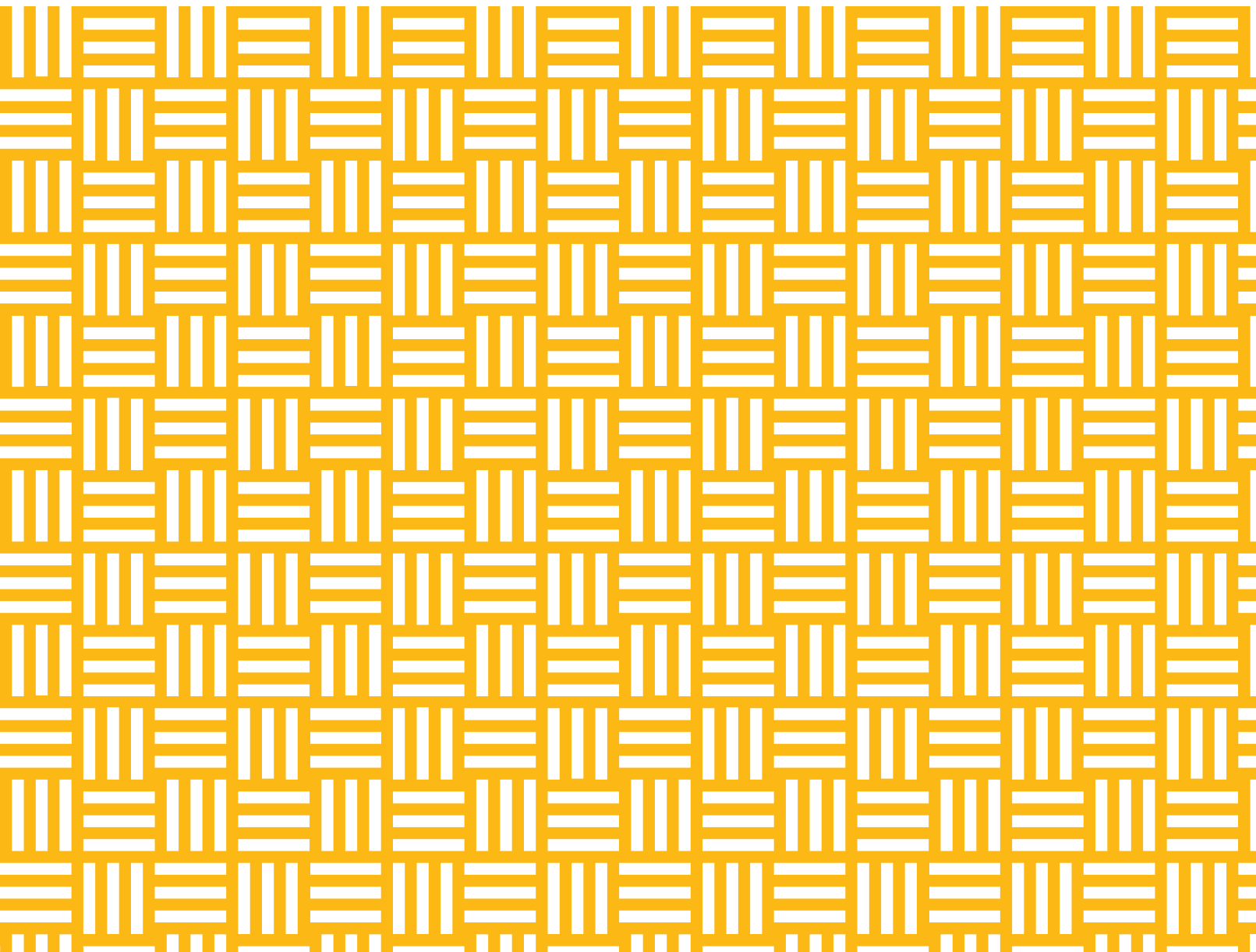




Regionalna platforma Zapadnog Balkana za zastupanje
slobode medija i bezbjednosti novinara
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

Indicators on the level of media freedom and journalists' safety [BOSNIA AND HERZEGOVINA] 2018

SUMMARY OF THE FINDINGS



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November 2018**

Original title

Indicators on the level of media freedom and journalists' safety
[BOSNIA AND HERZEGOVINA] 2018 - summary of the findings



Publisher

BH Journalists Assosiation

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Design

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*The electronic version of the
publication is available at
safejournalists.net.*

This publication has been produced with the financial assistance of the European Union and the Kingdom of the Netherlands. The contents of this publication are the sole responsibility of the BH Journalists Assosiation and its authors, and can in no circumstances be regarded as reflecting the position of the European Union or the Kingdom of the Netherland.



This project is funded by
The European Union



Kingdom of the Netherlands

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Summary of the findings

Project Goals and Research Methodology

This report presents the findings of the research conducted within the regional project “Western Balkans Regional Platform for Advocating Media Freedom and Journalists’ Safety”¹, which is implemented by the national journalists’ associations in Bosnia and Herzegovina, Kosovo, Macedonia, Serbia and the trade union in Montenegro. The report is a follow up of the baseline study on legislation, socio-economic and political situation with respect to freedom of media and security of journalists, which identified the key challenges and recommendations for associations of journalists and other stakeholders.² The main goal of the third research was to identify new developments and compare the current state of media freedom and security of journalists with the situation established in 2016 and 2017.

The research was conducted by Rea Adilagić based on a common methodology developed for all five countries. The methodologies used for data collection and analysis were the following:

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- ¹ *The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organisations.*
 - ² *BH Journalists, “Indicators on the Level of Media Freedom and Journalists’ Safety - Bosnia and Herzegovina”, (Sarajevo: BH Journalists, 2016). Accessed: <http://safejournalists.net/wp-content/uploads/2016/12/Full-BIH-ENG-Digital.pdf>.*

- Qualitative Documents Analysis (QDA) of: research studies and analyses produced by other research organisations, academia, NGOs, individual researchers, etc.; Official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews - nine interviews (journalists, lawyers, media experts, representatives of public institutions and NGO's).
- Official statistics requested from public institutions or collected from available websites or from other published sources.
- Survey of 242 journalists, conducted as a part of the project "Media for Human Rights"³, financed by the European Union.

A. Legal Protection of Media and Journalists' Freedoms

The media sector is well regulated by Bosnia and Herzegovina's legislation. However, there are laws that need to be refined: harmonisation of defamation laws at the entity level is needed, changes in the laws on freedom of access to information which would ensure shorter time limits for the institutions when they provide information which does not require additional processing, updating the Law on Communications in accordance with technological changes. It is also necessary to regulate the advertising market and to adopt the law on the transparency of media ownership. However, even when legislation fulfils expectations, there is a lack of adequate implementation of the law.

Communications Regulatory Agency (CRA) is a body responsible for the regulation of labour and business practices in the broadcasting and telecommunications sectors (adoption of rules, licensing, frequency allocation, etc.). Journalists believe that the CRA should function better. They also believe that political influence over this institution is obvious. The public sector in Bosnia and Herzegovina directs significant resources to media outlets on the basis of commercial contracts for advertising and other media services. Information regarding the amounts and the allocation procedures are not published. The criteria used to select media advertisers are usually not defined, nor publicly available. Inadequate regulation of these issues opens up the possibility for misuses. The nongovernmental sector researches point to possible examples of instrumentalisation of commercial relations between the public sector and the media outlets for political interests.

In Bosnia and Herzegovina there have not been cases of governmental institutions filtering internet content, so far, but the problem of "online portals in Bosnia and Herzegovina without impressum" is constantly growing. It often comes down to the portals that are politically funded for disseminating propaganda, and there is also a large number of portals that are motivated by advertising profits.

Regarding the public service programs intended for minorities, they do partly satisfy the lawfully provided norms during the allocated time slots. The law requires a minimum that is possible to fulfil in a financially dire situation in which the public service broadcasters find themselves. The real need for this type of program is much higher. The management structures in public services are selected along party lines, and an ineffective system of funding these services in Bosnia and Herzegovina is still ongoing. There is a lack of political will to resolve this issue. (Section A.1.)

Defamation is decriminalised in Bosnia and Herzegovina, and the defamation laws of Federation Bosnia and Herzegovina and Republika Srpska are based on the highest democratic principles of European legislation. These laws establish a balance between the right to freedom of expression and the protection of reputation and personal dignity. There is a lack of data on the exact number of defamation suits - the assumption is that there are more than a 100 complaints per year. These defamation suits are a means of pressure on media, especially in smaller communities. Certainly, it is partly the journalists' responsibility, because they do not adequately check controversial information, or fail to provide a chance for the other side to comment on the given subject. However, even when the complaints are unfounded, when there is no defamation, these complaints certainly create great pressure, because some media outlets simply cannot bear the financial burden of law suits. (Section A.2.)

The laws oblige all media to report on election activities professionally and prohibit favouring political actors and options. The CRA monitors the implementation of these provisions. However, the CRA's insufficient capacities do not allow for monitoring of all media outlets in Bosnia and Herzegovina. The past researches suggest unequal representation of political parties in media during the election campaign. (Section A.3.)

The legislation of Bosnia and Herzegovina does not provide special licensing of journalists, nor does the law specifically define the term "journalist". Trade unions and freedom of work are guaranteed by the legislation, but the interest of trade unions in the media is low. There were cases of the representatives of the authorities preventing journalists from reporting from meetings. (Section A.4.)

Protection of journalists' sources is guaranteed by the Law on Defamation, the Press and Online Media Code, principles of the Communications Regulatory Agency, and even by criminal laws. However, sanctions for journalists

who violate these principles are not regulated, and neither are the exceptions to the principles of protection of journalistic sources, if there are any. (Section A.5.)

Free access to information is legally regulated at the entity and state level. This law is applied to all citizens, including journalists. However, many journalists do not use this right because the process of obtaining information is too long and complex. The legal deadline of 15 days is too long for information that does not require a specific application process. For the journalists working in the news media, this information is not useful after 15 days, certainly not for the purpose for which it had been requested. A positive example is the Center for Investigative Reporting, which sues key institutions for not responding to their requests for information. However, not all media outlets are in a financial position to engage in court proceedings. Restrictions on monitoring parliamentary sessions are not provided by legislation, but in practice, there have been instances of such cases. (Section A.6.)

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

A significant number of journalists work under no or with inadequate employment contracts. Even a signed contract does not provide safety in the sense of full enjoyment of the rights provided by labour law. The principal problem is the combination of political and economic pressures. In 2018, the number of violations of labour rights and labour disputes increased comparing to the previous year. (Section B.1.)

A major problem for journalists in private media is the dependency of editors and the editorial policy on media owners. Journalists are not allowed to write articles that criticise advertisers. However, it is not always pressure from the owner or the editor. Even the journalists themselves are aware that if they lose an advertiser, the media outlet they work for will probably lack money for salaries. This is a typical form of economic pressure that leads to censorship. (Section B.2.)

Independence of journalistic newsrooms from management is not respected enough as a principle, not in public service broadcasters nor in public local media. According to respondents, public service broadcasters are politicised. Public local media budget depends on the available resources in respective municipalities, which means that they are not free to critically report on the ruling parties in their local communities. (Section B.3.)

There are ever fewer non-profit media in Bosnia and Herzegovina. There are some media outlets which have been established by civil society organisations and fund-

ed mostly by foreign donors. The level of editorial and journalistic independence in these media outlets is at a higher level than in media outlets which are profit orientated because foreign donors do not interfere directly in editorial policy but rather focus on setting thematic priorities. In the sphere of electronic broadcasting, there are very few non-profit media outlets. (Section B.4.)

Journalists do not have enough freedom in reporting. In many cases, editors make unacceptable changes to their articles or decide not to broadcast reports at all if they deal with political or business "sensitive" topics, and both censorship and self-censorship are very common. Journalists agree that they are often under pressure due to editors and owners, however, pressure from incumbent politicians is still the most alarming problem in this sphere. (Section B.5.)

C. Journalists' Safety

Until September 2018, 21 cases of verbal and physical attacks on journalists were registered. There is a high number of serious criminal offences against journalists and the problem of impunity for the perpetrators of these acts is still a concern. These attacks cause fear and uncertainty among journalists and consequently have a very negative impact on freedom of expression. (Section C.1.)

Journalists are unsatisfied with the reactions of relevant institutions and political actors, as they demonstrated in the protests organised in five towns across Bosnia and Herzegovina after the brutal attack on a journalist from Banja Luka, which was characterised as attempted murder. The Institution of Human Rights Ombudsman in Bosnia and Herzegovina made a positive contribution through its' first report and recommendations aimed at improving the level of journalists' safety in Bosnia and Herzegovina - bringing attacks on journalists under criminal law as a special criminal offence. (Section C.2.)

No official state statistics exist concerning the attacks on journalists related to their professional activities because these attacks are not characterised nor registered differently from any other type of attack on citizens. Since women in Bosnia and Herzegovina remain a vulnerable category of the general population to whom different forms of discrimination are directed, the position of female media employees is more problematic. Investigative and judicial authorities are slow in implementing justice. Capacity building projects exist but they are not sufficient. (Section C.3.)

Overview of Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans

A. Legal Protection of Media and Journalists' Freedom

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice? (Reporting period: September 1, 2017 – August 31, 2018)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the right to freedom of expression and information guaranteed? Does it also encompass access to the internet? Are the legal guarantees implemented in practice?	The right to freedom of expression is guaranteed with the constitutions and with the media laws, including access to internet. There is no specific law which regulates the online sector. Some laws should be improved (defamation laws, access to information law, communication law). Legal guarantees are not efficiently implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and with the media laws, including access to the internet. There is no specific law which regulates the online sector. Some legal provisions should be improved (Law on Audio and Audiovisual Media Services). Legal guarantees are not efficiently implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and with a corpus of media laws, including access to the internet. There is no specific law which regulates the online sector. Since some of the media laws were outdated, currently there is a process of amending the Law on Media, the Law on RTCG. Legal guarantees are not efficiently implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and media laws, including access to the internet. There is no specific law which regulates the online sector. Legal guarantees are poorly implemented in practice.	The right to freedom of expression is guaranteed by the Constitution and media laws, including access to the internet. There is no specific law which regulates the online sector. Legal guarantees are not sufficiently implemented in practice. In general, freedom of the media is at a low level.

**A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Was the media legislation developed in a transparent and inclusive process?	General perception is that the process was transparent, but very slow. Current laws are lagging behind technological developments.	In the reporting period, draft-amendments to the Law on Audio and Audiovisual Media Services were submitted to the Parliament. The process was transparent and inclusive.	The process of amending the Law on Media, the Law on RTCG was transparent and inclusive, but the proposed provisions aimed at protecting journalists from owners' influence were not accepted in the final draft-texts.	In 2017, several changes to the draft law on the RTK were debated in a closed session of the Parliamentary Commission on Media. The process was neither transparent nor inclusive.	The process was transparent and inclusive to a certain extent, because relevant journalists' associations were involved. New media strategy is being drafted and amendments to the media legislation were announced.
Have the state authorities attempted to restrict the right to internet access or seek to block or filter internet content?	Such cases haven't been registered.	Such cases haven't been registered.	Such cases haven't been registered.	The Parliamentary Commission on Media proposed the adoption of a new Media Law aimed, among other, at "disciplining portals". The initiative was criticised by AJK and other actors as an attempt to control the online media sector.	In the reporting period the Share Foundation registered seven cases of blocking or restricting content on internet. There is no evidence that the state authorities attempted to violate freedom of expression on the internet.
Is the regulatory authority performing its mission and functions in an independent and non-discriminatory manner?	The regulator is not perceived as an independent and non-discriminatory body by the journalists, because the politicians in power directly influence the appointment of individuals in the highest positions in the regulatory body.	There has been an improvement in the previous years in terms of its efficiency, but the regulator is still not perceived as independent from political interests.	Formally, the independence of the regulator is guaranteed, but it is also necessary to increase its powers, including the power to impose sanctions. The dismissal of a member of its Council was proof of direct political pressure on the regulatory body.	The regulator is not perceived as independent. Nomination of members is politically motivated.	The regulator is not sufficiently independent and transparent and does not use its legally defined competencies. The Council is politically influenced and still works with incomplete composition.
Is there a practice of state advertising in the media and is it abused for political influence over editorial policy?	State advertising in the media is not adequately regulated by law. It has huge impact on the editorial policy of media which receive money from the State Budget. Around 30 million euro is spent annually by various institutions for advertising in the media.	The new Government stopped the practice of state advertising in 2017. However, at local level, municipalities still allocate significant amounts of money from the municipal budgets to the local media. The Association of Journalists of Macedonia warned that this practice undermined professional journalism and infringed the independence of local media.	There is a general perception that the practice of state advertising opens up a huge space for abuse and it is used as a tool for financial support to the media affiliated with the Government.	Public institutions allocate funds to online media in a selective and non-transparent manner. Banners published on news portals do not present any particular activity of the ministries.	State advertising is not adequately regulated in the legislation. Therefore, the allocation of funds is very often selective and not transparent. It is one of the main mechanisms for pressure over the media and on their editorial policies.
Are there any types of media subsidies for the production of media content of public interest and how is it implemented in practice?	There are no media subsidies.	At present, there is no funding scheme to encourage production of content of public interest. There is an initiative to introduce subsidies for print media and media in minority languages.	At present, there are no media subsidies.	There are funds from the Office of Community Affairs within the Prime Minister's Office, but this year's call is not aimed to media but only to non-governmental organisations.	There is a funding scheme aimed at encouraging production of programs of public interest in the electronic, print and online media. There are many inconsistencies in its implementation: some funded programs are not of public interest, lack of evaluation procedures, abuse and misuse of law etc. Even the media that violate ethical rules of conduct are funded.

What are the mechanisms for financing media in the languages of national minorities?	Such mechanisms do not exist. National minorities and vulnerable groups are dissatisfied with the programs produced by the public broadcasting services aimed specifically for these groups.	There are no mechanisms for financial support of language diversity in the private media. The public broadcaster (MRT), broadcast radio and TV, produces programs in the languages of six non-majority ethnic communities.	National minority media are financially supported only through the Fund for the Protection and Implementation of Minority Rights. However, the last call was published in the first half of 2017.	There is no mechanism for funding private media in the languages of national minorities. The public broadcaster (RTK), broadcasts programs in all minority languages (Serbian, Bosnian, Turkish and Roma). Since June 2013, the Serb minority has its own channel on RTK2.	There is a funding scheme provided by the state and municipal budgets. However, media in minority languages are still financially unsustainable, because there is no mechanism to finance informative programs in different languages.
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Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independent and stable functioning? Do the supervisory bodies represent the society at large?	Autonomy and independence is guaranteed by law. There is still no appropriate funding framework for the public services in Bosnia and Herzegovina. There are indications that politicians influence to great extent the nomination of editors and management of the public services. The supervisory bodies do not represent the society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable functioning. The MRT Council does not represent society at large.	Autonomy and independence is guaranteed, but it was seriously undermined with the dismissal of two members of the RTCG Council and its President Djurovic (who remains in the Council as a member), the change of the entire management and the editorial team. Therefore, the supervisory body is currently politically influenced and does not represent the society at large. The funding framework was improved – the Government will provide 40 million euro for the RTCG operations in the next three years.	The autonomy and independence of PSB is guaranteed but poorly implemented. Direct funding from the State Budget does not provide stable and independent operation of RTK. The new draft law on the RTK envisages a new mixed funding model: fee collected through electricity bills and 0.4% from the State Budget. The supervisory body does represent society, but it is politicised.	Autonomy and independence is legally guaranteed. However, the PSBs are not financially independent because the funding framework does not provide for their stable functioning. The Program Council is not controlled by the society, because the politicians in power influence the appointment of its members. It only serves an advisory function.
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A.2 Does defamation law cause a “chilling” effect among journalists? (Reporting period: September 1, 2017 – August 31, 2018)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the defamation laws’ provisions overly severe or protective for the benefit of state officials?	Defamation was decriminalised 20 years ago. Current legislation is in line with European standards – the provisions are not protective for the benefit of officials.	Defamation was decriminalised in 2012. The Law on Civil Liability is in place. The Law is being implemented and its provisions are not restrictive for the journalists.	Defamation is decriminalised. There is a general perception that it is easier to sue than to defend from a lawsuit for damaging one’s honour or reputation. Public officials do not demonstrate a greater level of tolerance to criticism, and this practice is not even understood by the courts.	Defamation is decriminalised. The Civil Law against Defamation and Insult does not have provisions that are overly protective for the benefit of state officials.	Defamation is decriminalised, but this has not improved the situation for journalists. The number of lawsuits for non-pecuniary damage is still very large, and in some instances the fines are very large.
How many lawsuits have been initiated against journalists by the state officials in the past three years?	A large number of lawsuits have been filed by politicians against journalists (more than a 100 annually). This creates a very strong feeling of fear and causes self-censorship, especially among the journalists in local media.	According to the Association of Journalists of Macedonia, during the reporting period, approximately 35 new lawsuits were filed against journalists. This figure is ten times lower than in 2012.	From 2011 to June 2017, there were 109 cases of defamation or libel in the courts. In these cases, more than a million euro were demanded from the media, while in 24 adopted cases, media had to pay 45.300 euro.	No lawsuits have been initiated against journalists in the period under review. According to the court registry, there were 59 lawsuits for defamation and insult dating back from 2009. Out of these 59 cases, 10 were filed by state officials, and most of them were senior figures.	There is no official data on the number of lawsuits filed by public officials. The total number of lawsuits filed in the reporting period against journalists is 650. The number of all unresolved lawsuits (including those from the previous years) is 1,011.

**A.2 Does defamation law cause a “chilling” effect among journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there examples when other legal provisions were used to “silence” journalists for legitimate criticism or for investigative journalism?	105 lawsuits were filed against a journalist working for the daily Oslobođenje. The magazine Slobodna Bosna ceased publishing its print edition in 2015, under pressure from a large number of defamation lawsuits.	Such cases have not been registered.	Such cases have not been registered. However, there is a perception that the large number of lawsuits, large fines and the low tolerance levels of public officials to criticism contribute to the chilling effect among journalists.	Such cases have not been registered.	Such cases have not been registered.
Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed?	The courts are under strong political influence. The Basic Court in Banja Luka made several controversial rulings in favour of certain politicians who sued media or individual journalists for defamation.	Large fines have been imposed on journalists or media in several lawsuits filed by high officials of the ruling party Democratic Union for Integration. There is a perception that these decisions were politically influenced.	Such cases have not been registered.	There were isolated cases when judges were politically motivated. For example, in the case of a journalist who was physically attacked, the court ruled a four month conditional sentence to the perpetrator.	There is a perception that in some cases the courts’ decisions were politically influenced, such as the Minister of the Interior against NIN weekly and the Minister of the Interior against the portal Peščanik.
Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology?	The courts recognise the validity of a published correction and apology when deciding on the non-pecuniary damage.	The court may take into consideration the decisions of the Council of Media Ethics, however this is not obligatory	The courts are not obligated to take into consideration the decisions made by the self-regulatory body.	The courts do not always take into consideration the decisions of the self-regulatory body.	The courts are not obliged to take into consideration the decisions of the self-regulatory body. The lawyers usually submit the decisions of the Press Council when the Code of Ethics is violated.
What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?	Defamation lawsuits are perceived by journalists as an enormous means of pressure, especially for journalists working in local communities. Many media are not even financially capable to participate in court proceedings.	Only a small number of journalists think that the threat of defamation influences their work.	In the survey conducted in 2018, around 49% of the journalists answered that the threat of defamation is very or extremely influential on their work.	Journalists are generally not discouraged to investigate and to write critically.	Journalists have different opinions when it comes to the negative influence of defamation lawsuits on their work. In the previous survey 26% of the journalists said that the threat of defamation is very or extremely influential on their work.

**A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is political pluralism in the media regulated by media legislation (for the non-election period)?	There is only a general principle for broadcasters to reflect political views and sources of information.	There are no specific provisions for protecting political pluralism in the non-election period. There is only a general principle for broadcasters to reflect diverse political views and to report in a balanced and objective manner.	For the non-election period, there is only a general principle for broadcasters to reflect diverse political views. The amendments to the Law on Electronic Media define rules on media coverage during election campaigns and political advertising.	There is only the general principle for broadcasters to reflect diverse political views.	Political pluralism for the non-election period is only guaranteed in the Law on Public Media Services.

**A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the regulatory authority obliged to monitor and protect political pluralism?	According to the Law on Communications of Bosnia and Herzegovina, the regulatory principles of broadcasting include the protection of freedom of expression and diversity of opinion. It follows that the Communications Regulatory Agency is obliged to monitor the implementation of these regulatory principles during both election and non-election periods.	The regulator is only obliged to monitor the audiovisual media in the election period. It also has the power to impose sanctions on the non-compliant media and in the past year it has increased its decisions to do so.	The newly adopted provisions of the Law on Electronic Media oblige the regulator to prescribe the broadcasters with codes of conduct during electoral campaigns. During the last elections, the regulator conducted monitoring of media's election coverage.	The regulator is obliged by law to monitor and protect political pluralism only during the period of the election campaign.	The Law on Electronic Media provides the obligation of the regulator to protect political pluralism in the media during the election campaign. However, the regulator did not monitor the media during the presidential elections in 2017 and local Belgrade elections in 2018.
What are the legal obligations of the media during election campaigns?	The Electoral Law specifies the principles of pluralism for all media. The Communications Law stipulates the general broadcasting principles which also encompass the protection of freedom of expressions and diversity of opinions, fairness, accuracy and impartiality.	The Election Code and by-laws prescribe the rules for fair and equal access to all political parties, objective, fair and balanced reporting etc.	The Election Code prescribe obligations for the media to provide fair and equal access to all political parties and candidates, and to report in an objective, fair and balanced manner.	Media are obliged under the Election Law and Independent Media Commission Code for Conduct to present fair and equal access to all political parties, objective, fair and balanced reporting.	The Law on Electronic Media and the Law on Public Media Services prescribe rules on fair and balanced presentation of political parties, coalitions and candidates. The regulator adopts the Rulebook on the obligations of the providers of media services during election campaigns.
Do political parties and candidates have fair and equal access to the media during the non-election period and during the election campaigns?	Political parties don't have fair and equal access to media, especially in election period.	According to the OSCE report, during the municipal elections in October 2017 there has been an improvement in the access to a variety of political positions in the media – in comparison to previous elections.	There is an ostensible practice of political bias and unequal access to media for political actors. The consistent infringement of equal access to media principle was evident during the April 2018 presidential elections, as it was visible in previous electoral cycles.	Political parties generally receive fair and equal access to media during non-election and election campaigns.	Political parties do not have fair and equal access to media during the non-election and the election period.

**A.4 Is journalistic freedom and association guaranteed and implemented?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do journalists have to be licensed by the state to work?	Journalists are not required by law to hold a licence in order to perform their work. There is no legal definition of the notion "journalist".	Journalists do not need a license by any state authorities, but the Law on Media contains a restrictive definition of a "journalist". There were initiatives to introduce "licences" for journalists, but they were not accepted by the Association of Journalists of Macedonia.	Journalists do not need a license by any state authorities. The decision rests with the newsrooms on employing who they deem fit for the position.	Journalists do not need a license by any state authorities to work in media.	Journalists do not need a license by any state authorities.

**A.4 Is journalistic freedom and association guaranteed and implemented?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have journalists been refused the right to report from certain places or events?	In January 2017 journalists from TV N1 were prohibited from reporting from the Palace of Republika Srpska. The "Friends of Srebrenica" media crew was prohibited from reporting from the Memorial Centre Potočari.	Such cases have not been registered in the reporting period.	Every fourth journalist was not allowed to report from an event because they did not have accreditation. There were some serious cases: journalists from the news portal Fos Media were prohibited from reporting from the headquarters of the Coalition for 21st Century during the local elections in May 2018.	A public institution ceased communication with a journalist and carried out a smear campaign against her. AJK reacted and the public institution ended the campaign.	The trend of not inviting or impeding some journalists from reporting certain events by the political authorities persisted in 2018. According to the IJAS' database, there were 13 cases.
Are journalists organised in professional associations and if yes, how? Are there pressures on their association or individual members?	Around 50% of the journalists are members of one of the five registered associations; BH Journalists Association was subject to political pressures and verbal attacks. In March 2018 a member of one municipal council threatened the Secretariat of the BH Journalists with law suits.	The Association of Journalists of Macedonia (AJM) is the oldest (established in 1946) and the largest association, a member of IFJ. The Macedonian Association of Journalists (MAJ), which has been active since 2013, is considered to be close to the opposition party VMRO-DPMNE.	There are three journalists' associations. Journalists have the freedom to associate, but only 23% are prepared to join because they feel that the associations cannot protect their rights. Pressures on the associations or their leaders have not been registered.	Journalists are free to join the professional associations. There is no evidence of pressure. In Kosovo there are two journalists' associations, the Association of Journalists of Kosovo (AJK) and the Journalists' Association of Serbia, with members primarily from the Serbian community.	Not many journalists are members of journalists' associations. Two main associations exist: Independent Journalists' Association of Serbia (IJAS) and Journalists' Association of Serbia (JAS). Others are regional, with Independent Journalists' Association of Vojvodina (IJAV) being the most active. Associations are under constant pressures, especially when critical towards the politicians in power in cases of media freedoms violations
Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members?	There are trade unions within the PSBs. In the public broadcaster at state level (BHRT) two trade unions are active. Others include the Union of Graphic Publishing and Media Workers and the Union of Media and Graphic workers of Republika Srpska. Some of them report pressures. A trade union of journalists at state level does not exist.	There is an Independent Union of Journalists and Media Workers, established in 2010.	There are two organisations: Trade Union of Media of Montenegro and Trade Union of Informative, Graphic and Publishing sector. They have signed an Agreement for joint activities. Around 50% of the employees in the media are members of the Trade Union of Media of Montenegro, including 270 employees in the public service broadcaster. Direct pressures on the associations or their leaders have not been registered.	There is no trade union that represents the interests of all journalists in Kosovo.	Only a small number of journalists are members of the Trade Unions, which are weak and under constant pressures. There is no collective agreement signed to protect the labour rights of journalists.

**A.4 Is journalistic freedom and association guaranteed and implemented?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the journalists free to become members of trade unions? How many journalists are members of trade unions?	There is no precise data on trade unions membership. BH Journalists reports on restrictions for journalists and media professionals to organise in trade unions. It is estimated that only 16% of the private media have established TU branches.	There is a union at the PSB. Almost no trade unions in the private media. There are no reliable figures regarding membership, because some members are "in hiding" due to fear of pressures.	According to the survey, every fifth journalist is not free to be a member of a trade union, even though 38% of the respondents stated that they are members of a trade union. Some journalists claim that they would receive threats if they joined a trade union.	The public broadcaster, Radio Television of Kosovo (RTK) has two trade unions. There were pressures before against the leaders of one of the trade unions.	Most of the journalists feel free to become members, but they are generally not interested because unions are weak, although other reasons exist.
Is there a press council and are there pressures on its members?	The Press Council has existed for 18 years and it is the only self-regulatory body in Bosnia and Herzegovina. There are no direct political pressures, but in the last few years there were three organised hacker attacks on its website.	The Council of Media Ethics of Macedonia was founded in 2013 as a self-regulatory body. Almost all national TV stations, news portals and print media are members of this body.	The self-regulatory body Media Council for Self-regulation was founded in 2012. It gathers 19 media, while some of the leading media such as Dan, Vijesti, Monitor and TV Vijesti have their ombudsmen. There were no pressures, but the Media Council is very weak and due to the lack of funding, the Complaints Commission temporary does not meet.	There is a Press Council of Kosovo and there is no evidence of pressure on its members.	There is a Press Council, a self-regulatory body, which shows very positive results in its work. The pressures imposed on this body are indirect and subtle.

**A.5 What is the level of legal protection for journalists' sources?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How is the confidentiality of journalists' sources guaranteed by the legislation?	Confidentiality of journalists' sources is guaranteed in several legal acts, although some issues should be defined more precisely.	It is guaranteed by the Constitution and in several legal acts.	It is guaranteed by the Constitution and in the Law on Media. The draft-amendments to the Law on Media are expected to strengthen these provisions further, in accordance with CoE standards.	The confidentiality of journalist's sources is guaranteed by the Law on protection of journalists' sources which came to power in 2013.	It is guaranteed by the Law on Public Information and Media and Criminal Code.
Is confidentiality of journalists' sources respected? Were there examples of ordering the journalists to disclose their sources and was that justified to protect the public interest?	It was generally respected in the reporting period. New cases have not been registered.	It was generally respected in the reporting period. New cases have not been registered.	It was generally respected in the reporting period. Yet, there has been an isolated incident. In 2018 the police authorities demanded from a journalist of the daily Vijesti, to disclose his source of information regarding an article from 2017.	The confidentiality of journalists' sources has been generally respected in the reporting period. New cases have not been registered.	Generally, it is respected. No serious cases of ordering the journalists to disclose their sources were registered.

**A.5 What is the level of legal protection for journalists' sources?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Were there any sanctions against journalists who refused to disclose the identity of a source?	Such cases have not been registered.	New cases have not been registered.	Such cases have not been registered.	Such cases have not been registered.	Such cases have not been registered.
Do journalists feel free to seek access to and maintain contacts with sources of information?	Interviewed journalists are generally free to choose their own sources and tend to maintain durable communication with them.	According to the interviewed journalists, they feel free to maintain contacts with their sources of information.	Almost 57% of the journalists in the survey stated that they regularly or very often have contacts with their sources.	Journalists claim to feel free to maintain contacts with sources of information.	The opinions of journalists are divided. The problem rests with the question of how can journalists protect anonymity of the source in case of interception of communications.

**A.6 What is the level of legal protection of the right to access of information?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the legal rules on access to official documents and information which are relevant for journalists?	Access is guaranteed by the laws at state and entity levels. There are no specific provisions relevant only for journalists.	Access is guaranteed by law. No specific provisions exist for journalists only. The implementation is poor. In February 2018, the Ministry of Justice announced that the amendments to the Law on Free Access to Information will be drafted, but such a document has not been published as of the end of September 2018.	Access is guaranteed by the Law on Free Access to Information. The amendments to the Law on Free Access to Information adopted in May 2017 made the access to public information even more difficult. The list of information to which access may be restricted by public institutions (on the ground of protecting "confidential data") was extended.	Access is guaranteed. The amendments to the Law on Access to Official Documents adopted in 2017 shortened the deadline for state institutions to respond to requests for public information from 15 to seven days. This was assessed by the journalists as a positive step for their work.	Access is guaranteed by law. There are no specific provisions relevant only for journalists.
Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists?	Many journalists do not use these legal provisions, because the deadline of 15 days is very long. Centre for Investigative Reporting submits thousand requests to public institutions, but they often deny access to public documents.	Journalists are not well informed about the rules and rarely use them. Those who requested access were often refused.	Almost every third journalist in the survey stated that he/she had never submitted a request, while almost the same number have submitted requests but had been refused. Of 67 requests submitted in 2017 13 were refused, while out of 20 requests submitted in 2018 (end of August), eight were refused.	Not many journalists use these rules. Interviewed journalists claim that they have been refused when requesting access to documents and information.	Investigative journalists use this right more than those who work in daily reporting. State institutions often do not provide access to information, the biggest problem are public enterprises.
Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?	Journalists' opinions are divided in terms of openness and transparency of the courts. Some courts lack resources to provide access in time and to meet the demands of transparency.	There is a general perception among the journalists that the courts are not sufficiently transparent.	Court hearings are mainly open for the media. Some hearings, such as the case of "Coup d'état", are broadcast directly. Yet, around 37% of the journalists stated that the courts had demonstrated low level of transparency, and every third journalist evaluates the courts as very or entirely transparent.	Court hearings are generally open to the media. No cases were reported where access to proceedings was not provided on a discriminatory basis.	The courts are not sufficiently transparent, but this mostly depends on the heads of individual institution.

**A.6 What is the level of legal protection of the right to access of information?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work?	Formally, there are no restrictions for journalists to report from parliamentary sessions. However, in 2017 a journalist of TV N1 was not allowed to report from the RS Palace of Justice. Beta Agency correspondent and BN television from Bijeljina have been prevented from entering the Palace of Justice.	The parliamentary sessions are open to journalists. There were no cases of restrictions registered in the reporting period.	The parliamentary sessions are directly transmitted by the public broadcaster. In the survey with journalists, for the third year in a row, the Parliament was assessed as the most transparent institution. 25% of the respondents believe that the Parliament has shown a high degree or complete transparency.	In general, the sessions of the Kosovo Assembly Presidency and the parliamentary commissions have been open to the public and journalists.	Access to sessions of the assemblies at national and local level is mostly provided through direct broadcasts. However, there are cases when journalists were prevented from doing their job properly (Valjevo Assembly).
How open are the Government and the respective ministries?	All interviewed journalists and experts agree that the Government and the ministries are not sufficiently transparent.	Comparing to previous years, there is a general perception among journalists that the Government has increased its level of transparency.	50% of the journalists in the survey perceive the Government as partly transparent, while more than 18% stated that the Government was greatly or entirely transparent.	The Prime Minister holds a press conference almost every week, compared to previous PMs that did not engage in such practice. The ministries tend to refuse to provide answers to journalists when they seek information related to their reporting.	The Government and ministries are not sufficiently transparent: sessions of state bodies on national and local level are still mostly closed to the public. The communication with the journalists is mostly reduced to press releases and press conferences.

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

B.1 Is the journalists' economic position abused to restrict their freedom? (Reporting period: September 1, 2017 – August 31, 2018)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many journalists have signed work contracts? Do they have adequate social protection? How high are the journalists' salaries? Are they paid regularly?	Many journalists are not formally employed or have inadequate work contracts. Those with signed contracts are still not sufficiently protected and do not enjoy all legally guaranteed labour rights. According to a survey, more than 61% have permanent working positions. Salaries range from 500 to 1,000 BAM (from 250 to 500 euro), but in the local media salaries are much lower.	Half of the journalists in earn salaries lower than the national average. Very often salaries are not paid regularly. The average salary of journalists is 18,800 MKD net (app. 310 euro) per month, which is about 30% less than the average salary in 2018. More than a half of the total number of journalists does not have signed employment contracts.	There is no information on the number of journalists who have contract. The Statistical Office of Montenegro registered a decline in the number of workers in the media sector, where currently 1,350 people are employed. The journalists' salaries are below state averages and more than one third of the respondents receives from 400 to 500 euro. Wages are higher in private media, while the earnings of those journalists working in local media are frequently late and in some cases up to eight months.	Economic insecurity, fear of losing one's job, undervalued work and unpaid overtime work remain a problem for journalists in 2018. Many of the journalists work without ever signing a work contract and they have no social protection	No precise data exists, but it is well known that many journalists work without working contracts. Very few media offer social protection for journalists. Salaries are low and there are complains of salaries not being paid regularly. The survey conducted within this project two years ago, showed that 22.5% of the interviewed journalists said that their monthly salary is between 300 and 400 euro, 13.5% between 200 and 300 euro and 16.2% between 400 and 500 euro.

**B.1 Is the journalists' economic position abused to restrict their freedom?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the journalists' work conditions? What are the biggest problems they face in the workplace? Do they perceive their position better or worse compared with the previous period?	<p>Precarious work, irregular payments, work overload, unpaid overtime work and fear that they could lose their jobs.</p> <p>According to the Free Media Help Line in 2018 there is an increase in the cases of journalists' labour rights being infringed.</p>	<p>Collective labour agreements have not been signed with the management of private media which consequently jeopardises the social security of these professionals. The threat of losing one's job is constant and this has not changed in the past two years.</p>	<p>Work overload, work without contracted and working unpaid overtime are the most common problems. 63% of the journalists included in the survey conducted for the purpose of this project have stated that in the past few years their time spent at work has increased. Around 60% claim that the economic situation of journalists has worsened. Almost 15% of the surveyed has to work an additional job. Sensationalist reporting and profit making have added additional pressure on the professionals.</p>	<p>Precarious work is still a problem for Kosovo journalists. They work overtime or during holidays without compensations. Journalists claim that their position is worse compared to previous year.</p>	<p>Journalists in Serbia have been working in difficult conditions for a very long time. They are under continuous pressures, both outside and within the newsroom. Their social security is at risk, due to weak trade unions.</p>

**B.2 What is the level of editorial independence from media owners and managing bodies?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many media outlets have internal organisational structures that keep the newsrooms separate and independent from managers and marketing departments?	<p>Newsrooms in the private media continue to be dependent on the managers and marketing sectors. Most private media do not have such internal organisational structures.</p>	<p>Only the largest media outlets maintain their newsrooms separate from the management sectors. However, newsrooms are generally under a strong influence from the management and marketing sectors as well as from political interests.</p>	<p>There is no information whether some of the media have adopted such rules. In the past there have been cases where media do not allow for the publishing of articles critical of advertisers.</p>	<p>The larger media keep the newsrooms separate, but they are still influenced by managers and owners.</p>	<p>Most of the private media do not have internal structures of the working positions, but other legal acts are also missing which would secure independence of the newsrooms from other departments.</p>
Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected?	<p>Internal rules have been adopted only by the major regional media, such as TV N1 and Al Jazeera. There is no professional autonomy in the private media. The key problem is that journalists themselves are usually reluctant to write critical articles about the companies which advertise in the media they work in, because thus the media would lose funding sources, and consequently journalists would lose their salaries.</p>	<p>The situation in this respect remains unchanged in comparison to 2016 assessment. Very few media have written internal editorial independence rules. Editorial independence from media owners and managing bodies is generally compromised in most of the media in Macedonia.</p>	<p>The proposition of the Trade Union of Media of Montenegro to secure editorial independence in media by guarding the newsrooms from business interests has not been incorporated in the draft- Law on the media. The proposition was based on the recommendations of the Council of Europe.</p>	<p>Very few media have such rules. Still, editorial independence of media in Kosovo from economic and political pressures continues to be jeopardised.</p>	<p>Almost none of the private media outlets in Serbia have adopted internal rules on safeguarding the independence of their editorial policy from owners and managing bodies. The only known example is the news portal Južne Vesti. Only 12 media outlets agreed to sign annexes to work contracts (written by IJAS lawyers) aimed at enhancing the legal and professional status of journalists.</p>

**B.2 What is the level of editorial independence from media owners and managing bodies?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do private media outlets' newsrooms have adopted internal codes of ethics or do they comply with a general code of ethics?	Most of the private media do not have internal codes but adhere to the general code of ethics.	Private media do not have internal codes of ethics. They adhere to the general code of ethics – the AJM code.	Private media have not adopted internal codes of ethics. They adhere to the general code of ethics. This document will be amended in the near future to incorporate provisions on new media and the internet.	Very few media have internal codes of ethics. Most of the private media adhere to the Code of ethics of the Press Council.	Most of the private media do not have internal codes but adhere to the Journalist's Code of Ethics adopted by the two biggest journalists' associations: IJAS and JAS. The Association of Online Media also has a Code of Ethics.
What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?	The most frequent forms of pressures used by media owners and managers are of economic nature. These pressures create high levels self-censorship among journalists.	Direct forms of pressure: threats of losing job, temporary working contracts. Some journalists (from bigger TV stations) are subject to mobbing.	Due to the fear of potential consequences, journalists do not speak openly about pressures, but off the record testify about them and adjust their work according to the will of editors and owners.	The most common pressures are threats of losing jobs, lack of working contracts and late salaries.	The pressures on journalists by media owners are no longer directly exerted. They depend on the specific media outlet and on the individual owner – journalists usually know in advance what they are allowed to write and what is out of bounds.

**B.3 What is the level of journalists' editorial independence in the PBS?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Does the PSB have an adopted code of journalists' conduct and editorial independence? Do the journalists comply with this code?	All PSBs have adopted internal editorial codes, but they are not available on their websites. In practice, these codes are often not respected.	In 2017 the MRT has adopted its own Code of Ethics, though it has been criticised by some media organizations including the AJM – the code envisages an existence of an ethics body within the PSB, but it does not ensure transparency in the election of its members. The work of this body has not been assessed so far.	The RTCG has its own ethical code for all employees. An integral part of the working contracts signed with the journalists are the provisions of that ethical code. However, there is no separate code of ethics for journalists. Editorial independence is a concern for RTCG.	RTK has its own code of conduct and it is perceived as advanced but the editorial independence is poorly implemented in practice	RTS and RTV do not have their own specific codes of ethical principles for reporting. The editorial independence is prescribed by the Law and the statutes, but it is not sufficiently implemented in practice.
Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?	PSBs have adopted internal organisational rules but newsrooms do not demonstrate independence from the managing bodies. There are frequent political pressures on the PSB employees.	MRT has internal organisational rules but that is not a guarantee of newsrooms independence from managing bodies. Even after the fall of the nationalist-populist government the perception to the contrary still persists.	The RTCG code of ethics contains rules of conduct for the members of the Council of the PSB as well as for PSBs managerial sector and the rest of the employees. It also contains principles relating to advertising practice.	PSB has its formal organisational rules but newsrooms are not independent from managing bodies.	Both PSBs have formal rules to keep the newsrooms separate and independent from management, but in practice editors and journalists are not independent.

**B.3 What is the level of journalists' editorial independence in the PBS?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?	Local public media are funded from the municipal budgets, which affects their editorial independence. When appointing management structures in public services, the ruling parties have strong influence.	Disciplinary measures are a common practice in the PSB – salary deductions, moving employees to other (lower) positions in the organisation and professional marginalisation. It has not been established whether this has been the case since the political change in Skopje. This has however been the case in the MRT since independence.	The most obvious example of open pressures on the RTCG by political power is the dismissal of the entire management and two members of the Council of the RTCG from their positions. Also the state funding of the local broadcasters is perceived to be a possible threat to these media.	Government officials have influence through the PSB management and dictate the editorial policy.	Pressures are frequent and come from different sources. State officials publicly criticise the work of public media services and thus put pressure on them. On the other hand, journalists themselves know what topics they can publish.
What was the most illustrative example of the pressure exerted over the work of entire newsrooms or individual journalists?	In June 2018 the director of the local public TV station RTV of Una-Sana canton was dismissed by the canton assembly. Other local media are also subject to similar pressures.	In the past two years the overall situation is visibly relaxed. There is no evidence to suggest present government's pressure on newsrooms the way we saw until 2017. Previously, leaked recordings from an illegal phone tapping practice, revealed that between 2009 and 2016 government officials had threatened PSB journalists' job security if they did not report along the "desired" lines.	The General director of the public broadcaster Andrijana Kadija has been removed from office. The justification was that she signed a contract with one NGO that contains provisions which influence the editorial policy of RTCG. In effect, this is a clear example of political manoeuvring.	The government's pressure is exerted from management and editors to individual journalists working on related news stories. There is almost no critical reporting aimed at the work of the government or the public institutions.	The programme director of Radio Television of Vojvodina was dismissed from his position in May 2016 by the RTV Board members, under political influence. In 2017, the courts have ruled that the dismissal was unlawful and obliged RTV to bring the editor back to his position. In January 2018 he was dismissed again and the court once again decided in his favour. The case is still pending.

**B.4 What is the level of journalistic editorial independence in the non-profit sector?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code?	There are only few non-profit media (radio stations) in the traditional media sector. However, online not-for-profit media are mushrooming in the form of CSOs, funded from foreign donations (CIN, Žurnal, BIRN, Analiziraj.ba). The level of their editorial independence is far greater than in the private media and the PSMs.	There are only few student non-profit radio stations in Macedonia. There are also few online news portals which are established as non-profit media and which conduct most of the serious investigations in the country. These have professional newsrooms and adhere more strictly to ethical standards.	Non-profit media are not developed in Montenegro. The unstable and insufficient financing makes them irrelevant.	Very few non-profit media exist in Kosovo. They comply with general code of ethics of the Independent Media Commission (for broadcasting) and of Press Council (for print and online).	Non-profit media in Serbia generally do not have their own ethical codes. They accept the jurisdiction of the Journalist's Code of Ethics. While a Code of the Association of Online Media also exists. Guidelines for Implementation of the Journalist's Code of Ethics in Online Environment were produced by the Press Council.

**B.4 What is the level of journalistic editorial independence in the non-profit sector?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the most common forms of pressure over the non-profit media outlets?	Institutions tend to be closed when it comes to providing access to information and transparency.	There is no evidence to suggest that the journalists from the non-profit newsrooms have in the past two years been subject to serious pressures. In the past there have been law suits and verbal threats towards these journalists made by high officials.	The biggest problem of the non-profit media is the lack of donations to finance their operations.	They are sometimes referred to as “foreign mercenaries” or “spies” because they receive funds from foreign donors.	Pressures are most often exerted through campaigns in media close to the government, in which the journalists working for the non-profit media are called “foreign mercenaries” and “traitors”. In the past year the attacks on these journalists by government officials have intensified.
What was the most illustrative example of the pressure exerted over the non-profit media?	Verbal threats are not uncommon. The Free Media Help Line registered an incident in which a political actor threatened journalists from the Centre for Investigative Journalism.	There were no such cases.	There were no such cases.	There were no such cases.	Minister Nenad Popović filed four lawsuits against the investigative research portal KRIK, in each requesting one million Dinars (almost 8,500 euro) of compensation for damages to honour, reputation and dignity. The lawsuits are related to four texts published in November 2017, each listing mostly the same information, based on files leaked within the international project “Paradise Papers”.

**B.5 How much freedom do journalists have in the news production process?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasised?	According to the results of the survey, 19% of the journalists reported that their news stories are frequently changed by editors, while about 13% said that their stories are often not published. Journalistic work is often not sufficiently recognized and evaluated. Between the quality of the report and loyalty to certain politicians the editors would often choose the latter.	In a financially precarious position, journalists in the public and private media rarely work on sensitive topics, and mostly cover daily political events. Debates on private television are now more common, but less so on public channels.	Journalists in general claim that they are mostly free in their work. However some problems persist: a third of the surveyed journalists claim that they have a small degree of freedom in the selection of topics to cover. Journalists have more freedom deciding on the angle of the chosen topic. 66% has stated that they are free to choose their own angle.	Journalists from Kosovo claim that editors and owners tend to influence their work in cases when the story might open up problems in terms of interfering with certain groups’ financial or other interests.	Journalists in very few media enjoy that freedom. A recent study has shown that 47% of the respondents have personally witnessed editors refusing a proposition to cover certain topics. In addition, 39% of the respondents have said that editors asked them to cover topics for which there is no professional justification.
How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?	Most of the journalists regularly attend editorial meetings.	Interviews conducted by AJM suggest that it is common that journalists in big media do not attend editorial meetings.	60% of journalists often or regularly participate in editorial meetings.	Most of the journalists regularly attend editorial meetings.	62% of surveyed journalists always or very often attend editorial meetings. However, this practice heavily depends on the media in which the journalist works.

**B.5 How much freedom do journalists have in the news production process?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the journalists' self-perceptions on the extent to which they have been influenced by different sources of influence: editors, managers, owners, political actors, state?	According to the survey, journalists said that they were faced with pressures (daily or very often) from the following sources: politicians in power (38%), media owners (28.5%), editors (28.5%) and advertisers (23.2%).	Interviews conducted by AJM suggest that editors are very influential on the selection of topics. There is still a perception that political actors influence media content.	The study conducted within this project shows that a hierarchy of influences exists. 80% of the journalists have said that their content is influenced by editors. Furthermore, managing bodies in the media influence content with 53% of the respondents claiming as much. The owners of the media are in the third place. The last are political actors and authorities. In all probability, the political influence on journalists is done through their editors.	Journalists claim that editors are the most influential individuals in their work.	The survey conducted in 2016 for the purpose of this research has shown that most of the influence comes from editors, nearly 77% of the respondents have said so. However, other research studies indicate that the ultimate source of influence are political actors.
How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?	Between 23% and 26% of the surveyed journalists responded that censorship or self-censorship is present in their media.	In 2018 the AJM has recorded only one case of censorship. Journalists rarely decide to react in cases of censorship in Macedonia, and when they do react they insist on staying anonymous.	Journalists are divided in their assessment concerning the impact censorship has on their work. 46% claim that censorship has some influence on their work while 47% claim that the impact of censorship on their work is minimal.	Journalists state that their fellow colleagues know in advance what and how to report, having in mind their previous experience with the influence coming from owners or editors.	There is a wide spread perception amongst journalists that censorship no longer exists and that self-censorship prevails. Self-censorship is induced by fear of financial insecurity. Local media are particularly vulnerable.

C. Journalists' Safety

C.1 Safety and Impunity Statistics

(Reporting period: September 1, 2017 – August 31, 2018; for murders 15-20 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of threats against the lives of journalists and other types of threats.	According to the Free Media Help Line, there were 16 verbal and other threats in total, including one death threat.	1 (one) verbal death threat registered in the reporting period.	1 (one) verbal death threat registered in the reporting period.	24 cases of verbal and other threats were registered. Out of these, 7 were threats against the lives of journalists.	21 cases of verbal and other threats were registered in the reporting period.
Number of actual attacks. How many journalists have been actually attacked?	5 actual attacks were registered (1 was a murder attempt, 1 was attack on journalists' vehicle whereby a part of the media property was also destroyed and 3 were physical attacks on journalists). In 2 of these cases journalists were prevented from reporting from certain events with physical violence.	5 actual attacks were registered (1 physical assault, 2 arbitrary detentions of journalists, 1 damage of journalist' property and 1 prevention from reporting).	3 actual attacks were registered (1 was a murder attempt, 1 was throwing of an explosive device in front of a journalist' house and 1 was burning a journalist' car).	4 actual attacks were registered (3 journalists have been attacked physically and 1 was arbitrary detention).	7 actual attacks were registered (6 physical attacks on journalists and 1 attack on a journalist' property).

C.1 Safety and Impunity Statistics
(Reporting period: September 1, 2017 – August 31, 2018; for murders 15-20 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of murders. How many journalists were murdered in the past 15-20 years?	There are no such cases.	Officially, there are no such cases.	1 murder: 2004. In 2004, Duško Jovanović, the editor in chief of the daily Dan, was murdered.	There are no such cases in the last decade. From 1998 until 2005, there were 14 journalists murdered and disappeared. 8 of them were assassinated, while 6 of them are still considered as missing.	3 murders: 1994, 1999 and 2001. In 1994, Radislava Dada Vujasinović, journalist of the magazine Duga; in 1999, Slavko Čuruvija, journalist, editor in chief and owner of Daily Telegraph; in 2001, Milan Pantić, correspondent of Večernje Novosti, from Jagodina.
Number and types of threats and attacks on media institutions, organisations, media and journalists' associations.	30 of which most were addressed to BH Journalists.	There are no such cases.	1 case was registered. The premises of the newspaper Sloboda were damaged in October 2017.	2 cases were registered. A news portal was attacked three times in a short period of time; A media outlet was threatened by a person via telephone.	9 cases were registered. The journalists' associations that are critically oriented towards the Government were subject to continuous pressures, attacks and intimidation.

C.2 Do state institutions and political actors take responsibility for the protection of journalists?
(Reporting period: September 1, 2017 – August 31, 2018)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the state institutions developed specific policies to support the protection of journalists, offline and online? If yes, is the implementation of such policies assured with sufficient resources and expertise?	Some positive developments in 2017: the Ombudsman on Human Rights published the Special Report on the Status and Cases of Threats against Journalists in Bosnia and Herzegovina; the Ministry of Justice initiated meetings aimed at improving the level of journalists' safety.	State institutions haven't yet developed specific policies or measures for protection of journalists. Impunity from prosecution still presents a problem.	State institutions haven't yet developed specific policies or measures for the protection of journalists. There is a general perception that limited progress has been achieved in resolving the past cases of violence against journalists.	Comprehensive policies to support protection of journalists haven't been developed yet. State Prosecution Office has appointed prosecutors in five centres to deal with this issue. The Basic Court in Pristina has appointed a coordinator to deal with cases of threats and attacks against journalists.	Comprehensive policies haven't been developed yet, but the following steps have been undertaken so far: Agreement on cooperation and measures to raise security levels related to journalists' safety signed in 2016; Standing Working Group was composed to improve the protection of journalists, but in November 2017 the five journalists and media associations suspended their participation, because they were not satisfied with the work of the group.

**C.2 Do state institutions and political actors take responsibility for the protection of journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there any mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists? Who monitors and keeps records of attacks and threats? Do the state institutions publish updated data regarding attacks on journalists and impunity? What measures are taken upon the incidents and by whom?	There are no specific mechanisms. Free Media Help Line is still the only mechanism which distributes data to all state institutions, media organisations and international organisations.	There are no specific mechanisms. The AJM register is the only existing database. The Report of the Ministry of Internal Affairs confirmed the problem of impunity. Of 59 attacks in the last five years, only two perpetrators were sanctioned.	There are no specific mechanisms. Currently, there is no separate evidence kept on the threats, harassment and violence towards journalists. The statistical data recorded by the Police is very general. The officials from the Police declared that a new working position will be opened specifically for dealing with this issue.	There are no such mechanisms, but some measures have been undertaken: the Basic Court in Pristina intends to develop a database of cases of threats and attacks against journalists. The Kosovo police already has a database but agreed to oblige the Department of Serious Crimes to deal with cases of threats and attacks against journalists.	There are no such mechanisms, but some measures have been undertaken: the Public Prosecution Office adopted Instruction for gathering evidence of crimes against journalists and attacks on internet sites. Urgent measures are envisaged in case of attacks on journalists. The information regarding the cases gathered by the public prosecution has been submitted to journalists' associations until the end of 2017, but this practice stopped in 2018. The Ministry of Interior has not adopted any instructions and has not started keeping records.
Are the attacks on the safety of journalists recognised by the government institutions as a breach of freedom of expression, human rights law and criminal law? Do public officials make clear statements recognising the safety of journalists and condemning attacks upon them?	Some politicians and state institutions started paying more attention to this issue and more often condemn attacks on journalists in their public statements. For example, such attacks are recognised as a breach of freedom of expression in the public reactions of the Ombudsman on Human Rights.	Public officials often condemn the attacks on journalists, but the state institutions still do not sufficiently recognize these attacks as a breach of freedom of expression.	Almost all the attacks are condemned by the public officials. However, the number of unresolved cases of violence or threats is still very high, while some cases have already expired.	Public officials condemn attacks, but only in serious cases.	Although the state institutions have undertaken some measures, this is still not sufficient. State officials do not understand the role of the journalists in the society. They rarely condemn the attacks on journalist and if they do, then mostly on a selective basis.
Are there any documents adopted by the state institutions which provide guidelines to military and police and prohibit harassment, intimidation or physical attacks on journalists?	Specific documents adopted by state institutions do not exist. Police guidelines in dealing with the media exist and Media Guidelines in dealing with the police, have been adopted with OSCE support. However, these guidelines should be updated.	Specific documents adopted by state institutions do not exist.	Specific documents adopted by state institutions do not exist.	Specific documents adopted by state institutions do not exist.	Specific documents adopted by state institutions do not exist. The only existing document is the Instruction for gathering evidence of crimes against journalists and attacks on internet sites.

**C.2 Do state institutions and political actors take responsibility for the protection of journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do the state institutions cooperate with the journalists' organisations on journalists' safety issues? Do the state institutions refrain from endorsing or promoting threats to journalists?	Some state institutions, namely the Ministry of Justice and the Ombudsman on Human Rights, showed willingness to closely cooperate with BH Journalists.	In general, the cooperation between the AJM and state institutions is good, but the effects of this cooperation are still lacking.	Good cooperation has been established between the Trade Union of Media of Montenegro and the Ombudsman, while the cooperation with the Ministry of Internal Affairs and the Supreme State Prosecutor's Office, is only at an initial stage.	Initial good cooperation has been established between the AJK and the State Prosecution, Basic Court of Pristina and Kosovo Police.	The 2016 Agreement signed with the Ministry of Interior, Public Prosecution and journalists' and media associations has contributed towards better communication, easier reporting and more detailed information on cases of attacks and threats. However, the number of unresolved cases is still very high, although this is one of the main objectives of the signed Agreement. Of 28 cases in 2017, only one case has been resolved.
In cases of electronic surveillance, do the state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance of journalists?	There is no evidence on such cases.	There is no evidence on such cases.	There is no evidence on such cases.	There is no evidence on such cases.	There is no reliable evidence on such cases. There is no efficient control over the state bodies in charge for electronic surveillance.

**C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity?	There are no such units/ departments. The cases of violence against journalists are not specifically recorded in the courts' databases and cannot be separately retrieved, tracked or reported.	There are no such departments/units.	There are no such departments/units. There is only a Commission for monitoring the investigations of attacks on journalists and media whose mandate was extended to additional two years. The Commission has in the past years identified a number of shortcomings in the investigations of 15 monitored cases.	Some measures have been undertaken: the State Prosecution has a position which coordinates the work of the appointed local prosecutors related to the investigation and the prosecution for attacks on journalists. Kosovo police recently decided that its department on serious crimes should deal with cases of threats and attacks against journalists.	There are no such departments/ units. There is only a Commission on reviewing the facts related to investigation of the murders of journalists. In August 2018, the Government extended the competences of the Commission to reviewing the investigation of murders and disappearances of journalists in Kosovo in the period from 1998 to 2001, as well as on the murders of journalists during the conflicts in former Yugoslavia, from 1991 to 1995.

**C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists?
(Reporting period: September 1, 2017 – August 31, 2018)**

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there special procedures put in place that can deal appropriately with attacks on women, including women journalists?	There are no such procedures. Women in different positions in the media, including journalists, are subject to greater political and other pressures. The institutions do not have specific mechanisms to address this problem.	There are no such procedures.	There are no such procedures.	There are no such procedures.	There are no such procedures.
Do the state agencies provide adequate resources to cover investigations into threats and acts of violence against journalists?	The state agencies often do not provide adequate resources when needed, but practice showed that when there is interest for a specific case, the reactions can be fast and efficient.	Adequate resources haven't yet been provided by the state institutions.	Adequate resources haven't yet been provided by the state. Investigations are very slow and with weak results.	Adequate resources haven't been provided by the state. It is yet to be seen whether the announced measure of the Kosovo Police to oblige its Department of Serious Crimes to deal with this issue will be implemented.	Adequate resources haven't yet been provided by the state institutions.
Are measures of protection provided to journalists when required in response to credible threats to their physical safety?	There were no such cases.	There were no such cases.	There is no evidence of such measures.	There is no evidence of such measures.	Some journalists were under police protection, but the problem with these cases is that such measures last too long. For example, a journalist from Serbia has been under police protection for more than 12 years.
Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, independently and efficiently?	Investigating authorities, police and prosecutors do their jobs slowly, especially in conducting effective and thorough investigations of attacks and other criminal offenses against journalists.	Based on the evidence of AJM, the investigations of attacks and threats against journalists are not carried out promptly and efficiently.	Investigations are slow and often inefficient. Only two cases from 2018 were resolved immediately after they occurred. The most serious case of a murder attempt has not been resolved yet.	Cases are investigated promptly and independently, but the court procedures are very slow.	The investigations are not conducted promptly and efficiently. A large number of unresolved cases persists. The court procedures last too long, often without final decisions. The three cases of murders haven't been resolved yet.
Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators?	When the actors are politicians, public officials or other powerful individuals effective prosecutions are often not carried out.	Not even the perpetrators of the attacks on journalists are punished, nor investigations of the instigators initiated.	The biggest problem is still the fact that the instigators are never discovered. This is exemplified by the murder case of Dusko Jovanovic, and even after 14 years only one accomplice was convicted.	No. The real instigators or masterminds are never discovered.	Only the perpetrators are identified and convicted, while the masterminds remain unidentified.
Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?	Some forms of training for building the capacity of police officers, prosecutors and judges have been organised so far, but they are still insufficient.	Some forms of trainings have been organised for the police officers and prosecutors, with the support of OSCE in Macedonia.	Several forms of training were organised with the support of the Council of Europe project JUFREX in the first half of 2018 for: nine state prosecutors, 34 judges, seven advisors in the courts and one in the State Prosecution Office. There are plans to continue with similar training.	There is an on-going project in Kosovo that provides training to prosecutors and judges in respect to protection of freedom of expression and journalists.	Several rounds of training is envisaged with the Agreement on cooperation and measures to raise security levels related to journalists' safety signed in 2016, but they haven't been implemented yet.

