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Protection of Media Freedoms in Bosnia and Herzegovina

Progress Monitoring Study I

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1.

Introduction

Despite the European Commission's recommendation¹ to Member States to approve the opening of accession negotiations with Bosnia and Herzegovina (BiH) and the adoption of the Reform Agenda, 2025 did not bring substantial progress in legislative and institutional reforms related to freedom of expression and media freedoms. Key challenges remained the same as in previous years: slow and insufficiently transparent work on regulations, a lack of political and institutional consensus, and the fragmentation of competences that makes it difficult to adopt and implement comprehensive solutions. This is particularly evident in the long-standing stalemate surrounding the law on the public broadcasting system and the law on electronic media and communications.

At the same time, the European regulatory framework in the digital sphere is rapidly changing, while BiH continues to lag behind in aligning with EU standards. The legislative framework in the area of media and digital services only partially reflects current reform trends, while alignment with the 2018 Audiovisual Media Services Directive and new requirements, including the European Media Freedom Act, remains insufficient. At the same time, initiatives that carry the risk of further narrowing the space for freedom of expression emerged in 2025, such as announcements of measures aimed at “combating disinformation”, especially in the Republika Srpska.

The findings of this study confirm the assessments of the 2025 Progress Report of the European Commission: no progress has been reported in the area of freedom of expression and media, while BiH remains at an early stage of preparedness, with troubling signs of deterioration. This is reflected in the repetition of the same recommendations year after year, from the adoption of the law on transparency of media ownership and the finalization of the law on electronic communications and electronic media, to the stabilization of the public broadcasting system, ensuring financial sustainability and political independence of public broadcasters, and strengthening the protection of journalists and media staff.²

In 2025, the effects of the criminalization of defamation in the Republika Srpska also became more visible. Although no indictments were issued against media outlets or journalists for the offence of defamation in the observed period, practice has shown concrete consequences, including the summoning of journalists to police stations in connection with criminal complaints filed for defamation. The interviewees in this study point to increased caution and elements of self-censorship, especially with regard to issues of public interest and critical reporting on government officials.

At the same time, processes related to the drafting of legislation on transparency of media ownership continue to reveal structural obstacles. The establishment of a working group at the end of 2024 and its work in 2025 did not result in a clear plan or delineation of responsibilities between levels of government. In addition, the new Law on the Protection of Personal Data entered into force in 2025, with implementation beginning in October, and contains an exemption for data processing for journalistic purposes. However, by the end of 2025 no by-law guidelines had been adopted to make this exemption sufficiently clear and predictable in practice, leaving room for different interpretations and potential pressure on the media.

With regard to the right to access information, protection needs to be improved. The new state law has not yet come into effect as announced and a central public information portal does not exist. At the same time,

1 European Commission, 12 March 2024. Commission proposes to open EU accession negotiations with Bosnia and Herzegovina and updates on progress made by Ukraine and Moldova. https://enlargement.ec.europa.eu/news/commission-proposes-open-eu-accession-negotiations-bosnia-and-herzegovina-and-updates-progress-made-2024-03-12_en

2 European Commission. Bosnia and Herzegovina Report 2025. European Commission, 2025. https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2025_en

broadly defined exemptions and lengthy procedures continue to make access to data difficult. In Brčko District, the new law, following public reactions, brings a complaints mechanism, but at the same time leaves room for institutions to limit access to information, citing discretion. In sum, the legislative framework for access to information in BiH continues to act as a set of inconsistent regulations that are insufficiently harmonized with each other and with international standards.

In the area of electronic communications and electronic media, work on the adoption of two announced relevant laws continues progress slowly. Working groups are formally active, but draft laws had not been finalized by the end of 2025. In such circumstances, the Communications Regulatory Agency is attempting to respond partially through amendments to rules and by-laws, but with limited staffing and financial capacities, which is particularly challenging at a time when the EU is introducing new standards and obligations in the digital environment.

The crisis in the public broadcasting system deepened further in 2025. There has been no progress in the finalization or adoption of a new law on public service broadcasting at the state level, and reform remains blocked by political disagreements. Financial pressure and rising debts are pushing the system to a point where extreme measures, such as shutting down individual transmitters or interrupting broadcasting, are being considered. Such measures would jeopardize the availability of information of public importance and weaken media pluralism across the country.



The aim of this report is to provide an overview of key legislative, institutional and policy developments in the area of media freedoms in 2025, analyse their impact on the work of the media and the position of journalists, and identify the main challenges and potential directions for action.

In terms of institutional protection of journalists, some progress is visible in the operation of contact points (including a contact point in the Ministry of Internal Affairs of the Republika Srpska and contacts in prosecutors' offices and police bodies), as well as improvements in record-keeping. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina issued case records in prosecutors' offices for 2024, providing insight into the number and progress of cases in the prosecutors' offices. Nonetheless, the system of protection remains uneven and largely depends on the practice and capacities of individual institutions, while a unified and harmonized system of records at the level of police agencies has not yet been established.

The most significant normative and political shift in 2025 was the adoption of the Reform Agenda,³ which closely links the issues of fundamental rights and regression in media freedoms, reported since 2023, to the broader reform process in BiH. The Agenda creates space for more rigorous and comprehensive work on reforms in order to follow technological and regulatory trends and EU standards, but the pace of progress will depend on adherence to the agreed deadlines. By the end of 2025, initial activities had been completed for some of the measures planned for December 2025, including stronger promotion of the system of contact points and some progress towards obligations related to registering and monitoring threats and violence against journalists. At the same time, measures related to the public broadcasting system—staffing the management bodies, resolving debts to BHRT, and establishing a sustainable collection system—had not been achieved by the end of 2025 in the scope and

3 European Commission. ANNEX III - Reform Agenda Bosnia and Herzegovina. European Commission, 2025. https://enlargement.ec.europa.eu/document/download/08927cfb-a165-4bba-adf5-f694d8ec123f_en?filename=BiH%203.0%20Reform%20Agenda.PDF

timeframe envisioned by the Agenda, although some court decisions on debt settlement to BHRT constitute a positive step in that direction.

Finally, the Reform Agenda also envisions broader measures by the end of 2027: an analysis of laws that restrict the freedoms of expression, assembly, and association, and the removal of restrictive solutions, including the deletion of controversial defamation provisions from the criminal legislation of the Republika Srpska, as well as the adoption of a new whistleblower protection framework at the state level in line with the EU acquis. Building on the findings for 2025 and the continuity of trends identified in the previous report, this study maps the situation in key areas and identifies the points where political will and coordinated implementation are crucial for the reform commitments to translate in real and measurable progress.

1.1. About the Report

The aim of this report is to provide an overview of key legislative, institutional and policy developments in the area of media freedoms in 2025, analyse their impact on the work of the media and the position of journalists, and identify the main challenges and potential directions for action. The report was prepared on the basis of primary and secondary data, through an analysis of existing policies in BiH, with data collected from competent institutions and through ten interviews with relevant interviewees, including legal experts, media representatives, and representatives of institutions.

The report represents the first monitoring study in a three-part series of reports dedicated to monitoring legislative and institutional reforms in the area of freedom of expression and media freedom. It is based on the first report, “Protection of Media Freedoms in Bosnia and Herzegovina: Steps towards European Integration”⁴, issued in January 2025, which provided a comprehensive overview of the relevant legislative framework, as well as the degree of its compliance with international standards and standards of the European Union. Compared to the first report, the monitoring of progress focuses on changes, new initiatives and the practical effects of the legislative and institutional processes that took place during 2025.

The first part of this report lays out legislative changes in the previous year, focusing on criminal legislation and laws governing freedom of access to information. It also analyses the proposed and implemented measures in the process leading to the adoption of laws in the area of communications and electronic media, as well as the regulations and decisions of the Communications Regulatory Agency, the Law on Transparency of Ownership, and the Law on the Public Broadcasting System of BiH.

The second part of the report addresses new challenges in the area of media freedoms, including regressive initiatives and measures such as the adoption of a law on “foreign agents” in the RS, which was later repealed, the announcement of the establishment of a disinformation department in the RS, and concrete cases of legal harassment of journalists in BiH. This part also analyses the dynamics of adoption of media laws at different levels, including the process of drafting the Law on Media in the Republika Srpska, as well as progress in the area of institutional protection of journalists.

The final part of the report analyses the alignment of media legislation with the EU acquis, focusing on the Digital Services Act, European Media Freedom Act, Directive against Strategic Lawsuits against Public Participation, and the alignment of the Law on the Protection of Personal Data with the General Data Protection Regulation (GDPR).

4 Anida Sokol and Lejla Gačanica, “Protection of Media Freedoms in Bosnia and Herzegovina: Steps Towards European Integration”, Mediacentar Sarajevo, 2025: <https://media.ba/en/publication/protection-media-freedoms-bosnia-and-herzegovina-steps-towards-european-integration>

2.

Changes in Legislative Solutions

In 2025, there was no systematic approach to legislative initiatives relevant to media freedom. The adopted legislative solutions were subject to criticism due to a lack of transparency in the process, with the media and the professional community mainly being involved only after public reactions to the published drafts, that is, in the late stages of the legislative cycle.

Protection of journalists through criminal legislation has not improved,⁵ while entity-level interventions in criminal legislation have raised additional questions related to the legal certainty of journalists' work. On the other hand, the issue of regulation of personal data protection has introduced further uncertainty into journalists' work, through provisions in criminal legislation in the Federation of Bosnia and Herzegovina and through their implementation in the area of freedom of access to information.

Announced laws in the area of electronic media and communications are still not available in the form of public drafts, which limits insight into their content to general statements by those involved in the process, making it impossible to assess their compliance with the EU acquis. At the same time, the law on the transparency of media ownership has not been presented to the public in draft form, while reform of the public broadcasting system remains blocked. The financial crisis of Radio and Television of Bosnia and Herzegovina (BHRT) has deepened, and disputes over the distribution of the RTV tax have continued following the Decision of the Constitutional Court of BiH on this matter.

2.1. Implementation of Amendments to the Criminal Code of the Republika Srpska

Despite the recommendations of the European Commission and the deadline for removing provisions by the end of 2025 according to the Reform Agenda,⁶ defamation is still regulated as a criminal offence in the Republika Srpska (RS). The criminal offence of defamation sanctions the making or disseminating of something untrue about another person, knowing that it is untrue, which may cause damage to the honour and reputation of that person, with stricter penalties provided for in cases where the act is committed through the press (Art. 208a).⁷ The criminalization of defamation is seen as a major retrograde step in the protection of media freedoms and freedom of expression.

By the end of 2025, numerous reports for the criminal offence of defamation, as well as a smaller number of reports for the criminal offence of disclosure of personal and family circumstances, had been filed in the RS. According to data submitted to Mediacentar by district public prosecutors' offices in the RS in December 2025, in the period following the entry into force of the Amendments to the Criminal Code of the Republika Srpska (CCRS) of 2023, a total of 273 reports were received for the criminal offence of defamation (Art. 208a of the CCRS) and the criminal offence of disclosure of personal and family circumstances (Art. 208b of the CCRS). Although the data indicate a decrease in the total number of reports in 2025 compared to 2024, the trend is not consistent across all district prosecutors' offices. From the entry into force in August until the end of 2023,

5 The criminal codes in Bosnia and Herzegovina still do not contain a specifically regulated criminal offence of "attack on journalists", although, back in 2022, both houses of the Parliamentary Assembly of Bosnia and Herzegovina adopted conclusions that envisioned improving the protection of journalists through criminal legislation (Sokol and Gačanica, 2024).

6 As part of the Reform Agenda, adopted at the end of 2025, the deadline given for decriminalization of defamation was December 2025, European Commission. ANNEX III - Reform Agenda Bosnia and Herzegovina. European Commission, 2025. https://enlargement.ec.europa.eu/document/download/08927cfb-a165-4bba-adf5-f694d8ec123f_en?filename=BiH%203.0%20Reform%20Agenda.PDF

7 Criminal Code of the Republika Srpska, <https://www.paragraf.ba/propisi/republika-srpska/krivicni-zakon-republike-srpske.html>

On a total of

273

criminal reports by
December 2025, it was
confirmed that

47

reports for the
criminal offences
of defamation
and disclosure of
personal and family
circumstances are
related to media
outlets and media
staff.

a total of 44 reports were noted,⁸ while in 2024 the number rose to 138, and in 2025 the number was 74 reports. The data show, for example, that the District Prosecutor's Office in Trebinje noted a continuous rise in the number of reports in the observed three-year period.

Criminal reports filed against media outlets and media staff represent a significant share of the total number of reports filed at individual prosecutors' offices. According to information submitted on a total of 273 criminal reports by December 2025, it was confirmed that 47 reports for the criminal offences of defamation and disclosure of personal and family circumstances are related to media outlets and media staff. The District Prosecutor's Office in Istočno Sarajevo confirmed that out of a total of 34 reports for the criminal offence of defamation, as many as 16 were filed against "journalists/bloggers/editors".

Available data indicate that public officials, politicians, and holders of public office are among those who filed the reports, although the number was not confirmed in most responses from prosecutors' offices. The District Prosecutor's Office in Trebinje stated that out of a total of 26 reports, "public officials, politicians, or holders of public office filed seven reports against journalists, media outlets or editors-in-chief". Inconsistent records on those who filed the reports makes it difficult in practice to identify patterns of potentially malicious actions and to comply with the EU directive against SLAPP lawsuits.

8 The number refers to a five-month implementation period (August-December 2023), which is significantly shorter compared to the calendar years 2024 and 2025.

Table 1: Overview of the number of reports for the criminal offence of defamation (208a) and the criminal offence of disclosure of personal and family circumstances (208b), according to information submitted by district public prosecutors' offices in the RS.

	Number of reports		Reports related to media outlets and/or media staff
	Criminal offence of defamation 208a	Criminal offence of disclosing personal and family circumstances 208b	
District Prosecutor's Office Banja Luka⁹	119 21 (2023) 64 (2024) 34 (2025)	10 6 (2023) 1 (2024) 3 (2025)	7 against journalists 4 against media outlets 5 against editors-in-chief
District Prosecutor's Office Bijeljina¹⁰	26 7 (2023) 12 (2024) 7 (2025)	0	6 against "media outlets or media staff"
District Prosecutor's Office Doboј¹¹	52 6 (2023) 32 (2024) 14 (2025)	1 1 (2025)	1 against a portal editor and portal 1 against a portal owner 1 against a portal and an unknown author of article
District Prosecutor's Office Istočno Sarajevo¹²	34 8 (2023) 20 (2024) 6 (2025)	0	16 against "journalists/bloggers/editors"
District Prosecutor's Office Prijedor¹³	5 3 (2024) 2 (2025)	1 1 (2024)	0
District Prosecutor's Office Trebinje¹⁴	23 1 (2023) 10 (2024) 12 (2025)	3 1 (2023) 1 (2024) 1 (2025)	1 against editor-in-chief 1 against media outlet 4 against editors-in-chief

9 Maja Đaković-Vidović, Public Relations Manager, District Public Prosecutor's Office Banja Luka, 16 Dec 2025.

10 Milan Malivojević, Information Officer – Spokesperson, District Public Prosecutor's Office Bijeljina, information for period up to 15 Dec 2023, 16 Dec 2025.

11 Slobodanka Lukić, Information Officer, District Public Prosecutor's Office Doboј, information for period up to 12 Dec 2025, 12 Dec 2025.

12 Anesa Sarić, Information Officer – Spokesperson, District Public Prosecutor's Office Istočno Sarajevo, information for period up to 30 Nov 2025, 12 Dec 2025

13 District Public Prosecutor's Office Prijedor, 26 Dec 2025

14 Kosa Zotović, Information Officer, District Public Prosecutor's Office Trebinje, information for period up to 30 Nov 2025, 12 Dec 2025 and 15 Jan 2025 (supplement to response)

Although, according to the available information, no indictments were issued against journalists and media outlets in 2025 and most criminal reports are pending in prosecutors' offices, legal expert Aleksandar Jokić says that the Law, through the report filing processes, "has had its effects, although it has not had verdicts".¹⁵ The practice of questioning journalists in police stations on the basis of criminal reports continued in 2025, for example in a case concerning a post on social networks that initiated a debate on a matter of public interest,¹⁶ which journalist associations have repeatedly criticized as a form of institutional pressure on journalists.¹⁷ European Court of Human Rights practice¹⁸ confirms that the mere initiation of criminal proceedings against journalists, even without a conviction, may constitute interference with freedom of expression due to its intimidating effect, that is, by having a chilling effect on journalists.

Although the Constitutional Court of Bosnia and Herzegovina has determined that the existence of criminal provisions on defamation does not in itself constitute a violation of freedom of expression¹⁹ under Article 10 of the European Convention on Human Rights (ECHR),²⁰ such a conclusion does not imply broad legitimacy for their implementation. On the contrary, the jurisprudence of the European Court of Human Rights shows that criminal defamation is not considered incompatible with Article 10 of the ECHR, although it is contrary to freedom of the media. The Court therefore applies extremely strict proportionality criteria and considers criminal sanctions unacceptable in situations where civil law alternatives exist.²¹

It is commendable that there has not been a large number of indictments for the criminal offence of defamation. According to available information, by the end of 2025, only one judgment had been delivered against an accused person (not a journalist) in Banja Luka, who was found guilty and sentenced to a fine. The legal certainty of journalists will depend on the further actions of prosecutors' offices and the development of judicial practice.

2.2. Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina

The Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina²² entered into force in August 2025, containing provisions that may serve to protect journalists from digital violence. By partially transposing Directive (EU) 2024/1385 on combating violence against women and domestic violence,²³

15 Aleksandar Jokić, attorney, interview.

16 MCOOnline newsroom. "Urednik portala Drina Media saslušan u policiji, reagovali BH novinari" (Editor of Drina Media portal questioned in police station, BH Journalists reacted). Media.ba, 18 Sep 2025. Accessed: December 2025. <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/urednik-portala-drina-media-saslusan-u-policiji-reagovali-bh-novinari>

17 MCOOnline newsroom, "Urednica Spin.info saslušana u policijskoj stanici zbog krivične prijave za klevetu" (Editor of Spin.info questioned in police station over criminal report for defamation) Media.ba, 10 Oct 2024. Accessed: December 2025. <https://media.ba/bs/vijesti-i-dogadaji-vijesti/urednica-spininfo-saslusana-u-policijskoj-stanici-zbog-krivicne-prijave>

18 European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights. Council of Europe, n.d. <https://rm.coe.int/guide-on-article-10-freedom-of-expression-eng/native/1680ad61d6> §51.

19 Constitutional Court of Bosnia and Herzegovina. Decision on constitutionality and merits in case number U-21-23, 18 Jan 2024. https://www.ustavisud.ba/uploads/odluke/_sr/U-21-23-1401076.pdf

20 European Convention on Human Rights, https://www.echr.coe.int/documents/d/echr/convention_bos

21 Başak Çalı, "Does the remedy jurisprudence of the European Court of Human Rights do enough for media freedom?" in Andreotti, O. Journalism at Risk, Council of Europe, 2015.

22 Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina, [https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali_2025/Krivi%C4%87ni_zakon_izmjene_BOS\(1\).pdf](https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali_2025/Krivi%C4%87ni_zakon_izmjene_BOS(1).pdf)

23 Directive on combating violence against women and domestic violence (Directive (EU) 2024/1385). https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401385

the Law recognized the commission of criminal offences through information and communication technologies.²⁴ The act of stalking, which refers to the prohibition of repeated surveillance of a person and attempts to establish unwanted contact “directly or through a third person or through information and communication technology”, is criminalized and carries a prison sentence of up to one year (Art. 179a). The offence of psychological violence is also criminalized and carries a prison sentence of up to one year (Art. 181b). These provisions represent a normative framework that may be relevant in cases of digital harassment and threats aimed at journalists.

However, the procedure of adopting the Amendments to the Law pointed to a lack of transparency²⁵ in the involvement of the expert public and in the consideration of issues related to freedom of expression and the media. In January 2025, the media and civil society reacted to the provisions contained in the Draft Law, in particular the controversial article “Unauthorized publication and display of a file, portrait and recording” (Art. 193a), which envisaged a fine or imprisonment of up to three years for anyone who, without the consent of the person, publishes or displays content of a personal nature through any means. The controversial article was withdrawn in February 2025 without a specific explanation.²⁶ The provision had provided disproportionate protection of privacy without exemptions for journalistic reporting and the public interest, thereby creating legal uncertainty and encouraging self-censorship in the media space.

The law does prescribe a criminal offence related to the prohibition of the unauthorized use, processing, and publication of personal data. According to the law, “Whoever, in gross violation of the conditions prescribed by the law or a regulation adopted on the basis of the law, collects, processes, or uses personal data of natural persons shall be punished by imprisonment for a term not exceeding one year” (Article 193). In practice, the provision may restrict the investigative work of journalists, especially when investigating corruption, crime, abuse of office, the use of personal data on property and origin of money, and connections with other persons. It is not specified how the law will apply to journalists and data used in the public interest and for journalistic purposes.²⁷ It is, therefore, important how the prosecutors’ offices and courts interpret the elements of the criminal offence and in each case balance them with freedom of expression according to the standards of Article 10 of the ECHR (necessity and proportionality of the interference, public interest).



The procedure of adopting the Amendments to the Law pointed to a lack of transparency in the involvement of the expert public and in the consideration of issues related to freedom of expression and the media.

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- 24 Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina [https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali_2025/Krivi%C4%87ni_zakon_izmjene_BOS\(1\).pdf](https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali_2025/Krivi%C4%87ni_zakon_izmjene_BOS(1).pdf)
- 25 Although the House of Representatives of the Parliament of the Federation of BiH accepted the Draft Law back in 2022 and tasked the proponent with conducting a public hearing and taking into account all proposals, comments, and suggestions, the criminal offence described in disputed Article 193a was omitted from the draft that passed the public hearing, thus denying the public insight into the harmfulness of the provisions.
- 26 Selma Fukelj. “Povučen sporni član Krivičnog zakona FBiH” (Disputed article of Criminal Code of FBiH withdrawn), Media.ba, 8 May 2025. Accessed: December 2025. <https://www.media.ba/bs/magazin-novinarstvo/povucen-sporni-clan-krivcnog-zakona-fbih-ali-odredbe-su-i-dalje-nejasne>
- 27 MCOOnline. “Federalni parlament usvojio izmjene Krivičnog zakona FBiH” (Federal Parliament adopts amendments to Criminal Code of FBiH). Media.ba, 29 May 2025. Accessed: December 2025. <https://media.ba/bs/vijesti-i-dogadaji-vijesti/federalni-parlament-usvojio-izmjene-krivcnog-zakona-fbih>

2.3. Law on Freedom of Access to Information in Brčko District

In its 2025 Progress Report, the European Commission states that the Law on Freedom of Access to Information of Bosnia and Herzegovina (FOIA BiH) needs to be fully aligned with international standards.²⁸ In addition to alignment, institutions need to fulfil all obligations already defined by law, given that a central public information portal that would facilitate access to information for citizens and enable greater transparency in the operation of public institutions at the state level has not yet been established, while in practice, civil society and the media still face challenges in accessing information.²⁹



Transparency International BiH warned of shortcomings that are contrary to international standards, in particular the denial of the possibility to appeal decisions made by the authorities from which information is requested, which creates the risk of additional costs being imposed for initiating disputes.

In October 2025, the Law on Freedom of Access to Information in the Brčko District of Bosnia and Herzegovina (FOIA BD) entered into force, which also needs to be aligned with international standards.³⁰ The law recognizes provisions on proactive transparency, in accordance with the FOIA BiH, while the revised version addressed objections regarding appeal mechanisms that had been raised at a public hearing. Although the criticism, public hearing, and revision of the law reduced the scope for authorities and institutions to deny access to information of public interest, the FOIA BD still defines numerous exemptions to access to information. As a result, the adopted draft law is not fully aligned with the EU acquis and international standards.

The draft ZOSPI BD, adopted in the first reading, drew significant criticism from civil society organizations and the media, which demanded that the law be revised. Transparency International BiH warned of shortcomings that are contrary to international standards, in particular the denial of the possibility to appeal decisions made by the authorities from which information is requested, which creates the risk of additional costs being imposed for initiating disputes.³¹ The BH Journalists Association requested an urgent public hearing,³² which was held in June 2025.

Following the public hearing, the law was adopted with amendments that enabled an appeals procedure against a decision of the authority from which the information is requested.³³ An appeals system was introduced in which the

28 European Commission, "Bosnia and Herzegovina Report 2025", European Commission, 2025. Accessed: November 2025. https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2025_en

29 Aida Trepanić-Hebib. "Nedosljedna praksa i novi zakon ograničavaju pravo na informacije u BiH" (Inconsistent practice and new law restrict right to information in BiH). Detektor, 29 Sep 2025. Accessed: December 2025. <https://detektor.ba/2025/09/29/nedosljedna-praksa-i-novi-zakon-ogranicavaju-pravo-na-informacije-u-bih/>

30 Ibid.

31 TI BiH. "TI BiH apeluje na Skupštinu Brčko distrikta: Omogućiti javnu raspravu o novom Zakonu o slobodi pristupa informacijama" (TI BiH appeals to Brčko District Assembly: Enable public debate on new Law on Freedom of Access to Information). TI BiH, 3 Jun 2025. Accessed: December 2025. <https://ti-bih.org/ti-bih-apeluje-na-skupstinu-brcko-distrikta-omoguciti-javnu-raspravu-o-novom-zakonu-o-slobodi-pristupa-infomracijama>

32 Selma Fukelj. "Još nema informacija o javnoj raspravi o Nacrtu ZOSPI-ja u Brčkom" (Still no information on public hearing on Draft FOIA in Brčko). Media.ba, 28 May 2025. Accessed: December 2025. <https://www.media.ba/bs/magazin-novinarstvo/jos-nema-informacija-o-javnoj-raspravi-o-nacrtu-zospi-ja-u-brckom>

33 TI BiH. "TI BiH o novom Zakonu o slobodi pristupa informacijama Brčko distrikta: Nedopustivo je građanima uskraćivati pravo na žalbu." (TI BiH on new Law on Freedom of Access to Information of Brčko District: It is unacceptable to deny citizens the right to appeal) TI BiH, 21 May 2025. Accessed: December 2025 https://ti-bih.org/wp-content/uploads/2025/05/Press-rls_21.05.25_.pdf

Appellate Commission of the Office of the Mayor decides on appeals against decisions of District institutions, the Judicial Commission decides on decisions of judicial bodies, and the Boards of Directors of public enterprises, institutions, and other legal entities founded by the District decide on appeals in their systems. Supervision over the implementation of the law was entrusted to the Administrative Inspection, thereby strengthening the institutional framework for the protection of the right to access information and ensuring full application of the two-instance principle. During the public hearing, it was suggested that the Government of Brčko District consider ensuring direct access to the court for appellants. However, the adopted solution provides administrative disputes to be initiated in all cases, and leaves appeals largely under the jurisdiction of political bodies.

A positive element of the FOIA BD is that it contains provisions on proactive transparency (Art. 15), regulated in the same way as the Law on Freedom of Access to Information at the state level (Art. 14). In this regard, the Institution of the Ombudsman for Human Rights of BiH submitted a proposal according to which a deadline would be specified for the establishment of the Central Portal of Public Information within the framework of Article 15 of the FOIA BD. The proposal was rejected on the grounds that it was not possible to define a timeframe within which the technical capacities for organizing and managing the Central Portal would be created. At the state level, the envisioned plan for establishing the portal, nine months after the introduction of the law, expired in July 2024.

Within the framework of the Law, numerous exemptions and restrictions on access to information held by public institutions are defined, the majority of which correspond to the provisions of the FOIA BiH. Additional discretion in deciding on exemptions is allowed in cases involving the protection of secrecy, state security, international relations, and public order, given that the formal classification of such documents is not explicitly required under the FOIA BD, unlike under the FOIA BiH. In addition, the FOIA BD does not contain a general provision on the duration of specific restrictions, which, under the FOIA BiH, end automatically once the reasons for which they were introduced cease to exist (Art. 19, 8).

The adopted text of the FOIA BD retains the obligation to act in accordance with regulations on the protection of personal data (Article 6, paragraph 4),³⁴ despite warnings that this right should not be favoured in all cases of requests for access to information, as such an approach could lead to narrowing of the scope of application of the law. Although the explanatory statement indicates that regulations on freedom of access to information and the protection of personal data will be applied complementarily, ambiguities regarding their practical application have not been eliminated. The dilemmas arise from the application of the new Law on Protection of Personal Data of Bosnia and Herzegovina, which entered into force in October 2025. The law leaves discretion to public and competent authorities that “may in the public interest disclose personal data from official documents in their possession” (Article 53, paragraph 1).³⁵ In the absence of clear criteria for applying the public interest test, and bearing in mind that appeals are decided by political bodies, this combination of normative solutions may in practice act restrictively and open up space for interpretations that lead to unjustified withholding of information of public importance.

34 Draft Law on Freedom of Access to Information in Brčko District <https://vlada.bdcentral.net/content/DownloadAttachment/?id=1a88d42e-2a1a-48eb-ba07-3acb37d27996&langTag=bs>

35 Law on Protection of Personal Data of Bosnia and Herzegovina, <https://www.paragraf.ba/propisi/bih/novi-zakon-o-zastiti-licnih-podataka.html>



Alignment with the Audiovisual Media Services Directive is still pending, while new EU regulations with which BiH must align its legislation are emerging, such as the European Media Freedom Act (EMFA), which entered into force in the EU in August 2025.

2.4. Laws in the Field of Communications and Electronic Media

Alignment with the Audiovisual Media Services Directive is still pending, while new EU regulations with which BiH must align its legislation are emerging, such as the European Media Freedom Act (EMFA), which entered into force in the EU in August 2025. No new laws on electronic media and electronic communications were adopted in 2025.

Although the adoption of draft laws in this area was assessed as partially completed by the Ministry of Communications and Transport of Bosnia and Herzegovina (Ministry) in a report issued in March 2025,³⁶ the draft laws were not available to the public by the end of the year. Transparency of the process remained limited, given that information on the content and development of the legislative solutions was available to the public only through the Minister's announcement.³⁷ During the reporting period, there was no concrete insight into the draft legislative solutions, public hearing, or participation of the expert public.

The working groups for the drafting of the Law on Electronic Communications and Law on Electronic Media continued their work in 2025. Although separate working groups were established due to the separation of the two laws,³⁸ both mostly comprise the same members. Members of both working groups who were interviewed for this study in November 2025 stated that there were no meetings of the working group for the drafting of the Law on Electronic Media.³⁹ They also pointed to the continuing lack of logistical support for organizing meetings, as well as the burden placed on individuals who are members of multiple working groups.⁴⁰

In the context of these limited working dynamics, it was announced in October 2025 that the Ministry planned to send the Preliminary Draft Law on Electronic Media for public consultations by the end of the year. However, it was also noted that "the precise time depends on the sending of the Preliminary Draft Law on Electronic Communications, which is in the final stage of preparation, for public consultations".⁴¹ A member of the working groups from the Ministry confirmed that the text of the preliminary draft law had been prepared, but expressed little of optimism that the announced timeframes would be met, pointing to uncertainty regarding the

36 Ministry of Communications and Transport of Bosnia and Herzegovina. "Izveštaj o provođenju Srednjoročnog plana rada za 2024. godinu, na osnovu usvojenog Srednjoročnog programa rada Vijeća ministara Bosne i Hercegovine za period od 2024. do 2026. godine" (Report on the implementation of the Medium-Term Work Plan for 2024, based on the adopted Medium-Term Programme of Work of the Council of Ministers of Bosnia and Herzegovina for the 2024-2026 period). n.d. <https://www.mkt.gov.ba/Content/OpenAttachment?id=94035fa2-1813-4e70-bb7c-6cb63f66ce06&lang=bs>

37 Ministry of Communications and Transport of BiH, "Forto: Draft Law on Electronic Media Provides for Obligation of Public Impressum", mkt.gov.ba, 28 Oct 2025. Accessed: December 2025. <https://www.mkt.gov.ba/publication/read/forto-nacrtom-zakona-o-elektronskim-medijima-predvidjena-obaveza-javnog-impresuma?pagelid=48>

38 A working group for the development of a single law on electronic communications and media was formed in 2018, but with the subsequent separation of these two regulations, separate working groups were formed for each law individually (Sokol and Gačanica, 2025).

39 Azra Maslo, Head of Programme Content and Complaints Sector, and Amela Odošić, Assistant Director for Broadcasting, Communications Regulatory Agency.

40 Milanka Sudžum, Head of Communications Department, Ministry of Communications and Transport of BiH, interview.

41 Ministry of Communications and Transport of BiH, "Forto: Draft Law on Electronic Media Provides for Obligation of Public Impressum", 28 Oct 2025. Accessed: December 2025. <https://www.mkt.gov.ba/publication/read/forto-nacrtom-zakona-o-elektronskim-medijima-predvidjena-obaveza-javnog-impresuma?pagelid=48>

dynamics of further procedures.⁴² The main obstacle to sending the law into the legislative procedure remains the definition of the competences of state-level institutions (Parliament of Bosnia and Herzegovina, Council of Ministers of Bosnia and Herzegovina, Ministry of Communications and Transport of Bosnia and Herzegovina). It is envisaged that these competences will be defined within the prioritized Law on Electronic Communications, to which the Law on Electronic Media should refer before being sent for public consultations.⁴³ The dynamics of the procedure therefore remain conditioned by the lack of political willingness, confirming the findings of the baseline study.

In a statement by the Ministry from October 2025, which was purely informative in nature, limited insight was provided into the elements of the working material of the Preliminary Draft Law on Electronic Media. According to the statement, the draft law “lays the foundations for the regulation of TV and radio broadcasting, audiovisual on-demand services, distributors of media services and video sharing platforms”. Normative steps towards alignment with the Audiovisual Services Directive were announced through a list of prescribed prohibitions and obligations. These include obligations related to the implementation of measures to protect children from content harmful to their development, accessibility of media services to persons with disabilities, the promotion of European works,⁴⁴ and a list of events that public broadcasters must transmit.⁴⁵ Prohibitions are also laid out: content that incites hatred, violence or discrimination, calls for terrorism or the overthrow of the constitutional order, the use of data collected to protect minors for commercial purposes, and covert advertising, with stricter rules for advertising alcohol, tobacco, and medicines. In essence, the statement confirms regulatory approaches in the main areas prescribed by the Audiovisual Media Services Directive.

According to the same statement, it is envisioned that the Communications Regulatory Agency (the Agency) will prescribe measures and supervise the obligations of video-sharing service providers, with the aim of protection of minors and the public from content that incites hatred, violence, or constitutes a criminal offence. It is also stated that the draft stipulates an “obligation of a public impressum”, whereby “each user of a licence or approval issued by the Agency shall provide easy, direct, and continuous access to key data, including the name, address of headquarters, contact information (including email or website), and confirmation that it holds a licence or approval.”

Online media are not included in the Preliminary Draft Law on Electronic Media and no agreement on regulating this field has been as reached even within the framework of the work on the Law on Transparent Ownership—contrary to the Ministry’s earlier intention.⁴⁶ A member of three working groups—for the drafting of the Law on Electronic Media the Law on Electronic Communications, and



Online media are not included in the Preliminary Draft Law on Electronic Media and no agreement on regulating this field has been as reached even within the framework of the work on the Law on Transparent Ownership.

42 Milanka Sudžum, Head of Communications Department, Ministry of Communications and Transport of BiH, interview.

43 Ibid.

44 “Audiovisual services shall promote European works and works of independent producers, with particular encouragement of Bosnian and Herzegovinian production, thereby strengthening the local creative industry.”

45 “A list of events of special importance that public broadcasters must transmit shall be established, with the right of other stations to shorter information. Distributors shall broadcast public radio and TV services free of charge (must-carry).”

46 Anida Sokol and Lejla Gačanica. “Zaštita medijskih sloboda u Bosni i Hercegovini: Koraci ka evropskoj integraciji” (Protecting Media Freedom in Bosnia and Herzegovina: Steps towards European Integration). Mediacentar Sarajevo, 2025. Accessed: December 2025. https://media.ba/sites/default/files/zastita_medijskih_sloboda_u_bih_-_web_pages_1.pdf

the Law on Transparency of Ownership—states that she expects the same issue regarding the inclusion of online media into legislative texts to persist, with the matter likely to be “moved back and forth” between different legislative initiatives. She suggests that the only outcome she expects is that this area will eventually be regulated through a comprehensive law on media.⁴⁷

Online media are currently regulated only through the 2024 Amendments to the Election Law, which raises questions regarding the implementation of rules and supervision in the online environment. Although transparency obligations have been introduced for online media—including the disclosure of data on ownership, headquarters and editor-in-chief as a requirement for election coverage—practice has shown poor implementation and persistent ambiguities regarding the competent body responsible for supervision and sanctioning, which further confirms the partial and vague nature of the current regulatory approach.⁴⁸

2.5. Regulations and Rules of the Communications Regulatory Agency

In 2025, the Agency continued the process of harmonizing regulations with the Audiovisual Media Services Directive, citing the need for specific provisions in existing by-laws to be “improved or further developed.”⁴⁹ Specifically, this relates to the Rule on Audiovisual and Media Services, the Rule on Radio Media Services, and the Rule on Distribution.⁵⁰ In July 2025, a round of public consultations was held on the three aforementioned rules, followed by an additional round of public consultations on the Rule on Distribution in December 2025.⁵¹ By the end of the year, the Agency Council had not adopted or issued the aforementioned rules, which were foreseen in the plan for drafting and submitting by-laws into the adoption procedures within the framework of the Agency's Annual Work Plan and Programme for 2025.

The Agency explained that the need for changes stems from “the obligation of conduct for television broadcasting licence holders in the process of switching from analogue to digital terrestrial broadcasting, as well as the need to further specify the individual provisions of the regulations pertaining to radio media services, introduce new ones, and repeal some of the existing provisions.” It was also announced that the simplification of the form and content of future licences is planned and that “novelties are also foreseen with regard to the obligations of distributors in carrying the programmes of domestic commercial and public TV broadcasters, primarily in order to ensure that in the future each distributor reaches at least 20% of audiovisual media services from BiH in its offer.”⁵²

Although the rules are not publicly available, in periods when public consultations have been completed, the refinement of the rules in light of the needs of the digitalization process indicates that EU rules can be relatively quickly incorporated in the domestic framework, as well as amended. This approach enables the operational

47 Milanka Sudžum, Head of Communications Department, Ministry of Communications and Transport of BiH, interview.

48 Amer Džihana and Anida Sokol. “Lokalni mediji i društvene mreže u izbornoj kampanji – Lokalni izbori 2024. godine” (Local media and social networks in the election campaign – 2024 Local Elections). Mediacentar Sarajevo, 2025. https://media.ba/sites/default/files/lokalni_mediji_i_drustvene_mreze_u_izornoj_kampanji_-_web_final.pdf

49 Azra Maslo, Head of Programme Content and Complaints Sector, and Amela Odošić, Assistant Director for Broadcasting, Communications Regulatory Agency.

50 Communications Regulatory Agency. “Communications Regulatory Agency Council holds 8th regular session”, 31 Jul 2025. Accessed: November 2025. <https://rak.ba/bs-Latn-BA/news/14797>

51 Azra Maslo, Head of Programme Content and Complaints Sector, and Amela Odošić, Assistant Director for Broadcasting, Communications Regulatory Agency, interview.

52 Communications Regulatory Agency. “Communications Regulatory Agency Council holds 8th regular session”. CRA, 31 Jul 2025. Accessed: December 2025. <https://rak.ba/bs-Latn-BA/news/14797>

action of the Agency and the broadcasters, noting the importance of incorporating provisions through regular legislative procedures and legal hierarchy.

The political and financial independence of the regulator remains an unresolved issue. Recommendations on strengthening the independence of the Agency are systematically ignored, further affecting the perception of political influence on the regulator and the public broadcasting system. The Ministry's announcement that the proposed Law on Electronic Media envisages a normative strengthening of the role of the regulator, through the inclusion of provisions on the independence of the Agency, according to which it must be legally separated from the government and act impartially and transparently, is a positive one and, among other things, represents an important step towards full alignment with Directive (EU) 2018/1808 on audiovisual media services. However, it is important to emphasize that these changes are currently mentioned only in the Ministry's announcements, given that the draft laws have not yet been issued or submitted for a formal legislative procedure.

2.6. Law on Transparency of Media Ownership and Promotion of Media Pluralism

By the end of 2025, the draft Law on Transparency of Media Ownership was still not publicly available. Members of the working group formed in 2024 confirmed the existence of obstacles in the development of the preliminary draft and stated that a report on its work was being prepared at the end of the year for the Minister of Communications and Transport of BiH. The creation of a publicly available database or a registry on media ownership remains a key issue for strengthening transparency⁵³ and aligning with the European Union *acquis*.

According to available information, the Ministry's intention was for the working group to decide on the model of the register in consultation with the entity authorities, with the possibility that a cooperation mechanism and an integrated register could be prescribed through the Law on Electronic Media.⁵⁴ Since the entry into force of the EMFA in the European Union, obligations for media outlets to disclose information on their ownership structure and financing have been emphasized.⁵⁵ The EMFA prescribes the creation of a national database on ownership, which may be entrusted to the national regulatory or other competent authorities holding such data (Art. 2).⁵⁶ If the issue is to be regulated through access to existing registers, it will first be necessary to unify, supplement, and make publicly accessible the existing public registers in BiH.

53 The experience from the Republika Srpska shows that measures that formally strengthen transparency can raise new issues of political influence. Although the media register is important as a publicly available source of basic data, the idea of a special fund for media financing is in practice viewed with distrust, as it can be interpreted as a mechanism for strengthening financial support for media close to the government, rather than as a transparent instrument for supporting the public interest.

54 Arman Fazlić. "Izrada medijskih zakona u BiH: Registar medija ključni izazov" (Development of media laws in BiH: Media registry a key challenge). Media.ba, 24 Sep 2025. Accessed: December 2025. <https://www.media.ba/bs/magazin/izrada-medijskih-zakona-u-bih-registar-medija-kljucni-izazov>

55 In accordance with the Media Freedom Act in the European Union, conditions need to be provided for creating a single database that allows the public to view information on media ownership. Article 6 mandates that media service providers shall make easily and directly accessible up-to-date information on their name, the names of all direct and indirect owners—including direct and indirect ownership by a state or by a public authority, the names of beneficial owners, and the total amount of funds for state advertising received from third-country public authorities or entities.

56 European Media Freedom Act, <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:32024R1083>

Six meetings of the working group were held in 2025. The civil society organizations JaBiHEU, the Press Council, and Mediacentar Sarajevo provided logistical and expert support through the project “Media Integrity and Freedom of Speech Reforms.” During the meetings, the Draft Law on Transparency of Media Ownership and Protection of Media Pluralism, submitted by civil society representatives in 2018, was analysed. That proposal envisions regulating the transparency of media publisher ownership and control of media concentration in order to ensure media pluralism and the diversity of media content, as well as establishing a media pluralism fund. In parallel, different models for establishing a single database on media ownership were considered.

At the end of 2025, the working group submitted to the Minister an analysis of obstacles to the development of the preliminary draft. Although a special working group was formed to draft this law, the chairwoman of the group noted that the law could not realistically function as a *lex specialis*, given that the obstacles related to jurisdiction, alongside broader political challenges, including those related to financing the pluralism fund.⁵⁷ The absence of legislative regulation of online media, as well as the division of jurisdiction over print media at the entity level, were also identified as significant obstacles. It was further noted that working group had been established before the clarification of key jurisdictional issues, which made work on the preliminary draft more difficult.



In the absence of a media strategy and a framework law on media, there is a risk of further fragmentation of legislative solutions for the media sector.

A strategic framework at the level of the Council of Ministers, in the form of a state-level strategy and action plan for media policy and harmonization with EU standards, with a clear division of competences, timeframes, and a coordination mechanism among the state, entity, and cantonal levels, would represent the most coherent solution. However, the interviewees in this research⁵⁸ assess that there is currently strong political resistance to strengthening the jurisdiction of BiH in this area.

In the absence of a media strategy and a framework law on media, there is a risk of further fragmentation of legislative solutions for the media sector. The current dual legal system for registering media entities poses a practical obstacle to the creation of a single register that would provide clear and complete insight into media ownership. However, additional obstacles are reflected in various initiatives to maintain records at lower levels of government, for which an intention to establish media registers and regulate online media, among other things, has been announced. Examples of these initiatives are presented in Chapter 3.

2.7. Law on the Public Broadcasting System of BiH

The situation in the public broadcasting (RTV) system has moved further away from the standards of the EMFA in the past year. Necessary legislative reforms remain absent, while the financial problems of Radio and Television of Bosnia and Herzegovina (BHRT) have become even more pronounced. The issue of collection of the RTV tax remains unresolved, while the debt to the European Broadcasting Union continues to grow. In 2025, important court decisions were issued in disputes concerning the distribution of the RTV tax between

57 Milanka Sudžum, Head of Communications Department, Ministry of Communications and Transport of BiH, interview. Danijel Kovačević, political advisor, Delegation of the European Union to BiH, interview. Aleksandar Jokić, attorney, interview.

58 Milanka Sudžum, Head of Communications Department, Ministry of Communications and Transport of BiH, interview.

BHRT and Radio and Television of the Republika Srpska (RTRS), while temporary funding solutions were also considered.

By the end of 2025, a draft of the new Law on the Broadcasting System had not been prepared, and only three meetings had been held since the creation of the working group in 2023. The three general directors of the public broadcasters, who within the working group were assigned the task of reaching an agreement on the distribution of funds collected from the RTV tax,⁵⁹ did not reach a consensus. The interviewee from the Ministry stated that the establishment of a Corporation, as a joint management structure for the three public broadcasters, in accordance with the 2005 Law on the Public Broadcasting System of Bosnia and Herzegovina, is not envisioned in the current preliminary draft. Instead, the draft foresees the establishment of network operators. This issue has also been left to the representatives of the public broadcasting services to resolve through mutual agreement.⁶⁰

BHRT remains in a serious crisis, and ensuring its stable functioning continues to be a key priority for BiH on its path towards the European Union.⁶¹ Interviewees indicated a the long-term solution to the problems of the broadcasting system depends on a broader political agreement, while the immediate priority is securing operating funds. Politicized issues include the proposal for a fourth channel,⁶² the establishment of a corporation or network operators, the standardization of roles within the system, and the settlement of debts among broadcasters.⁶³ The BHRT representative emphasized the need to prioritize the involvement of experts in finding solutions, including local legal experts who participated in drafting the 2005 Law on the Broadcasting System,⁶⁴ in order to avoid leaving the regulation of the system solely to political negotiation.

In March 2025, the Constitutional Court of BiH confirmed that BHRT was legally entitled to a portion of the RTV tax collected in the RS and that there had been no legal basis for withholding the entire amount of the tax in the past.⁶⁵ It was assessed that the contested decisions had not established a fair balance between the interests of the community and the need to protect property rights. The Constitutional Court's decision annulled the rulings of the Supreme Court of the Republika Srpska and the cases were returned with an obligation to issue new decisions in accordance with the Constitution.

In July 2025, the Supreme Court of the Republika Srpska ruled in favour of BHRT's lawsuits against RTRS based on debt collected through the RTV tax. The court determined that RTRS had no right to withhold the collected funds, nor to condition their payment to BHRT on the creation of a corporation. It was established that the



BHRT remains in a serious crisis, and ensuring its stable functioning continues to be a key priority for BiH on its path towards the European Union.

59 Ibid.

60 Ibid.

61 Stable functioning of the state public broadcasting service is one of 14 priorities from the European Commission's 2019 Opinion, European Commission, Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union. European Commission, 2019. <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-05/20190529-bosnia-and-herzegovina-opinion.pdf>

62 The issue of establishing a channel in the Croatian language within the broadcasting system.

63 Danijel Kovačević, political advisor, Delegation of the European Union to BiH, interview.

64 Lejla Babović, Head of Department of International Affairs, BHRT, interview.

65 It was concluded that the right to property, guaranteed under the Constitution of Bosnia and Herzegovina (Article II/3.k), was violated because the manner in which the regular courts applied the provisions of the Law on the Public Broadcasting System (Articles 6, 8, 18 and 23) and decided on issues of active and passive standing was not in accordance with the principle of proportionality.

According to the decisions of the Constitutional Court of BiH⁶⁷ and the Supreme Court of the RS, RTRS had unlawfully retained part of the RTV tax, despite BHRT's entitlement to

50%

of the collected funds—an obligation that political and institutional actors had ignored for years. The low level of tax collection in the Federation of BiH is also a serious concern.

broadcasting service had an obligation to transfer a portion of the funds from the RTV tax (50%) collected in its territory, which belongs to the other broadcasting service (BHRT), through the joint account of public broadcasting services in Bosnia and Herzegovina. Failure to fulfil this obligation constitutes unjust enrichment. In December 2025, the District Commercial Court in Banja Luka issued the first ruling in favour of BHRT, following the Decision of the Constitutional Court of BiH, concerning the distribution of the collected RTV tax for the period from 1 September to 31 December 2023.⁶⁶

According to the decisions of the Constitutional Court of BiH⁶⁷ and the Supreme Court of the RS,⁶⁸ RTRS had unlawfully retained part of the RTV tax, despite BHRT's entitlement to 50% of the collected funds—an obligation that political and institutional actors had ignored for years. This situation seriously undermines the financial sustainability and independence of the public broadcaster and inconsistent with EMFA standards on stable and depoliticized financing of public media. It also weakens the concept of public service broadcasting as a common resource serving all the citizens of BiH, rather than an instrument of entity-level politics and information control.⁶⁹ According to the interviewee, instead of establishing a functional model through the new law on the public broadcasting system, some political actors are openly advocating a fragmented model with three separate services, which is contrary to the concept of media pluralism and domestic information autonomy.⁷⁰

In addition to disputes over the distribution of collected tax revenues, the low level of tax collection in the Federation of BiH is also a serious concern, amounting to only 50.58% in the first half of 2025.⁷¹ The contract for tax collection in the FBiH expires at the end of 2025, while BHRT has received multiple warnings that its transmitters will be shut down, which would also affect the communication

66 BHRT. "Prva presuda Okružnog privrednog suda u Banjaluci u korist BHRT-a" (First ruling of District Commercial Court in Banja Luka in favour of BHRT). BHRT, 31 Dec 2025. Accessed: December 2025. <https://www.bhrt.ba/prva-prvostepena-presuda-okru%C5%BEnog-privrednog-suda-u-banja-luci-u-koist-bhrt-a>

67 Constitutional Court of Bosnia and Herzegovina. Decision on admissibility and merits in case number AP-4567, 27 Mar 2025. Accessed: December 2025. <https://www.ustavisud.ba/uploads/odluke/AP-4567-23-1440166.pdf>

68 MCOOnline newsroom. "Vrhovni sud RS: RTRS nezakonito zadržavao sredstva od RTV takse" (Supreme Court of RS: RTRS illegally withheld funds from RTV tax). Media.ba, 31 Jul 2025. Accessed: December 2025. <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/vrhovni-sud-rs-rtrs-nezakonito-zadrzavao-sredstva-od-rtv-takse>

69 Lejla Babović, Head of Department of International Affairs, BHRT, interview.

70 Ibid.

71 The biggest resistance to payment of the RTV tax comes from areas where parties from the Croat National Assembly (HNS) are in power and where politicians are publicly calling for the RTV tax not to be paid, by doing which they are violating the law. Slađan Tomić. "Jedna taksa, tri servisa, bezbroj problema: Kako riješiti krizu javnog RTV sistema u BiH" (One tax, three services, countless problems: Resolving the crisis of the public broadcasting system in BiH). Media.ba, 17 Sep 2025. Accessed: December 2025. <https://www.media.ba/bs/magazin-medijska-politika-regulativa/jedna-taksa-tri-servisa-bezbroj-problema-kako-rijesiti-krizu>

capacities of state institutions and bodies.⁷² The salaries and jobs of 780 media workers are at risk, while programme broadcasting is threatened by infrastructural constraints.⁷³

The state budget for 2026 does not include assistance for debt repayment to the European Broadcasting Union. Short-term solutions, such as money from a digitalization project implemented by the Ministry of Communications and Transport, together with money allocated by the Council of Ministers at the end of 2024, do not address the issue of structural sustainability of the public broadcasting system and risk increasing political influence over broadcasters. The BHRT interviewee emphasized that ad hoc financing solutions bring uncertainty to business operations, especially due to delays in budget adoption and the resulting inability to plan.⁷⁴

72 Lejla Babović, Head of Department of International Affairs, BHRT, interview.

73 Maja Popović. "Prokišnjavanje, dugovi, nezadovoljstvo radnika i nebriga političara za BHRT" (Leakages, debts, workers' dissatisfaction and politicians' indifference to BHRT). Media.ba, 24 Nov 2025. Accessed: December 2025. <https://www.media.ba/bs/magazin-novinarstvo/prokisnjavanje-dugovi-nezadovoljstvo-radnika-i-nebriga-politicara-za-bhrt>

74 Lejla Babović, Head of Department of International Affairs, BHRT, interview.

3.

**New Challenges
in the Field of
Media Freedoms**

In the last year, media freedoms in BiH have come under new and serious attacks. Instead of moving towards harmonization with the European standards and recommendations contained in the European Commission Report,⁷⁵ as has been announced for years, political actors initiated legislative and institutional measures that are restrictive in nature. These measures were not the result of systematic strategic planning for the development of the media sector, but rather reflected political instrumentalization and attempts to strengthen influence over public discourse, while simultaneously suppressing critical voices.

In this context, instead of opening up space for pluralism and the professionalization of the media sector, we have witnessed its narrowing, both through regulatory initiatives and through pressure and intimidation. The announcement of the Law on Media in the Republika Srpska,⁷⁶ the adoption of the law on “foreign agents”⁷⁷—later invalidated by the Constitutional Court of BiH—and plans to establish a “department for combating disinformation”,⁷⁸ justified by references to the “protection of community interests”, battling “foreign influence”, or an alleged “information war”, clearly demonstrate the trend of intervention of ruling political parties in the media space, with a clear potential to stifle freedom of expression.

Despite increasingly vocal warnings from international organizations, the BiH authorities are making greater use of legal and administrative mechanisms to marginalize media outlets that are not under their direct or indirect control. These trends are further reinforced by the uneven conduct of institutions, including slow reactions from prosecutors' offices, lack of coordination among police agencies, and insufficiently transparent processes of developing regulations. At the same time, key policy documents—such as a strategy for combating disinformation⁷⁹ or the new Law on Electronic Media—have still not been adopted.

Particularly concerning is the increasing reliance on legislative mechanisms that may introduce criminal liability in relation to journalistic work, as illustrated by the arrest of journalist Nataša Miljanović Zubac.⁸⁰ Such



Despite increasingly vocal warnings from international organizations, the BiH authorities are making greater use of legal and administrative mechanisms to marginalize media outlets that are not under their direct or indirect control.

75 European Commission. Bosnia and Herzegovina Report 2025. European Commission, 2025. https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2025_en

76 Đorđe Vujatović. “Zakon o medijima u RS-u, novi udar na medije” (Media Law in RS, new blow to media). Media.ba, 30 Oct 2023. Accessed: December 2025. <https://media.ba/bs/magazin-novinarstvo/novi-zakon-o-medijima-u-rs-u-jos-jedan-udar-na-medijske-slobode>

77 MCOOnline Newsroom. “Usvojen ‘zakon o stranim agentima’ u RS-u” (‘Law on foreign agents’ adopted in RS). Media.ba, 28 Feb 2025. Accessed: December 2025. <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/usvojen-zakon-o-stranim-agentima-u-rs-u>

78 Gordana Katana. “Novi oblik kontrole nad medijima: Distopija u Republici Srpskoj postaje realnost” (New form of media control: Dystopia in Republika Srpska becomes reality). Media.ba, 24 Sep 2025. Accessed: November 2025. <https://www.media.ba/bs/magazin-novinarstvo/novi-oblik-kontrole-medija-distopija-u-republici-srpskoj-postaje-realnost>

79 A comprehensive, state-level public policy document adopted by competent institutions that defines objectives, jurisdictions, coordination of actors (institutions, regulator, education system, civil society, media), measures (media literacy, institutional communication, monitoring, crisis response), and a specific action plan with timeframes and stakeholders. The European Commission's 2025 report states that BiH does not have an overall assessment, i.e. policy framework, for hybrid threats, including disinformation. https://enlargement.ec.europa.eu/document/download/5d8fc547-f8f8-456f-84e3-b38998acafad_en?filename=bosnia-and-herzegovina-report-2025.pdf

80 RTRS journalist and Trebinje correspondent Nataša Miljanović-Zubac was detained on 7 Aug 2025 in Trebinje by order of the Prosecutor's Office of BiH (after a search), on suspicion of “disclosing classified information” (Article 164(2) of the Criminal Code of BiH). On 20 Aug 2025, the Court of BiH rejected a proposal of prohibitive measures, explaining that there was no reasonable suspicion that she had committed the crime. <https://www.media.ba/bs/vijesti-i-dogadaji-vijesti/privedena-novinarica-natasa-miljanovic-zubac>

developments risk sending a message that acting in the public interest is no longer a sufficient to ensure the protection of journalistic activity, while the protection of political power is placed above everything else.

3.1. Law on Media in the RS

In the Republika Srpska, work continued in 2025 on the draft Law on Media,⁸¹ which is no longer just a political announcement as in the previous period, but a detailed proposal that introduces a mandatory register of all media and the possibility of penalizing them or banning their operation.⁸² The draft stipulates that a media outlet can be sanctioned if its content is assessed to threaten the constitutional order, morality, or public interest, with these terms left broadly and vaguely defined, creating room for selective interpretation. This normative solution builds on already adopted restrictive measures, including the previous incorporation of criminal defamation into the Criminal Code of the Republika Srpska⁸³ and the adoption of a law on “foreign agents”, as a result of which continuity is clearly visible in the development of a package of regulations that allows the authorities to have stronger control over the media sector.

The interviewees in the study say that the draft Law on Media in the Republika Srpska was developed as an entity initiative that relies on solutions from Serbia,⁸⁴ but they assess that the process⁸⁵ was not sufficiently

81 Although officials had announced that the draft might go into the parliamentary procedure, by the end of December 2025, the Draft Law on Media was not registered in the RS National Assembly's “Laws in procedure” section.

82 Arman Fazlić, “Izrada medijskih zakona u BiH: Registar medija ključni izazov” (Development of media laws in BiH: Media registry a key challenge), Media.ba, 24 Sep 2025. Accessed: November 2025. <https://media.ba/bs/magazin/izrada-medijskih-zakona-u-bih-registar-medija-kljucni-izazov>

83 Center for Investigative Reporting (CIN), “Kleveta krivično djelo u Republici Srpskoj” (Defamation is a Criminal Offence in Republika Srpska). CIN, 20 Jul 2023. Accessed: November 2025. <https://cin.ba/kleveta-krivicno-djelo-u-republici-srpskoj/>

84 The European Commission acknowledges that the Law on Public Information and Media (<https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2023/92/2/reg>) and accompanying media laws formally bring Serbia closer to EU standards, especially in terms of strengthening the competences of the Regulatory Authority for Electronic Media (REM), role of the Press Council and more transparent co-funding of media. However, the European Commission emphasizes that in practice the environment for the work of the media is restricted, media laws create room for stronger return of state ownership of media, laws are applied selectively, while the REM is *de facto* not independent, which is why EU officials regularly cite the media sphere as one of key areas where Serbia must demonstrate real reforms, not just reforms “on paper”, ANEM. “Negativne ocene i zamerke: Šta piše u izveštaju EK o napretku Srbije u delu o medijima” (Negative assessments and objections: What is written in EC report on Serbia's progress in section on media). ANEM, 4 Nov 2025. Accessed: December 2025.

85 In July 2023, the RS National Assembly in a conclusion tasked the RS Government to prepare and submit into the parliamentary procedure the Draft Law on Media within 90 days. In October 2023, the working group held its first session, announcing the dynamics of its work and the preparation of “working materials”. Reports indicate a broad composition (academic community, editors/journalists, legal experts, journalist associations, and government representatives). The process was conducted selectively from the beginning (some critical media outlets were not invited), the working group was not clearly formalized by a government decision, and at that time there was not even a working version. It was stated that the text should be technically composed by the Government Secretariat. In an RS National Assembly session in July 2024, Justice Minister Miloš Bukejlović said that the law was “well under development”, but did not specify when it would be submitted into the parliamentary procedure. In November 2024, then Prime Minister Radovan Višković said that the law was in its final stages and that it might appear in draft form in the RS Parliament no later than the first quarter of 2025. In January 2025, the media reported that there was a 30-page working version of the law and that according to announcements the document might enter the procedure by mid-year. At the beginning of May 2025, Višković said that the RS Government would define the law in May and that it would be in draft form, after which a broad hearing should follow, aiming for the law to be in force from the beginning of 2026. This is the latest information regarding the process of drafting the law.

transparent or professionally founded, nor did it clearly show how the specific division of jurisdiction in BiH would be acknowledged.⁸⁶

According to publicly available information and descriptions given to the public,⁸⁷ the entity text of the law is presented as a solution that would, among other things, expand the scope of definitions to include digital actors, introduce mandatory media records/a media register and identification obligations (impressum), establish oversight mechanisms through records and institutional action, and prescribe sanctions, including fines and a potential ban on work. The same public statements point out that the online sphere would also be encompassed through additional requirements for transparency and content accountability, and that acting upon complaints could be linked to broadly defined standards (e.g. “endangerment of constitutional order, morality, or public interest”).⁸⁸

In practice, the challenge is not the lack of a separate ministry “just for media”, but rather the fragmentation of jurisdiction among the state-level, entity and regulatory bodies, which makes the coordination of reforms and harmonization of regulations often slow and politically sensitive. At the state level, the Ministry of Communications and Transport of BiH plays a key role in leading the process of drafting laws in the field of electronic communications and electronic media, but the transparency of that process remains limited. It is publicly stated that the drafts are being prepared by “working groups”, but the available information on the formal appointment, dynamic of meetings, consultations, and versions of texts is not systematized or regularly issued,⁸⁹ which makes it difficult to monitor the process and to have meaningful participation of experts and the wider public.

The previous Government of the Republika Srpska, headed by Radovan Višković, was the main initiator of development of a preliminary draft/draft of the Law on Media, but after changes in the executive branch, the process noticeably slowed and lost continuity.

3.2. Laws on Media at Cantonal Levels and in Brčko District

The absence of a framework law on media in BiH, as well as a strategic framework in the sector, creates obstacles to the regulation of the media space in practice and enables structural delays in harmonization with the EU acquis through the legislative cycle. Jurisdiction in the field of information is divided between



In practice, the challenge is not the lack of a separate ministry “just for media”, but rather the fragmentation of jurisdiction among the state-level, entity and regulatory bodies, which makes the coordination of reforms and harmonization of regulations often slow and politically sensitive.

86 Due to the division of jurisdiction, media regulation in BiH is implemented through multiple parallel frameworks (state/entity/Brčko District/cantonal), which in practice makes it difficult to have uniform standards, coordination, and implementation.

87 Euronews. “Zakon o medijima u RS treba da razdvoji žito od kukulja, ali strah od represije postoji” (Law on Media in RS should separate the wheat from the chaff, but fear of repression exists). Euronews, 11 Jan 2025. Accessed: December 2025. <https://euronews.ba/bosna-i-hercegovina/drustvo/8029/zakon-o-medijima-u-rs-treba-da-razdvoji-zito-od-kukulja-ali-strah-od-represije-postoji>

88 Since the full text of the draft was not available to the study team at the time of writing the report, these elements should be interpreted as an overview of the announced solutions, rather than a full legal analysis of the final draft.

89 Euronews. “Zakon o medijima u RS treba da razdvoji žito od kukulja, ali strah od represije postoji” (Law on Media in RS should separate the wheat from the chaff, but fear of repression exists). Euronews, 11 Jan 2025. Accessed: December 2025. <https://euronews.ba/bosna-i-hercegovina/drustvo/8029/zakon-o-medijima-u-rs-treba-da-razdvoji-zito-od-kukulja-ali-strah-od-represije-postoji>

the entities, and existing solutions do not respond to the contemporary needs of the media sector, which is particularly evident in the absence of a systematic approach to regulating online media.

In the Republika Srpska, the field of public information is regulated by an entity-level law, while in the Federation of BiH the normative framework is decentralized. Individual cantons have independently adopted regulations on information or on media, under different names and with different solutions⁹⁰. As a result, the legislative framework in the Federation of BiH is uneven.

A systematic analysis of all cantonal laws was not conducted as part of this study, nor was their current version and harmonization examined in each canton, which makes it difficult to provide a unified assessment of their current status and practical implementation. However, previous analyses and expert assessments⁹¹ indicate that the individual cantonal regulations may contain provisions that are partially inconsistent or in potential conflict with newer legislation in related areas (e.g. protection of privacy and personal data, access to information, and standards of freedom of expression). This contributes to legislative inconsistency and reduces the predictability of the implementation of regulations.

Cantonal regulations that regulate issues functionally overlapping with matters regulated at the state level—particularly electronic broadcasting and regulatory oversight—cannot encroach on the jurisdiction of the Agency. The risk of legislative confusion arises primarily when cantonal acts, without a clear demarcation of competences, attempt to prescribe obligations or standards that overlap with the rules for electronic media, such as content obligations, oversight mechanisms, or sanctioning procedures. Similar risks emerge when they introduce different and mutually unrelated requirements in areas not regulated by a single state-level standard.

Such inconsistencies can make the application of regulations less predictable and may lead to differing expectations and practices regarding media regulation and the responsibilities of public authorities across cantons.

In previous years, discussions on the obsolescence of the existing laws on information and media have increasingly focused on the introduction of new legislative solutions. These debates have largely centred on the regulation of online media and the establishment of media registers. In the RS, the obsolescence of the 1997 law has been discussed in the context of the RS Government's intention to adopt a new entity-level law on media, while the Ministry of Education, Science, Culture and Sport of Una-Sana Canton (USC) initiated a procedure to amend the Law on Information of the USC, emphasizing the need to regulate the area of public information through online media. Among other things, the 2022 Draft Law on Information of the USC⁹² proposed replacing the term “record of public media outlets” with the words “media register” (Art. 9). Although the draft law has been completed, it has not yet been adopted. The issue of a media register—important for ensuring the transparency of media ownership—is particularly sensitive in the context of online media, raising concerns that cantonal regulation could in practice lead to abuses through increased control over media freedoms.

90 Mirjana Nadaždin-Defterdarević. “Normativni okvir prava na informiranje u BiH” (Normative framework of the right to information in BiH) in: M. Halilović and A. Džihana, *Medijsko pravo u BiH (Media Law in BiH)*, Sarajevo: Internews. 2012, pp. 99-102

91 Amer Džihana. “Istraživanje o radnim uslovima i pravima novinara/zakonski okvir i upravljanje lokalnim medijima u BiH” (Survey and research on work conditions and journalists’ rights/legal framework and managing local media in BiH). Association “BH Journalists”, 2021. <https://bhnovinari.ba/wp-content/uploads/2021/02/RADNA-PRAVA-FINALNI-IZVJESTAJ-BH-novinari.pdf>

92 Proposed Law on Amendments to the Law on Public Information, https://vladausk.ba/v4/files/media/pdf/623a026240d084.03943493_Prijedlog%20Zakona%20o%20izmjenama%20i%20dopunama%20Zakona%20o%20javnom%20informiranju.pdf

In order to prevent the fragmentation and inconsistency of regulations in the media sector, it is important to establish a coordinated approach and minimum standards that reduce differences between different levels of government and ensure predictable implementation. In drafting and amending regulations, particular attention should be paid to ensuring their harmonization with higher-level standards and relevant European frameworks. A positive example in this regard is the decision of the Government of Brčko District not to introduce its own solution in this area as a parallel legislative initiative. The Government noted that “two previous attempts to pass cantonal media laws (in other parts of BiH) led to legal confusion and inconsistency with state regulations.” It therefore decided to would wait for “the adoption of the state Law on Electronic Media, which will regulate transparency of ownership, impressum, identification, and accountability of media outlets.”⁹³

3.3. Law on the Special Register and Publicity of the Work of Non-Profit Organizations

Compared to the previous report, a key change is that the Constitutional Court of Bosnia and Herzegovina in March 2025 first temporarily suspended the application⁹⁴ of the Law on the Special Register and Publicity of the Work of Non-Profit Organizations of the Republika Srpska and then, in a final decision in May, declared it unconstitutional and invalidated it.⁹⁵ This formally removed the regime of “foreign agents”⁹⁶ from the legal order, but only after the law had been adopted and briefly implemented, which had already produced a strong stigmatizing effect on organizations and media with foreign funding. At the same time, certain provisions of the law had directly infringed on and threatened freedom of expression, as guaranteed under Article 10 of the European Convention on Human Rights (ECHR), as well as under the Constitutions of Bosnia and Herzegovina and the Republika Srpska.⁹⁷

The Court specifically pointed out that the law introduced a special, stigmatizing regime for civil society organizations through their categorization as “agents of foreign influence”, registration and labelling obligations, and increased oversight and sanctions.



“Foreign agents” removed from the legal order

The Constitutional Court of Bosnia and Herzegovina declared the Law on the Special Register and Publicity of the Work of Non-Profit Organizations of the Republika Srpska unconstitutional and invalidated it. This formally removed the regime of “foreign agents” from the legal order, but only after the law had been adopted and briefly implemented, which had already produced a strong stigmatizing effect on organizations and media with foreign funding.

93 Adnan Murselović, Senior Information Officer; web editor, response from the Government of Brčko District of BiH, 6 Nov 2025.

94 Constitutional Court of Bosnia and Herzegovina. “Extraordinary plenary session”. 7 Mar 2025. Accessed: December 2025. <https://www.ustavisud.ba/bs/vanredna-plenarna-sjednica-2549>

95 Constitutional Court of Bosnia and Herzegovina. “158th plenary session – course of the session so far”. 29 May 2025. Accessed: December 2025. <https://www.ustavisud.ba/bs/158-plenarna-sjednica-dosadasnji-tok-zasjedanja>

96 “The “foreign agents regime” refers to a specific, stigmatizing, and administratively repressive framework that singles out organizations that receive foreign financial or programme support in a “special” category and treats them as a potential channel of foreign influence, imposing additional registration and reporting obligations on them (a special register, reporting donations/contracts, frequent and detailed financial and programme reports), the possibility of mandatory public labelling, increased institutional oversight and controls with broad discretion in interpreting “political activity”, as well as sanctions that can go as far as banning their work. Even when formal penalties are rarely imposed, the system itself produces self-censorship, withdrawal from public debates, and deterrence of donors and partners.

97 TI BiH. “Коментари на Нацрт закона о посебном регистру и јавности рада непрофитних организација” (Comments on the Draft Law on the Special Register and Publicity of the Work of Non-Profit Organizations). TI BiH, 2023. Accessed: December 2025. <https://ti-bih.org/wp-content/uploads/2023/09/НАЦРТ-Закона-о-посебном-регистру-и-јавности-рада-непрофитних-организација-КОМЕНТАРИ.pdf>

Key concepts in the law, including the definition of prohibited “political action/activity”, were assessed as overly broad and unpredictable, because they do not allow organizations to clearly assess in advance the limits of permitted activity and left room for selective interpretation and enforcement by the authorities.

The Constitutional Court further concluded that the contested law effectively excluded the possibility for non-profit organizations to influence representatives of public authorities, thereby encroaching on the very essence of their role in a democratic society. The combination of mandatory records, increased controls, and the possibility of banning the work of organizations did not, according to the Court, meet an “urgent social need”, nor did it constitute a necessary and proportionate measure in a democratic society.

Over the last twelve months, both domestic and international media organizations documented the multiple consequences of even the announcement and short-term validity of the law, with BH Journalists, Media Freedom Rapid Response (MFRR), and SafeJournalists stating that the stigmatization of “foreign influence” and additional pressure on newsrooms actually increased.⁹⁸ Following the Constitutional Court’s ruling, these organizations called for the immediate cessation of the law’s implementation and urged that its provisions not be reinstated through other legislative acts.

Although the law was ultimately repealed, the rhetorical framework and labelling associated with it have survived as a political narrative,⁹⁹ with international organizations in 2025 describing an increased chilling effect and persisting stigma towards entities with foreign funding.¹⁰⁰ This pattern is now spilling over into other discussions, including the draft Law on Media in the RS and initiatives to regulate hate speech, and thus the regressive trend persists even without the law itself.

3.4. Announcement of Creation of Department of Disinformation

In September 2025, Milorad Dodik, following the decision of the Central Election Commission of BiH in August 2025 to terminate his mandate as president of the Republika Srpska, publicly announced the establishment of a special “department for combatting disinformation and lies” within the Government of the Republika Srpska.¹⁰¹ The announcement¹⁰² was just by the claim that “87% of the information is negative” and that

98 Association BH Journalists. “MFRR i SafeJournalists mreža osuđuju usvajanje zakona o stranim agentima u Republici Srpskoj” (MFRR and SafeJournalists Network condemn adoption of law on foreign agents in Republika Srpska). Association “BH Journalists”, 5 Mar 2025. Accessed: December 2025. <https://bhnovinari.ba/bs/2025/03/05/mfrr-i-safejournalists-mreza-osudjuju-usvajanje-zakona-o-stranim-agentima-u-republici-srpskoj/>

99 European Commission. Bosnia and Herzegovina Report 2025. European Commission, 2025. https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2025_en

100 OSCE. “Republika Srpska’s new NGO law raises serious concerns over human rights protection, OSCE Human Rights Director and Media Freedom Representative say”. OSCE, 28 Feb 2025. Accessed: December 2025 <https://www.osce.org/odihr/586530>

101 Radoš Krstojević. “Dodik: Srpska da formira odjeljenje za borbu protiv dezinformacija i laži” (Dodik: Srpska to form department to fight disinformation and lies). Nezavisne, 11 Sep 2025. Accessed: December 2025. <https://www.nezavisne.com/novosti/bih/Dodik-Srpska-da-formira-odjeljenje-za-borbu-protiv-dezinformacija-i-lazi/926808>

102 After Dodik’s announcement that the RS Government would form a “department for combating disinformation and lies”, no issued decision/conclusion on its formal establishment was found in publicly available sources. In October 2025, new RS Prime Minister Savo Minić said that the exact date was unknown and that placing the department within the Secretariat was being considered, Sekerez, Kristina. “Kada će biti formirano Odjeljenje za borbu protiv dezinformacija i laži?” (When will Department for Combating Disinformation and Lies be formed?) ATV, 6 Oct 2025. Accessed: December 2025. <https://atvbl.rs/lat/vijesti/republika-srpska/kada-ce-bit-formirano-odjeljenje-za-borbu-protiv-dezinformacija-i-lazi/2177457>

the media, particularly those from the Federation of BiH, are operating with a “negative narrative against the Republika Srpska”. No methodological framework, research, or explanation of what exactly constitutes “negative information” was provided.

Behind such rhetoric lies the assumption that any critical content about the economy, social issues, corruption, or poor performance of institutions may be declared “negative” or “harmful to the Republika Srpska.” This announcement was a continuation of previous attempts to increase media control, including criminalization of defamation, the law on non-governmental organizations, earlier announcements of laws on media, and even the idea of purchasing Chinese software to “modify bad news.”¹⁰³ A key concern is that the same political structures are simultaneously proposing, interpreting, and implementing these measures, without effective democratic oversight or the involvement of independent professional bodies.

According to media experts,¹⁰⁴ the danger of a “department of disinformation” lies in the possibility that a body run by the Government of the RS, which already controls the public broadcasting service and part of the pro-government media, would be given the authority to decide what constitutes truth and what constitutes falsehood. There is a serious risk that even legitimate, harsh criticism of politicians would be labelled as sanctioned speech. Formal regulation of disinformation may therefore create broad opportunities for abuse and selective application against critical media and journalists.¹⁰⁵ In the event of a potential “department of disinformation”, it remain unclear how it would be determined who is spreading fake news and according to what criteria, or who would be appointed to such a body and according to what standards its decisions would be made.

According to international standards, state measures targeting “disinformation” cannot be justified by referencing the term alone. Any restrictions must be clearly prescribed by law, pursue one of the legitimate aims recognized under the ECHR, and be strictly necessary and proportionate. A particular problem arises when the state assumes the role of an arbiter of truth—often described metaphorically as a “ministry of truth”—through vague definitions, broad prohibitions and penalties, or discretionary decision-making without transparency, the right to an effective legal remedy, or independent oversight. Instead of repressive approaches, international organizations generally recommend a focus on positive policy measures, such as ensuring the timely publication of accurate information, strengthening media literacy, supporting quality journalism and fact-checking, better access to data, and cooperation among multiple actors.¹⁰⁶



In the event of a potential “department of disinformation”, it remain unclear how it would be determined who is spreading fake news and according to what criteria, or who would be appointed to such a body and according to what standards its decisions would be made.

103 Capital. “Potpuna kontrola interneta u Srpskoj uz kineski softver, rusku praksu i izraelski trening” (Full control of internet in Srpska with Chinese software, Russian practice, and Israeli training). Capital, 13 May 2025. Accessed: December 2025. <https://capital.ba/potpuna-kontrola-interneta-u-srpskoj-uz-kineski-softver-rusku-praksu-i-izraelski-trening/>

104 Gordana Katana, “Novi oblik kontrole nad medijima: Distopija u Republici Srpskoj postaje realnost” (New form of media control: Dystopia in Republika Srpska becomes reality), 24 Sep 2025. Media.ba. Accessed: December 2025. <https://www.media.ba/bs/magazin-novinarstvo/novi-oblik-kontrole-medija-distopija-u-republici-srpskoj-postaje-realnost>

105 Danijel Kovačević, political advisor, Delegation of the European Union to BiH, interview.

106 OSCE. International Standards and Comparative National Approaches to Countering Disinformation in the Context of Freedom of the Media. OSCE, 2019. Accessed: December 2025. <https://www.osce.org/sites/default/files/f/documents/2/1/424451.pdf>

Sanctioning “disinformation” through punitive measures is particularly problematic because such approaches often result in selective application and broad interpretations. Critical voices are more easily labelled as spreading “lies,” while journalists and organizations shy away from sensitive topics in advance for fear of repercussions. In this way, the distinction between deliberate deception and error, satire, or legitimate criticism becomes blurred. In the digital environment, such regulatory measures may also encourage pre-emptive removal of content, while the state effectively assumes the role of an arbiter of the truthfulness of political claims. This risks undermining public trust and media pluralism and which is why international standards warn that vaguely drafted laws on disinformation can easily become a tool for restricting freedom of expression.¹⁰⁷

According to the interviewees, partial, “firefighting” approaches that focus on sanctioning individual violations such as the proposed department for disinformation—are unlikely to produce effective results. European regulatory frameworks, including the DSA and the EMFA, instead focus on addressing systemic risks and strengthening the accountability of large online platforms through transparent rules and oversight mechanisms, rather than sanctioning directly harmful content. These frameworks do not rely on the state directly deciding what constitutes disinformation; rather, they emphasize the responsibility of major platforms to manage risks in cooperation with fact-checking organizations and experts familiar with the local context. In this regard, any model in which an executive body is given discretionary powers to label content as harmful or illegal carries the risk of becoming a political instrument for suppressing “undesirable voices.”¹⁰⁸

This approach may be compared with broader global trends in which political actors label “undesirable” media as “fake news”, adapting long-standing methods of discrediting and information manipulation to the new circumstances.¹⁰⁹ In the context of already existing restrictive legislation and previous attempts to exercise normative control over civil society, the establishment of a special “department of disinformation” in the RS would represent an additional institutional mechanism capable of restricting media freedoms. Such a development would likely reinforce a climate of fear and further narrow the space for critical and independent journalism.

3.5. Institutional Aspects of Protection of Journalists

Within institutional protection of journalists in BiH, some progress has been observed through the establishment of a network of contact points in police and prosecutorial institutions, as well as through improvements in the registration of threats and attacks. These developments enable more systematic monitoring of cases and faster communication among the competent authorities. In this regard, the Ministry of Interior of the Republika Srpska was the first to introduce a special record of threats and attacks on journalists (in 2017), while the first contact point in BiH was established in Sarajevo in 2022. Access to this mechanism was subsequently gradually expanded to other institutions.

For each complaint in the RS, a note is kept on who reported the case, how the incident was qualified, the stage of the proceedings, and what the final outcome. The data are continuously updated, allowing insight into trends, such as the shift of threats from the physical space to the online sphere, differences between

107 Special Rapporteur of the UN on freedom of expression, “A/HRC/47/25: Disinformation and freedom of opinion and expression - Report”. OHCHR, 2021. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4725-disinformation-and-freedom-opinion-and-expression-report>

108 Danijel Kovačević, political advisor, Delegation of the European Union to BiH, interview.

109 Jana Laura Egelhofe and Sophie Lecheler. “Fake news as a two-dimensional phenomenon”. *Annals of the International Communication Association*, 43(2), 2019. Accessed: December 2025. <https://www.tandfonline.com/doi/full/10.1080/23808985.2019.1602782#d1e180>

complaints resolved through misdemeanour orders and those dismissed by prosecutors' offices, and the relatively small number of cases that ultimately reach a court outcome.¹¹⁰

Interviewees from the police¹¹¹ and prosecutors' offices¹¹² emphasize that most threats today occur in the online space. In practice, authorities still most often rely on "traditional" criminal offences such as endangerment of safety (threats of attack on life and body), while offensive or vulgar comments, although often part of a broader pattern of harassment, do not necessarily meet the legal elements of a criminal offence. A key challenge in strengthening protection lies in further improving the normative framework, either through clearer recognition and sanctioning of digital violence, such as continuous harassment, stalking, and psychological abuse online, or by considering whether attacks on journalists should be treated as a separate criminal offence or as a qualified form of existing offences. Such changes could help ensure that institutional responses are more predictable and proportionate to the risks posed to media freedom.

In this context, it is important to note that the amendments to the Criminal Code of the FBiH¹¹³ expanded the catalogue of offences that encompass digital violence. These amendments introduced stalking (Article 179a), including unwanted contact through information and communication technologies, and psychological violence (Article 181b), with more severe forms when the offence is committed through information and communication technologies. It is precisely this normative shift that has enabled more concrete institutional action in certain cases, including the publicly reported arrest of Amir Pašić Fačo in October 2025 on suspicion of offences related to threats and harassment in the digital space.¹¹⁴

During 2025, the network of contact points for safety of journalists in BiH continued to function through operational contacts and professional training. A specialized seminar for contact points was held in Mostar in April 2025.¹¹⁵ Field monitoring by the BH Journalists association in Zenica-Doboj Canton, confirmed that contact points have been implemented within police agencies and prosecutors' offices as a mechanism that journalists can rely on when their safety is threatened,¹¹⁶ As for the normative framework, there is a formal document for prosecutors' offices. The High Judicial and Prosecutorial Council of BiH (HJPC) adopted the "Description of Tasks and Responsibilities of the Contact Person for Safety of Journalists in Prosecutors' Offices" in June 2024 and this framework has since



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110 Mirna Miljanović, Head of Department of Public Relations, Ministry of Internal Affairs of Republika Srpska, interview.

111 Ibid.

112 Adis Husić, Prosecutor, Zenica-Doboj Canton, interview.

113 Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina, https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali_2025/Krivi%C4%87ni_zakon_izmjene_BOS%281%29.pdf

114 N1 BIH, "Određen jednomjesečni pritvor Amiru Pašiću Fači" (One-month detention ordered for Amir Pašić Fačo). 24 Oct 2025. Accessed: December 2025. <https://n1info.ba/vijesti/odredjen-jednomjesečni-pritvor-amiru-pasicu-faci/>

115 Center for Education of Judges and Public Prosecutors in the RS. "Seminar for contact points for safety of journalists in BiH". rs.cest.gov.ba, 23 Apr 2025. Accessed: December 2025. <https://rs.cest.gov.ba/event/seminar-za-kontakt-tacke-za-sigurnost-novinara-u-bih/>

116 Association "BH Journalists". "Workshop in Zenica focuses on journalist protection mechanisms in practice". Association "BH Journalists", 6 Nov 2025. Accessed: December 2025. <https://bhnovinari.ba/bs/2025/11/06/mehanizmi-zastite-novinara-u-praksi-u-fokusu-radionice-u-zenici/>



The HJPC issued an extract from the automated case management system (TCMS) for 2024 concerning cases in which journalists were the injured party, which represents an important step towards more consistent monitoring of the conduct of prosecutors and the identification of obstacles in handling threats and attacks against journalists.

been used in training and practice.¹¹⁷ For police contact points, publicly available sources¹¹⁸ confirm the establishment of contact points in police agencies and prosecutors' offices; however, unlike prosecutors' offices—where a formally adopted document defines the role of contact persons—publicly available materials for police contact points primarily consist of general OSCE guidelines on cooperation between the police and the media.¹¹⁹ No clearly identified single act at the level of BiH formally defining the tasks and responsibilities of police contact points has been publicly highlighted.

It is important to distinguish between operational contact points in police and prosecutorial institutions, and contact mechanisms at the state level that have a primarily coordinating role. In this regard, Bosnia and Herzegovina has a contact point for the Council of Europe Campaign “Journalists Matter”, which is based within the Ministry for Human Rights and Refugees of BiH.¹²⁰ This channel is complementary to the operational network of contact points. Its primary contribution lies in the visibility, coordination, and monitoring of activities within the broader framework of improving the safety of journalists, while direct action in individual incidents remains within the jurisdictions of the police and prosecutorial authorities.

Additionally, at the level of BiH, the HJPC issued an extract from the automated case management system (TCMS) for 2024 concerning cases in which journalists were the injured party,¹²¹ which represents an important step towards more consistent monitoring of the conduct of prosecutors and the identification of obstacles in handling threats and attacks against journalists. In parallel, in the Federation of BiH, some cantons additionally reinforced, through normative measures, the obligation of police authorities to keep records of attacks against journalists. Such provisions exist, for example, in Una-Sana Canton¹²² and Herzegovina-Neretva Canton,¹²³ which enhances the possibility of systematically monitoring trends and institutional responses.

117 High Judicial and Prosecutorial Council of BiH, Annual Report for 2024, https://parlamentbih.gov.ba/v2/userfiles/file/Materijali%20u%20proceduri_2025/1048-25_Godišnji_izvjestaj_VSTV_BiH.pdf

118 Enes Hodžić. “Predstavljene kontakt-tačke u tužilaštvima i policiji za sigurnost novinara u BiH” (Contact points in prosecutors' offices and police for safety of journalists in BiH presented). Detektor, 8 Jun 2024. Accessed: December 2025. <https://detektor.ba/2024/07/08/predstavljene-kontakt-tacke-u-tuzilastvima-i-policiji-za-sigurnost-novinaru-u-bih/>

119 Nataša Jovanović. “Indikatori nivoa slobode medija i Indeks sigurnosti novinara - BiH” (Indicators of Media Freedom Levels and Journalists' Safety Index 2023 - BiH). Safejournalists, 2023. <https://safejournalists.net/wp-content/uploads/2025/08/lzvjestaj.pdf>

120 Ministry for Human Rights and Refugees of BiH. “Council of Europe Campaign for the Safety of Journalists ‘Journalists Matter’”. n.d. https://www.mhrr.gov.ba/ljudska_prava/default.aspx?id=12529&langTag=bs-BA

121 Judicial Portal of Bosnia and Herzegovina. “Podaci o predmetima iz TCMS-a u kojima su novinari oštećena strana 2024. godina” (Data on cases from TCMS in which journalists are the injured party, 2024). n.d. <https://pravosudje.ba/vstvfo/B/10001/kategorije-vijesti/122916/122939/123078>

122 Proposal of the Law on Amendments to the Law on Police Officers of Una-Sana Canton, https://vladausk.ba/v4/files/media/pdf/65e05a70c0a4d1.05256390_Policijski%20sluzbenici%202024.pdf

123 Law on Amendments to the Law on Police Officers of Herzegovina-Neretva Canton, <https://muphnh.ba/wp-content/uploads/2025/09/zakon-o-izmjenama-i-dopunama-zakona-o-policijskim-sluzbenicima-HNK-SN-12-25.pdf>

However, at the same time, available reviews and the practice of contact points indicate that a significant portion of complaints do not result in indictments or court proceedings. Many cases are either dismissed or are transferred to the misdemeanour sphere,¹²⁴ rather than being processed through criminal proceedings. This raises important questions regarding the need to harmonize the criteria for classifying offences, strengthen coordination between the police and prosecutors' offices, and promote a more consistent normative framework, particularly in relation to threats and forms of digital violence.

Experience from the contact points also shows that, despite visible progress in organizing and registering complaints, challenges remain regarding how institutions determine who qualifies as a "journalist" in situations involving threats and attacks. The Ministry of Interior of the RS insists on minimal professional verification—such as accreditation, impressum, or confirmation from the newsroom/association—in order to distinguish professional journalistic work from other forms of online work.¹²⁵ However, international standards warn that the state should avoid introducing narrow or exclusionary definitions of journalists. Protection mechanism should be broadly applied and also include other media workers, including bloggers and citizen journalists, who also contribute to collecting and disseminating information of public interest.¹²⁶

Another challenge concerns the uneven and fragmented collection of data on threats and attacks on journalists, as records are kept at different levels—police, prosecutors' offices, and courts—and in different formats, including official databases and information systems, internal case records, tabular overviews, and *ad hoc* reports. This fragmentation makes it more difficult to obtain a comprehensive overview of trends and to develop preventive policies. An important step forward in this regard is the issuance by the HJPC of TCMS data overviews/excerpts for 2024 for cases in which journalists were the injured party. These allow for analytical monitoring of outcomes and identification of patterns—such as the frequency of dismissed complaints, reclassification into misdemeanours, and the duration of proceedings—rather than using records solely for "verifying" individual perpetrators.

Interviewees warn that police and prosecutors cannot realistically conduct "mini-investigations" to determine who qualifies as a journalist and that protection mechanisms still rely too heavily on the initiative of individual institutions.¹²⁷ At the same time, establishment of contact points and training activities within the network has improved communication speed and understanding of the roles of the police and prosecutors. Nevertheless, practice continues to show uneven standards of conduct and information exchange, and the system still largely relies on the capacities and internal organization of individual institutions. Therefore,



The key conclusion is that the network of contact points represents an important step forward, but its full effectiveness depends on better integration of data, standardized procedures in police agencies, and continuous monitoring of outcomes at the BiH level.

124 As an illustration of the fragmented system of records, the Ministry of Interior of the Republika Srpska says that in 2025, out of ten complaints filed, six are currently being processed by district public prosecutors' offices and in one case a report has already been filed for a crime that was committed. In three cases, the prosecutor assessed that there were no elements of a criminal offense. In one complaint, the journalist did not want to come to the police station to give a statement. During 2024, out of seven cases that were processed by prosecutors' offices, misdemeanour orders were issued in three cases, while in two cases it was assessed that there were no elements of a criminal offence, and in one case the complainant stated that they did not want criminal proceedings to be initiated against the person (Mirna Miljanović, Head of Department of Public Relations, Ministry of Interior of the Republika Srpska, interview).

125 Mirna Miljanović, Head of Department of Public Relations, Ministry of Interior of the Republika Srpska, interview.

126 David Banisar. Defining Journalism: International Standards. Council of Europe, 2023. <https://rm.coe.int/tp-david-banisar-definition-of-journalist-2023-en/1680b3f15b>

127 Ibid.

further development of the mechanism should focus primarily on improving risk management and prevention through stable procedures, consistent record-keeping and regular analysis of trends, rather than on using the lack of uniform tools as a justification for the lack of effective action in specific cases.

Generally speaking, the available mechanisms—contact points and records—indicate a gradual institutional shift. However, protection remains uneven and only partially effective. The key conclusion is that the network of contact points represents an important step forward, but its full effectiveness depends on better integration of data, standardized procedures in police agencies, and continuous monitoring of outcomes at the BiH level. Such measures would reduce the risk of inconsistent institutional responses and help ensure a predictable institutional response to threats and attacks on journalists.



Arrest of journalist

The case of the arrest of journalist Nataša Miljanović Zubac represents a concerning example of the use of criminal law against journalists. She was detained in Trebinje on 7 August 2025 after a search of her family home and the seizure of her electronic devices. The Prosecutor's Office of BiH suspects her of committing the criminal offence of disclosure of classified information under Article 164 of the Criminal Code of BiH.

3.6. Legal Harassment of Journalists: Disclosure of Classified Information and “Misdemeanour” Pressure

In 2025, the trend of legal harassment of journalists continued, with criminal and misdemeanour law being used in way that may have a chilling effect on investigative journalism and public debate. Two cases from practice particularly illustrate this pattern: the criminal proceedings concerning the alleged “disclosure of classified information” against journalist Nataša Miljanović Zubac, and misdemeanour proceedings initiated against journalist Džana Omerović-Zec over a statement expressed on social media.

The case of the arrest of journalist Nataša Miljanović Zubac represents a concerning example of the use of criminal law against journalists. She was detained in Trebinje on 7 August 2025 after a search of her family home and the seizure of her electronic devices. The Prosecutor's Office of BiH suspects her of committing the criminal offence of disclosure of classified information under Article 164 of the Criminal Code of BiH.¹²⁸ The proceedings are in the investigation phase and are related to her investigative reporting on alleged irregularities in public institutions. For this reason, media organizations and members of the legal community have warned that an important provision of the law is being overlooked—namely that no criminal offence exists if the disclosure is made in the public interest with an aim of disclosing irregularities.¹²⁹ This raises the question of whether provisions concerning the protection of classified information are being applied to safeguard legitimate security interests or as a tool against journalists working in the public interest.

It is precisely in relation to this case that it is important to highlight a legal interpretation pointed out by legal expert Jovana Kisin Zagajac¹³⁰ in an analysis for Mediacentar. She points out that Article 164 of the Criminal Code of BiH provides for several forms of unlawful handling of classified information but simultaneously

128 MCOOnline Newsroom. “Privedena novinarka Nataša Miljanović Zubac” (Journalist Nataša Miljanović Zubac detained). Media.ba, 8 Aug 2025. Accessed: November 2025. <https://media.ba/bs/vijesti-i-dogadaji-vijesti/privedena-novinarka-natasa-miljanovic-zubac>

129 Ibid.

130 Jovana Kisin Zagajac. “Pravna analiza hapšenja Miljanović Zubac: Upozorenje za slobodu medija” (Legal analysis of arrest of Miljanović Zubac: Warning for media freedom). Media.ba, 18 Aug 2025. Accessed: November 2025. <https://mail.media.ba/bs/magazin-novinarstvo/pravna-analiza-hapsenja-miljanovic-zubac-upozorenje-za-slobodu-medija>

introduces, in paragraph 9, an exemption that protects the disclosure of such data public when the aim is to expose irregularities, violations of the constitutional order, or international obligations, provided that it has no substantial prejudicial consequences for the state. In theory, this provision functions as a safeguard for whistleblowers and journalists, because it recognizes that the disclosure of classified information may be legitimate when it serves the public interest. In practice, however, criminal liability requires proof that the information was indeed classified, that its publication had prejudicial consequences, and that the disclosure was not aimed at revealing wrongdoing. This represents a high evidentiary threshold, which makes the application of this provision against journalists particularly sensitive from both a legal and a democratic perspective.

The standards of the European Court of Human Rights further reinforce the criteria for the protection of journalists in such situations. The Court requires that measures such as deprivation of liberty, searches, and the seizure of journalists' devices must be clearly prescribed by law, pursue a legitimate aim, and be strictly necessary in a democratic society. They must also be subject to effective judicial review and must ensure special protection for journalistic sources. When the case of Nataša Miljanović Zubac is compared to the earlier case of Nikola Morača from 2023, in which the journalist was detained, treated as a suspect, and deprived of his phone despite the investigation never seriously taking off,¹³¹ it becomes evident that the most severe procedural measures are often used without a clear and convincing epilogue. In such circumstances, it is difficult to speak of these measures as a carefully conducted investigation and much easier interpret them as an instrument of intimidation or pressure against journalists who publish information about abuses.¹³²

A similar pattern of pressure, although it does not involve the disclosure of classified information, can be seen in the case of journalist Džana Omerović-Zec from Kakanj. Misdemeanour proceedings were initiated against her under the Decision on Public Order and Peace of the Municipality of Kakanj over a Facebook comment in which she spoke critically about the “Kakanj Days” event and the work of the local authorities. Journalist associations and human rights organizations assessed the misdemeanour report as an unacceptable and unlawful restriction of freedom of expression and the right to criticize public officials. They warned that misdemeanour law and police powers were being used to discipline public debate on the internet.¹³³ This case demonstrates how decisions on public order can be interpreted in ways that are contrary to European standards and suggests that similar local regulations, if extended to other municipalities and cities, could seriously jeopardize freedom of speech throughout BiH.

What these examples have in common is not the same legal qualification, but a pattern in which legal mechanisms with serious consequences—such as searches, seizure of devices, detention, or misdemeanour proceedings for expressing an opinion—are applied to journalists in circumstances where the standards for protecting of freedom of expression require that such interventions have a clear legal foundation, are necessary and proportionate, and carefully consider the public interest as well as the protection of journalistic sources.

131 Đorđe Vujatović. “Sačuvati izvor uprkos pritiscima” (Preserving the source despite pressure), Media.ba, 28 Feb 2023. Accessed: November 2025. <https://media.ba/bs/magazin-novinarstvo/sacuvati-izvor-uprkos-pritiscima>

132 Jovana Kisin Zagajac, “Pravna analiza hapšenja Miljanović Zubac: Upozorenje za slobodu medija” (Legal analysis of arrest of Miljanović Zubac: Warning for media freedom). Media.ba, 18 Aug 2025. Accessed: November 2025. <https://mail.media.ba/bs/magazin-novinarstvo/pravna-analiza-hapsenja-miljanovic-zubac-upozorenje-za-slobodu-medija>

133 Association BH Journalists. “Općina Kakanj i lokalna policija guše slobodu izražavanja” (Kakanj Municipality and local police are suppressing freedom of expression). Association BH Journalists, 27 Aug 2025. Accessed: November 2025. <https://bhnovinari.ba/bs/2025/08/27/bh-novinari-opcina-kakanj-i-lokalna-policija-guse-slobodu-izrazavanja/>

4.

Harmonization of Media Legislation in BiH with the EU Acquis

During 2025, it became even clearer that BiH had not fulfilled its obligations under the Stabilization and Association Agreement in the area of harmonizing media and communications regulations with the EU acquis, nor did it have a clear, comprehensive plan for implementing this process. Instead of systemic harmonization, developments are largely limited to individual and partial steps, such as initiatives and draft proposals in certain segments, including transparency of media ownership.¹³⁴ Meanwhile, key regulations that should establish a coherent regulatory framework—most notably, the state-level Law on Electronic Media of BiH, together with accompanying solutions on transparency, protection of journalists and harmonization with standards for the digital environment—remain without clear finalization and adoption.

In this regulatory vacuum, some policy initiatives are moving in the opposite direction from European standards and from new EU instruments such as the EMFA, the Anti-SLAPP Directive and the DSA. At the same time, a comprehensive media policy strategy and visible political commitment to accelerate harmonization and protect the media sector particular political interests are still lacking.

According to the Directorate for European Integration, no new formal steps were taken in 2025 towards the adoption of these systemic laws. and most processes remain at the level of working groups and preparatory analyses.¹³⁵ In practice, this means that the EMFA and other key EU acts are largely "recognized" in principle, but have not yet been transposed into domestic legislation. Nor does a unified strategy exist that would encompass public service broadcasting, electronic and online media, transparency of media ownership, and the protection of journalists.

In this context, the Reform Agenda introduces a limited set of obligations that touch on fundamental rights and freedom of expression, but it does not replace the need for a comprehensive package of media laws. The Agenda foresees timeframes and measures related to more efficient recording and monitoring of threats and violence against journalists and media workers (deadline: December 2025), stabilization of the public broadcasting system through the filling of management bodies and the resolution of key financial disputes (deadline: December 2025), and the decriminalization of defamation (deadline: December 2027). It also envisages a broader obligation to review and amend regulations that violate the freedoms of expression, assembly, and association by 2027. Although these measures cannot be considered a substitute for EMFA/DSA harmonization, they nevertheless demonstrate that certain aspects of media freedom have been identified within the broader EU reform process.

At the same time, the only more visible shift in media legislation during 2025 remained related to work on the Law on Transparency of Media Ownership, even a preliminary draft had not been made publicly available. In parallel, Republika Srpska adopted legislation commonly referred to as a "foreign agents law", which was later repealed, while new draft laws and institutional solutions were announced that may conflict with the standards of the EMFA, the Anti-SLAPP Directive, and the DSA. The public broadcasting service remains financially and politically destabilized, despite court decisions confirming its claims, while the digital media environment continues to be regulated only partially and in a fragmented manner, often through regulatory approaches that risk imposing excessive restrictions on public speech.

134 Milanka Sudžum, Head of Communications Department, Ministry of Communications and Transport of BiH, interview.

135 Directorate for European Integration, response by email.

4.1. Compliance with the Digital Services Act (DSA)

In the previous year, BiH did not make substantial progress in harmonizing with the Digital Services Act (DSA). Meanwhile, the European Union a new model of risk management on platforms through the DSA has taken hold.¹³⁶ In April 2025, the Coalition for Freedom of Expression and Content Moderation sent an initiative to the Ministry of Communications and Transport of BiH to launch activities to develop a strategic framework for harmonizing domestic legislation with the Digital Services Act of the European Union.¹³⁷ An interviewee from the Coalition says that a response has not yet been received and that an urgency letter was sent following the initiative at the end of the year.¹³⁸

The professional literature increasing presents the DSA as an answer to existing national solutions, such as Germany's NetzDG and similar laws in other member states, with the aim of avoiding further fragmentation of rules relating to illegal and harmful content on the internet.¹³⁹ In contrast, in BiH, an initiative has in development in recent years to introduce a separate law on preventing "illegal hate speech on the internet", largely leaning on the logic of the NetzDG solutions, rather than the DSA approach to managing systemic risks.¹⁴⁰

A working group was previously formed within the Ministry of Justice of BiH with the task of drafting a normative act on preventing "illegal hate speech on the internet", but this process has since been practically halted, partly after international actors and expert analyses warned that adopting such a *lex specialis* law, parallel with the entry into force of the DSA, would be wrong.¹⁴¹ A Council of Europe study on the regulation of harmful online content in BiH explicitly recommends that work on the draft law on hate speech be halted and redirected towards a model that would be compatible with European standards and the DSA logic, rather than direct state control of content.¹⁴² Regional analyses of the potential implementation of the DSA in the Western Balkans, which include BiH, additionally note the low level of compliance and the fact that a large number of key areas, from platform obligations to data access, are not covered by domestic regulations.¹⁴³

As BiH has not yet adopted a state law on electronic media and the law on electronic communications is still in preparation, the failure to adopt key systemic regulations effectively means the absence of harmonization with the DSA. As a result, harmonization remains primarily a topic of analysis and advocacy rather than legislative policy. Interviewees in the study warn that the law on the prevention of hate speech on the internet, in the form in which it was considered, could become a "big landmine". Without precisely defined competences, clear criteria, and guarantees, there is a risk that hate speech will be interpreted so broadly that it includes harsh

136 Digital Services Act (Regulation (EU) 2022/2065). <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>

137 Coalition for Freedom of Expression and Content Moderation in BiH. "Inicijativa za pokretanje aktivnosti na izradi strateškog okvira za usklađivanje domaćeg zakonodavstva sa Aktom o digitalnim uslugama Evropske unije" (Initiative to launch activities to develop a strategic framework for harmonizing domestic legislation with the European Union Digital Services Act). ksimsbih.org, 11 Apr 2025. Accessed: December 2025. <https://ksimsbih.org/inicijativa-za-pokretanje-aktivnosti-na-izradi-strateskog-okvira-zauskldjivanje-domaceg-zakon-kakanj-municipality-and-local-police-suppress-freedom-of-expression-odavstva-sa-aktom-o-digitalnim-uslugama-evropske-unije/>

138 Maida Ćulahović, Policy Development Coordinator, Association "Zašto ne" (Why Not), interview.

139 Kostić, Bojana, and Ana Toskić Cvetinović, Towards a Feasible Implementation of the Digital Services Act in the Western Balkans. Partners Serbia, 2024. <https://www.partners-serbia.org/public/news/dsa-wb-new.pdf>

140 Maida Ćulahović, Policy Development Coordinator, Association Zašto ne (Why Not), interview.

141 Ibid.

142 Deirdre Kevin and Asja Rokša-Zubčević. "Ko-regulacija štetnog sadržaja na internetu: Studija" (Coregulation of harmful content online: A study) Council of Europe. 2022. <https://rm.coe.int/hf38-coregulation-harmful-content-online-study-bos/1680adee88>

143 <https://www.partners-serbia.org/public/news/dsa-wb-new.pdf>

criticism of politicians or institutions.¹⁴⁴ Instead of the DSA model of managing systemic risks on platforms—through risk assessment, algorithmic transparency, and cooperation with trusted flaggers, fact-checkers, and researchers—such an approach could create space for a model in which the state selectively declares politically undesirable content as problematic on the pretext of combating hate speech and disinformation.¹⁴⁵

Although the Reform Agenda is not a substitute for DSA harmonization, it nevertheless recognizes some institutional preconditions relevant to managing risks in the digital space. These include strengthening procedures and more consistent action by law enforcement and prosecutors' offices in cases of threats and violence against journalists, as well improving analytical and institutional capacities in responding to disinformation and foreign forms of information manipulation. In this sense, reform measures may contribute to the operational resilience of the system, but without the adoption of state regulations and a clear model aligned with the DSA—based on transparency, assessment of systemic risks, and guarantees for freedom of expression—the regulatory space remains open to partial and potentially restrictive solutions.

In practice, the previous year showed that media legislation in BiH continued to develop in a piecemeal and *ad hoc* manner, through individual initiatives and “putting out fires”,¹⁴⁶ without a strategy that explicitly connects the EMFA, DSA, and other key acts into a single public policy framework.¹⁴⁷ As BiH still has not adopted the state law on electronic media and the law on electronic communications is in preparation, harmonization with the DSA remains predominantly a topic of analytical and advocacy discussions. The country therefore remains at a crossroads between the European model of joint risk management on platforms and domestic tendencies towards direct political control of the digital space, with the persistent that the fight against disinformation could be turned into an instrument for narrowing the space for critical public speech.



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4.2. Compliance with the European Media Freedom Act (EMFA)

The European Media Freedom Act was described in the previous report as a key EU framework for protecting editorial independence, ensuring transparency of media ownership, limiting political influence, and reinforcing the stable financing of public service broadcasters. During the previous year, BiH made no substantial progress towards real harmonization with the EMFA. This is partly due to the fact that the EMFA is a relatively new European regulation the mechanisms of which are only gradually being operationalized, but it also reflects persistent domestic political blockages and the absence of a coordinated harmonization plan.

Work on the Law on Transparency of Media Ownership directly responds to the EMFA's key requirements, as it would establish mandatory public disclosure of the ownership structure and connected persons within the media sector. However, this process has not yet yielded a positive outcome. Interviewees in the

144 Danijel Kovačević, political advisor, Delegation of the European Union to BiH, interview.

145 Aleksandar Jokić, attorney, interview.

146 Maida Čulahović, Policy Development Coordinator, Association “Zašto ne” (Why Not), interview.

147 Danijel Kovačević, Political Advisor, Delegation of the European Union to BiH, interview.

study emphasize that progress can only be formally acknowledged once the law is adopted. At present, developments largely reflect "recognition that this law is needed", rather than an actual change in the legal framework.¹⁴⁸

Within the Reform Agenda, the public broadcasting system is addressed through measures that are broadly compatible with EMFA principles concerning institutional stability and the depoliticization of public service management. The Agenda foresees that by December 2025 the governing bodies of the public broadcasters would be filled, key debts would be resolved, and a sustainable system for collecting fees established, alongside the adoption of a new legislative framework at the state level. However, here too, progress can only be measured once the proposed measures are actually implemented.

In public debates on media reform in BiH, the EMFA is increasingly referenced as a normative framework. Representatives of EU institutions refer to it in reports and recommendations, while domestic and international organizations monitoring media freedoms invoke it in legislative consultations. Nevertheless, a coherent "EMFA-mapped" reform package has not yet emerged in domestic legislative planning. Instead, fragmented initiatives without a clear hierarchy of priorities and without a coordinated harmonization plan prevail.¹⁴⁹

Interviewees in the study point out that some media initiatives in the Republika Srpska may be interpreted as a political attempt to pre-emptively shape entity-level solutions and thereby strengthen political influence control over media policy at the entity level before possible state reforms are adopted.¹⁵⁰ While such initiatives cannot legally replace future state-level regulation in areas where the state has legislative competence, partial solutions applied only in one part of the country risk creating institutional fragmentation and uneven levels of protection of media freedoms even before systemic harmonization takes place.

4.2.1. Audience Measurement and Media Market Integrity

Standards introduced by the European Media Freedom Act (EMFA) concerning the independence of regulatory and supervisory arrangements and the protection of the media market from political intervention in BiH remain, for the time being, mainly a point of reference in analyses and research. In practice, institutional solutions often move more slowly or produce new blockages. This is particularly visible in the area of audience measurement, because reliable, transparent, and verifiable data on viewership (and more broadly, on the reach of media content) are the foundation of the functioning of the advertising market, and thus of the financial sustainability of the media and market pluralism. For this reason, the EMFA introduces common principles for audience measurement systems, including transparency, impartiality, comparability, and verifiability, and seeks to reduce the scope for non-transparent and biased methodologies that can affect the allocation of economic resources in the media sector.¹⁵¹

In BiH, however, the issue of peplemeters has become an example of how a "technical" issue can turn into an institutional mechanism with direct economic consequences. Previous decisions and by-laws of the Institute for Metrology led to a months-long blockade of official measurement of TV station viewership and created serious uncertainty in the market. Without stable and credible ratings data, advertisers faced difficulties in planning and contracting campaigns, while private broadcasters were exposed to increased financial risk. In December

148 Danijel Kovačević, Political Advisor, Delegation of the European Union to BiH, interview.

149 Maida Ćulahović, Policy Development Coordinator, Association "Zašto ne" (Why Not), interview.

150 Sandra Gojković Arbutina, Editor-in-Chief, Nezavisne novine, interview.

151 European Media Freedom Act (Regulation (EU) 2024/1083). <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:32024R1083>

2024, the Court of BiH issued a ruling that repealed a disputed rulebook on viewership measurement (peplemeters), following a lawsuit filed by Nova BH, OBN, and BN TV. The ruling represented an important corrective to irregularities in both the procedure and the legal effects of the rulebook.¹⁵²

The parliamentary response in 2025 attempted to bring the problem back closer to a market- and industry-oriented model in which audience measurement would not depend on a single state institution and its rulebooks. In April 2025, the House of Representatives of the Parliamentary Assembly of BiH adopted amendments to the Law on Metrology under an urgent procedure and sent them to the House of Peoples with a request for expedited consideration. However, according to available reports and monitoring of the legislative process, the House of Peoples did not complete the deliberation or adoption of these amendments during the reporting period, leaving the issue without a stable, final legislative solution.¹⁵³

Media associations¹⁵⁴ warn that a model in which a state institution exercises decisive control over audience measurement is highly problematic and inconsistent with European practice, where such activities are typically performed by independent agencies. In this context, the proposed amendments to the Law on Metrology—which would exclude audience measurement from the legal metrology regime and repeal the Institute's controversial rulebooks—represent an attempt to return the situation to a framework more consistent with EMFA standards. However, without broader reform of media legislation, such measures remain partial and insufficient to establish a sustainable model.

This case is paradigmatic for the way in which issues relevant to media freedom and market pluralism are addressed in BiH. Instead of systematically regulating audience measurement through a modern media framework—one which that would define the independence and transparency of measurement systems, the role of industry actors, methodology and audit, and safeguards against political influence in line with EMFA principles¹⁵⁵—policy responses have largely relied on *ad hoc* interventions within technical legislation. Even these limited interventions have struggled to progress smoothly through legislative procedures. As a result, an opportunity has been missed to establish a sustainable, professional, and politically neutral measurement system capable of ensuring fair competition among media outlets and maintaining the confidence of advertisers. These elements are central to media pluralism and are precisely what the EMFA seeks to strengthen at the EU level, because without transparent market mechanisms and verifiable data, economic pressure can easily become a channel for political influence.



Media associations warn that a model in which a state institution exercises decisive control over audience measurement is highly problematic and inconsistent with European practice, where such activities are typically performed by independent agencies.

152 A.H. "Sud BiH presudio u korist medija, ukinut Pravilnik o mjeriteljstvu" (Court of BiH ruled in favour of media, Rulebook on Metrology repealed). N1, 20 Dec 2024. Accessed: December 2025. <https://n1info.ba/vijesti/sud-bih-presudio-u-korist-medija-ukinut-pravilnik-o-mjeriteljstvu>

153 Harun Dinarević. "Nema mjerenja gledanosti bez izmjena Zakona o mjeriteljstvu" (There is no viewership measurement without amending Law on Metrology). Media.ba, 30 Jan 2025. Accessed: December 2025. <https://media.ba/bs/magazin-novinarstvo/nema-mjerenja-gledanosti-bez-izmjena-zakona-o-mjeriteljstvu>

154 Nataša Tešanović. "Ties between advertising industry and media rating measuring - impact on media market in BiH". Safejournalists, 23 May 2018. Accessed: December 2025. <https://safejournalists.net/ties-advertising-industry-media-rating-measuring-impact-media-market-bih/>

155 European Media Freedom Act, Art. 24 https://www.media-freedom-act.com/Media_Freedom_Act_Article_24_%28Regulation_EU_2024_1083_of_11_April_2024%29.html

4.3. Compliance with Anti-SLAPP Directive

Directive (EU) 2024/1069 introduces procedural safeguards against SLAPP lawsuits, including early dismissal of manifestly unfounded claims, cost-shifting and compensation for victims, and sanctions for abuse of judicial procedures. The Directive specifically aims to protect journalists, activists, and the media from litigation used by powerful political and economic actors.¹⁵⁶ In Bosnia and Herzegovina, however, there is still no specific law or procedural mechanism that recognizes and addresses SLAPP lawsuits as a specific problem. Nor have amendments been made to the civil procedure or defamation laws that would enable the early dismissal of manifestly abusive claims or the sanctioning of plaintiffs who use litigation as an instrument of pressure. As a result, the current legal framework still does not offer journalists the protection provided for by the new EU directive.¹⁵⁷



Decriminalization of defamation

The Reform Agenda introduces one measure indirectly relevant to SLAPP practices: the decriminalization of defamation. The rationale is that removing provisions on defamation from criminal legislation would eliminate the most severe consequences of criminal prosecution while providing leaving protection of reputation to civil proceedings.

The Reform Agenda, however, introduces one measure indirectly relevant to SLAPP practices: the decriminalization of defamation. The rationale is that removing provisions on defamation from criminal legislation would eliminate the most severe consequences of criminal prosecution while providing leaving protection of reputation to civil proceedings. If implemented within the envisaged timeframe (by December 2027), this measure would remove the most repressive layer of legal pressure in the part of the country where criminal defamation has been reintroduced. However, it would not by itself solve the broader problem of SLAPP lawsuits in civil proceedings or introduce procedural filters for the early dismissal of abusive lawsuits, as required under the EU Directive.

Available research and reports by journalist organizations show that litigation with SLAPP characteristics has been present in BiH for years. These cases are typically characterized by a constantly high number of defamation lawsuits against journalists and media outlets, disproportionately high compensation claims, and a pronounced imbalance of power between politicians, companies or public officials as plaintiffs and small newsrooms as defendants.¹⁵⁸ Analyses of SLAPP practice note that such lawsuits are often directed at media outlets reporting on corruption and abuses of power, including investigative portals and newsrooms specializing in economic and anti-corruption issues,¹⁵⁹ and that local women activists in areas such as environmental protection are also

156 Directive on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (SLAPP) (Directive (EU) 2024/1069) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32024L1069>

157 Council of Europe Office in Sarajevo. "Protecting Journalists and Activists from SLAPPs in Bosnia and Herzegovina". Council of Europe, 4 Sep 2025. Accessed: December 2025. <https://www.coe.int/bs/web/sarajevo/-/protecting-journalists-and-activists-from-slapps-in-bosnia-and-herzegovina>

158 Arman Fazlić. "BiH: SLAPP tužbe sa ciljem cenzure guše slobodu izražavanja i javne kritike" (BiH: SLAPP lawsuits aimed at censorship stifle freedom of expression and public criticism). Cenzolovka, 24 Feb 2023. Accessed: December 2025. <https://www.cenzolovka.rs/region/bih-slapp-tuzbe-sa-ciljem-cenzure-guse-slobodu-izrazavanja-i-javne-kritike/>

159 Jelena Jevđenić. "SLAPP tužbe protiv portala Capital u BiH - Tuži nas zlatna mladež naših političara" (SLAPP lawsuits against Capital portal in BiH - We are sued by golden youth of our politicians). Slobodno.org, 3 Apr 2024. Accessed: December 2025. <https://www.slobodno.org/slapp-tuzbe-protiv-portala-capital-u-bih-tuzi-nas-zlatna-mladez-nasih-politicara/>

targeted,¹⁶⁰ which clearly corresponds to the typical SLAPP pattern according to which the goal is not to win the dispute, but to intimidate and financially exhaust those who publicly call out powerful actors.¹⁶¹

Attorney Aleksandar Jokić describes this pattern as a situation in which a journalist "is sued over a true story", ultimately proves that the published information is accurate, but nevertheless spends years in court. In extreme cases, multiple parallel lawsuits may be filed for the same news story, which for smaller newsrooms can turn into a financial and psychological "disaster".¹⁶²

In light of the standards of the EU Directive, which requires mechanisms for the early dismissal of manifestly unfounded or abusive lawsuits, possibility of shifting costs to plaintiffs, and procedural guarantees for SLAPP victims, interviewees emphasize that domestic anti-SLAPP measures should move in the same direction. In the Federation of BiH, an initiative was launched between 2023 and 2025 to introduce anti-SLAPP mechanisms through the Draft Law on Citizen Initiative and Protection of Citizens and Activists of the FBiH, which provided for the possibility of early dismissal of lawsuits recognized by the court as intimidation proceedings (SLAPP), particularly in cases of public interest.¹⁶³ Although the draft was adopted by the House of Representatives of the FBiH, it failed to secure the required majority in the House of Peoples during a session held on 28 July 2025.¹⁶⁴

In November 2025, an initiative was launched by a coalition of media staff and lawyers aimed at amending the Law on Protection from Defamation of the FBiH to align it with European Union standards. The proposed measures include early dismissal of manifestly unfounded lawsuits, shifting the burden of proof to the plaintiff, and sanctions for abuse of the law in SLAPP cases.¹⁶⁵ However, defamation cases represent only a small part of SLAPP practice. In broader terms, SLAPP lawsuits may also take the form of damages claims, employment disputes, or other types of civil litigation initiated by actors in positions of power seeking to exhaust critics.¹⁶⁶

160 Zinaida Delilović. "S čim se suočavaju aktivisti u BiH: SLAPP tužbe, narušavanje ugleda, prijetnje, fizički napadi..." (What activists in BiH face: SLAPP lawsuits, harm to reputation, threats, physical attacks...). Žurnal, 11 Dec 2024. Accessed: December 2025. <https://www.zurnal.info/clanak/slapp-tuzbe-narusavanje-ugleda-prijetnje-fizicki-napadi/27430>

161 Gerila.info. "Direktiva protiv SLAPP tužbi u EU i njene implikacije za slobodu medija u Bosni i Hercegovini" (Anti-SLAPP Directive in EU and its implications for media freedom in Bosnia and Herzegovina). Gerila.info, 15 Jul 2025. Accessed: December 2025. <https://www.gerila.info/direktiva-protiv-slapp-tuzbi-u-eu-i-njene-implikacije-za-slobodu-medija-u-bosni-i-hercegovini/>

162 Aleksandar Jokić, attorney, interview.

163 The initiative was publicly advocated by the Aarhus Center in BiH in cooperation with environmental organizations. The Draft Law on Citizen Initiative and Protection of Citizens and Activists of the FBiH was presented as the "anti-SLAPP" framework, with the explanation that it enables a defendant to request an early dismissal of a SLAPP lawsuit and transfer of costs to the plaintiff, A.J. "Prvi ANTI-SLAPP zakon u regionu bi mogao da bude donesen u Federaciji BiH" (First anti-SLAPP law in region could be passed in Federation of BiH). Mašina.rs, 6 Oct 2025. Accessed: December 2025. <https://www.masina.rs/prvi-anti-slapp-zakon-u-regionu-bi-mogao-da-bude-donesen-u-federaciji-bih/>

164 Aida Trepanić Hebib. "Dom naroda Federacije nije usvojio zakon za rano odbacivanje tužbi za zastrašivanje građana" (Federation House of Peoples did not adopt law for early dismissal of lawsuits for intimidation of citizens) Detektor, 28 Jul 2025. Accessed: December 2025. <https://detektor.ba/2025/07/28/dom-naroda-federacije-nije-usvojio-zakon-za-rano-odbacivanje-tuzbi-za-zastrasivanje-gradjana/>

165 The initiative is advocated by the Association for the Promotion of Media Freedoms, Critical and Investigative Journalism (SKIN) and Valterportal, Maja Bjelajac. "Okrugli sto medija, NVO i predstavnika Parlamenta BiH: Valter pokrenuo zakonsku inicijativu protiv SLAPP tužbi" (Roundtable of media, NGOs, and representatives of BiH Parliament: Valter launches legislative initiative against SLAPP lawsuits). Velterportal.ba, 26 Nov 2025. Accessed: December 2025. <https://valterportal.ba/okrugli-sto-medija-nvo-i-predstavnika-parlamenta-fbih-valter-pokrenuo-zakonsku-inicijativu-protiv-slapp-tuzbi/>

166 Aleksandar Jokić, attorney, interview.

More broadly context, BiH still lacks even a minimal institutional framework aligned with the standards of the EU Directive. Courts have no clear guidelines for recognizing SLAPP patterns, while proposals such as limiting compensation claims have remained at the level of initiatives and advocacy recommendations without legislative outcomes. Instead of moving towards the implementation of the standards of the EU Directive and the Council of Europe recommendations on anti-SLAPP measures—primarily through the incorporation of procedural “filters” into civil law, such as early dismissal of manifestly abusive lawsuits, expedited proceedings, full reimbursement of costs, and sanctions for abuse of procedures, along with more precise public interest standards in relevant substantive laws—according to the interviewees in the study, BiH was moving in the opposite direction in the last year.

Civil defamation proceedings continue to function as an important tool of pressure on journalists, while the reintroduction of criminal defamation in the RS has opened an additional front of possible criminal prosecution, and no level of government has established compensatory mechanisms to protect journalists and other participants in public debate from abusive litigation. Bosnia and Herzegovina “is not moving towards liberalization, but in the opposite direction,” while new laws are passed under the pretext of safety, but in practice serve to abolish freedoms and rights.¹⁶⁷

4.4. Compliance of Law on Protection of Personal Data of BiH with GDPR

The new Law on the Protection of Personal Data of Bosnia and Herzegovina,¹⁶⁸ published in February 2025 and entering into force in October, represents a rare example of systemic regulation in the field of communications and information that is substantially modelled on EU rules.

The law foresees fines of up to KM

40
million

or up to

4%

of total annual global turnover of an undertaking, whichever amount is higher, for the most serious violations.

Alignment with the GDPR is reflected in the structure and standards adopted by law: principles of processing, legal basis, obligations of controllers and processors, expanded rights of data subjects, stronger requirements for security of processing, impact assessments (DPIA), and obligations to report data breaches. For example, the law provides for an impact assessment where processing is likely to result in a high risk to the rights and freedoms of individual, and it introduces the obligation to notify the competent authority of a personal data breach within 72 hours of becoming aware of the incident (in a competent authority regime). The law also establishes obligations and standards related to the Data Protection Officer (DPO), including requirements concerning designation, position, and tasks.

of particular practical relevance—including for the media sector—is the introduction of significant financial penalties. The law foresees fines of up to KM 40,000,000 or up to 4% of total annual global turnover of an undertaking, whichever amount is higher, for the most serious violations. This sanctioning model closely follows the GDPR approach, which relies on deterrent penalties to ensure effective compliance.

For the media sector, however, the most sensitive issue concerns the balance between privacy and freedom of expression and information. The GDPR

¹⁶⁷ Ibid.

¹⁶⁸ Law on the Protection of Personal Data of Bosnia and Herzegovina, <https://www.paragraf.ba/propisi/bih/novi-zakon-o-zastiti-licnih-podataka.html>

explicitly requires that Member States shall “reconcile” the protection of personal data with freedom of expression, including processing carried out for journalistic purposes (Article 85), as well as processing and publication of personal data in documents for the purpose of public access to official documents (Article 86).¹⁶⁹ The BiH law introduces a similar concept through provisions on freedom of expression and information, including processing carried out “exclusively for journalistic purposes”. However, the application this exemption is tied to “separate regulations” that are expected to regulate exemptions and limitations. The law also addresses the relationship with rules on public access to official documents in a similar manner, again referring to separate regulations.

In the context of media freedom, this is doubly important. While it is positive that the law recognizes the need to balance privacy with freedom of expression, the practical outcome will depend on whether and how these “separate regulations” and accompanying guidelines define exemptions, procedures, and the public interest test. Without clear safeguards, there is a risk that data protection rules could be used to restrict investigative journalism or access to information of public importance.¹⁷⁰

In analysis for Mediacentar, attorney Nasir Muftić warns that in the context of Bosnia and Herzegovina there is a risk that the Law on the Protection of Personal Data could become a new mechanism for initiating SLAPP proceedings if it does not contain a clearly and precisely regulated exemption for journalism. He also highlights existing ambiguities regarding jurisdiction for adopting the separate regulation, its legal force, and how the law should be applied until such regulation is adopted.¹⁷¹

The new law on data protection acts as a regulation that will spill over into media practice and the digital environment in the context of processing data on subscribers, members, donors, visitors (analytics), reports, and comments, as well as the processing of sensitive data in investigative stories. This opens up several specific obligations and risks, including the mapping of personal data processing and the identification of a legal basis for processing (such as legitimate interest, contractual obligations, or legal requirements), as well as transparency towards users through clear privacy policies. Additional obligations include the implementation of organizational and technical security, particularly given the strict sanctions for data breaches. Media outlets must also establish procedures for handling requests from data subjects—such as requests for access, correction, or deletion of data—with particular sensitivity in a journalistic context.

The GDPR framework emphasizes that concepts related to freedom of expression, including journalism,) should be interpreted broadly in order to protect the democratic role of the media.¹⁷² In relation to EU standards, the essential “test” of compliance will not lie solely in the text of the law, but also in practice: how will privacy rights be balanced with the public interest, how will the regulator and institutions interpret exemptions, and whether data protection will be used as procedural pressure on journalists (such as through excessive requests, complaints, and disputes), rather than as legitimate protection of citizens.¹⁷³

169 General Data Protection Regulation, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A32016R0679>

170 Bayer et al., “Strategic Lawsuits Against Public Participation (SLAPP) in the European Union”, (EU-CITIZEN, 2023) https://commission.europa.eu/system/files/2022-04/slapp_comparative_study_0.pdf

171 Nasir Muftić. “Novinarski izuzetak i zaštita ličnih podataka: Opasnost u detaljima” (Journalistic Exemption and Personal Data Protection: Danger in Details) Media.ba, 6 Jan 2025. Accessed: January 2025. <https://media.ba/bs/mediametar/novinarski-izuzetak-u-zakonu-o-zastiti-licnih-podataka-opasnost-je-u-detaljima>

172 Case C-345/17, Sergejs Buivids v Datu valsts inspekcija, EU:C:2019:122., <https://curia.europa.eu/juris/document/document.jsf?docid=210766&doclang=EN>

173 Melinda Rucz. “SLAPPed by the GDPR: protecting public interest journalism in the face of GDPR-based strategic litigation against public participation”. Journal of Media Law, 14(2), 2022. Accessed: December 2025. https://pure.uva.nl/ws/files/123444962/SLAPPed_by_the_GDPR_protecting_public_interest_journalism_in_the_face_of_GDPR_based_strategic_litigation_against_public_participation.pdf

5.

Concluding Considerations and Recommendations

In 2025, the situation regarding freedom of expression and media freedom in Bosnia and Herzegovina did not improve. Rather than stagnating, developments in many segments suggest a regression. The earlier narrative of "laws are good, implementation is poor", has increasingly shifted towards a situation in which even the laws have become regressive or outdated, while implementation remains selective and subject to political interests.

Changes are still slow, partial, and insufficiently coordinated and connected, with a clear continuity of the trends highlighted in the previous study: key recommendations of the European Commission have been repeated for years without visible political agreement and operational progress. These include the need to ensure effective investigation and prosecution of threats and violence against journalists and media workers, to stabilize and secure the financial sustainability of the public broadcasting system, to adopt legislation on transparency of media ownership, and to decriminalize defamation throughout the country.

The most significant regressive shift remains the criminalization of defamation in the Republika Srpska. This step has reinforced a broader pattern of legal pressure that does not stop at defamation alone. During 2025, the use of criminal and misdemeanour law in ways that may have a chilling effect on investigative journalism and public debate continued. In parallel, even when specific initiatives are formally withdrawn or rescinded, the accompanying rhetoric of stigmatization and "foreign influence" remains present, creating a more permanent chilling effect by spilling over into other policies and announcements in the media sector.

The reporting period also saw concerning signals regarding potential institutionalization of content control through politically framed initiatives. One example is the announcement of formation of a department for combating disinformation within the Government of the Republika Srpska, within a discourse that could broaden the scope for qualifying critical reporting as harmful or negative. At the same time, the capacities and independence of key institutions remain part of the structural problem, including the fact that the Communications Regulatory Agency still does not enjoy full political and financial independence, as noted in the findings of the European Commission.

Nevertheless, some limited institutional progress has also been observed, particularly in efforts to strengthen the protection of journalists through the establishment and operation of contact points and records-keeping mechanisms but the overall picture remains uneven and partial, depending on the capacities and practices of each institution. Taken together, the findings indicate that the priorities and obligations to the EU are recognized through the Reform Agenda and that working drafts and initial mechanisms exist, but the political willingness to translate them into harmonized and effective legislation and practice continues to be a key obstacle to progress.

Recommendations:

1. Adoption of priority legislation and alignment with the EU framework

- a. *Decriminalization of defamation in the Republika Srpska*: defamation provisions should be removed from criminal legislation ensuring that the protection of reputation is achieved exclusively through civil means, with a public interest standard, proportionate sanctions, and protection of legitimate journalistic reporting.
- b. *Law on Electronic Communications and Law on Electronic Media*: the drafts should be finalized and published and public consultations should be conducted with the participation of the professional community, media, and civil society; compliance with the relevant EU framework and clearly defined competencies and coordination mechanisms should be ensured.
- c. *Transparency of media ownership*: the drafting and adoption of a law that ensures publicly available and searchable data on direct/indirect and ultimate beneficial owners should be accelerated, with an obligation of regular updates and proportionate sanctions; its normative alignment and procedural coordination with the processes of drafting/adopting the Law on Electronic Communications and the Law on Electronic Media (particularly regarding jurisdictions) should be ensured, without delaying the adoption of transparency measures as an independent priority step; transparency of public advertising and other forms of public financing of the media should be included.
- d. *Public broadcasting system*: a new law on the public broadcasting system should be adopted at the level of BiH, the governing bodies of public broadcasters should be fully staffed, the debts of the entity broadcasters towards BHRT should be resolved, and a sustainable system for collecting the RTV tax should be established, with guarantees of editorial independence and depoliticized management.
- e. *Personal data protection and journalistic exemptions*: by-laws/guidelines should be adopted which clearly, consistently and predictably regulate data processing for journalistic purposes, including exemptions, necessity and proportionality tests, and procedural guarantees, in order to prevent the misuse of data prevention rules as a mechanism of pressure on media and journalists.
- f. *Whistleblower protection*: the framework for the protection of whistleblowers through a minimum standard at the state level, in line with the EU acquis, should be strengthened and harmonized, while aligning regulations at other levels of government; in doing so, it should be recognized that certain forms of protection are already provided through other state regulations (e.g. protection of the public interest), but that a clearer and more practically applicable mechanism is needed, which directly supports the disclosure of irregularities and thereby strengthens investigative journalism.

2. Digital space and online media: co-regulation instead of partial prohibition

- a. *Framework for online media through co-regulation*: a balanced model combining self-regulation and co-regulation should be developed, including procedural guarantees, such as transparent criteria, right of appeal, and independent oversight, instead of partial solutions focused on “harmful content”. The Press and Online Media Council in Bosnia and Herzegovina and media associations should be systematically included in self-regulation; broad and vague categories that create room for selective interpretation should be avoided.

3. Protection of journalists: records, conduct, and responsibility of institutions

- a. *Threats and violence against journalists*: police and prosecutors' offices should establish transparent and efficient records and monitoring of cases. This should include uniform protocols, contact points, and coordinated statistics.
- b. *Procedural guarantees against strategic lawsuits (anti-SLAPP standard)*: they should primarily be incorporated into laws on civil procedure (FBiH/RS/BD) through mechanisms for early dismissal of manifestly abusive lawsuits, rules on costs, and protection of the public interest in proceedings affecting journalists and participants in the public discourse.

4. Strategic framework for reforms: media strategy and action plan

- a. *Strategic, not partial, approach to reforms*: a media strategy and action plan should be developed which tie together legislative reforms, the digital space, reform of the public broadcasting system, journalist protection, and access to information, with clear goals, timeframes, and measurable indicators, in order to reduce fragmentation and ensure implementation.

5. Access to information

- a. *Access to information should be improved at all levels*: the handling of requests and the application of the public interest test should be standardized and a central point/portal for BiH institutions should be established; proactive disclosure (budgets, contracts, public procurement, subsidies, and decisions) should be strengthened. Appellate bodies and inspections, where they exist, should ensure effective control (timeframes, legality of exemptions, enforcement of decisions, and sanctioning of non-compliance).

6. Journalistic exemption in the protection of personal data

- a. Legal certainty for media and journalists in the area of personal data protection should be improved: the journalistic exemption in the Law on Personal Data Protection should be clearly regulated through amendments at the level of the Parliamentary Assembly of BiH.

7. Public engagement and an end to restrictive initiatives

- a. Transparent and inclusive law-making process: drafts, rationales, and impact analyses should be published and a publicly available "comment matrix" (accepted/rejected with explanation) should be maintained.
- b. Restrictive proposals should not be initiated and exercise of freedoms should be ensured: any new initiative that infringes on freedom of expression, assembly, and association, as well as on the media, should be justified through a legitimate aim, necessity, and proportionality, with guarantees against abuse (clear definitions, oversight, appeal, and transparency); in particular, regulations on disinformation/harmful content based on broad and undefined categories should be avoided.

8. Capacities of the Communications Regulatory Agency

- a. The Agency's capacities should be strengthened: stable and predictable funding, staffing and technical reinforcement, and more transparent adoption of by-laws (drafts, rationales, and consultations) should be provided, while ensuring political and financial independence.

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