement in this objective, but more likely the result of a temporary dip in politicians' interest in enlisting the media to promote public images. Their distraction

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.

In this context, Boro Kontić, director of Mediacentar Sarajevo, suggested that media members should anticipate further drawbacks. "Perhaps the only explanation is that this is a year in which local politicians are focusing on their own miseries and themselves...therefore they did not stand very much in the way of the media," he said.

alleviated the direct pressures on journalists, and the need for legal protection.

The legal and regulatory context integrates general guarantees of freedom of speech.¹ Supporting regulations and legislation further address freedom of expression within the media sector. The Communications Regulatory Agency (CRA) regulates the broadcasting sector and has executive powers to enforce existing rules and regulations, including the Law on Communications, which supports the freedom of expression and upholds the development of a broadcasting sector free of political control and manipulation. No progress has been made on the issue of appointing the director of CRA; a stalemate continues among the B&H Council of Ministers over CRA's initial nominee. The panelists said that they consider the failure to appoint the director, as well as members of the CRA Council, a form of political pressure on CRA. The current director has been operating under a technical mandate for five years now. However, CRA's financial autonomy and independent decision making are largely guaranteed under the Law on Communication. Although the panelists did not raise any doubts about the impartiality of CRA, a few criticized its limited capacity to promote media freedom and professional norms.

The print media sector relies on a self-regulatory mechanism. The Press Council in Bosnia-Herzegovina (or VZS) is a non-governmental agency with a mandate to promote journalistic norms—but it lacks executive powers. Thus, compliance with professional guidelines and decisions of the council depends on voluntary acceptance by print media outlets. As with CRA, the panelists expressed no concerns about major pressures on the council or its impartiality, but they raised significant doubts regarding the efficiency of

¹ *State and entity constitutions:* Article II/3h of the Constitution of B&H, Article II/A2 of the Constitution FB&H, and Articles 32 and 34 of the Constitution of RS; *International covenants:* International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms.

self-regulation. Their concern is that professional norms are likely to be a secondary consideration, slipping behind the political and economic interests of the centers of power on which media depend heavily.

Still, panelists stressed that significant progress has been made by introducing the self-regulatory system in the online media sector, which previously had been vastly unregulated. (Presently, online media are only held accountable for libel.)² Several representatives of online media are members of VZS, which has initiated the procedure to amend the press code, in order to additionally address the specificities of online media.

Overall, the panelists agreed that the legal and regulatory framework for the protection of freedom of media is well developed, but obstructions of freedom of speech occur commonly, while the mechanisms to process such cases are flawed. A serious hindrance is that free speech violations happen with relative impunity, due to limited capacity and poor performance of the police and judiciary. Radmila Žigić, editor-in-chief of PAN Radio Bijeljina, underscored the lack of accountability for violations of freedom of speech. "... has anyone ever answered for denying information or impeding freedom of speech, since it is impeded everywhere in some way through direct or indirect pressure?" Žigić said. Moreover, the reactions of government and civic institutions are muted, mostly limited to statements, and do not lead to major consequences for the perpetrators or significant advocacy missions. As Kenan Ćerimagić, editor-in-chief of Hayat TV Sarajevo, said: "The ombudsmen told us we were right, but it ended at that."

Although indicator 1 (legal and social protections of free speech exist and are enforced) increased this year, overturning negative trends in 2010, participants suggested that this stems from the lessened attention given to media in the post-election period. In this context, Boro Kontić, director of Mediacentar Sarajevo, suggested that media members should anticipate further drawbacks. "Perhaps the only explanation is that this is a year in which local politicians are focusing on their own miseries and themselves...therefore they did not stand very much in the way of the media," he said. He speculated that politicians' actions will change completely next year, as 2012 is an election year.

² Presently, online media are held accountable only for libel. An additional protocol to the International Convention on Cyber Crime was ratified in 2006, but threats and insults motivated by racism and xenophobia and addressed through computer systems were never stipulated as a criminal offence under national law. Web content is especially difficult to regulate since servers are mostly based abroad, often in the USA, where freedom of speech is taken as a guiding principle to tolerate speech that European legislation would categorize as hate speech and penalize. Source: Cvjetičanin, T, Sali-Terzić, S & Dekić, S. *Exclusion Strategies: Hate Speech in BH Public*. Mediacentar Sarajevo 2010, pp. 14 and 48. Also, the first case of cyber crime was revealed in B&H, pertaining to incitement of hatred.

Licensing procedures in the broadcasting sector are generally seen as impartial and apolitical. Regardless of the high number of media in B&H, panelists pointed out that the information needs of the public are not suitably met, especially regarding specific social groups and local communities. Azra Maslo, a CRA representative, suggested that the huge number of local electronic media is an indicator that licensing procedures are aimed at increasing the role of media in serving local communities. "Perhaps we even have too many local media outlets, which we believe... fulfill all needs of the local community," he said. However, serious concerns over the performance of local media have been raised, as many of these media are directly financed by local authorities or are susceptible to the interests of major advertisers and/or political centers. Additionally, many of these media focus primarily on entertainment content.

CRA recently introduced licensing procedures for community radio. These media could potentially address the needs of different minority and marginalized groups, but so far, CRA has licensed only one community station, and is processing two more (a humanitarian project and a children's radio station in Tuzla). However, the law continues to deny community media access to funding from advertisements, preventing substantial development of this media sector.³

Furthermore, as in previous years, the panelists expressed skepticism over broadcasters' adherence to program schedules. Programming criteria are relevant in licensing procedures, and broadcasters are obligated to report changes in the program schedule that exceed 20 percent as well as obtain written consent from CRA for them.⁴ However, CRA does not monitor adherence. It is not mandated to monitor this aspect of broadcasting, and lacks the capacity for regular monitoring; it monitors content only when third parties file complaints. Nataša Krsman, editor-in-chief of Nezavisne Novine's Sarajevo bureau, stated that even the programming of public broadcasters, which have special program obligations, is questionable. "In the field of public broadcasters especially...these cantonal televisions... do not fulfill the most important program objectives of public broadcasters," she said. Therefore, CRA should promote fulfillment of interests of the public (including its different constituent groups and local communities) through sophisticated licensing procedures as well as enforcement of the program requirements defined by the licenses.

Panelists expressed concern with licensing of print media, and even more concerns about online media, since open market entry is not accompanied by adequate regulations to

³ See rule 58/2011 on providing media services. Available at: www.rak.ba.

⁴ Rule 55/2011 on providing audio-visual media services. Available at: www.rak.ba.

uphold credibility and respect for professional norms. Senad Zaimović, director of the advertising agency Fabrika, said that although more regulations are needed, pluralism could be considered healthy in B&H. "The fact is that today you can set up a portal in one hour, or create your print edition without any problem...therefore [our country] could deserve the maximum MSI score." Participants said that they support further promotion of the self-regulatory system for print and online media, but are not optimistic about its reach in the current environment.

The media industry is treated the same as other industries in terms of market entry, since the government gives no tax breaks to media, nor does it differentiate value-added tax (VAT) for different industries. A major concern that some panelists expressed is that the overall fiscal policy toward media is pushing them to financial breakdown. They suggested that, especially in an economic downturn, any kind of tax breaks or financial incentives for media are needed and welcomed. "When this global crisis hit, many normal countries pumped a lot of money into broadcasters, but that did not happen here," said Reuf Herić, director of Radio Q in Visoko. "My objection is not regarding the percentage of VAT, but the overall fiscal policy, which is disastrous toward all media—especially broadcasters."

Some of the panelists, however, said that print media are in the least favorable position, and in need of a more engaged state policy. Commenting on the issue of lifting the tax on paper and reproduction material, Zaimović said, "...a well-intentioned country would have to help the print media some way to exist." Faruk Borić, editor-in-chief of *Dani*, pointed out that VAT has especially brought economic hardship for print media as well, leading to job losses within outlets. Consequently, the quality of media has been jeopardized and journalists are more susceptible to corruption.

Some of the panelists asserted that local public media, financed primarily through municipal and cantonal budgets, enjoy a privileged market position compared to private media. They enjoy the safety of having guaranteed revenues, and therefore are in a position to reduce the prices of advertisements, in turn causing private media to lose their only source of funding. Herić gave an example: "In the city in which I broadcast, there is a local radio and television station. The municipal budget is, among other sources, filled with money that I pay through taxes. Their budget allotment is increased every year, while for me every year is harder... If I start a business year at zero, provided I did not generate losses the previous year, and they start it with 500,000 marks, I don't think that's an equal battle."

Similarly, Angelina Albijanić-Duraković, editor-in-chief of depo.ba Sarajevo, stressed that some online media are not

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registered as companies, and as such are exempt from taxes, which puts them in a privileged position in the online media market: "Media which someone registered as an additional activity are not subject to any obligations... there is no company, they don't pay taxes, but they equally sell their... ad space."

The score for indicator 4 (crimes against media professionals) improved slightly this year, with no major assaults on media professionals in 2011. As Borić said: "Such crimes are rare... it's not that they happen every day. I really don't know of any cases of a journalist being beaten up or attacked in the past year." However, the score is still relatively low, resulting mostly from the panelists' belief that more subtle attacks and pressure are everyday practice. By December 1, 2011, Free Media Helpline⁵ processed 46 cases related to infringement of media freedom, including one death threat, four physical attacks, and 14 incidents involving pressure or threats. In one recent case, a journalist and a camera operator covering a story about a mosque in the town of Živinice were physically attacked by several people, who were led by a religious official.

Participants consider inefficient the authorities mandated to protect journalists and process attacks on media and journalists. As Leila Bičakčić said, based on her experience as the director of the Center for Investigative Reporting (CIN), "They absolutely do not react... we reported quite serious threats that we received, but the police more or less ignored them." Zaimović agreed, saying, "All of us together feel... that the reactions of those who are responsible as institutions, not to mention the public, were minimal or non-existent."

Since journalists generally feel unprotected, in many cases they are unwilling to tackle the more sensitive issues that would put them in danger, hindering reporting on issues of public relevance as a result. Žigić said: "Deep down, I am aware that even if I worked on something that would put my life in danger, no one would protect me." She gave an example: "In the city, we had just one media outlet that reported that the head of the Public Security Center

⁵ A service providing protection for journalists, operating within the Independent Union of Journalists of B&H. Journalists can report all kinds of violations of media freedom and FMHL provides legal advice, as well as public support to journalists.

was mobbing employees; no one spread that story further, although that should be done in any normal country. This shows that no one wants to become involved in conflicts.”

Free Media Help reported that 2011 had eight cases of infringement of labor rights—mostly unjustified dismissals,⁶ as well as four cases of mobbing.

The Law on the Public RTV system of B&H guarantees the editorial independence and institutional autonomy of the Public Broadcasting Service (PBS, which unites BHRT, FTV, and RTRS) by allowing PBS to collect RTV fees as its source of financing.⁷ However, as in previous years, panelists expressed concern that political or partisan affiliation is a major criterion in the selection of PBS managers and supervisory board members. Žigić remarked, “The leading parties appoint the managerial and editorial structures and directly influence their performance.”

Kontić said that politics have penetrated deep into the media sphere, to the extent that politically motivated appointments have become a standard practice. “I think the situation (in our country) is now very obvious... all members of the Federal Television Supervisory Board were elected based on partisan agreement ... how is it possible that the supervisory board of a public television is elected by political parties?” he said. Tatjana Duronjić, professor of the University of Banja Luka, noted that it is especially distressing that this is perceived as a norm, since there are no notable reactions to such practices. The Free Media Help Line also expressed considerable concern over a recent change of the BHRT statute that enables the supervisory board to directly interfere in the management of the public broadcaster and appointment of editors.⁸

Moreover, panelists protested the existence of broadcasters directly financed by the municipality or cantonal authorities,⁹ noting that financial dependence on local authorities affects editorial independence dramatically. Herić stressed his view that municipal television or radio should not be state-owned,

and said that they are essentially vehicles to promote the municipality head and chronicle his daily activities. Maslo said that CRA received complaints during the election period from the local media themselves, who said that political actors were prodding them to publish favorable content. She said that this kind of pressure is hard to resist when such actors are also the main financiers, and therefore there are only a handful of media outlets “that actually devote attention to their editorial independence.” CRA does not have authority over the issue of privatization of public media, but some panelists said that denying cantonal and municipal media the right to offer advertising services could help level the playing field for private media.

In addition, the financial and editorial independence of local public media are not supported by any regulations, except for Rule 42/09 on public radio and television stations, which stipulates that the editor-in-chief and/or director of a public station cannot be public officials or perform duties in a political party.

Considerable influence on the editorial policy of media, especially public media, is to be expected in an economic crisis, Zaimović said. With the absence of other sources, and after the withdrawal of other (especially international) funding, dependence on public funding is more prominent. As Kontić explained, “Why do media choose to have relations with the state? For the simple reason that it has now become the only place where they can get additional resources.”

Civil law has regulated libel since 2003. However, the law’s wording and implementation have drawn sharp criticism. Although the score for this indicator rose compared with last year’s score, the panelists mostly identified the same deficiencies. The significant improvement of the score is not attributed to any structural improvements, but rather to fewer bad experiences in 2011.

Panelists said that one failure is that in practice, the burden of providing evidence falls on the journalists, even though the law stipulates that the plaintiff should prove published information false. Žigić remarked that not do various actors misuse libel lawsuits to pressure media, but the impartiality of the courts hearing these lawsuits is highly questionable—rendering the media reluctant to cover stories that could lead to such proceedings. “To be honest, if I were to look back now, I don’t know if I would do something that I might end up in court for ... especially if on the other side are people who are very rich, who can pay for lawyers. When you have doubts about the impartiality of the judiciary, then you might think that those judges can be paid off, too,” Žigić said.

Additionally, participants said that the law is imprecise in some respects, and therefore presiding judges have undue

⁶ For example, the journalist Mirsad Behram was dismissed from a television station and FMHL asserted there was no justifiable reason for termination of his labor contract. Furthermore, the employer failed to provide regular salaries and social contributions (with several unpaid salaries). Source: Ibid.

⁷ Additional revenues are based partly on advertising and sponsorship. The Law stipulates that the government cannot finance regular programming, but financial aid can be allocated for programs of special interest: programs of national significance, satellite broadcasting, archive preservation, etc. See, Jusić, T. “Bosnia and Herzegovina”, in: “Television across Europe: Regulation, Policy and Independence,” EUMAP, 2005, pp. 261–263.

⁸ Media Help Line: Registered cases of violation of media freedoms and the rights of journalists in Bosnia and Herzegovina, in 2011.

⁹ There are around 80 broadcasters funded by cantonal and municipal authorities. In 2006, most public radio stations received more than half or almost the entire amount of revenues from local public budgets (see more in: AGCOM & CRA, *Overview of the Communications Sector in Bosnia and Herzegovina*, 2008, p. 143

influence on cases—which some of the participants said they find particularly disturbing, giving that they consider many of these judges incompetent for dealing with libel cases. For example, Duronjić said that the libel law is rather vague regarding the use of anonymous sources. Another unclear point in the law is the lack of deadlines for filings or precise criteria to determine “emotional distress” when that is claimed. Libel law stipulates that the court consider different circumstances about a case, including “whether it pertains to issues from the private life of the affected person or to issues of political and public relevance” (Libel Law of FB&H, Article 7; Libel Law of RS, Article 6). To what extent courts interpret this as public officials bearing a higher burden of proof is unclear. As Duronjić suggested, this distinction should be elaborated upon more clearly in the law, not only to protect media, but to allow “ordinary people... to prove that they have suffered great harm by irresponsible journalists.” This would promote media freedom as well as media credibility.

The Freedom of Access to Information Act (FOIA) guarantees the right of access to information. Ćerimagić, however, said that the law stipulates long procedures for providing requested information, so journalists rarely tap the full potential of the law. Panelists listed a few examples of authorities providing limited scope of information upon request, and some cases of complete denial of access to information. Bičakčić, director of CIN (which focuses on investigative stories, and therefore relies more on FOIA), gave an example: a foreign organization that worked on implementing electronic access to land registers in Sarajevo canton restricted access to the land register database by limiting search options to land plots. In this case, CIN was investigating the land plots owned by politicians, but they were hindered, since the database could not be searched by the identification number of the owner. Bičakčić mentioned a similar instance in which CIN was turned away: “We were (unofficially) notified by the Geodesic Office of the Republika Srpska that we will never get the information we are looking for.”

Participants suggested that FOIA has improved access to information, but as Žigić said, the act is not implemented consistently and many institutions have not developed the practical capacity (no PR service, lack of staff, weak sense of accountability among officials, etc.) to comply with the act. Duronjić gave an example: “The Access to Information Act does exist, but when you try to reach the director, you get silence ... on the other side, they do not possess the awareness that being a director not only means being a director, just having privileges—it means giving information.”

Under the pretext of protection of privacy, some information is exempted from FOIA obligations. A few panelists, including Žigić and Bičakčić, suggested that the right to protection of

According to Borić, a member of the VZS Complaints Commission, “Even those who are not members of the Press Council, which includes many online portals, react and communicate with the Press Council; they publish Press Council decisions. This is, so to speak, a process that is taking root...”

privacy is extended untenably to information on tax payments for legal subjects, on politician asset reports,¹⁰ information on public tender contracts, and more.

Additionally, institutions and officials do not treat all media outlets equally. Albijanić-Duraković said that “there are media outlets that get information much more easily,” implying political connections or favoritism. The panelists said that they consider flawed the legal remedies for cases of denial of access to information, since FOIA defines sanctions only at federal levels, not at entity (Federation of B&H and RS) levels. No court has established a practice of sanctioning officials and institutions, at either the federal or entity level, that fail to provide requested information. Bičakčić recounted some of his recent experiences at CIN. “We have quite a few lawsuits in court—meaning that we followed the procedure, but we did not get the information... for instance, we are now in court with three state institutions, requesting information on employees. We have a lawsuit against the Federation Railways from 2007, which has not even come to a preliminary hearing.”

Access to news sources is open and unrestricted by law. The government has made no progress in terms of protection of intellectual property rights, however. Despite the existence of the Law on Authorship and Related Rights, instances of violation of intellectual property are frequent, especially in online media. Albijanić-Duraković indicated that B&H law contains no precise regulations on how to use secondary sources, nor adequate mechanisms to ensure respect for such professional and legal norms.

Participants stressed that the practice of open and unrestricted entry into the journalism profession is developed to the point that people with no competencies or skills are hired as journalists, utterly threatening the quality of journalism in B&H. The panelists said that this issue is why they were reluctant to give this indicator a maximum score.

¹⁰ The State Agency for Protection of Personal Data recently ordered the Central Election Commission to remove assets cards of politicians from its website. See more at: <http://www.azlp.gov.ba/images/SaopstenjaBOS/CIK%20Imovinski%20kartoni.doc>.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 1.68

The Objective 2 score fell from 1.87 in 2010 to 1.68 this year, with almost all indicators scoring at least marginally lower. Most indicators scored close to the objective score. However, indicator 5 (pay levels for journalists) lagged behind by slightly more than half a point. Indicator 4 (media cover key events) scored about two-thirds of appoint higher.

Panelists noted a markedly negative trend surrounding professional standards of quality. They cited multiple, intertwined, systematic factors behind the declining standards. The factors include the dire socio-economic position of media and their dependence on centers of power, which undermine their editorial independence; understaffed media outlets and the lack of quality journalists; and media outlets and the broader professional community failing to promote professional standards. Accordingly, the scores indicate that journalism quality is a worse problem than protection of media freedom.

Panelists agreed that fairness, balance, and usage of relevant sources in media reporting are declining steadily. The panelists expressed the belief that understaffed media outlets, and the excessive commercialization of media content in times of economic crisis, are two of the most detrimental factors to media quality. Borić blamed poor training and low salaries as well. "The journalism profession has fallen very low... some journalists are paid BAM 500 to BAM 600 (a month) and I think that is a disgrace," he said.

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).

The panelists pointed also to heavy political partisanship in the media in 2011. In their coverage of disputes surrounding the establishment of government, the media's politicization displayed clearly, through biased reports. Other prominent problems include the lack of expertise on certain issues, and poor background research. Political issues are over-covered, yet reports are repetitive and superficial. A cross-ethnic perspective, or journalism that fosters political dialogue, are seen only rarely.

Professional standards are defined for the broadcasting sector (Communication Law, as well as the 2011 Broadcast Code of Audiovisual Media Services and Media Services of Radio) and the print media sector (press code). In cases of violation of programming standards, CRA has executive powers over electronic media.¹¹

VZS lacks regulatory teeth, as noted earlier. It is mandated only to suggest that a print outlet violating professional standards publish an apology or a correction. Given that the self-regulatory system is entirely voluntary, corrections and apologies have not yet become regular in print media. Still, VZS plays an important role in promoting journalistic values. The online media sector's increasing acceptance of VZS decisions gives the panelists cause for hope for the future of self-regulation. According to Borić, a member of the VZS Complaints Commission, "Even those who are not members of the Press Council, which includes many online portals, react and communicate with the Press Council; they publish Press Council decisions. This is, so to speak, a process that is taking root... Three online media outlets have already joined the Press Council: 24 sata, Sarajevo-x and Dnevnik.ba, thus agreeing to be under self-regulation." Borić gave an example of how the Complaints Commission is gaining acceptance. The commission heard a complaint against Sarajevo-x, and the editor provided an explanation as to why he believed he was not in violation, but he said he would respect any decision.¹²

The panelists most commonly mentioned biased reporting and plagiarism as ethical violations. As in the previous year, panelists pointed out that the media community is fragmented along political and ethnic lines, so media outlets and journalists are likely to report with bias on certain political topics. Two

¹¹ A report on violations of rules relevant to the broadcasting sector is still not available for 2010, but the 2009 report cited 55 violations. Sentences included: Nine fines, 28 written warnings, five verbal warnings, three revocations of licenses, and 10 suspensions. Source: Report on Cases of Violations of Rules and Regulations in the Year 2009. CRA. 2010. Available at: <http://www.rak.ba/eng/index.php?uid=1273696230>.

¹² The only complaint against the sarajevo-x in 2011 was due to publishing of brutal images of murdered Muammar Gaddafi, asserting this was violation of privacy. VZS dismissed the complaint. Information available at: http://www.vzs.ba/index.php?option=com_content&view=article&id=726:g-ivan-bajdak-portal-sarajevo-xcom-20102011&catid=128:express&Itemid=30.

panelists indicated that the distinction between news reporting and advertising is not always clear. Previous MSI reports also pointed to disrespecting minors' privacy, drawing unjustified conclusions, and failing to distinguish between assumptions and facts. Maslo, however, highlighted a trend toward developing in-house ethical codes that is evolving at some media companies—showing some effort to professionalize the media sector. Additionally, Maslo noted that ethical violations are declining in the broadcasting sector, with the only prominent violations in the past two years revolving around reports on minors' criminal acts, and inadequate broadcasting times for certain types of media content.

Albijić-Duraković emphasized that only a few, truly independent media have the luxury of publishing objective and uncensored information. As Maslo suggested, the poor economy makes media and journalists especially vulnerable to practicing self-censorship. Journalists also self-censor out of fear that critical coverage will expose them to different types of pressures and attacks from criminal and political circles.

The score for indicator 4 (media coverage of key events and issues) received the highest score for this objective. Still, panelists agreed individual outlets do not cover key events and issues sufficiently, due primarily to their limited financial capacity, especially in the context of economic hardship. Coverage of international events is particularly lacking. Although citizens can access key information through a multitude of sources, they are likely unable to access all the sources they would need to be sufficiently informed on all major issues. Panelists also suggested that B&H media lag behind regional trends. As Kontić said, “[B&H media] simply couldn't dispatch people during major events, such the turmoil in the Arab world. Look at any other media in the region—they have people every time, in Greece, here, there... [domestic media] simply cannot keep up with that, although that is the essence of media.”

Blogs and forums represent an alternative source of information, but their popularity as sources of information—and by extension, their social impact—has been limited so far. Consumers tend to use the Internet for communication purposes rather than as news sources. However, Duronjić maintained that more citizens are shifting to online sources, including blogs. The potential of the blogosphere is fairly significant, given that bloggers are still relatively free from political pressure, and are able to offer alternative views on issues of public importance while incurring less risk than members of the traditional media.

The panelists said that they consider pay levels for journalists to be relatively low on average. There are huge variations in salaries among different outlets, with some more successful media businesses providing monthly salaries of around BAM

Borić said, “In order for my journalists to have 1,000 marks—which is a decent salary to pay for everything and to have a life, although I think even that is low; my company gives the state 700 marks.”

1,000 (\$664) for journalists and BAM 1,500 (\$994) for editorial staff. Such incomes are in the range of, for example, state service officials, whose average salary is BAM 1176 (\$786), or the employees of educational institutions in Bosnia and Herzegovina. However, at less successful media and outlets with smaller reach, salaries are lower and can go down to BAM 400 (\$266) a month. Panelists said that the steady stream of journalists departing into other lines of work, such as public relations, is a marker of the grim socio-economic position of journalists.

A couple of panelists noted that high contributions to health insurance burden media members additionally, reducing journalists' salaries and prompting employers to pay under the table and officially report lower salaries. Borić said, “In order for my journalists to have 1,000 marks—which is a decent salary to pay for everything and to have a life, although I think even that is low; my company gives the state 700 marks.” Some panelists said that low salaries make media workers more vulnerable to corruption, but others asserted that high salaries alone would not reduce significantly the danger of buyoffs. To promote media credibility, changes of media sector policies, as well as significant societal change, need to take place.

Panelists discussing the balance of news and entertainment content indicated that informative shows are losing momentum and quality as a result of cost-cutting strategies. As Čerimagić said, “We are reducing information programming. It costs a lot and it is much cheaper to buy a series or allow a half-naked singer to sing. You will have higher ratings and higher ratings will attract [advertisers]. So, we go around in circles. News costs; news is a bottomless hole.”

Technical resources for production and distribution of news also drew lower scores compared to last year. Media outlets vary greatly in technical broadcasting production capacity. The larger private broadcasters use advanced, digital technology for media production, while most of the smaller media have not upgraded their production tools for years. Meanwhile, digital distribution and development of the digital transmitter network is stalling.

PBS, supposedly the leader of the media's digitalization progress, lags behind regional and global trends. Although

“You can’t expand because there is no foundation of experts who want to talk,” Ćerimagić said. “The state and the state institutions are ubiquitous sources... which means that you actually have virtually the same viewpoint.”

the Council of Ministers adopted a digitalization strategy developed by the DTT Forum (an *ad hoc* body under the auspices of the CRA) in June 2009, there has been little progress since. The three public broadcasters constituting PBS continue to disagree on the establishment of a corporation, which is a prerequisite for the switchover to digital signal.

However, Maslo pointed out that an expert commission of the DTT forum formed in September 2011. The commission is composed of members of the Parliamentary Assembly of B&H, Ministry of Communication, CRA, and members of the public and private media sectors. While the results of their work have not yet been seen, panelists said that they view the future process of digitalization pessimistically. Ćerimagić predicted that the public broadcasting system could fail to ensure the switchover to digital signal even in the next ten years.

Regarding niche reporting, the score for the related indicator lost ground this year, and the panelists said that the economic decline is the major reason. Media outlets cannot afford to offer their journalists professional development training, nor can they invest in training for journalists in specializations. Reporting on issues that require considerable expertise, such as law and the economy, is especially jeopardized as a result. Investigative reporting is virtually non-existent, the panelists said. The panelists pointed to the questions swirling around the judiciary, in particularly the fairness of the B&H Court and the B&H Prosecutors Office, as an example. Media coverage of the issue lacks in-depth analysis and coverage of different opinions; coverage is obviously biased along entity and ethnic lines. Political corruption and the political pressures on the judiciary bodies are under-investigated,¹³ and the reporting on war crimes trials and reconciliation is vastly political. The focus has shifted from the victims to the interests of the current political elites. Deepening of hostility between certain media houses in B&H is another under-explored issue.

¹³ For example, investigations on the current president of Republika Srpska and several other officials (by the Special Prosecutors Office of Republika Srpska) under suspicion of abuse of power were dropped. For an example of unbalanced reporting on the latter, see article: *Tužilaštvo BiH strancima služi kao batina za izabrane funkcionere*, *Nezavisne novine*, 31.12.2011, p. 12.

The Center for Investigative Reporting (CIN) is the only media organization oriented toward investigative journalism. CIN takes up issues generally neglected by B&H media—the exploitation of natural resources in the country, for example. Additionally, a few B&H-based media owned by foreign actors, such as Radio Free Europe, contribute to more balanced reporting, filling in with elements of investigative journalism.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia & Herzegovina Objective Score: 2.16

The Objective 3 score dropped significantly, from 2.59 last year to 2.16 this year. Several of the indicators suffered a substantial fall, with only indicators 4 (independent news agencies), 5 (private media produce their own news content), and 6 (transparent and non-monopolistic ownership) more or less holding ground. Indicator 7 (the media covers a broad spectrum of social interests) showed the greatest decline and finished more than half a point behind the objective score. Indicator 3 (state or public media reflect the views of the political spectrum, are non-partisan and serve public interest) also received a lower score, placing it nearly a full point behind the objective score. Panelists explained the drop by underlining the lack of multiple viewpoints, the biased editorial policies, the shortage of news-oriented programming, and the failure to cover minority and social

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.

issues adequately. Indicator 2 (citizen access to media) scored about three-quarters of a point higher than the objective.

There are many media sources on the market, in all branches (print, broadcast, online media), and with different types of ownership (public, private, and now community media). Only one community radio station, Radio Marija, is licensed so far; it primarily offers religious programming. Further development of the community media sector is hindered by the fact that they are barred from generating advertising revenues. A few radio stations also perform, to some extent, a public service role for specific communities.

And yet, panelists emphasized that the media do not present a plurality of opinions. Borić said, "Media hypertrophy and the appearance of new media create opportunity for pluralism, but that is rarely achieved due to incompetence, politicization, and self-censorship." Individual media outlets often do not represent multiple views, due to biased editorial policies and/or lack of capacities. Although different viewpoints can be found in available media, panelists said that average citizens are normally not exposed to different perspectives; instead, they often access just a limited number of media outlets. Additionally, almost all domestic media rely on almost the same sources. Duronjić pointed out that alternative sources of information, such as independent experts, are rarely used, or the same expert appears over and over. "You can't expand because there is no foundation of experts who want to talk," Ćerimagić said. "The state and the state institutions are ubiquitous sources...which means that you actually have virtually the same viewpoint."

With the rapid growth of Internet usage, the role of online platforms is becoming more prominent, including not only web portals of mainstream media and online media outlets,¹⁴ but also more than 200,000 blogs (according to blogger.ba, the first blog service in B&H), forums, and social networking tools. Duronjić said that she sees a lot of potential in new media for future audiences, commenting, "The infrastructure is very good, and I think the future lies in online media. I am sure that blogging, as well as social media tools such as Facebook, Twitter, YouTube, and so on, will also be of interest to media of the future." The panelists, however, questioned the informational value of online media content. Ćerimagić said that most citizens do not turn to online media for information; for example, most of the users of Hayat TV's Facebook page are interested in trivialities, he said. However, the role of online media as a source of information and a platform for expression of alternative views is likely to grow in the future, with the expansion of Internet penetration and growth of

¹⁴ For example, Adnan Hasić, director of four online media, including the 24 sata info portal, said that according to Google analytics data, there are around half a million users of these websites.

citizen journalism and activism. On the other hand, online content is currently loaded with discriminatory messages and hate speech, and regulatory mechanisms need to be developed to deal with this problem. In the meantime, mainstream media, primarily television, are still the major sources of news.

The law does not restrict access to domestic or foreign media, but economic factors limit citizens' ability to buy different sources of information. The average salary in B&H is BAM 789 (\$524) a month, so media is quite expensive relatively—a monthly Internet subscription costs around \$20, dailies cost around \$0.70, and magazines around \$2. Foreign press is far more expensive. In addition, circulation of print media is geographically differentiated based on the ethnicity of readers. Television is still the major source of information, with several public and private broadcasters aired nationwide, and many that cover smaller geographic areas. Panelists pointed out that PBS in Bosnia and Herzegovina, with three radio and three television broadcasters, is too costly considering the program quality.

Internet penetration, especially broadband Internet, is constantly growing. The percentage of users among the population older than 15 years has grown from four percent in 2002 to 52 percent in 2010.¹⁵ The number of registered Internet subscribers grew by 123,000 from 2009 to 2010.

Geographical barriers hinder access to media as well. Cities offer a multitude of news sources, but some rural areas must contend with infrastructural limitations.

Panelists agreed that in the aftermath of the October 2010 elections, it became even more obvious that in election periods, public broadcasters favor certain political options. Additionally, public broadcasters' dedication to serving the public interest is questionable, to the point that they do not provide the audience with content required by the law.

Rule 41/2009 on public radio and television stations stipulates that public broadcasters, unlike private broadcasters, are required to produce content for children and special societal categories, such as displaced persons, national minorities, and vulnerable groups.¹⁶ Since no monitoring of public broadcasters' compliance with this obligation is conducted, it is uncertain if such requirements are fulfilled. But some

¹⁵ Communications Regulatory Agency, Annual Survey of CRA License Holders for Provision of Internet Services in Bosnia and Herzegovina in 2010. Report available at: <http://www.rak.ba/bih/index.php?uid=1272548201>.

¹⁶ At least 40 percent of the overall content of information and education programming. At least 10 percent of information and education programming a week should address issues relevant to displaced persons, national minorities and vulnerable groups; 6 percent of television programming and 4 percent of radio programming must be produced for children (Rule 41/2009 on Public Broadcasting Stations, Article 3. Document available at: <http://www.rak.ba/bih/index.php?uid=1269867979>).

Žigić, for her part, said that there are positive examples of reporting on issues of public significance: “[RTRS] is trying to cover civil initiatives, citizen groups...and to give room to civil society organizations, citizens’ problems, and social issues.”

panelists said that public broadcasters do not fulfill their obligations, especially when it comes to programs intended for children, which are scarce and/or poorly conceptualized.

Čerimagić had the opinion that, since PBS receives RTV fees from citizens, as well as a considerable share of advertising revenues, the accountability of public broadcasters should be promoted. Additional panelists called for compelling public broadcasters to make editorial changes when program ratings fall under the prescribed levels. Čerimagić suggested that the CRA play a more active role in monitoring the performance of public media and in promoting their public service role, and that CRA could promote accountability through public debates and campaigns that express the importance of quality and diversified programming.

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There are six news agencies in B&H: two public, and four private. Media regularly use the services of at least one of these agencies. Panelists are not convinced of the agencies’ impartiality, due to possible influence of the authorities and political options with which the agencies are affiliated. Borić, for example, said that the news agency SRNA distributes quality news, but that there is also some news that is biased. International news agencies distribute news only to the minority of media that can afford their services. Online media sources are used regularly for timely information about national affairs, but even more about international affairs—an area in which news agencies lose their importance to some extent.

The vast majority of print media and radio and television stations, including private outlets, produce their own news. Maslo indicated that most television stations broadcast a central news program, as well as several short news programs during the day. There are a number of online news portals that produce their own news. However, the panelists said that they find other online platforms lacking in informational value, or

they simply collect information from other sources, putting out little original content. Therefore, although news programs are produced by a multitude of media, panelists suggested that quality is rather questionable. Čerimagić said that CRA lacks capacity for adequately regulating national level broadcasters, let alone local broadcasters, on in-house production and adherence to other program requirements. Furthermore, he complained that even when cases are processed, sanctions for non-adherence to program requirements are minimal: “I don’t even know how many letters I sent [reporting that certain television stations] do not adhere to CRA decisions, according to which they must have 75 minutes of content produced in-house in prime time. OBN was fined BAM 1,000 [\$671].”

As noted last year, since the Rule on Media Concentration and Cross-Ownership of Broadcast and Print Media expired, no progress has been made in regulating those issues. The CRA’s stand is that there is a need for joint action of several bodies—including CRA, Council of Competition of B&H,¹⁷ and VZS—to pass a law on concentration, pertaining to the broadcasting sector and other media sectors as well. Maslo said that so far the Council of Competition has not demonstrated interest in becoming involved in this issue, but CRA plans to advocate for action in the future.

Currently, broadcast media are only required to submit documents on media registration and ownership structure to CRA. The system leaves doubts as to whether the actual ownership structure corresponds to the officially reported data (Kontić).¹⁸ Although last year, panelists expressed concern about a possible increase in concentration of ownership, in 2011 no major concentration of ownership took place.¹⁹

According to the panelists, citizens feel that corruption, as well as social issues, everyday life, education, and economics are the thematic areas that media should cover more.²⁰ With regard to programs intended for specific groups, the spectrum of social interests represented in the media is limited, with only individual examples of programming

¹⁷ The Council of Competition (with competence to decide on the presence of prohibited competition activities in the market of Bosnia and Herzegovina) reacts to complaints it receives. See official web presentation: <http://www.bihkonk.gov.ba/en>. However, so far the Council has not been involved in developing regulation on prohibition of media concentration or regulation on competition in the advertising market.

¹⁸ For example, the fact that the owner of Radio-RTV Travnik is a political party, which is contrary to the law, was discovered only at the beginning of 2010. Source: Kavazović K, *Global*, No. 82, p. 12-13, 20 August 2010.

¹⁹ Certain media owners do hold a significant market share – Glas Srpske and Nezavisne Novine are practically owned by the same subject (Nezavisne Novine, 26 January 2008, p. 2).

²⁰ Source: *BH Novinari i Fondacija Friedrich Ebert: Ispitivanje javnog mnijenja o medijskim slobodama u BiH* (Exploring Public Opinion on media freedom in B&H). http://www.bhnovinari.ba/index.php?option=com_content&view=article&id=396%3Aprism-research-zafes-i-bh-novinare-2011&catid=66%3Aistraivanja&Itemid=234&lang=bs.

intended for marginalized groups. Indicator 7, pertaining to these issues, suffered a setback in score, largely attributable to the lack of funding. Given such circumstances, Borić said, journalists are stretched thin, and simply do not have time, and also feel that their salaries are too low, to compel them to dig deeper than press releases. Kantić also said that there is no discussion or advocacy for production of certain programming, such as content for minorities. According to inputs from CRA, individual broadcasters have some programs intended for minorities, but they mostly concern folklore and national holidays, Maslo said. There is no regular reporting on minority identities, cultures, interests and needs; instead, media mostly react to events and incidents.

Community radio licenses are intended to meet the needs of specific social groups, but only one license has been issued so far, and there has been a slight increase in interest in such category of licenses over the past year. Public broadcasters are required to produce programs for national minorities, displaced persons and vulnerable groups, but the panelists expressed doubts about the extent and quality of such production. Mira Lolić Močević, editor of RTRS documentary programs, said that this public broadcaster has “a topic devoted to national minorities in the program *In Focus* every Wednesday,” although specialized programs for these groups are no longer produced.²¹ Online platforms provide more opportunity for visibility of minority and marginalized groups, but their social impact is still limited.

One of the major controversies since the decision of the European Court for Human Rights in 2009 is related to discriminatory constitutional stipulations that prevent ethnic minorities and groups other than the “constituent peoples” from exercising their right of active political participation. With regard to this issue, media discourse is mostly focused on the obligations of the state in the context of EU accession and possible sanctions if the ruling is not implemented, while the essence of the ruling and the principles of equality in exercising political rights of citizens remain underrepresented.

In sum, although Duronjić pointed to some improvements in media visibility of marginalized groups, most panelists expressed that these groups’ interests and needs are not met. Bičakčić said: “They are absolutely not represented. They do not have programs, nor do they have an opportunity to express themselves, especially not in their own languages... unless this is raised with regard to some other event... For example, the LGBT population was beaten up²² and the media lauded that for days and then we forgot about it.” Often, media

reports present transgender identities through prejudices, stereotypes, and even hate speech. Since then, there have been no major incidents related to minority groups.

Panelists underscored that media reports on minorities are incidental and related to events, instead of being constant and engaged. For example, although Roma as a minority group is relatively present in media content, the media often perpetuate stereotypes, such as referring to the nationality in cases where the perpetrators of criminal acts are members of the Roma community. A more engaged approach to problems of the Roma population in B&H is rare. Also, women are often presented in a stereotypical way, and as Žigić pointed out, they are consulted disproportionately as sources.

Although media cover information on local, national, and international affairs, panelists suggested that the scope of reporting on all these issues has narrowed, due to financial hardships of media outlets. Some panelists suggested that certain local communities, as well as international issues, are underrepresented. Some local communities lack a media outlet based within the area that is oriented toward local issues, and the public service role of existing media is questionable, because of financial dependence on local centers of power and/or because of the focus on entertainment content. Žigić commented, “Many areas do not have local media, and therefore a huge number of citizens in B&H still do not have the opportunity to influence development of policies through media or to be informed about happenings in their local communities.” Maslo, however, said that the huge number of broadcasters, whose information programs are primarily focused on local communities, satisfies the information needs of most local communities.

The public broadcasters FTV and RTRS broadcast shows (*Federation Today* on FTV and *Srpska Today* on RTRS) about local communities. Bičakčić pointed to unjustified focus of the public broadcaster FTV, asserting: “...Federal Television devotes half of its news program to what [President of Republika Srpska Milorad] Dodik said, which is absolutely irrelevant for Federal Television... at the same time giving absolutely no attention to problems concerning the Federation. This shows failure to recognize what should enter the program schedule and what should be on the margins of interest.” Substantial civic journalism and use of online platforms for information purposes concerning issues of different scope is yet to be promoted.²³

²¹ A program in the languages of national minorities was produced on Radio Republika Srpska. Marko, D. *Media and Minorities in Bosnia and Herzegovina*, in Hodžić, E and Jusić T. *Against the Margins: Minorities and Media in South East Europe*. Mediacentar 2010, p. 156.

²² This refers to the Queer Sarajevo Festival events in 2008; eight people were injured.

²³ See more in Jusić, T & Hodžić, S. *Local Media and Local Communities: Towards Public Policies for the Promotion of Local Media Content in Bosnia and Herzegovina*. In Jusić, T (ed) *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*. Mediacentar Sarajevo, 2010, p. 97.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 1.61

The Objective 4 score dropped from 1.84 in 2011 to 1.61 this year, maintaining the worst position among the five MSI objectives. Nearly every indicator lost some ground, and all scored similarly poorly as the objective. The major complaints that the panelists expressed were related to dire financial circumstances in the media market and flawed fiscal policy, which keep the majority of media on the edge of existence.

Because of limited sources of revenue in a market overburdened with a huge number of media, media outlets have difficulty in attaining self-sustainability. Besides economic hardships, Bičakčić pointed to additional drawbacks as well, including a lack of managerial competence and under-developed business strategies. Adnan Hasić, director, 24sata.info, said that running a successful media business in such an economic environment for means production of cheap and light content. In his words: "If you want to be independent... you must have high viewership figures; if you want to have good viewership, you must keep up with what people want to read, and unfortunately, most of them just want to read the yellow press, crime sections, scandals, etc."

An enormous number of media compete for dwindling sources of revenue. According to an unofficial estimation, in the previous few years, advertising revenue fell by at least 30 percent. Today, the total advertising revenue in the market is around 98 million KM (\$65.3 million), with television holding

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.

the biggest share, around 65 percent.²⁴ In the struggle to survive, media outlets often resort to cost-cutting strategies, such as reducing the number of employees, giving them low salaries, and using cheap secondary sources—resulting in little original content of good quality.

In addition to advertising revenue, other potential sources are donations. Since international media projects have been largely terminated, government bodies at different administrative levels have become rare additional sources of revenue for media. For example, the Republika Srpska government has been financing a very large number of media for years. Similarly, local (municipal and cantonal) authorities provide financial incentives for media in their territories.

In the context of the economic crisis, the number of different types of sources of revenue is vastly reduced. Major advertisers are largely associated with various political circles—endangering editorial independence, as influence and self-censorship in relation to the interests of advertisers and their political affiliates are to be expected. As Borčić said, "Survival basically depends on a good contract with BH Telecom or the [power distribution company] Elektroprivreda; that is how things stand. In that situation, try publishing a story on BH Telecom, which gave you BAM 100,000. I think it's an illusion to expect something like that to happen; and even that money ... [comes] from the party that controls BH Telecom." Bičakčić said that it is worrying that government institutions are a major source of funding for media, and that the editorial policies of public media are directly influenced by the government.

Political interests largely control major advertisers as well. Žigić gave an example of how advertising arrangements can be conditional upon favorable treatment in the editorial pages. She referred to a story a colleague had written that criticized a certain company, but that the outlet quashed. "The next day, a company came in with a substantial amount of money for an advertisement. This is a decent media outlet, but...it has to provide salaries for the staff, it has to cover costs."

The Public Broadcasting System (RTRS, FTV, and BHRT) is funded primarily through RTV fees. Their financial efficiency is endangered, since fewer than the required 85 percent of fees have been collected.²⁵ Currently, 50 percent of the fees go to the state broadcaster BHRT, and 25 percent each goes

²⁴ Unofficial estimations of the advertising agency Fabrika; according to the same estimate, other media sectors hold the following shares: print—18%; outdoor—10%, radio—5%, Internet—2% (e-mail correspondence, Dec. 2011).

²⁵ Currently, fees are collected as part of telephone bills. In 2006 only 63% RTV fees were collected. Jusić and Džihana, *Bosnia and Herzegovina*, in: Bašić-Hrvatinić S., Thompson. M., Jusić, T. (ed.), *Divided they Fall: Public Service Broadcasting in Multiethnic States*, Mediacentar Sarajevo, p. 98. Available at: http://www.media.ba/118/mcsonline/files/shared/Bosnia_divided.pdf 2008.

to the other two broadcasters. RTRS has called for a different way of splitting the RTV fees, based on the argument that the level of collection is much higher in the RS than in the B&H federation. Such developments may further endanger the overall self-sustainability of the PBS system and future establishment of a joint corporation, as required for the digitalization process.

Advertising agencies cooperate with media, especially television, but also with other types of media (print, radio, and Internet). The major advertisers are domestic telecom operators, as well as foreign brands such as Procter & Gamble and Henkel. Advertising agencies are seen as a mediator between media and advertisers, which do not have the power to support the market in a significant way. Panelists have aired concern over the years that major advertisers, companies that perform market research, and advertising agencies treat some media preferentially due to different (mostly political) affiliations. As Zaimović said, although domestic advertisers possibly include political affiliation as a criterion for contracts with media, international advertisers are interested only in reliable market research data.

Radio stations are especially losing their attractiveness for advertisers, with grim consequences for their sustainability, according to Zaimović. "The advertising market for radio has certainly fallen to 50 percent, at least in my company, thus reducing revenue for commercial radio stations multiple times and jeopardizing their competitiveness in the market because some municipal or cantonal radio stations have budget money by default," he said. "This is a terrible problem, and it will certainly result in the shutting down of a large number of media outlets ... International [companies] advertise very little or not at all on radio stations ... and domestic production is non-existent." Smaller, local media in general depend almost exclusively on local companies for advertisements.

However, research results²⁶ are used for allocation of advertising revenue. The permitted ratio of advertisements is six minutes per hour for public radio, four minutes per hour for public television broadcasters, 12 minutes per hour for private television stations, and 20 percent of daily broadcasting time for private radio stations. The PBS stations are limited to six minutes of advertisements per hour, in both television and radio programming, with the possibility of two minutes of rebroadcasting in prime time. As in previous years, panelists raised doubts that public broadcasters adhere to the advertisement limits, and lamented that the outlets dump advertising prices at the same time.

²⁶ According to Senad Zaimović, the diary method is applied four times a year for radio, telemetric is used for television, and readership data are gathered by Mareco twice a year—on a sample of 5,000 people.

Bičakčić said that it is worrying that government institutions are a major source of funding for media, and that the editorial policies of public media are directly influenced by the government.

Advertising revenue has been reduced in the past few years. According to unofficial estimations, it has dropped by more than 35 percent, with total advertising revenue of around \$65.3 million in 2011. The majority of the total advertising revenue is reserved for television outlets (65 percent). RTV fees and public funding make up the remaining revenue. In 2006, overall public funding amounted to KM 4,557,904 (\$3,206,890). The majority of the overall market revenue is reserved for the PBS system (65 percent in 2006), and a few big private television stations.²⁷

In pursuit of revenue, media often increase the ratio of commercials, while decreasing advertising prices. Public media compete for the same advertising revenue as private media, but are in a financially more secure position because they are also funded from public budgets. As a result, public media use the strategy of dumping advertising prices, which creates unfair competition and further worsens the market position of private media. A large number of local media (more than 65 radio stations and 13 television stations operating at municipal and canton levels) are public media funded primarily by local governments. In addition, government bodies at different administrative levels provide extra funding for private media. As Žigić said, public funding is allocated to some media for the purpose of informing citizens on the performance of local governments, which in practice "boils down to covering one local parliament session and talking with the municipality head a couple of times... The problem with these arrangements is that citizens get very little."

Although funding of media outlets by government bodies might be welcome as a type of incentive for quality journalism on issues of public significance, there have been many doubts about the transparency, criteria, and impartiality of tenders. The Republika Srpska government's criteria for allocating 2010 funds (around \$3.3 million) were vague, as Žigić said, and the result was that "the ones who got them were those who were practically...already on the side of the ruling structures and those who were potentially important."

²⁷ In 2006 these were NTV Hayat, Pink BH, and OBN—20 percent.

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The RS government provided somewhat less funding for several media in 2011 as well.²⁸

Local governments are important sources of revenue for local media, either as direct financiers, as financiers of specific projects of public significance, or as financiers on the pretext of general support to sustainability of local media. Panelists said that in all these cases, procedures for providing such incentives lack transparency, with political affiliations of media likely to be major factors. Therefore, public interests are rarely met through such spending of public budgets. "I think that tenders are ideal for corruption and crime. The fact that someone is announcing a tender certainly doesn't mean that it is a fair competition," Zaimović commented. "You hope, you invest funds in the tender, and you fail." The projected goals of government subsidies are often not even defined as promotion of public interest and since there is no monitoring or evaluation of the effects of these subsidies, it is highly questionable whether local communities benefit from such arrangements.

In addition, as reported last year the election period in 2010 was especially marked by advertising campaigns of government bodies. The campaigns were regarded as unwarranted promotion of political parties in the background of approaching elections.

Panelists suggested that managers of media outlets are aware of the importance of research and use of its results in business planning. Hayat TV, one of the bigger private television stations, uses these results for decisions related to programming as well as for advertisement shares. However, only a minority of media can afford such research. Panelists also pointed out that public broadcasters should be producing programs for different audiences, but also to satisfy

²⁸ 700,000 KM (\$466,421) was provided for five print media in the RS (Reporter, Fokus, Press, Nezavisne Novine, Ekstra Magazin) (source: Dani, no. 740, p. 15, published 19 August 2011; article available at: <http://www.idoconline.info/digitalarchive/public/index.cfm?fuseaction=serve&ElementId=813995>).

viewership quotas for certain programs. Additionally, research became the subject of increased controversy in 2010.

GfK BH occasionally conducts ratings research for the country's television, radio, and newspapers. Another agency, Mareco Index Bosnia, has spent several years conducting research on broadcast media ratings as a subcontractor of the Association of the Media Industry of B&H (known by its Bosnian acronym UMI). However, Mareco's research was highly debated in 2010, and in the end, the members of the association could not reach an agreement about its accuracy and the association finally fell apart in April 2011.

A minority of media and advertising agencies has remained loyal to Mareco, and Zaimović stressed that the current situation is detrimental to the media industry. If the media and agency support proves to be unsustainable in the future, withdrawal of international clients from the advertising market is to be expected. As Mareco had previously been by far the only financially acceptable option, and even then faced considerable difficulties in collecting fees, panelists said that they are doubtful about the possibility of hiring another agency for market research or conducting a revision of Mareco's research.

Additionally, Zaimović said that other recent trends generally indicate withdrawal of international advertising from marginal markets, such as the B&H market. Distributors of international companies operating in B&H are not interested in investing in advertising. Čerimagić also said that he fears that international advertisers will, in the future, address the audience in B&H more through media from neighboring countries. He stressed that a policy and mechanisms for protection of the domestic media market need to be developed and implemented.

There is still a lack of information on print media circulation, and that prevents allocation of advertising revenue based on the real market position, due to unwillingness of owners to pay for research and enhance their business transparency. Zaimović gave examples: "We asked the press to allow circulation audit. Five media outlets in Bosnia and Herzegovina allowed the audit; among them are *Ljepota i zdravlje*, and from the federation, only *Sport Centar*."²⁹ Additionally, Mareco conducts research on newspaper readerships twice a year. Unofficial estimates for 2009 suggest that the total daily circulation of the six leading newspapers does not exceed 90,000 copies.³⁰

²⁹ ABC audit research. See more on ABC at: <http://www.abc.org.uk/>. Other media that pay for research are: Press, Blic, and Šik. Source: Senad Zaimović, Director of Fabrika, telephone interview, 28 February 2010.

³⁰ Estimates made by Freedom House in 2009. Source: <http://freedomhouse.org/template.cfm?page=251&year=2010>.

As for the Internet media market, data on ratings and browsing behavior provided by Alexa and Google analytics are used as a basis for development of editorial policies. Additionally, around 34 websites are also subscribed to gemiusAudience research. Zaimović stressed that gemiusAudience research provides demographic data on users, and therefore enables more straightforward cooperation with advertisers. Although the share of the Internet in overall advertising revenue is rising, there is still room to promote online advertising possibilities among domestic advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 1.95

Objective 5 scored about a third of a point lower than last year. Almost all individual indicators declined moderately. Indicator 8 (ICT infrastructure) was the only one to remain more or less unchanged. Indicator 6 (sources of media equipment, newsprint, and printing facilities) earned the highest scores within the objective, about three-quarters of a point more than the objective.

Trade associations played a significant role in the process of establishing the media regulation system. Several broadcasting associations that exist today (Association of Electronic Media, Association of Private Broadcast Media, and Association of Local Broadcasters of the Republika Srpska)

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.

are not as active, but still work to improve the financial sustainability of media, and they cooperate with the CRA on developing media policies.

Three journalists' trade unions and six journalists' associations currently exist in B&H, plus the Association of Reporters from the Court of B&H, operating within the Balkan Investigative Reporting Network. However, the fact that indicator 2 scored among the lowest within the objective and dropped more than half a point implies that the image of these associations in the professional community continues to deteriorate.

While the BH Journalists Association does provide support to journalists and is active in promoting public awareness on media-related issues,³¹ other associations are less active and visible. Panelists pointed out that some of the associations do react to infringement on media freedoms, and announce their stances on different issues pertaining to media and journalists. However, Duronjić had the belief that the effects of their work are limited, particularly since they do not work on developing a policy framework that would enable promotion of journalism.

Bičakčić said that a lack of interest among journalists in the work of professional associations is an indicator of their underperformance. Žigić and Borić also stress that fragmentation of the journalism community, based on ethnic and party affiliations, further impedes and diminishes the potential strength of joint actions within the professional community. As Žigić said, "Our professional associations have not succeeded, and journalists have not succeeded in rising above different interests, and we have not recognized the dignity of our profession as a value. Because we have six or seven associations, each engaged in small acts divided along different lines, we don't have the strength that we would have if we achieved minimum unity."

With regard to NGO support for free speech and independent media, the general perception is that some organizations,³² almost exclusively based in big cities, react to certain extreme violations of media freedoms, but constant advocacy and steps toward structural changes in the media sector are lacking. But currently, Mediacentar Sarajevo and the Association of BH Journalists, supported by USAID and Internews, are implementing a three-year project aimed at improving the journalism profession in B&H. A few organizations, including Mediacentar Sarajevo, BH Journalists

³¹ See more in Hodžić, S. *Under Pressure: Research Report on the State of Media Freedom in Bosnia and Herzegovina*. Mediacentar Sarajevo, pp. 29-31. Available at: http://www.media.ba/mcsonline/files/shared/UNDER_PRESSURE_FINAL_ENGL.pdf.

³² Such NGOs include: Helsinki Committee for Human Rights in B&H; Helsinki Citizens' Assembly, Banja Luka; Helsinki Committee for Human Rights in the Republika Srpska; Info House, Sarajevo; CURE; Human Rights Office Tuzla, etc.

As Žigić said, "Our professional associations have not succeeded, and journalists have not succeeded in rising above different interests, and we have not recognized the dignity of our profession as a value. Because we have six or seven associations, each engaged in small acts divided along different lines, we don't have the strength that we would have if we achieved minimum unity."

or VZS, organize public events and debates on issues related to media freedom and the rights of journalists in cities across B&H. However, the reach of these activities is limited, and there are many problems that still need to be addressed. For example, the panelists underscored the needs for advocacy to support a stronger fiscal policy on media, education programs for journalists, better guarantees of editorial independence in public media, development of mechanisms to guarantee the adherence of broadcasters to program requirements, and ensuring that public funding is transparent and used to produce quality programs of public interest.

There are four public faculties and one private faculty providing formal education for journalists. However, panelists said that they mostly continue to believe that education programs do not meet high enough standards of quality, especially regarding practical knowledge on media production. The panelists suggested that one of the reasons is a lack of quality lecturers well versed in the practical aspects of media production. Secondly, university admission criteria are considered inadequate. In addition, panelists said, there are too many students enrolled per year, which hinders the education process, and does not correspond with the needs of the market.

However, the panelists did point to some improvements in the journalism program at the University of Banja Luka. According to Duronjić, a professor at the university, in the last three years, admission criteria have become more rigorous, including different requirements related to high school grades, and the school is taking better advantage of the Internet. "In the bachelor program... we were the first in the region to introduce online media, and we had an expert staff," she said. "We carry out student training with our online media, and 45 students all attend online

student training, learning, if nothing else, how to upload and download online content." Žigić also confirmed that she had positive experiences with some young journalists: "I know several young people who came out of Banja Luka University and I was very positively surprised." Panelists emphasized that cooperation between the academic community and media outlets needs to improve, not only to provide opportunities for practical experience during studies, but also to recommend graduates for future employment.

Two organizations that have organized education programs for journalists are Mediacentar and Mediaplan. Mediacentar Sarajevo classes currently focus on issues related to new media, mostly targeting young journalists and journalism students. Another program, under an Internews project, provided practical training for students working on local web portals, and many participants continued cooperating with the local news portals after the training ended.

Additionally, with support from the Thomson Reuters Foundation, Mediacentar supported a general training for trainers program, within the context of an anti-corruption program. Finally, an ongoing educational and informational program on discrimination supported by FOD included three activities in 2011: education of journalists/editors of local radio stations, support for the production of radio shows, and production of a guide for the media reporting on discrimination.

The short-term training programs still offered are highly useful, but there are fewer and fewer each year, as funding dries up. Herić observed an inverse relationship between professional standards and training opportunities. "I think that the lack of such training is one of the reasons that journalism has fallen so low, along with other economic, political and other pressures."

Although Indicator 6 (sources of media equipment, newsprint, and printing facilities) scored significantly lower this year, panelists did not report significant restrictions on the import and/or purchase of material such as newsprint, software, video equipment, or transmission equipment. Zaimović said that equipment is generally available, but newsprint does not meet quality standards. Additionally, there are possibly some limitations with access to printing houses, based on business and political divides, but there are no monopolies and the divide ultimately has no significant effect on printing.

Entity governments own the television transmitters, and the state owns two major telecommunications companies.

Channels of media distribution in the print media sector, as well as printing houses, are privately owned. The previous MSI pointed to monopolistic behavior of dominant telecommunications and cable companies. Although there are regulations stipulating free access to telecommunications, their implementation mechanisms are flawed.³³ The panelists could not point to any improvement in this regard in 2011. Herić confirmed the monopolistic behavior of owners of relays/transmitters, and that as a result, "...not just anyone can put up their transmitter on a Telecom pylon at a given price; for some, there is always room for [more], and for some, the price is negotiable."

Panelists said that cable distributors have adopted a monopolistic approach as well. Last year, panelists argued that cable distributors based their channel distribution decisions on political interests and relations with owners of television channels. Ćerimagić pointed to other downfalls with cable operators: "They lack professional equipment... they take money from subscribers, they don't invest anything in equipment, they keep net profits for themselves, and they report a lower number of users to the CRA."

Internet and mobile service providers, however, offer their services on a non-discriminatory basis. Choice of software and platform options for bloggers and online media outlets is unrestricted.

Panelists in the 2010 MSI stressed that Internet connections remained slow, and suggested that the speed of transfer of video images could be improved. They especially called for enabling higher-quality bandwidth in small cities. The 2011 panelists pointed out improvements in this respect but said that infrastructure still is unsatisfactory overall. According to Duronjić, there is a large availability gap between urban and rural communities, and mass communication is still not supported by the current level of information input capacity.

Last year, panelists also stressed that higher-quality bandwidth is not affordable to the online media that would most benefit. Additionally, domestic servers are assessed as overly expensive and slow, which is why the media use foreign servers. As for the broadcasting sector, the delayed switchover to digital transmission is a hindrance as well.

³³ Namely, as stated in 2010 by Asja Rokša Zubčević (CRA), the private cable operator Logosoft filed numerous complaints to the court due to Telecom's constant avoidance to enable free access to telecommunications. The court has proven to be slow in completing these proceedings.

List of Panel Participants

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Mira Lolić-Močević, editor of special programs, Radiotelevision Republika Srpska, Banja Luka

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

Nataša Krsman, editor-in-chief of the Sarajevo Bureau, *Nezavisne Novine*, Banja Luka

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