



South East European Network  
for Professionalization of Media

# GOOD MODELS, LIMITED IMPLEMENTATION

## Media self-regulation in Bosnia and Herzegovina

Anida Sokol

### OUR MEDIA:

A civil society action to generate media literacy and activism,  
counter polarisation and promote dialogue



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Author and researcher: Anida Sokol

Editor, regional research lead: Brankica Petković

Reviewers: Maida Muminović and Selma Zulić Šiljak

Translation: Kanita Halilović

English copy-editing: Toby Vogel

Proofreading: Mirela Rožajac-Zulčić

Graphic design: Špela Kranjec

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# SUMMARY

Self-regulation of the media represents an agreement of media professionals to apply rules of the profession that were created within the media community. In order for journalists and editors to adhere to rules that are both morally and professionally binding, it is first necessary to develop the awareness and responsibility of media professionals and media organisations themselves, but also to foster a supportive environment that includes, among other things, a strong media and advertising market, progressive media policies and mechanisms that protect the independence of the media, as well as a media and information literate audience. In Bosnia and Herzegovina (BiH), with a weak advertising market; an insufficient legal framework which, among other things, does not regulate the transparency of media ownership or require a mandatory register of online media; and significant political pressure on the media, self-regulation does not have a large reach.

Despite a well-established model of self-regulation of online and print media and changes to the Press and Online Media Code that reflect the trends and challenges in the digital sphere, violations of professional standards occur frequently. The Press and Online Media Code is breached even by members of the Press and Online Media Council of BiH, while numerous anonymous portals operate in BiH over which the Press and Online Media Council has no influence. Most media do not have their own editorial guidelines, ethical standards are rarely discussed in the media community and in newsrooms, and responsible and professional journalism is rarely encouraged. The Journalists' Council of Honour of the BiH Journalists' Association is not active and the public service broadcasters do not have an ombudsperson or similar body to address cases of breaches of the public services' editorial principles.

In order to achieve an adequate level of professional media reporting through self-regulation, two-fold action is necessary: strengthening self-regulation in the media community and newsrooms, and working to achieve better legal frameworks and mechanisms for protection. It is, therefore, necessary to strengthen the capacity and work of the Press and Online Media Council and to develop sustainable models for financing it. It is necessary to restart the work of the Journalists' Council of Honour, which would decide on cases of violation of the BiH Journalists' Honour Code. The regulator and the self-regulator could carry out occasional monitoring of media content; all decisions

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of their committees and of bodies within the public services should be transparent and announced in a timely manner and there should be a system of appeals against these decisions. The public services should introduce an ombudsperson for complaints lodged by citizens and employees regarding media content and the work of these media houses. Media organisations might hold occasional public discussions on ethical guidelines and the media might hold regular editorial meetings on ethical dilemmas and define and apply their own editorial principles.

At the same time, there is a need for progressive media policies, a media and information literate audience and a developed and protected media market. Due to the deep political influence on the media, it is important to design mechanisms to prevent political influence on the work of broadcasters and regulators and interference in the appointment of directors and other persons in decision-making positions. It is necessary to create a register of online media and adopt a law on transparency of media ownership. Models for the introduction of co-regulation might potentially be considered, according to which the regulator would regulate those areas where self-regulation mechanisms are not effective, such as protection against non-transparent advertising. Finally, a developed awareness of journalists' and editors' professional responsibility is needed, as well as professional consequences for deviation from ethical rules – warnings, loss of credibility and loss of audience.

# I.

## INTRODUCTION

Self-regulatory and regulatory frameworks were established in Bosnia and Herzegovina in the late 1990s and early 2000s and their codes have been amended several times to keep up with new challenges in journalism and the digital environment. Despite the well-established frameworks and codes that follow trends in the media market, the implementation of professional media standards is still not at a satisfactory level in BiH. Due to the work of the Communications Regulatory Agency of Bosnia and Herzegovina, examples of hate speech in the programmes of radio and television broadcasters are rare, but examples of ethno-national and politically biased media reporting are still present in these media. Online media, by contrast, often violate ethical standards and the Press and Online Media Council has no influence on the work of the numerous anonymous news portals which, although they are presented as online media, do not publish information on their editors or their contact information.

**Despite the well-established frameworks and codes that follow trends in the media market, the implementation of professional media standards is still not at a satisfactory level in BiH.**

This report focuses on the question of how to strengthen self-regulatory mechanisms and increase the responsibility of journalists and editors for media content. The report provides research findings on self-regulatory codes for media content and their implementation in Bosnia and Herzegovina. By self-regulatory codes, we mean rules for content but also for the work of media and journalists that are agreed upon within the media community and whose implementation is morally and professionally, but not legally, binding since deviation from self-regulatory codes produces no legal consequences. The research was conducted in May-June 2023 through an analysis of the codes and nine interviews with representatives of the regulator, self-regulator, media experts and media representatives.<sup>1</sup> The aim of the research was to identify to what extent the codes applied in BiH are adapted to the needs of the media and challenges in the digital environment and to what extent regulatory, self-regulatory and professional media bodies in BiH follow the trends and standards of the European Union and improve professional media standards and media and information literacy in the country. Although the report focuses on the codes and mechanisms of self-regulation, i.e., those that have been agreed upon and accepted within the media community, the report also provides an overview of the codes and work of regulators and of

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<sup>1</sup> See list of interviewees at the end of this chapter.

the fact-checking platform as complementary mechanisms to self-regulation in BiH. The research was carried out as part of the regional project “Our Media: A Civil Society Action to Generate Media Literacy and Activism, Counter Polarization and Promote Dialogue”, implemented by partner organizations SEENPM, Albanian Media Institute, Mediacentar Sarajevo, Press Council of Kosovo, Montenegrin Media Institute, Macedonian Institute for Media, Novi Sad School of Journalism, Peace Institute and Bianet, with the financial support of the European Union.



## II.

# A BRIEF OVERVIEW OF REGULATORY AND SELF-REGULATORY FRAMEWORKS IN BOSNIA AND HERZEGOVINA

Regulatory and self-regulatory frameworks for the media were established in Bosnia and Herzegovina at the end of the 1990s and the beginning of the 2000s. The Communications Regulatory Agency of Bosnia and Herzegovina, whose jurisdiction includes broadcasters and telecommunications, was created by decision of the High Representative in BiH in 2001 by combining the competencies of the Independent Media Commission and the Telecommunications Regulatory Agency (Grbo, 2016, pp. 35-36). Prior to that, from 1998, the Independent Media Commission had been operating, also established by the High Representative, whose task was to harmonise the work of the media with international norms and professional standards and to put an end to the war-mongering rhetoric and hate speech that were widely present on television and radio stations after the war in BiH (Grbo, 2016, pp. 35-36).

In 1998, the Independent Media Commission adopted its first binding document – the Broadcast Code of Practice (Grbo, 2016, pp. 35-36). It contained several basic provisions concerning, for example, false and misleading material, rules on fairness and impartiality, and rules according to which licence holders will not transmit content that may provoke ethnic or religious violence (Interview with Azra Maslo and Maida Čulahović). Over time, the Communications Regulatory Agency of BiH adopted a series of rules and repeatedly amended codes on programme and commercial content and succeeded in silencing

war-mongering rhetoric and hate speech on radio and television.<sup>2</sup> The Agency last amended the Code in 2023 and changed its name to Code on Programme Content (CRA, 2023).<sup>3</sup>

The self-regulatory Press and Online Media Council, on the other hand, was founded by journalists' associations in 2001, as a mediator between dissatisfied readers and print media. Bosnia and Herzegovina thus became the first country in Southeast Europe to establish a self-regulatory body, first at the level of the Federation of BiH, and from 2006 at the level of the entire country.<sup>4</sup> The Press Code was adopted by journalists' associations in 1999 and was last amended at the end of 2021 in order to respond to new challenges in the digital environment. New provisions in the Code refer, among other things, to prohibition of dissemination of disinformation, as well as editorial responsibility for user-generated content on online media (Press and Online Media Council, 1999/2021).

**The Press Code was adopted by journalists' associations in 1999 and was last amended at the end of 2021 in order to respond to new challenges in the digital environment.**

Despite the strong foundations of the system of regulation and self-regulation and changes to the codes, the level of compliance with professional journalistic standards and protection of citizens from harmful content is not satisfactory. Both bodies face a number of challenges: the regulator has been under political influence for years, which is why it does not perform its function and does not impose measures for violations of the code, especially in cases of political and ethno-national biased media coverage.<sup>5</sup> Also, the regulator operates with limited competencies and an outdated legal framework – the Law on Communications of BiH – and without mechanisms that would protect the independence of the agency and the media market, but also require the media to announce information about their ownership (Interview with Maida Čulahović).

The Press and Online Media Council, on the other hand, does not have the authority to impose fines on the media for violating professional standards, but only uses journalistic means, such as the right of reply, issue of correction, apology and retraction. The Council faces a lack of capacity and financial resources and its operation is particularly ineffective in the case of numerous anonymous news portals whose responsible persons and contact information are unknown.

Many authors believe that self-regulation is a better approach than regulation because excessive sanctions can lead to censorship, self-censorship and suppression of media freedom; for that reason, they give preference to

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2 Penalties for hate speech on television and radio stations are rare. The last one was in 2019.

3 In 2023, the Agency also adopted the Rule on Video-Sharing Platform Services, the first such act in BiH, which requires video-sharing platforms to take specific measures to protect minors and to protect the public from communication that incites hatred and from content that constitutes criminal offences. Although no such platforms are registered in BiH, the Agency, according to the Rule, can monitor whether such platforms, which may become registered in BiH, adhere to the measures prescribed by the directive (CRA, 2023a).

4 For more on the Council, see: <https://vzs.ba/o-nama/>

5 See, for example, Fukelj (2022).

agreements, mediation, ethics and responsibility of every media professional (Hrnjić Kuduzović, 2022). The interviewees in the research, however, have differing opinions about the effectiveness of the self-regulatory framework in BiH.

The Press and Online Media Council representative stated that self-regulation is a long-term process and that significant progress has been made compared to the earlier period when there were more serious violations of the Code, such as violations of the rules on the prohibition of hate speech, right to privacy and rules on editorial responsibility (Interview with Maida Bahto Kestendžić). An increasing number of complaints are resolved through mediation and citizens are increasingly making complaints to the Council, particularly for hate speech in user-generated comments (Interview with Maida Bahto Kestendžić). Representatives of the Communications Regulatory Agency of BiH believe that the media sector should be based on strong self-regulation and agreement of the media and professional community and, in cases where that does not function, on regulation and/or co-regulation (Interview with Maida Ćulahović). Nevertheless, representatives of the academic community stated that in the environment in which the media in BiH operate, with a lack of progressive media policies, protection of competition of the media and advertising market, media pluralism, and also a lack of a high level of awareness of responsibility among content producers, self-regulation cannot be effective (Interview with Ljubomir Zuber). It has not particularly caught on in areas such as advertising and protection of minors online (Interview with Maida Ćulahović). The effectiveness of self-regulation must therefore be viewed in relation to the overall context in which the media are situated.

In addition to regulators and self-regulators and their codes, there are several other codes and professional organisations working to improve professional media standards in BiH. The BiH Journalists' Association has an Honour Code (2004) that lays down the obligations and rights of its members when carrying out journalistic assignments. The public service broadcasters BHRT, RTRS and FTV have editorial principles that lay down professional standards for these media organisations (Editorial Principles of the Public Broadcasting System, 2003) while some private media, as stated by the editors, also have their own rules that they apply when reporting. Since 2017, the fact-checking platform Raskrinkavanje (2020) has been operating in BiH, as a member of the International Fact-Checking Network, which, based on a specific methodology, verifies the accuracy of information posted in the media and on social networks and is a partner organisation to Facebook. Although it is not a self-regulatory body, the fact-checking platform is a complementary mechanism and contributes to the observance of professional standards.

However, as in the case of the self-regulatory and regulatory mechanisms, the implementation of these codes and mechanisms is made difficult by the unregulated and small market, strong competition, lack of capacities, political influence and lack of trust and professionalism in the media.

**Representatives of the academic community stated that in the environment in which the media in BiH operate, with a lack of progressive media policies, protection of competition of the media and advertising market, media pluralism, and also a lack of a high level of awareness of responsibility among content producers, self-regulation cannot be effective.**

### III.

# CODES FOR PROFESSIONAL CONDUCT OF MEDIA AND JOURNALISTS IN BIH

There are several self-regulatory codes related to media content and the work of the media in Bosnia and Herzegovina. The most important is the Code of the Press and Online Media Council, which contains ethical and professional standards that are morally binding for the press and online media. In addition, there is also the Honour Code of the Association of BiH Journalists, the Editorial Principles of the Public Services and the internal rules of individual media in BiH. Guidelines from international and local organisations are also available to the media, such as the UNICEF guidelines for reporting on children (2000).

In addition to self-regulatory codes adopted within the media community, there are also binding legal acts and by-laws that set standards for professional media reporting, such as the Code on Programme Content of the Communications Regulatory Agency of BiH. The Rulebook on Media Coverage of Political Subjects from the Day Elections are Announced until Election Day is also a binding legal act that determines in more detail the section of the Electoral Code that refers to the work of radio and television stations during elections (Central Election Commission of BiH, 2010).

Further on we will describe the self-regulatory codes and their rules in more detail. Although it is not a self-regulatory act, the Code on Programme Content of the Communications Regulatory Agency of BiH is also described in the chapter due to its importance for the entire media community, its frequent revisions, as well as consideration of the possibility of co-regulation.

Table 1: **SELF-REGULATORY CODES IN BIH**

| NAME   | INTENDED FOR                            | YEAR OF ADOPTION AND LAST REVISION        | IMPLEMENTATION    | COMPETENT BODY                              |
|--|---|---|-------------------|---|
| Press and Online Media Code                              | Online and print media                  | Adopted in 1998 and last revised in 2021  | Actively applied  | Press and Online Media Council              |
| BiH Journalists Honour Code                              | Members of BiH Journalists' Association | Adopted in 2004, unrevised                | Partially applied | BiH Journalists' Association Honour Council |
| Editorial Principles of the Public Broadcasting Services | Public services BHRT, RTRS, FTV         | Adopted in 2003, revised for BHRT in 2023 | Unknown           | There is no specific competent authority    |

Table 2: **REGULATORY CODES IN BIH**

| NAME                             | INTENDED FOR              | YEAR OF ADOPTION AND LAST REVISION | IMPLEMENTATION   | COMPETENT BODY                   |
|----------------------------------|---------------------------|------------------------------------|------------------|----------------------------------|
| Code on Programme Content        | Radio and TV broadcasters | 1998, revised in 2023              | Actively applied | Communications Regulatory Agency |
| Code on Commercial Communication | Radio and TV broadcasters | 2003, revised in 2023              | Actively applied | Communications Regulatory Agency |

### 3.1. PRESS AND ONLINE MEDIA CODE

The Code of the Press and Online Media Council lays down the foundations of the system of self-regulation in the press and online media, which is morally binding for journalists, editors and publishers of the press and online media and is derived from existing European standards of journalistic practice. The first Press Code was adopted in 1999 before the establishment of the Council and contained the basic principles of a Memorandum of Understanding signed in 1999 by journalists' associations in Bosnia and Herzegovina – the then Independent Union of Professional Journalists of BiH, the Union of Journalists, the Independent Association of Journalists of the Republika Srpska, the Association of Journalists of the RS and the Union of Professional Journalists of the Federation of BiH, and was also accepted by the Association of Croat Journalists of BiH. Since the original text, the Code has gone through several changes: the first change was made in 2005, others in 2006 and

2011, and the last change was made in 2021.<sup>6</sup> An expert group consisting of media professionals and experts in 2021 adopted six new articles and amended 17 existing ones in the Code of the Press and Online Media Council (Išerić, 2022). One of the new articles included in the amended Code refers to the use of information technology and stipulates that publishers, editors and journalists of the press and online media are obliged to use information technology, platforms, social networks and various tools in good faith and that it is unacceptable to use these technologies for spreading hate speech, untruths and misinformation, harangue, stigmatisation and discrediting based on protected characteristics (Išerić, 2022).

Although it does not contain a definition of disinformation, the amended Code has a separate section on the topic, which states, among other things, that the transmission of disinformation from another media outlet or source does not absolve the editors of the transmitting media from responsibility. According to the amended Code, editors are responsible for the total content of a print or online media outlet, and thus also for the publication of users' comments in the online communication space. The Code requires the editor of an online media outlet to remove user-generated comments that represent hate speech, instigation of violence, incitement, intolerance, insults, threats or any other form of inappropriate and socially unacceptable communication. The Code also mandates the transparency of the press and online media and stipulates that media outlets must publish their name, address, telephone number and email address and the contact information of the responsible publisher and editor, to whom complaints and objections concerning their reporting can be sent (Press and Online Media Council, 1999/2021).

**The Code stipulates that media outlets must publish their name, address, telephone number and e-mail address and the contact information of the responsible publisher and editor.**

Interviewees in the research believe that the amended Code adequately reflects trends and responds to new challenges in the digital environment (Interviews with Lejla Turčilo and Sandra Gojković Arbutina). The representative of the Press and Online Media Council says that the latest changes are fully aligned with the latest reporting challenges in terms of new technologies, the internet and social networks.

“In the meantime, the question of ethics of content created by artificial intelligence has arisen, so it should certainly be considered and included in the foreseeable future, but for now the provisions are quite broad, so they can also be applied to artificial intelligence, because they refer to the use of information technology, platforms and social networks and other tools”. (Interview with Maida Bahto Kestendžić)

Not all members of the Press and Online Media Council accepted the changes. Due to a new provision holding media responsible for reader comments, the most widely read online media outlet in BiH, Klix.ba, left the Press and Online Media Council because, as its editor-in-chief says, due to the large number of comments it cannot monitor and be responsible for everything its readers post (Interview with Semir Hambo).

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<sup>6</sup> Information on the Code available at: <https://vzs.ba/kodeks-za-stampane-i-online-medije-bih/>

“Even though we are no longer a member of the Press Council... we comply with the Code in 95% or 98% of the cases and the Code is not disputed by us in almost anything, except for just one segment, which is one paragraph that refers to comments, because some of our suggestions were not respected in the sense that the media outlet is responsible for – I am paraphrasing now – for the total content, including comments. That was controversial for us because we felt that we, in particular, could not monitor everything in real time and we were afraid, therefore, that we would be responsible for someone’s uttered words there”. (Interview with Semir Hambo)

The editor of *Nezavisne novine* also believes that the article on editorial responsibility for user-generated content is too ambitious. At the same time, according to her, the Council is not demanding that every comment be removed, but merely wants to encourage editors to pay attention to user comments with this provision (Interview with Sandra Gojković Arbutina). *Klix.ba* has established its own system for monitoring comments and hate speech and the rules are available to readers; they emphasise, among other things, that the outlet is not obliged to delete all comments that violate the rules.<sup>7</sup> The editor of this media outlet says that it supports all other articles of the Code.

### 3.2. EDITORIAL PRINCIPLES OF THE PUBLIC SERVICES (BHRT, RTRS AND FTV)

The Editorial Principles of the public broadcasting system were adopted by its Executive Committee in 2003. They lay down the standards that management, editors and employees of public broadcasters in BiH should adhere to in order to, as stated in the text, “better understand and carry out their public service mission”.<sup>8</sup> The Principles are a guide for employees, and, as stated in the original version of the document, they are a mandatory programming and professional document and their violation represents a more serious violation of job responsibilities. The Editorial Principles provide guidelines on basic programming, coverage of the work of parliament, election activities and professional standards for editors and journalists. The Principles contain guidance on impartiality, decency and civility, reporting on violence and crime, conflict of interest, independence, diversity and right of reply. Although adopted by all three public service broadcasters, the Principles have not been adhered to, especially due to political influence on the broadcasters’ work, and previous research indicated that they need to be revised (Schroeder, 2018).

In order to respond to new challenges, especially in employee communication online and the large number of online comments, the BHRT Board of Directors revised the Editorial Principles for BHRT in 2023 (Interview with Senada

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7 *Klix.ba*, Rules and Conditions of Use of Comments, <https://www.klix.ba/komentari>

8 The Editorial Principles are available on the FTV and RTRS websites. [http://www.rtvfbih.ba/loc/template.wbsp?wbf\\_id=173](http://www.rtvfbih.ba/loc/template.wbsp?wbf_id=173)

Ćumurović). Considering that, according to BHRT's Assistant General Director of Development, the system of public broadcasters in BiH does not function, these changes were adopted only by BHRT, and not by the other two public services.<sup>9</sup> New provisions require journalists and editors to take account of comments on social networks.

"Users who violate the principles of the right to freedom of expression, malicious commentators (bots and trolls) as well as those who spread hate speech, should be excluded from further communication via social networks".<sup>10</sup>

The new amendments also instruct BHRT employees not to violate the provisions of the BHRT general acts in public appearances and appearances on social networks and in new media. It is also stipulated that they may not speak in public without approval on issues related to business operations and relations within the public services and on official and private profiles on networks, and they are not allowed to express personal opinions and positions in public or on social networks that harm the reputation and interest of BHRT. They are not allowed hate speech, glorification and minimisation of war crimes, aggressiveness, inappropriate expression and use of profanities. It is also stated that when using terminology in sensitive and contradictory situations, journalists and editors will use terms and definitions contained in international documents, judgements of the Court of Human Rights, the Constitution of BiH, etc.

**New provisions require journalists and editors to take account of comments on social networks.**

The changes were adopted after BHRT employees posted content on their personal profiles that glorified convicted war criminals or spread hate speech. However, as the BHRT Assistant General Director of Development says, there is no unified position within the public service regarding the BHRT guidelines or on political and historical topics. One of the reasons for this is political influence on the public service, as well as the composition of staff and management who come from all three ethno-national groups and both entities. In addition, the way certain principles are drafted may lead to self-censorship among journalists, especially those related to the prohibition of personal opinions and positions that harm the reputation and interests of BHRT. The amended principles do not contain a final paragraph according to which violation of the principles would represent a more serious violation of job responsibilities and there is no committee or ombudsperson to address cases of rule violations or complaints by citizens and users, which, according to the Assistant General Director of Development, would improve compliance with the public service editorial guidelines.

"Unfortunately, we do not have that council. That is an idea that has been around for a long time. It was also the suggestion of various non-governmental and international organisations, to form a council or at

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9 Editorial Principles of Radio and Television of Bosnia and Herzegovina. Email correspondence.

10 BHRT, amended Editorial Principles.



least... to have a position, a person who is a person of credibility, of respect, of professional dignity, who could speak up both within the house and to the public with their remarks on the BHRT programme... So the idea was to find at least one person who would be a kind of ombudsperson within BHRT. Well, that was never resolved. On the other hand, the most important thing here is to really find a person who has a professional reputation within the house, whom people trust, so that this person's recommendations are really genuine". (Interview with Senada Ćumurović)

### 3.3. HONOUR CODE OF BIH JOURNALISTS

The Honour Code was adopted by the Assembly of the BiH Journalists' Association in 2004 and has not been amended since. The Code sets out the rights and duties of the members of the BiH Journalists' Association, among others that they have a duty to defend human rights, dignity and freedom, respect the pluralism of ideas and opinions, contribute to strengthening the rule of law and, as a democratic part of the public, participate in control over the actions of government and politics. The Code, for example, states that a journalist has the right not to disclose a source of information, but bears moral, material and criminal responsibility for the published information, that the work of a journalist is subject to public criticism, and that in their articles journalists must cite the names of other authors whose work they use (BiH Journalists' Association, 2004).

The BiH Journalists' Association Honour Council is responsible for the protection and implementation of the Code, while the Statute and the Rules of Procedure of the Journalists' Honour Council lays down sanctions for violation of the Code (BiH Journalists' Association, 2004).

According to the BiH Journalists' Association representative, the Journalists' Honour Council is meant to be a body that discusses unprofessional conduct and conflict of interests of members of the BiH Journalists' Association, promotes the responsible conduct of journalists, as well as the protection of their right to freedom of expression, but this body has not been active in recent years. The Association representative believes that it is necessary to revise the Code in accordance with the new challenges in journalism, revise the Rules of Procedure of the Journalists' Honour Council, convene a new Council, and expand the number of members.

**The Code sets out the rights and duties of the members of the BiH Journalists' Association, among others that they have a duty to defend human rights, dignity and freedom, respect the pluralism of ideas and opinions, contribute to strengthening the rule of law and, as a democratic part of the public, participate in control over the actions of government and politics.**

### 3.4. INTERNAL RULES OF MEDIA OUTLETS

According to representatives of some of the most widely read online media in BiH, Klix.ba and Nezavisne novine, these outlets have their own internal codes and rules. The Klix.ba editor said that this media outlet has rules of procedure for comments that they have been working on for the past two years and they

are also currently working on guidelines for media reporting, which includes issues such as privacy protection. He stated that they pay particular attention to issues such as reporting on gender-based violence, femicide, the LGBTQI+ community, and denial of war crimes (Interview with Semir Hambo).

“I am not saying that it is ideal and I am not saying that there are no mistakes – we certainly make mistakes, there are omissions too – but I think it is important that we are aware of that and that we really try to constantly improve one another internally and recommend and give suggestions and proposals on how we can unify that as some sort of our internal guidelines”. (Interview with Semir Hambo)

The Nezavisne novine editor said that this media outlet has its own rules, which, for example, instruct journalists not to report on suicide cases. This media outlet also follows the Code of the Press and Online Media Council (Interview with Sandra Gojković Arbutina). She admitted that omissions occur and that in a time of “chasing clicks” it is difficult to follow the Press and Online Media Code, and that many media outlets have to balance compliance with the Code with the need for clicks and profit.

Violations of professional standards in the BiH media are frequent and the interviewees believe that work must be put into developing internal rules and codes in the media and that discussions on ethical principles should be encouraged within newsrooms (Interview with Borka Rudić).

“The media do not have any rules of procedure, not even about work, let alone about advancement, about the conduct of, say, the newsroom when their journalist is attacked, what co-workers should do, how. It seems to me that sometime after the war we had a period of building capacities and documents for professional journalism and that we must go back to that again. So now we really must – not from the beginning, of course, a lot has been done – but we must go back to the newsrooms”. (Interview with Borka Rudić)

### 3.5. CODE ON PROGRAMME CONTENT OF THE CRA

The Code on Programme Content is, in addition to the Code on Commercial Services, a foundational document that is binding for all licence holders of the Communications Regulatory Agency of BiH. It establishes the basic principles of programme content for audiovisual media services and radio broadcasting. Although the Code is not a self-regulatory document but a by-law on the basis of which the regulator may impose sanctions, we mention it here because of its importance in suppressing hate speech, the changes that follow EU regulations, but also its importance for the entire media sector.

**Violations of professional standards in the BiH media are frequent and the interviewees believe that work must be put into developing internal rules and codes in the media and that discussions on ethical principles should be encouraged within newsrooms.**

**The Code on Programme Content is, in addition to the Code on Commercial Services, a foundational document that is binding for all licence holders of the Communications Regulatory Agency of BiH.**

In 1998, the Independent Media Commission adopted the first Broadcasting Programme Code, which contained several basic provisions concerning, for example, false and misleading material, rules on fairness and impartiality, and a provision according to which licence holders are not to broadcast any content that may provoke national or religious violence (Interview with Azra Maslo and Maida Čulahović). Over time, the Communications Regulatory Agency adopted a series of rules and amended the code for broadcasters multiple times and succeeded in silencing the war-mongering rhetoric and hate speech in the electronic media (Sokol, 2020).

The Code was amended in 2000, 2004, 2008 and 2023. Significant changes to the Code were adopted in 2008 – that is when a definition of hate speech was introduced, as well as protection of the right to privacy, participation of children and minors in programmes, reporting on crimes involving minors, and reporting on court proceedings. The Code was last amended in 2023 in order to harmonise it with the legal framework of the EU. In the amendments, a new article was adopted – that programme content must not, directly or indirectly, glorify, justify or instigate the commission of the criminal act of terrorism. The Code on Programme Content does not refer to or contain a definition of the term disinformation, but it prohibits content that is false or misleading and mandates fairness, impartiality and balance.

In 2021, the Communications Regulatory Agency drafted changes to its rules and carried out consultations on a proposal according to which the provisions of the Code related to the prohibition of the spreading and incitement of hatred, violence or discrimination, transmission of a clear and immediate risk of causing an adverse impact on the safety and health of people, protection of minors, including protection of their privacy, and the right to reply, would also refer to licence holders' online media. However, the proposed rule was not supported by the media community because it would have excluded online media that are not part of television and radio broadcasters (Tomić, 2021). Some of the interviewees and media representatives in this research believe that regulation is, nevertheless, a better principle than self-regulation in the context of BiH (Interview with Semir Hambo; interview with Ljubomir Zuber).

“Because of its specific structure, BiH must give priority to a regulatory rather than a self-regulatory framework, because we as a society simply do not have a sufficiently developed sense of responsibility for what is or is not said. The position of the Communications Regulatory Agency is somewhat more comfortable than that of the Press Council, because the basis of the CRA's operation so far has been issuing sanctions for violations of the Code, which is of course more effective than the advisory role of the Press Council. Of course, we cannot ignore the efforts of the Council and the progress that is visible, but advice and recommendations are not close to our mentality”. (Interview with Ljubomir Zuber)

## IV.

# SELF-REGULATORY BODIES AND MECHANISMS

There are several self-regulatory bodies for the media in BiH, the most important of which is the Press and Online Media Council. This self-regulatory body acts as an intermediary between dissatisfied readers and the media and exclusively uses journalistic tools such as the right of reply, publication of corrections, apologies and retractions. In addition, the Journalists' Honour Council is a self-regulator for members of the BiH Journalists' Association and is supposed to decide on issues related to compliance with the Statute of the Association, applicable code of ethics, as well as professional journalistic standards. Media houses do not have special bodies or ombudspersons who would address issues of violation of ethical journalistic standards and act as mediators between the audience and the media.

Although it is not a self-regulatory body, the fact-checking organisation Raskrinkavanje is complementary to self-regulation and is important for verifying published information given that most media do not have internal fact-checking mechanisms. There are several media watchdog platforms operating in BiH as well, such as Analiziraj.ba and Media.ba, which monitor media coverage and occasionally react to violations of ethical standards. The work of the individual self-regulatory bodies and complementary mechanisms will be described in more detail further on.

Table 3: SELF-REGULATORY BODIES AND MECHANISMS

| BODY                           | YEAR OF FOUNDING | FOUNDER                      | FUNDING       | ACTIVE/PASSIVE |
|--------------------------------|------------------|------------------------------|---------------|----------------|
| Press and Online Media Council | 2021             | Journalists' associations    | Donor funding | Active         |
| Journalists' Honour Council    | 2004             | BiH Journalists' Association | Donor funding | Passive        |

Table 4: **COMPLEMENTARY MECHANISM: FACT-CHECKING PLATFORM**

| BODY           | YEAR OF FOUNGING | FOUNDER                           | FUNDING                        | ACTIVE/PASSIVE |
|----------------|------------------|-----------------------------------|--------------------------------|----------------|
| Raskrinkavanje | 2017             | Citizens' Association<br>Zašto ne | Donor funding,<br>tech company | Active         |

#### 4.1. PRESS AND ONLINE MEDIA COUNCIL

The Press and Online Media Council was founded by journalists' associations in 2000 as the Press Council and began to act on complaints in 2001. The Press and Online Media Council is a self-regulatory media body, which is registered as a citizens' association. It operates in line with the Law on Associations and Foundations of BiH and is financed by donor funds. The Press and Online Media Council faces a lack of capacity and insufficient financial resources. The Council, whose Secretariat consists of four people, has no constant revenue, which affects its work and planning (Interview with Maida Bahto Kestendžić).

The Council has 42 members – online and print media – and several bodies: the Assembly, which consists of representatives of the Council's members, the Steering Board, the Complaints Committee, and the Secretariat.<sup>11</sup> The Complaints Committee is an expert advisory body of nine members that is made up of representatives of the academic, legal and journalistic communities. The members of the Complaints Committee are elected for a term of four years through a public call and decide on citizens' complaints regarding online and print media content. If mediation is not successful, if the media outlet does not publish a retraction or apology, correct or remove the content, the Complaints Committee decides on the complaint, i.e., whether there has been a violation of the Code, and informs the media outlet about the decision and the decision is posted on the Council's website (Press and Online Media Council, 2020). All citizens can submit a complaint to the Council, regardless of whether they are directly affected by a specific article or comment, and complaints can relate to all online and print media from Bosnia and Herzegovina, not only the Council's members. The Council receives an increasing number of complaints and, according to the Deputy President of the Press and Online Media Council's Steering Board, also requests for membership by media outlets (Interview with Sandra Gojković Arbutina; Išerić, 2022). The Press and Online Media Council representative said that self-regulation is improving and that about 70% of complaint cases are resolved through mediation.

**All citizens can submit a complaint to the Council, regardless of whether they are directly affected by a specific article or comment, and complaints can relate to all online and print media from Bosnia and Herzegovina, not only the Council's members.**

11 For more on the Association's bodies, see: <https://vzs.ba/organi-udruzenja/>

“This is a really high percentage – it shows that the editors are very willing to accept the principles of self-regulation and that they want to adhere to the standards of ethics and professionalism in their work, which means that they care very much about how they are perceived by readers and visitors of internet portals”. (Interview with Maida Bahto Kestendžić)

The reason for the improving implementation of self-regulation, as the Press and Online Media Council representative says, is that editors are aware of the benefits of mediation, especially when it comes to protection against defamation. Article 8 of the laws on protection against defamation of the Federation and Republika Srpska require the injured party to take all necessary measures to mitigate the injury caused by the expression of an untrue fact, and in particular to submit a request to the injurer for a correction of the expression (Zakon o zaštiti od klevete FBiH, 2000/2005). The Council representative points out that the courts consider whether this article was complied with, whether the complainants contacted the media outlet, how the editorial board acted, all of which, she says, may result in a lower amount of compensation in the event that it is determined that incorrect facts were indeed expressed. If the media outlet proves that it fully acted in accordance with the Code, it can lead to an acquittal, points out the Council representative (Interview with Maida Bahto Kestendžić).

The influence of the Press and Online Media Council on the observance of professional media standards is nevertheless limited, especially in the case of anonymous news portals. The Council representative emphasises that it is necessary to work on having the media publish the decisions of the Complaints Committee. Some members of the Council violate ethical standards, and even after the publication of a retraction, correction or apology, some examples of their reporting are still not in accordance with professional standards (Sokol, 2020). A large number of complaints refer to hate speech in comments, which is also the reason for the large number of cases resolved through mediation.<sup>12</sup> Editors delete such comments and, as last year’s monitoring by the Council (2022) showed, media outlets have been increasingly investing in moderation of comments below their articles. An aggravating circumstance is that citizens are not sufficiently informed about the work of the Council and how to file a complaint:

“The fact that citizens fundamentally do not see regulatory and self-regulatory bodies as a media corrective and a tool they can use to correct the media and prevent the spread of harmful content is quite a problem. Despite campaigns and advocacy, I am not sure that the average citizen even knows how to use the mechanisms of regulation and self-regulation or that they believe this can change anything in terms of media (un)professionalism”. (Interview with Lejla Turčilo)

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12 See overview of complaints by year: <https://vzs.ba/pregled-zalbi-po-godinama/>

Some decisions of the Complaints Committee are debatable. For example, the Committee did not find a violation of the Code when an online media outlet published a short video showing a member of the City Council of Zenica dancing, under the title: “She showed new talent: Look at Councilwoman Tufekčić’s ‘dirty dance’ (Video)”.<sup>13</sup> The Complaints Committee pointed out that membership in the City Council makes a person a public figure, and because of this, that person should be exposed to greater public criticism (Sokol & Čalović, 2022). The Complaints Committee also decided that an online media outlet violated the code because it did not publish the reaction of a person who was being tried for hate speech, although the editorial staff of the outlet had assessed that the reaction was not a denial and that its publication would not have contributed to the accuracy of reporting.<sup>14</sup> All decisions and explanations of the Complaints Committee have not yet been published and there is no system for appealing a decision, which is considered final.<sup>15</sup> In 2023, the Council invited media editors to attend a session of the Complaints Committee, which is normally closed to the public, and acquire skills to protect themselves through self-regulation from potential defamation lawsuits, which is considered a positive practice.

**The Honour Council is also supposed to discuss conflicts of interest and whether membership in certain boards is contrary to the exercise of the journalistic profession.**

## 4.2. JOURNALISTS’ HONOUR COUNCIL OF THE BIH JOURNALISTS’ ASSOCIATION

The Journalists’ Honour Council is a body of the BiH Journalists’ Association and decides on cases that concern the work of the Association’s members, i.e., if they adhere to the Statute of the Association, the Code of Ethics and professional journalistic standards. On its own initiative or at the suggestion of other bodies and members of the BiH Journalists Association, and after gathering the opinions of all interested parties, the Honour Council decides on complaints and may impose measures against BiH Journalists’ Association members who do not adhere to the Statute, Code of Ethics or professional journalistic standards.<sup>16</sup> The Rules of Procedure on the work of the Council state that the body’s main mission is to protect the dignity, honour, ethics and responsibility of the journalistic profession and that possible violations of ethical rules will be addressed regardless of whether or not they are members of the Association (BiH Journalists’ Association, 2004a). The Honour Council is also supposed to discuss conflicts of interest and whether membership in certain boards is contrary to the exercise of the journalistic profession (Interview with Borka Rudić).

The Honour Council can issue a warning in a milder case, and in more serious cases, announce a warning on the website. The Council can also make a decision to exclude a journalist from the Association’s membership, and if it

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13 For more on this case, see Lakić (2021).

14 Correspondence with the Press Council and Decision of the Complaints Committee, decision number 213-02/21.

15 Correspondence with the Press and Online Media Council.

16 For more on the Journalists’ Honour Council, see: <https://bhnovinari.ba/bs/novinarsko-vijee-asti/>

is a journalist who is not a member, the Council can announce its judgment publicly (BiH Journalists' Association, 2004a). The Journalists' Honour Council has not had such decisions and in recent years it has not been active because two members passed away during the coronavirus pandemic. The BiH Journalists' Association representative says that one of the reasons for the lack of reaction of this body is the lack of discussion on ethical standards and journalists' responsibility in the media community and newsrooms.

“Our mission is to focus on freedom of expression, but we cannot separate freedom of expression from journalists' responsibility. And journalists reacted very negatively in situations when we, for example, drew attention to the fact that journalists should not act in such a way”.  
(Interview with Borka Rudić)

The Journalists' Honour Council previously issued several joint reactions with the Steering Board of the BiH Journalists' Association, the aim of which was to draw the public's attention to the observance of ethical principles. The BiH Journalists' Association representative says that this body should have spoken up more about violations of ethical principles, especially during the coronavirus pandemic (Interview with Borka Rudić). The Association plans to elect a new Honour Council at the end of 2023 and expand the number of members from currently five so that the Council can be more active.

### 4.3. FACT-CHECKING PLATFORM RASKRINKAVANJE

The fact-checking platform Raskrinkavanje was founded by the Citizens' Association Zašto ne in 2017 as a platform that checks the content of online media and social networks. It operates according to a methodology that recognises 15 forms of problematic media content, including disinformation and fake news. The choice of content to be checked is based on readers' requests and virality (Raskrinkavanje, 2020). Although it is not part of the self-regulatory system, the fact-checking organisation is a complementary mechanism to self-regulation, especially because it works to verify the accuracy of information published by the media.

Since its establishment in 2017, the fact-checking platform has exposed thousands of examples of problematic media content on news portals and social networks. In 2020, the platform joined a partnership with Facebook (through the latter's Third Party Fact-Checking Programme),<sup>17</sup> which foresees that once fact-checkers mark a piece of content as false, Facebook places a flag on the disputed content and reduces the reach of these posts, and also informs those who spread the content. Raskrinkavanje gets information about potentially problematic content after users flag it as potentially fake. The public is thus warned about problematic content and the reach of those who spread disinformation is reduced, as is their profit. If the post is fixed, Facebook will withdraw its sanctions.

**Although it is not part of the self-regulatory system, the fact-checking organisation is a complementary mechanism to self-regulation, especially because it works to verify the accuracy of information published by the media.**

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<sup>17</sup> For more on the programme, see: Meta (2016).



The editor of Raskrinkavanje says that the platform's work helps limit the spread of untruths, as well as misleading narratives and propaganda, which contributes to improving the quality and credibility of media reporting. He also believes that the platform contributes to the improvement of media literacy by educating the public on critical thinking, checking sources and making conclusions based on facts (Interview with Rašid Krupalija).

"Fact-checkers' thorough work also means more accountability on the part of media organisations for the published content. Analyses published by fact-checkers are a valuable resource for journalists, enabling them to make decisions based on facts and produce content that readers will trust". (Interview with Rašid Krupalija)

However, the work of the fact-checking platform has not been well received by the entire media community, especially after the fact-checkers, after they became a partner of Facebook, stopped warning the media before flagging fake news, which had given the media the opportunity to correct disputed content (Stokić, 2022). The media justify the publication of disinformation and fake news with limited capacities and a small number of employees, which does not allow them to check all content, especially articles by other people that they transmit in their media (Stokić, 2022).

The Klix.ba editor believes that the existence of a fact-checking organisation contributes to better work of the media and that journalists are more careful when publishing content. The media correct items, especially because due to the reduced reach on Facebook, their readership and thus their revenue decrease (IREX, 2023). However, he believes that the organisation should focus its operations more on professional media and less on posts on social networks (Interview with Semir Hambo). As stated on the Raskrinkavanje (2020) website, the outbreak of the COVID-19 pandemic forced the organisation to pay more attention to social networks, where they encounter a tremendous amount of disinformation.

## V.

# CASE STUDY: COVERAGE OF MASS SHOOTING AT VLADISLAV RIBNIKAR ELEMENTARY SCHOOL IN SERBIA

Media coverage of a mass shooting at the Vladislav Ribnikar Elementary School in Belgrade in May 2023, in which nine students and a security guard were killed, demonstrated the inefficiency of the self-regulatory framework, especially in cases of media reports in the murder and crime sections of a given outlet. The research showed that all media, including members of the Press and Online Media Council, violated the provisions of the Code and ethical and moral standards in their coverage of the case (Fukelj, 2023).

Online media in BiH used sensationalist headlines and presented details that are not in the interest of the public. Although, according to the Code of the Press and Online Media Council of BiH, journalists and editors have an obligation to be extremely cautious when reporting on children and minors, adhering to good customs and the Convention on the Rights of the Child and proceeding from the best interest of the child, the media published the first and last name and photo of the minor who shot the other children, as well as recordings, photographs, scene descriptions, unverified and inaccurate information; they also speculated about motives and sensationalised the statements of eyewitnesses, children and their parents, and used terms such as “bloody feast” and “bloody campaign”.

Media organisations in the region, the Communications Regulatory Agency of BiH, and the Press and Online Media Council of BiH, reacted to the unprofessional and unethical reporting.

The Press and Online Media Council reminded media and the public that identifying minors as witnesses or victims of violence, publishing their photos, names, residential addresses, or photos of parents or places of residence, is contrary to the professional standards of journalism. The Code also mandates that topics involving personal tragedies be treated with consideration and that journalists avoid publishing disturbing content, except when it is in the public interest. Public curiosity must not be a reason for publishing media content that violates someone's privacy.

BiH outlets sought to justify their violation of the Code mostly with the fact that the published contents were not the authors', but were copied from media from Serbia. Journalists and editors did not check all the facts before publishing the content, nor did they check the credibility of the media from which they took and transmitted the information, which is also not in accordance with the Code. The editor of Dnevni avaz told Media.ba:

"The Dnevni Avaz journalists were not in Belgrade, they were not on the spot and they did not cover it like the journalists who were there. Everything that was published by Avaz was taken from the media of colleagues from Serbia. They are Blic, Telegraf, Nova, Kurir, Novosti and so on. These are the main media from which we published the articles and we gave credence to the people who were on the spot, who covered it. ... We gave them credence, as when something happens in Sarajevo, they publish it from us". (Stokić, 2023).

**BiH outlets sought to justify their violation of the Code mostly with the fact that the published contents were not the authors', but were copied from media from Serbia.**

## VI.

# CHALLENGES IN SELF-REGULATION OF ONLINE MEDIA

There are numerous challenges in media self-regulation, especially in relation to online media. Due to the huge number of online news portals and competition with various content producers, such as YouTube channels, online media are in a constant race for readers and their attention. Social networks, through which online media most often get their audience, give greater visibility to content that has a large number of comments and shares, and these are usually sensational contents (Sokol & Čalović, 2022). Online media publish hundreds of pieces of content every day, which are often sensationalist and contain clickbait headlines. Journalists do not have time to check them or process them in depth, and in the race for news, ethical standards are not discussed within the newsrooms, according to the BiH Journalists' Association representative (Interview with Borka Rudić). The media neglect journalistic standards and produce content that is clickable and attracts audiences (Interview with Sandra Gojković Arbutina). Problematic content is published for political propaganda as well, and there are also media outlets that, especially during election years, promote the interests of a specific political party (Sokol & Sarajlić, 2023). In addition, online media are often staffed by people who have not received formal or informal education in journalism (IREX, 2023).

**There are no professional consequences for violating ethics standards in online media, either formal, such as warnings, or informal, such as loss of credibility and audience.**

At the same time, there are no professional consequences for violating ethics standards in online media, either formal, such as warnings, or informal, such as loss of credibility and audience. Despite the decisions of the Complaints Committee of the Press and Online Media Council on violations of ethical standards, some media, even when they publish apologies and retractions, neither raise the standards of their reporting nor lose readership (Sokol, 2020). The biggest problem for self-regulation are anonymous news portals whose names of responsible persons and contact information are not known. According to one research, there are 615 portals in BiH, of which 44% do not have an imprint and another 24% only have a partial imprint, i.e., they do not publish all data (Osmančević, 2022). The low level of media and information

literacy of citizens who do not check sources and are not familiar with journalistic standards does not contribute to the self-regulatory mechanism either (Sokol & Alibegović, 2021). They do not know enough about the self-regulatory system or how they can report content to the Press and Online Media Council (Interview with Lejla Turčilo).

Despite the challenges, self-regulation, according to the Press and Online Media Council representative, has led to a certain shift in media coverage. It has reduced the number of examples of flagrant violations of ethical standards, such as in cases of reporting on crimes in BiH involving minors (Interview with Maida Bahto Kestendžić). An increasing number of organisations are reacting to unprofessional media reports,<sup>18</sup> while some media are discussing the introduction of their own rules and guidelines (Interview with Semir Hambo).

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18 BiH Journalists Association, Press and Online Media Council, Mediacentar Sarajevo, Association Umbrella.

## VII.

# CHALLENGES OF SELF-REGULATION AT THE PUBLIC SERVICE BROADCASTERS

Public service programmes (BHRT, FTV and RTRS) are regulated by the Law on the Public Radio and Television System of BiH, by separate laws for each public service broadcaster, and by the rules and obligations of the Communications Regulatory Agency. In relation to other broadcasters, public media have specific obligations; according to Rule 95/23 on the Provision of Audiovisual Media Services, for example, public media are required to have 40% of the weekly content consisting of news and other informative and educational programmes. Also, like all broadcasters, they must adhere to the Code on Programme Content, which contains basic principles on programme content as well as articles on hate speech, accuracy and fairness, right of reply, etc.

Examples of violations of ethics principles by the public services are numerous. The Communications Regulatory Agency can impose specific measures if public services violate its rules. However, due to political pressure, in recent years the Communications Regulatory Agency has not imposed measures on the public service broadcasters, and this especially applies to RTRS, which continuously propagates the interests of the ruling political party in the Republika Srpska (Bubonjić, 2022).

In addition to the rules of the regulator and legal regulations, the public service broadcasters are also supposed to follow the Editorial Principles of the Public Broadcasting System in BiH, which contain general provisions and professional standards for editors and journalists, the violation of which constitutes a serious violation of job responsibilities. Although adopted by all three broadcasters, the principles have not been adhered to, especially due to political influence on their work, and previous research indicated that they

needed to be revised (Schroeder, 2018). The BHRT Steering Board recently revised its editorial principles and added new items, for example that editors and journalists have an obligation to moderate comments on social networks and that they are to use terminology that will not offend, disturb or irritate members of a particular ethnic or minority group. For example, in one of the new provisions it is stated that BHRT employees are not allowed to use hate speech, glorification or minimisation of war crimes, aggressiveness, or inappropriate expression or profanities. These changes were made in the wake of problematic posts on social media accounts of some BHRT employees.<sup>19</sup>

**BHRT employees are not allowed to use hate speech, glorification or minimisation of war crimes, aggressiveness, or inappropriate expression or profanities.**

The biggest challenge in the implementation of these principles is the absence of a body or ombudsperson to supervise their implementation. Programme directors are responsible for the programme and are supposed to monitor the implementation of the guidelines. The Steering Board has no authority over the programme (Interview with Senada Ćumurović), while the work of the BHRT Programme Council, the advisory body of the Steering Board, is not open to the public, nor can the Council independently make public statements. Political influence on public services also makes it impossible for the public service broadcasters to serve the public interest and adhere to professional standards.

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<sup>19</sup> For example, the former director of BHRT, Pejka Medić, made several problematic statements on social networks. On Twitter she posted a picture of Karadžić and Mladić, and along with the news that, as part of the commemoration of the 30th anniversary of the beginning of the siege of Sarajevo, dishes would be presented that were made during the war out of food items received as humanitarian aid, Medić tweeted: "A rich tourist offer". She recently announced on Twitter that Serbs should leave state institutions and that she is leaving BHRT. See: Oslobođenje (2022); Radiosarajevo (2023).

## VIII.

# GOOD PRACTICES AND MODELS IN SELF-REGULATION

Despite the numerous challenges in the implementation of self-regulation in the media in BiH, good practices and models should be pointed out. To begin with, it is necessary to emphasise the importance of the work of the Press and Online Media Council for the media community and in setting and promoting ethical standards, regardless of the existence of numerous challenges and lapses in its work. The Council's complaint system was established in such a way that everyone, not only those affected, can file a complaint with the Council, which strengthens the role of citizens in monitoring and understanding journalistic standards. As the Council's representatives said, although self-regulation is a slow process, some progress has been made, especially concerning blatant examples of violations of the Code, as well as in the reduction of hate speech in user-generated comments.<sup>20</sup>

"Self-regulation processes and the implementation of ethical rules are long-term processes; this involves a change of consciousness and a desire for greater professionalisation and implementation of ethical standards in work. Therefore the Code... certainly enables the readers to identify possible unprofessionalism in media coverage as easily as possible and thus provides the journalists with guidelines on how to behave as ethically as possible". (Interview with Maida Bahtó Kestendžić)

In addition, revision of the Code in order to adapt to new trends and challenges is also a good practice. The Press and Online Media Code was amended in 2021 and some of the new provisions concern incompatibility of the journalistic profession with political parties, editorial responsibility for comments, and responsible use of information technology.

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<sup>20</sup> See: Press and Online Media Council (2022).



Table 5: **EXAMPLES OF GOOD MODELS AND PRACTICES**

| GOOD PRACTICE   | BODY                               | REASONING   |
|---|------------------------------------|---|
| The work of the Council and the system of filing complaints | Press and Online Media Council     | All citizens can file a complaint with the Press and Online Media Council |
| Amending the Press and Online Media Code                    | Expert group for amending the Code | The Code was amended in 2021 to keep up with new challenges online        |
| Amending the Editorial Principles of BHRT                   | BHRT Supervisory Board             | The Principles were amended in 2023 to keep up with new challenges online |

In addition, the BHRT editorial principles were amended to emphasise that journalists and editors must pay attention to the content of comments on social networks and that users who “violate the basic principles of the right to freedom of expression, malicious commenters (bots and trolls), should be excluded from further communication on social networks and on official BHRT accounts in a fair, timely and efficient manner”. New provisions also concern the accuracy of information and require journalists and editors, if they use websites, news portals and other online sources, to consider the reliability of the source and not harm their reputation by transmitting fake news.

The work of a few watchdog platforms that monitor and analyse media reporting, such as Media.ba and Analiziraj.ba, should be added among the good practices. They discuss specific ethical dilemmas and remind the media of ethical guidelines. Although it is not currently active, the Journalists’ Honour Council, by pointing out violations of the ethical standards of the media and journalists, could make an important contribution to the media community. Finally, although it is not a self-regulatory mechanism, the work of the fact-checking organisation is important because it represents a complementary mechanism to self-regulation and exposes a large amount of disinformation published by the media, which contributes to greater responsibility and attention of the media when publishing and transmitting content, but also to the development of media and information literacy of citizens.

## IX.

# CONCLUSION AND RECOMMENDATIONS

Self-regulation is based on agreement within the media community and on the responsibility of each media professional. It has an advantage over regulation in that it does not imply sanctions that could lead to self-censorship and suppression of media freedom. Nevertheless, in the social and political environment in which the BiH media operate, self-regulation is a slow and often ineffective process given the pervasive political influence on the media, political and ethno-national biased media reporting, and denial of war crimes. Despite a well-established self-regulatory framework for print and online media, media reporting is still not at a high level. Also missing are progressive media policies, a strong advertising market, protection mechanisms against political influence, and a high level of media and information literacy of citizens. The Code of the Press and Online Media Council is violated even by the Council's own members and there are no professional consequences, such as loss of credibility or reduced number of followers. In the race for news and clicks, ethical standards are rarely discussed in the media community and in newsrooms and responsible and professional journalism is rarely encouraged. Most media do not have their own editorial guidelines and public services lack an ombudsperson or another body to decide on cases of violations of ethical principles.

In order for self-regulatory mechanisms to lead to more professional and responsible media content, ongoing education on journalistic standards for editors and journalists as well as the audience is needed, in addition to stronger promotion of self-regulatory mechanisms. Also needed are progressive media policies, incentives for professional journalism, transparent social network algorithms, mechanisms protecting the work of the media, mechanisms preventing political influence on the media, as well as a media-literate and information-literate community. New legal and regulatory frameworks, a law on transparency of media ownership and media funding from public budgets, a register of online web portals and regular monitoring of media content are needed as well. Also needed is the introduction of co-regulation, a model in which regulatory bodies regulate those areas where self-regulatory mechanisms are not effective, such as privacy protection, protection from hidden advertising, and protection of minors from potentially harmful media

content. Finally, a developed awareness is needed within the media about professional responsibility and about the consequences that unprofessional media content can have on society.

## **RECOMMENDATIONS**

### **Press and Online Media Council**

1. The Press and Online Media Council should work on stronger promotion of the Press and Online Media Code among the general and professional public and promote the method and importance of the self-regulation system and the method of reporting problematic content in print and online media.

2. The Press and Online Media Council should increase the transparency of decision-making, open all sessions of the Complaints Committee to the public, announce all decisions and their reasoning, and periodically organise workshops and training sessions for members of the Complaints Committee. The media and the public should be informed about the decisions of the Complaints Committee in a timely manner, but specific examples of the Complaints Committee's decisions should be highlighted on its website, through mailing lists and on social networks, for the purpose of educating the professional public and also to serve as guidelines for future cases.

3. The Press and Online Media Council should establish a mechanism for appealing against the decisions of the Complaints Committee and hold open discussions on specific decisions and issues, such as, for example, decisions on the right of reply. It might, in cooperation with other organisations, the Communications Regulatory Agency and the media, organise public discussions on ethical dilemmas and how to treat individual cases.

4. The Press and Online Media Council might, in cooperation with other media organisations and media experts, periodically monitor the work of online and print media on issues of interest to the public and issue decisions on violations of ethical standards and recommendations on professional media reporting.

5. The Press and Online Media Council should establish additional cooperation with professional organisations and civil society in such a way that they report Code violations on issues relevant to their work, such as reporting on marginalised social groups, reporting on corruption, and reporting on human rights, which would contribute to the number of reported cases of news articles that are particularly important to the public.

6. Sustainable financing models should be established for the Press and Online Media Council. This could be done by establishing a mechanism for regular funding of the work of the Press and Online Media Council from public budgets as a percentage and through a mechanism that would not jeopardise its independence. Also, models of crowdfunding or allocation of funds from members of the Council and the media community for the work of the Press and Online Media Council might be considered.

## **Journalists' Honour Council**

7. The work of the Journalists' Honour Council should be set up in such a way that it reacts in a timely manner and decides on cases of violations of the BiH Journalists' Honour Code, as provided for in the Rules of Procedure governing its work. The BiH Journalists' Honour Code and the Rules of Procedure might be revised in accordance with the needs of the media community, new trends and challenges in journalism. The Journalists' Honour Council should react to blatant cases of violations of journalistic ethics regardless of whether it involves members of the Association.

8. The work and mechanism of the Journalists' Honour Council should be promoted in the public and among the media community as a body whose purpose is to preserve the dignity, honour, ethics and responsibility of the journalistic profession.

9. The Journalists' Honour Council, together with other organisations and bodies, could organise public debates on certain issues of violation of the principles of the journalistic profession, such as conflict of interest of media professionals.

## **Public service broadcasters**

10. Public service broadcasters should respect the codes and rules of the BiH Communications Regulatory Agency and adhere to the highest ethical standards in reporting.

11. Public service broadcasters should appoint an ombudsperson who would make decisions on complaints by citizens and employees about the content on the public service broadcasters as well as the work of journalists and editors. The work of the ombudsperson should be transparent and promoted to the public.

12. Public service broadcasters should open the work of bodies such as the Programme Council to the public and announce their decisions and conclusions in a transparent and timely fashion.

13. The BiH authorities at the state and entity levels should develop mechanisms to prevent political influence on the work of public service broadcasters and interference in the appointment of directors and persons in decision-making positions.

14. BHRT should announce and promote its revised Editorial Principles. RTRS and FTV should revise their editorial own guidelines in accordance with the needs and new challenges in journalism and apply them in their work.

15. Public service broadcasters should also work on raising the audience's media and information literacy, through education and promotion of professional journalism.

## **Media**

16. Journalists should adhere to the highest professional standards. They should be especially careful in reporting on topics that are important to the public and may have significant consequences for society, such as gender-based violence, marginalised social groups and hate crimes.

17. The media should proactively announce editorial, ownership and contact information. Such information should be visible and easily accessible on their web portals.

18. The media should prepare and publish, in cooperation with media experts as well as the Press and Online Media Council of BiH, their own editorial guidelines, especially those that are specific to the topics they cover. Such guidelines might contain practical instructions for journalists on how to apply and approach certain topics. Guidelines might also be prepared for online user content, with instructions to users on what is not allowed to be posted in comments on networks and in response to articles.

19. The media should organise regular newsroom meetings to discuss ethical guidelines and violations of professional standards in specific articles and items.

20. The media should establish mechanisms for verifying information before publication and should not publish and transmit content whose credibility they are not sure about. Media could seek cooperation with the fact-checking organisation to assist with checking the accuracy of information. The fact-checking organisation might provide support and training to the media and journalists in checking information before publication.

21. The media should attend regular training on ethical standards and their implementation and on new online challenges. Such training might be organised within the newsrooms or in cooperation with other media professionals, organisations and associations.

22. The media should promote citizens' complaint mechanisms for media content. In this regard, they might establish a special contact for citizens' complaints and objections and, if possible, appoint a person who will monitor citizens' objections and complaints.

## **Communications Regulatory Agency**

23. The Communications Regulatory Agency should adopt measures against violations of the Code on Programme Content, especially by the public service broadcasters. It should occasionally monitor the reporting of the public service and other broadcasters, especially during elections or on topics that are important to the public.

24. The Communications Regulatory Agency might, in cooperation with the Press and Online Media Council and with media organisations, work to promote ethical and professional standards in the media.

25. The Communications Regulatory Agency, together with other institutions and organisations, should consider models of co-regulation in which regulatory bodies would regulate those areas where self-regulatory mechanisms are not effective, such as protection against hidden advertising, and examine the possibility of introducing them.

26. The independence of the regulator should be ensured through a transparent and independent process of appointing persons to leading positions. The government of BiH should establish a mechanism to decide on the members of the Communications Regulatory Agency Council and the General Director, which will prevent political influence on the regulator. The General Director is currently confirmed by the Council of Ministers and proposed by the Agency Council. A mechanism should be established that would make it impossible for the Council of Ministers to interfere with the election of the Director. The professional public, media and journalists should put more pressure on the government and the regulator to remove political pressure on the regulator.

### **Other recommendations**

27. The government of BiH should pass a Law on Transparency of Media Ownership, which would include online media. Through these measures, a register of online media could also be created, where citizens could obtain information about owners and contact persons.

28. It is necessary to establish a media ombudsperson at the Institution of the Ombudsman of BiH who would decide on issues related to the protection of human rights and media reporting.

29. The authorities of BiH and educational institutions, the media and civil society should work on strengthening the media and information literacy of citizens, as well as on the introduction of media and information literacy in the school curricula.

30. Civil society organisations and media watchdogs should work on the promotion of ethical guidelines, point out frequent violations of ethical standards, and work on developing citizens' media and information literacy.

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## LIST OF INTERVIEWS

The interviews for this research were conducted between May and June 2023. We interviewed:

Maida Ćulahović, Head of the Department for Program Content and Analysis, Communications Regulatory Agency; Azra Maslo, Head of the Department for Program Content and Complaints, Communications Regulatory Agency;

Maida Bahto Kestendžić, Program Coordinator, Press and Online Media Council;

Borka Rudić, General Secretary, BiH Journalists Association;

Senada Ćumurović, Assistant General Director of Development, BHRT;

Rašid Krupalija, Editor, Raskrinkavanje;

Semir Hambo, Editor-in-Chief, Klix.ba;

Sandra Gojković-Arbutina, Editor-in-Chief, Nezavisne novine;

Lejla Turčilo, Professor, Faculty of Political Sciences, University of Sarajevo;

Ljubomir Zuber, Communication Specialist, Professor, University of Business Engineering and Management.

## ABOUT THE AUTHOR

**Anida Sokol** is a researcher and coordinator of research projects at Mediacentar Sarajevo. She has a master's degree in English language and literature from the Faculty of Philosophy in Sarajevo, and she earned a PhD in History of Europe as a Basileus scholar at the Faculty of Political Science of the University Sapienza in Rome, where she worked as a researcher. She published a number of works on the topic of media, memory and politics in BiH, among other things, in the magazine *Politička misao*, for Palgrave Macmillan and Mediacentar Sarajevo. She taught politics and media and political communication at International University Burch in Sarajevo and at the Sarajevo School of Science and Technology.

## GOOD MODELS, LIMITED IMPLEMENTATION

### Media self-regulation in Bosnia and Herzegovina

This publication is the result of research undertaken as part of the project **“Our Media: A civil society action to generate media literacy and activism, counter polarisation and promote dialogue”**. The first research series was conducted in the thematic framework titled “critical analysis of ethics codes and self-regulation in the media in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey”.

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