

Freedom of the Press 2015 - Bosnia and Herzegovina

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2015 Scores

Press Status: Partly Free

Press Freedom Score (0 = best, 100 = worst): 51

Legal Environment (0 = best, 30 = worst): 10

Political Environment (0 = best, 40 = worst): 24

Economic Environment (0 = best, 30 = worst): 17

The constitution of Bosnia and Herzegovina (BiH) guarantees freedom of the press. However, politicians and business leaders exert considerable pressure on journalists, which undermines their independence and negatively impacts their editorial policies. Since the 1995 signing of the Dayton Accords, which ended the country's civil war, BiH has been split into two semi-independent constituent entities: the Federation of BiH, populated mostly by Bosnian Muslims (Bosniaks) and ethnic Croats, and Republika Srpska, whose population consists mostly of ethnic Serbs. Each entity has its own public broadcaster, private media, and political parties.

Legal Environment

Both the Federation of BiH and Republika Srpska have regulations prohibiting the incitement of racial, ethnic, or religious hatred. Nevertheless, the use of inflammatory language in the media is common, particularly online. Politicians and other influential individuals sometimes label criticism as hate speech. Libel was decriminalized in 2003, but journalists can face civil penalties for libel complaints. Legally the burden of proof lies with the plaintiff, but this principle is not always respected in practice. Municipal courts are often biased and lack the expertise needed to deal with media-related cases.

Media professionals sometimes face legal pressure for performing legitimate journalistic work. In December 2014, editors and journalists from Klix.ba, BiH's most popular news website, were summoned for questioning by police about the source of an audio recording they released in November, following BiH's general election. The recording featured what sounded like Republika Srpska prime minister Željka Cvijanović describing how her political party, the Alliance of Independent Social Democrats (SNSD), "bought" the support of two legislators in order to guarantee an SNSD majority in the Republika Srpska parliament. A week later, Republika Srpska and Sarajevo police raided Klix's newsroom in the capital, seizing documents and copying data

from computers. The raid was condemned by media freedom advocacy groups, as well as by Federation prime minister Nermin Nikšić.

Court rulings sometimes silence reporters. In December, a municipal court in Travnik temporarily banned Federalna TV from releasing information regarding three policemen and their alleged connection to drug trafficking after the three policemen in question filed a defamation lawsuit against the station.

The process of obtaining information through the country's Law on Freedom of Access to Information can be cumbersome, and the law is not always heeded by government bodies. These complications discourage journalists from requesting official information.

Broadcast media in both entities are licensed and monitored by the Communications Regulatory Agency (CRA), which has executive powers to enforce regulations. The agency is financially independent, and while it is often exposed to political pressure, analysts regard its decisions as generally fair. The CRA's director general is appointed by the CRA council, and the appointment must be approved by BiH's Council of Ministers. Due to disputes within the Council of Ministers, the agency has been without a director for seven years. Meanwhile, the government in 2014 proposed a Pre-Draft Law on Electronic Communications that would diminish the CRA's authority, prompting some concern among media freedom advocates that the agency could become more susceptible to politicization.

Print and internet media outlets in both of BiH's entities are self-regulated by the Press Council of BiH, which handles complaints from the public but has no power to fine, suspend, or close down outlets. Instead, it mediates between the complainant and the outlet, often resulting in a retraction or the publication of a response or denial from the complainant.

Political Environment

BiH has two entity-level public broadcasters – Radio-Television of the Federation of BiH (RT FBiH) and Radio-Television of Republika Srpska (RTRS) – which are the largest and most influential broadcasters in the country. There is also a national public broadcaster, Radio-Television of BiH (BHRT). The two entity-level public broadcasters are generally organized along ethnic lines and are effectively under the control of ruling political parties, whose views they commonly reflect. Many Bosnian Croats report that they do not feel their interests are served by any of the existing public broadcasters, and some refuse to pay the subscription fees that fund the outlets. All three public broadcasters face considerable political pressure. The governments of Republika Srpska and the Federation have each taken steps in recent years to increase control of RTRS and RT FBiH, respectively.

Journalists sometimes have difficulty gaining access to government proceedings. For example, politicians and government agencies sometimes restrict access to public events to a few select reporters. Meanwhile, journalists from BN TV and Serbia's Beta news agency are said to be banned from covering Republika Srpska's Presidential Palace.

In 2014, two online media outlets – FENA news agency and *Buka* magazine – as well as the Journalists' Association of BiH were attacked by hackers who interfered with the sites' operations.

Self-censorship is pervasive, as the few journalists and media outlets that engage in critical reporting risk lawsuits, political pressure, and the withdrawal of financial support.

Journalists sometimes face direct interference from police officers while covering the news. Police used excessive force against several journalists covering February 2014 antigovernment demonstrations in Tuzla and Sarajevo. Police allegedly hit Branislav Pavičić of RTV Slon in the head with a baton as he was covering the Tuzla protests; he was wearing a press badge at the time, according to reports. According to the Organization for Security and Co-operation in Europe (OSCE), Tuzla police also attempted to make another journalist turn over footage of the demonstrations.

Several journalists were physically attacked or threatened in 2014. Sinan Alić, a former war crimes reporter, was attacked in January while walking his dog and sustained head injuries. In June, camera operator Nihad Karić of Federation Television was threatened with a knife while covering the homecoming event of Dario Kordić, a convicted war criminal who had just been released. The same month, writer and columnist Slavo Kukić was attacked by an assailant wielding a baseball bat; Kukić claimed that the attack came in retaliation for an interview he had given to Al-Jazeera in which he criticized Kordić's welcoming party. The Free Media Helpline, a program run by the BiH Journalists' Association, recorded 5 physical assaults and 2 death threats against journalists during the first 11 months of 2014. Impunity for attacks and harassment is common.

Economic Environment

BiH has 9 daily newspapers (most of which are privately owned), 189 weekly or monthly newspapers and magazines, 142 radio stations, 43 television stations, and 8 news agencies; of the agencies, 2 are state-owned, 3 are privately owned, 2 are held by religious communities – the Roman Catholic Conference of Bishops of BiH and the Islamic Community of BiH, respectively – and the remaining agency is owned by the Turkish government. Although public television and radio stations in the two constituent entities are the most influential broadcasters, there are also several private television stations with near-national reach, and recent years have featured an increase in the number of private broadcasters. Despite the numerous media outlets, many residents cannot afford access to multiple news sources. About 61 percent of the population had access to the internet in 2014.

BiH's media outlets are strongly divided along ethnic lines, and many are openly affiliated with political parties. The difficult economic situation faced by the media, made worse by the recent recession, has resulted in diminished independence of the media from political and commercial influences. The government of Republika Srpska continues to provide direct financial support to largely progovernment media outlets. Many local media outlets are funded, either directly or indirectly, by municipal administrations, making it risky to criticize local governments. Outlets are often used as platforms to serve their owners' political or business agendas. However, outlet ownership is often unclear, and efforts by the government to address the problem have stalled.

The cozy relationship between progovernment media outlets and the ruling political parties includes financial benefits such as government purchasing of advertising space, and, in some cases, direct budget transfers. Shrinking advertising revenues and advertiser affiliations with political parties compel many outlets to practice self-censorship in order to protect the interests of their advertisers.

The law bars community media from drawing funds through advertisements, a provision that has stifled their growth.

Despite the positive impact of Al-Jazeera Balkans and Turkey's Anadolu press agency, both of which are foreign owned, independent, and produce high quality work, professionalism and the quality of journalism remains low, primarily due to economic hardship. Journalists receive lower salaries than many other professionals, despite holding higher degrees on average, and due to the weak financial position of many media outlets salaries are not always paid regularly. Many experienced journalists are seeking better-paying jobs in different fields. As media outlets employ fewer staff, journalists are expected to produce more content. Reporters frequently present unsupported evidence, or use unreliable sources. Many media outlets, but particularly online outlets, often fail to comply with international copyright standards.

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