

Challenges to the Rule of Law and Media Freedom in Bosnia and Herzegovina

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Introduction

On 4 October 2026, Bosnia and Herzegovina will hold the general elections for the state, entity and cantonal levels of government. Media freedom is one of the pillars of democracy and it is essential to allow voters to form their opinion and decide who to vote for at the elections. This report aims to provide an overview of media freedom in Bosnia and Herzegovina and efforts to reform the media sector and bringing it into line with the EU standards.

The media landscape in Bosnia and Herzegovina is rather discouraging. Despite the country having obtained the status of candidate for EU membership in 2022, the situation in Bosnia and Herzegovina has been characterised not only by stagnation, but also by regressive trends for what concerns democratic standards and media freedom. While these are not new trends, 2023 was a pivotal moment. The authorities of Republika Srpska (RS) reintroduced the crime of defamation and announced their intention to adopt a law on “foreign agents” (eventually adopted in 2025). International criticism and public advocacy efforts failed to dissuade the RS authorities from criminalising defamation and introducing more restrictive legislation. The gravity of the situation prompted Media Freedom Rapid Response to conduct an urgent mission to Bosnia and Herzegovina in an attempt to mitigate the impact of the announced legislation and assess its possible consequences. The findings of the mission¹ depicted a very difficult situation for media freedom and journalists not only in Republika Srpska, but also in the Federation of Bosnia and Herzegovina.

This report, three years later, aims to take stock of the impact of those laws in Republika Srpska and to provide an overview of the current situation of media freedom in Bosnia and Herzegovina, including challenges faced by journalists. As the country prepares for elections, legislative bodies have adopted their usual pre-election modus operandi, so no substantial changes to the existing framework are expected, only legislative initiatives taken primarily to consolidate positions in view of the electoral race.

In preparing this report, the authors, in addition to reviewing the existing literature, conducted numerous interviews with journalists, judiciary authorities, representatives of the media regulator, representatives of the international community, legal experts, members of civil society, and other stakeholders. A field mission took place in Sarajevo between March 16 and March 18 and another in Banja Luka between May 11 and 12. Additionally, an online focus group was organised on 8 April 2026, with journalists from across Bosnia and Herzegovina.

¹ Media Freedom Rapid Response, Bosnia and Herzegovina

Country context

Bosnia and Herzegovina is characterised by a complex administrative system, established by the 1995 Dayton Peace Agreement. The country is composed of two entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), and the Brčko district. The FBiH is further decentralised into ten cantons, each with its own constitution, parliament, and government. The cantons are assigned specific responsibilities based on the Washington and Dayton Peace Agreements.

There are constitutional safeguards for the protection of media freedom and freedom of expression and a long-standing formal commitment to pursuing reforms within the framework of European integration. In 2022, the country was granted candidate status and received the “green light”² from the European Commission to open accession negotiations in 2024. The necessary reforms were outlined in the 2019 European Commission Opinion on Bosnia and Herzegovina's EU Membership Application (the “Avis”)³ which sets out a list of priorities for the country. Priority 12 requires the country to guarantee freedom of expression and media freedom. However, progress in this key area has been slow.

Media freedom in Bosnia and Herzegovina continues to face legal, political, and economic pressures that undermine the full exercise of freedom of expression. Between 2023 and 2026, the country dropped 21 positions in the Reporters Without Borders World Press Freedom Index and is currently ranked 90th⁴. The steady decline reflects a broader erosion of freedom of expression and the rule of law, also due to recent restrictive legislative initiatives.

The government's most recent commitments to promote media freedoms were expressed in the Reform Agenda⁵, adopted by the BiH Council of Ministers in late 2025. The document, which mirrors the 2019 Avis, includes measures to promote fundamental rights related to media, specifically the effective recording and follow-up of cases of threats and violence against journalists and media workers, the abolition of criminal defamation in the RS, addresses the issue of the functioning and financial sustainability of the state-level public broadcaster⁶ and more generally provides for measures requiring the adoption and enforcement of legislation ensuring the enjoyment of freedom of expression, assembly and association across the country, without launching new restrictive proposals⁷. While this represents a positive step, as of mid-2026 no substantive progress has been achieved in this direction.

² European Commission. Commission proposes to open EU accession negotiations with Bosnia and Herzegovina.

³ Communication from the Commission, Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union.

⁴ World Press Freedom Index, “Bosnia-Herzegovina.”

⁵ [Reform Agenda Bosnia and Herzegovina](#).

⁶ The commitment is to have the steering board of public broadcasters fully composed, that debts are settled, and BHRT has a sustainable fee collection system by adopting a new Law on Public Broadcasting System.

⁷ Reform Agenda Bosnia and Herzegovina, 136-138.

1. Legislative framework

The current media legislative framework in BiH is determined by the complex constitutional architecture, based on both power-sharing and federal principles, and by political dynamics. The legal framework is defined by the Law on Communications (state-level), the Law on Public Broadcasting System (state-level), the Election Law (state-level), the Laws on the Protection from Defamation (entity, and Brčko district laws) and the Laws on Freedom of Access to Information (BiH, entity and Brčko district laws) and other laws on public information or media adopted in the RS⁸ and some cantons⁹ in the Federation BiH.

The Constitution of Bosnia and Herzegovina placed state institutions in charge of common and international communications facilities¹⁰. However, constitutional arrangements also leave room for public information and media policy on lower levels of governance¹¹. This has resulted in regulatory overlap: state-level laws regulating broadcasting and communications coexist with entity laws (for the RS) and with several cantonal laws (for the Federation) on public information or on media that sometimes address the same or closely related matters. Although many of the lower-level laws have become largely outdated and the main regulatory functions are performed at the state level, some of these laws are still in effect, and in recent years, there have been initiatives to amend them¹². The result is a fragmented framework in which laws exist at different levels of government, although broadcasting and electronic communications are primarily regulated by the state-level Law on Communications and the rules of the Communications Regulatory Agency (RAK). Previous attempts to introduce a new media law in RS in 2013 raised concerns about the weakening of the existing legal framework¹³. Media and legal experts argue that there is still a “catastrophic lack of harmonisation” and warn that initiatives taken at different levels, particularly in the cantons, risk creating gaps, overlaps and regulatory overregulation.

⁸ In 1997 Republika Srpska adopted a Law on Public Information, which consolidated previous versions of the law dating back to the war period. The text is still in force, although it is widely regarded as outdated. Zakon o javnom informisanju, Službeni glasnik Republike Srpske, nos. 4/92, 8/96, and 3/97

⁹ In some cantons, laws on public information or media regulate media registration, editorial obligations, and sanctions. It is unclear whether those laws are still in force or have been superseded by state legislation.

¹⁰ OHR Department for Legal Affairs, Constitution of Bosnia and Herzegovina, amended by Amendment I, Official Gazette of Bosnia and Herzegovina, no. 25/09, art. I(1). Art. III 1 (h)

¹¹ Jusić, Tarik, and Sanela Hodžić. Media Law in Bosnia & Herzegovina.

¹² Kovačević, Lamija and Mladen Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study I

¹³ Mehmed Halilović. “Nacr Zakona RS o medijima: Nedostaci i prednosti.” MC_ONLINE.

1.1 The Law on Communications of Bosnia and Herzegovina

The Law on Communications of BiH¹⁴ dates to 2003 and was imposed by the Office of the High Representative. The law regulates communications in BiH, including telecommunications, radio, broadcasting (including cable television), and international communication facilities. The law empowers the Council of Ministers to decide on policy, while the Communications Regulatory Agency (RAK) is responsible for regulating broadcasting and public telecommunications networks, as well as planning and allocating radio frequencies. The measures taken by the two bodies must aim to promote fair competition in the sector for the benefit of users, avoiding distortions, prompting investment in infrastructure, protecting intellectual property and personal data, and managing radio frequencies in accordance with international standards.

The law sets forth the principles of broadcasting, which should include, among other things, the protection of freedom of expression, the balanced development of public and commercial broadcasters, the independence of the broadcasters from political power, the fair allocation of licences, and the regulation of advertising in line with European best practices. The law regulates in detail the telecommunications spectrum, the radio frequency system, radio and telecommunications terminal equipment, and the RAK's actions, which will be explained in more detail further in this report.

The law is widely considered to be outdated¹⁵. Alignment of the law with the EU regulatory framework, in particular with the Audiovisual Media Services Directive, was due to be completed ten years ago¹⁶. To date, this has been only partially achieved through RAK rules.

¹⁴ Bosnia and Herzegovina. "Zakon o komunikacijama." Službeni glasnik Bosne i Hercegovine 7, no. 31

¹⁵ Interviews in Sarajevo, 16-18 March.

¹⁶ Council and Commission Decision (EU, Euratom) 2015/998 of 21 April 2015 on the Conclusion of the Stabilisation and Association Agreement between the European Communities and Their Member States, of the One Part, and Bosnia and Herzegovina, of the Other Part, 164 OJ L (2015).

1.2 The need for reforms

Two decades ago, BiH's legislative framework was considered advanced due to its media provisions, largely as a result of the efforts of the international community. Over time, however, this has changed¹⁷. Currently, many of the existing laws need to be further aligned both with international standards and the *acquis communautaire*. This gap has recently widened in the context of media regulation, given the emerging need to bridge the gap on media freedom and pluralism, particularly with the adoption of the European Media Freedom Act (EMFA) in the European Union, and to ensure minimum operational readiness¹⁸ relative to the provisions of the EU's Digital Services Act (DSA).

Some key areas of the media market remain poorly regulated. At the same time, some interlocutors and stakeholders interviewed for this report expressed scepticism regarding legislative reforms, distrusting political leadership and fearing that efforts to introduce legislative reforms and align media legislation with EU standards could be misused to stealthily introduce legal provisions which would undermine media freedom.

Legal framework on electronic media and communications

Strengthening the legal framework in the field of electronic communications and electronic media has been consistently postponed, with several previous legislative initiatives having failed¹⁹. The most recent reform initiative, led by the BiH Ministry of Communications and Transport, resulted in the establishment of two separate working groups: one with the task of preparing a preliminary draft Law on Electronic Communications, and other to prepare a preliminary draft Law on Electronic Media. According to the minister, the first law is intended to regulate electronic communications networks and services, while the second is expected to regulate the content and the obligations of audiovisual media service providers, including rules on liability and audience protection²⁰.

While work on the preliminary draft Law on Electronic Media has been suspended for two years now²¹, the preliminary draft of the Law on Electronic Communications, which is intended to define competences among state institutions for both laws²², considered a priority, was submitted for public consultations in early June 2026.

¹⁷ Sokol, Anida, and Lejla Gačanica. Protection of Media Freedoms in Bosnia and Herzegovina: Steps Towards European Integration.

¹⁸ Kristina Rud et al., Operational Readiness for DSA Alignment.

¹⁹ Tamara Zablocki, 'Dugo čekanje na Zakon o elektronskim komunikacijama i elektronskim medijima'.

²⁰ Ministry of Communications and Transport of Bosnia and Herzegovina, "Forto: Draft Law on Electronic Media provides for the obligation of a public imprint."

²¹ Interviews in Sarajevo, 16-18 March.

²² Kovačević, Lamija and Mladen Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study

The final content of the law and its prospects for adoption are still uncertain, but it is important to note that it includes provisions that could change the legal and institutional context by possibly replacing the Law on Communications of BiH once the Electronic Media Law is adopted, leaving the main role of RAK unchanged.

Transparency of media ownership

The need to regulate the transparency of media ownership is widely seen by journalists and other interviewees as crucial to promoting media pluralism in the country. Currently, limited information on media ownership is available through business registries for commercial media, while the Communications Regulatory Agency register of licence holders does not include ownership details²³. For online media, ownership transparency is only required during election periods in line with the 2024 Election Law amendments. In practice, many online media provide limited information about their ownership structures and sources of funding, making it difficult for the public to assess potential political or commercial influences on editorial content. Media professionals believe this lack of transparency contributes to the erosion of public trust and distorts the media market²⁴.

In the absence of adequate regulation regarding media ownership transparency, the public cannot know who owns and controls media outlets and assess which political and commercial interests may influence editorial decisions. Over the years, the path towards the adoption of regulations has been blocked due to a lack of political will: lawyers and journalists argue that this situation is largely due to the reluctance of political authorities to disclose information about who the ultimate media owners are and what their ties are to political or economic stakeholders²⁵.

The European Commission has been recommending for years to adopt legislation on transparency of media ownership, including the prevention of hidden media concentration, and this commitment is envisaged in the BiH Anti-Corruption Strategy for 2024-2028. To date, only initial steps in this direction have been taken. Preparation of the preliminary draft of the Law on Transparency of Media Ownership was initiated in 2024 by the BiH Ministry of Communications and Transport, consulting a detailed draft from 2018 provided by civil society organisations²⁶.

²³ Sokol, *ERODING MEDIA FREEDOMS, ERODING DEMOCRACY*.

²⁴ Kovačević, *DIVERSIFYING MEDIA, DECLINING JOURNALISM*.

²⁵ Interviews with lawyers and journalists.

²⁶ Sokol and Gačanica, *Protection of Media Freedoms in Bosnia and Herzegovina: Steps Towards European Integration*.

By the end of 2025, the working group concluded its work and informed the Minister that the draft law could not be finalised due to the fragmented competences and the absence of a coherent regulatory and policy framework for the media sector, highlighting the need for a strategic framework for media^{27,28}. One of the critical issues concerns the creation and supervision of a registry database, containing detailed information on ownership, as required by Article 6 of the EMFA²⁹.

Public funding

The allocation of public funding to media remains problematic across the country despite recommendations from the European Commission. Media professionals interviewed during this mission and in other recent studies³⁰ perceive the lack of transparency in the allocation of public funds as a factor that encourages political interference. Systematic data on the total amount of public funds allocated to media has not been published for a decade now³¹, so the available information is partial and mostly provided by civil society and journalists³².

In BiH there are obligations regarding public procurement and commercial contracts, but there are no specific provisions on the transparency of public funding for the media³³. The BiH Strategy for the Fight against Corruption 2024-2028³⁴ requires that data on public funding for the media be made transparent. However, the implementation of the Strategy is delegated to the RAK, the media, and the institutions that provide the funds, and therefore risks being uneven. Similarly, the framework for documenting the financial relationship between the state-level institutions, civil society, and media is limited by the voluntary disclosure of information.

The latest Action plan for Open Government provides for a register of public budget allocations for BiH institutions, but the Independent Reporting Mechanism, the accountability arm of the Open Government Partnership, warns that implementation is

²⁷ Kovačević and Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study I.

²⁸ Interviews in Sarajevo, 16-18 March.

²⁹ EMFA prescribes that the national regulator or another competent body is entrusted to develop national media ownership databases containing information on: the legal name and contact, names of direct and indirect owners names of beneficial owners and the annual amount received in state advertising, and the total amount from advertising from third country authorities and entities. Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 Establishing a Common Framework for Media Services in the Internal Market and Amending Directive 2010/13/EU (European Media Freedom Act) (Text with EEA Relevance). Art. 6

³⁰ Kovačević, DIVERSIFYING MEDIA, DECLINING JOURNALISM.

³¹ The last research was conducted by the Center for Media Development and Analysis in 2016: at that time, it was estimated that the overall amount of annual public funding for 2014 and 2015 was between EUR 15 to 50 million. Sokol, 'Media Dataset – Bosnia and Herzegovina [Dataset].'

³² For recent estimates, see Mahmutović, 'Bez zakona i kontrole'.

³³ Sanela Hodžić and Anida Sokol, Transparent and Legitimate Media Financing from Public Budgets: Guidelines for Public Bodies in BiH;

³⁴ Strategija Za Borbu Protiv Korupcije 2024-2028. i Akcioni Plan Za Provođenje Strategije Za Borbu Protiv Korupcije 2024-2028.

contingent on cooperation on multiple levels of government, stressing that the Agency for the Prevention of Corruption and for the Coordination of the Fight Against Corruption (APIK) cannot compel institutions to submit data or sanction non-compliance³⁵.

Journalists criticise the established criteria for allocating funding. These criteria has led in practice to situations, as happened in the Herzegovina-Neretva Canton, where a large part of the funds was allocated to online media without an Impressum or to those that rarely publish³⁶. The importance of transparency of ownership is also relevant for the allocation of public contracts: interviewees mentioned Alternativna Televizija from Banja Luka as one of those media outlets whose actual owners are said to be close to the centres of power in RS, and the TV has benefited extensively from public contracts³⁷. These examples highlight the need to adopt the standards prescribed by the EMFA, ensuring that public funds and other benefits granted by public authorities to the media are allocated on the basis of “transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures”³⁸.

1.3 Package of restrictive laws in Republika Srpska

Although no laws have been adopted at the state level, regressive trends have emerged at the entity level, and their impact on media freedom and freedom of expression is considered very negative. In 2023, the authorities of Republika Srpska announced their intention to adopt a package of laws restricting media freedom. The package included three laws that risked negatively impacting media freedom³⁹: the recriminalisation of defamation, the foreign agents’ law, and a new media law. The announcement raised strong concerns about the situation of media freedom in the RS and beyond and prompted advocacy efforts to reconsider the whole initiative.

³⁵ Independent Reporting Mechanism, Action Plan Review: Bosnia and Herzegovina 2025–2027.

³⁶ Kolobara, Vlada HNŽ novčano pripazila medije, za neke od ovih niste nikada čuli.

³⁷ US Dep. Treas., ‘Treasury Sanctions Milorad Dodik and Associated Media Platform for Destabilizing and Corrupt Activity’.

³⁸ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 Establishing a Common Framework for Media Services in the Internal Market and Amending Directive 2010/13/EU (European Media Freedom Act) (Text with EEA Relevance). Article 24

³⁹ Media Freedom Rapid Response, BOSNIA AND HERZEGOVINA: MEDIA FREEDOM IN SURVIVAL MODE.

Recriminalisation of defamation

Bosnia and Herzegovina was one of the first European countries to decriminalise defamation: the relevant laws of the RS⁴⁰ and the Federation⁴¹ were passed in 2001 and 2002, respectively. However, these positive steps were reversed in Republika Srpska in July 2023 when the RS reintroduced criminal defamation.

Three years after its adoption, it is possible to make a preliminary assessment of the law's impact on media freedom in Bosnia and Herzegovina. Lawyers and journalists interviewed⁴² for the purpose of this report indicated that the impact of the recriminalisation of defamation was very limited in terms of judicial outcomes. Of 273 lawsuits (including 47 lawsuits against media outlets and media staff) filed by the end of December 2025⁴³, the prosecutor has decided to proceed with the indictment only in one case. The case, still ongoing, did not involve journalists and does not appear to have a direct impact on media freedom.

An initial assessment shows that the prosecutors have been instrumental in containing the negative effects of the recriminalisation provisions, and this has so far been a positive development. This approach by prosecutors has limited the scope for criminal prosecution because, according to the Code of Criminal Procedure, only the prosecutor can bring criminal action: there is no possibility of bringing private criminal lawsuits⁴⁴. Once the prosecutor rejects the complaint, those who filed it can initiate civil proceedings on the same grounds. However, in such cases, defendants are not obliged to appear before the court, and their legal representatives can follow the case.

Lawyers and journalists considered the advocacy efforts conducted when the law was passed to be effective because they managed to contain regressive tendencies, which initially also included the criminalisation of insult. However, it is unclear how many cases have been dismissed by prosecutors and how many are still pending and could become actual indictments in the future. So far, the most serious consequences of the recriminalisation of defamation have been partially mitigated by the restraint shown by prosecutors and their approach on the matter.

⁴⁰ Zakon o zaštiti od klevete Republike Srpske. Službeni glasnik Republike Srpske, br. 37/01.

⁴¹ Zakon o zaštiti od klevete Federacije Bosne i Hercegovine. Službeni glasnik Federacije BiH, br. 59/2002, 19/2003 i 73/2005.

⁴² Interviews with lawyers and journalists, Banja Luka 11-12 May 2026.

⁴³ Kovačević and Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study I.12.

⁴⁴ Zakon o krivičnom postupku Republike Srpske. Službeni glasnik Republike Srpske, br. 53/2012, 91/2017, 66/2018 i 15/2021. Art. 16 and 17.

It remains to be seen how well this approach will withstand political pressure and possible explicit guidance in the future. Most interlocutors expressed scepticism about the actual effectiveness and independence of the prosecutors, who are also exposed to pressure. It cannot be excluded that further authoritarian tendencies in the RS could lead prosecutors to adopt a more restrictive interpretation of the law, thus allowing criminal proceedings against journalists. The real solution to this situation would be to return to the status quo ante and to decriminalise defamation again. The Reform Agenda 2025, also endorsed by authorities in RS, calls for the removal of defamation provisions from the Criminal Code of RS by the end of 2027.

While it is possible to quantify the impact of the recriminalisation of defamation in terms of the number of criminal proceedings, it is much more difficult to assess its impact on journalists and activists, in terms of its deterrent effect or simply in delays in producing outputs. All interviewees reported that journalists are now more cautious and that the adoption of the law has somehow negatively impacted the quality and quantity of articles being produced: journalists now carry out thorough checks before publishing an article or even contact legal experts beforehand⁴⁵. To date, however, no analysis has been carried out assessing the deterrent effects of the law on journalists.

Foreign Agents Law

The law on the Special Register and Publicity of the Work of Non-Profit Organisations (Foreign Agents law) was adopted in September 2023 and its final text⁴⁶ was approved on 28 February 2025. The law was modelled after a Russian law and other similar laws in several countries, which require NGOs receiving funds from abroad to be registered in a special registry and publicise their external funding. The law has been widely criticised as an attempt at restricting freedom of association and media freedom.

However, the RS's Foreign Agents Law was short-lived: the day after the promulgation decrees, the Constitutional Court of BiH suspended it⁴⁷, and on 29 May 2025, the Court⁴⁸ found the law incompatible with the Constitution of BiH and with Article 11 of the European Convention on Human Rights. The law was annulled ab initio and produced no effects.

⁴⁵ Interviews with NGOs and media experts, Sarajevo 16-18 March 2026.

⁴⁶ Zakon o posebnom registru i javnosti rada neprofitnih organizacija. Službeni glasnik Republike Srpske, br. 19/25.

⁴⁷ Constitutional Court of BiH, Extraordinary Plenary Session, 7 March 2025.

⁴⁸ Constitutional Court of BiH, Decision U-6/25, 158th Plenary Session, 29 May

Media Law of Republika Srpska

The third law of the package was the media law of Republika Srpska. The work on the media law, which borrowed elements from the same law in neighbouring Serbia, was initiated by a conclusion of the National Assembly of RS in July 2023. A working group was formed in 2023, and it operated through 2024 and 2025⁴⁹ and the aim of the RS Prime Minister was to make it enter into force in January 2026. However, the working group stopped all activities on the law when the then RS Prime Minister Radovan Višković was replaced in September 2025.

The contents of the law were never fully disclosed to the public. Elements of the draft law became somewhat public, like mandatory media records, definitions of the journalist, oversight mechanisms, and sanctions whose impact would have been counterproductive vis-à-vis media freedom. Stakeholders interviewed in Banja Luka expressed concerns as the law was mostly aimed at repressing media freedom rather than at protecting the media environment, and explicitly stated that from the media's point of view, there was no need for the law.

The successor of Višković, Savo Minić, did not take these observations into consideration. However, the latest statement by Minić on the matter in May 2026 was critical of the limited impact of the defamation law on social media. Minić announced that work on media law will continue⁵⁰.

⁴⁹ Kovačević and Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study I, Mediacentar Sarajevo, 2026, pp. 28–29.

⁵⁰ Banjaluka.net, 'Minić: Pripremamo nove zakone o radu i medijima'.

2. Journalists' conditions

2.1 Safety of journalists

Since the publication of the MFRR report in 2024⁵¹, violence against journalists has increased in Bosnia and Herzegovina. According to the MFRR Mapping Media Freedom platform⁵², in the last two years, incidents targeting journalists have been increasing. In 2024, 17 incidents were recorded, including one physical attack, while in 2025 25 incidents were reported against 45 persons, out of those 4 were physical attacks.

The trend for 2026 is continuing. As on 20 May, nine attacks were reported, including two physical attacks⁵³. The situation in the country is worrying and the safety of journalists is the second worst in the region, according to the BH Novinari association⁵⁴. Protecting journalists means protecting freedom of expression which cannot be separated from democracy. The European Court of Human Rights clearly stated that "freedom of expression constitutes one of the essential foundations of [democratic] society, one of the basic conditions for its progress"⁵⁵. The ECHR also imposes on states positive obligations to protect the exercise of freedom of expression: states are obliged to establish effective mechanisms for the protection of authors and journalists for the purpose of creating a favourable environment where all those who wish to do so can participate in a public environment and express their opinions even if these opinions counter the ones expressed by the authorities and are perceived as shocking or irritant. Statements that seek to draw attention to unlawful or reprehensible conduct of state officials are granted specific protection, especially when they report on irregularities of public officials⁵⁶. Protecting journalists and sanctioning violence against them is an obligation of the BIH authorities.

In this regard, one of the measures taken by the authorities in BIH was the creation of a nationwide network of contact points for journalists both in the police and in the prosecutors' offices and keep a special record of threats and attacks on journalists, under which detailed information is collected on specific cases including the progress of the proceedings and the final outcome⁵⁷.

⁵¹ MFRR. Bosnia and Herzegovina: Media Freedom in Survival Mode.

⁵² MFRR. Mapping Media Freedom: Monitoring Report 2025.

⁵³ MCOonline. "Napadnuta novinarka Sanja Vasković."

⁵⁴ Association 'BH Novinari', 'Bosnia and Herzegovina Near Bottom of Regional Journalist Safety Index, Only Serbia Ranked Worse - BH Novinari'.

⁵⁵ Handyside v. the United Kingdom.

⁵⁶ Ibidem, p. 73.

⁵⁷ Kovačević and Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study I. op. cit., p. 35.

The High Judicial and Prosecutorial Council published a list of tasks for the contact points in the prosecutors' office. The list is essentially focused on keeping track of cases of journalists, flagging those case files, informing the Chief Prosecutor, and liaising with journalists' associations⁵⁸.

The feedback by key stakeholders in this regard was mixed, and a number of suggestions were put forward. The system appears to be working relatively well in Sarajevo based on feedback from NGOs⁵⁹ and prosecutors, while outside Sarajevo, and especially for what concerns prosecutors, the system can be improved, and journalists were not very positive about its functioning, especially for what concerns online threats. The role of the contact points in the prosecutors' office was perceived mainly as related to tasks like collecting and providing information on cases of violence against journalists. Those prosecutors who are contact points for journalists are not necessarily the ones who deal with the case: the same functions could be very well performed by a spokesperson within the prosecutors' office⁶⁰. Journalists and lawyers also expressed concern about the work of the police and prosecutors in preventing and sanctioning violence against journalists. This relates, for instance, to the qualification of the threats or of the attacks. One of the obstacles faced by prosecutors is the definition of what a "serious threat" is. In the case of a serious threat, criminal charges can be brought, while otherwise, if the threat is not serious, there is the possibility of initiating misdemeanour charges, which are nevertheless effective and more rapid, according to the prosecutors. Journalists interviewed for the purpose of this report disagreed with this approach, mostly on two grounds. In the first instance, they stated that there are no clear indications of what a "serious" threat is, and they provided examples where death threats uttered by a person with a known criminal record were classified simply as misdemeanour, while in the case where a politician was involved, a blunt message ("you will pay for this") was considered a criminal offence. Lawyers confirmed this inconsistent approach. The journalists complained about a lack of guidance to prosecutors in these cases. In second place, the journalists referred to the deterrent effect of criminal charges. While prosecutors explained that it is often more expedient and effective to pursue misdemeanour charges, which can lead to fines to be paid immediately, rather than lengthy criminal proceedings, journalists remained sceptical about such approach and considered that criminal charges would represent a greater deterrence in case of attack against journalists: "You can hit them on their pockets, but their pockets are deep" was the comment by a journalist during a focus group with journalists⁶¹.

⁵⁸ High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Nacrt Opisa zadataka za kontakt tačke za sigurnost novinara u tužilaštvima

⁵⁹ Interviews with NGOs and authorities, Sarajevo, 16-18 March 2026.

⁶⁰ Interviews with journalists and lawyers, Banja Luka 11-12 May 2026.

⁶¹ Online focus group with journalists, 8 April 2026.

Intimidation, harassment, and “dog whistling”

In addition to cases where the authorities failed to protect the journalists, instances were reported of direct intimidation and harassment by the authorities in Bosnia and Herzegovina. Nataša Miljanović Zubac, journalist from Trebinje, has been receiving death threats and attacks against her person and her property since 2022⁶² for her reporting about organised crime and corruption in the area of Trebinje. None of those acts was sanctioned. In addition to this, she was arrested and transferred to Sarajevo in the summer of 2025 on suspicion of disclosing classified information. Her equipment was confiscated, and her house searched. The suspicion was that she published or transmitted information that was officially classified, while legal experts have pointed out to the fact that she disclosed such information in the public interest and therefore should be protected as a whistleblower⁶³. The investigation is still ongoing, but in August 2025, the Court of BiH refused to issue a detention order because there is no suspicion that she committed the crimes she is accused of⁶⁴.

Cases of harassment of journalists and activists by the police have been reported in Banja Luka⁶⁵ and Bijeljina⁶⁶: activists or journalists have been invited for an informative talk to the police station, without disclosing whether those interviewed are going to be listened to as witnesses or persons suspected of committing criminal acts. If the person refuses, police officers threatened that they can be brought in by force. In some cases, the status of the person changes during the interview at the police station. In one case, this also led to the confiscation of equipment⁶⁷.

Finally, politicians and public officials often engage in the practice of “dog whistling”. Politicians label journalists as foreign agents or enemies of the state, the public internalises the message, and then, without an explicit instruction, they conduct violent attacks or address threats to those journalists and their families⁶⁸. Implicitly, those statements are taken as a “signal to attack journalists”⁶⁹. Following similar statement cases of attacks on the property⁷⁰ of journalists were reported, as well as planned assassinations⁷¹. The practice is quite common, and very often it is underreported.

⁶² European Centre for Press and Media Freedom, Bosnia and Herzegovina: MFRR and SafeJournalists urgently call for stronger protection for journalist Nataša Miljanović Zubac.

⁶³ Zagajac, 'Pravna analiza hapšenja Miljanović Zubac'.

⁶⁴ Radio Slobodna Evropa, 'Sud BiH odbio prijedlog Tužilaštva za mjere zabrane novinarki Nataši Miljanović Zubac'.

⁶⁵ Interviews in Banja Luka, 11-12 May 2026.

⁶⁶ Bilajac, 'Pravnicima Nejasno Zbog Čega Je Saslušan Fotoreporter Nidal Šaljić'.

⁶⁷ CPJ, 'Three Journalists Face Criminal Investigation in Bosnia and Herzegovina Leak Probe'.

⁶⁸ Đorđe Vujatović, 'Meta Na Leđima: Kako političko targetiranje novinara proizvodi atmosferu straha u BiH?'.

⁶⁹ Interviews in Banja Luka, 11-12 May 2026.

⁷⁰ N1 info, 'Trifunović i Morača: Automobili brutalno izgledaju, šta bi tek uradili nama'.

⁷¹ Safejournalists.Net, 'Threats against the Lives and Physical Safety of Journalists, Avdo Avdić'.

2.2 SLAPPs and other legal threats

The number of SLAPPs brought against journalists has been on the rise in recent years. The Coalition Against SLAPPs in Europe (CASE) reported that by the end of 2023, 54 cases of SLAPPs were registered in Bosnia and Herzegovina⁷², and that the number had increased to 59 by the end of 2024⁷³. Journalists keeping track of the issue have provided an even bleaker picture with 35 new SLAPPs filed in 2024⁷⁴. NGOs working on SLAPPs bring even higher numbers with over 80 SLAPPs against one single media outlet⁷⁵. The lack of a commonly agreed definition of SLAPPs in BiH and the lack of awareness about SLAPPs might be one of the reasons for such a large discrepancy in the reported figures.

Journalists exposed to SLAPPs described in detail their experience in the courts of BiH⁷⁶ and how the overall process has been exhausting for them, as in some cases they spent years in courtrooms instead of doing their work. While in general journalists eventually win cases, they have to endure the whole court proceedings. It is concerning that judges tend to place emphasis on the protection of the public image and privacy of those initiating SLAPPs without fully grasping the impact on journalists. International observers in general do not monitor SLAPP trials. Journalists are also left alone: legal, financial and psychosocial support remains limited. As a result, journalists feel completely exhausted and demotivated at the end of the trials and they lose interest in their work. “You win in the court, but you lose outside”⁷⁷ was the comment of one of the journalists. Similarly to what is now happening with the criminalisation of defamation, journalists have become more hesitant and cautious about publishing stories, as the chilling effect is impacting them. Yet, the civil society is getting organised and, in coordination with the BIH Association of Journalists, there are plans to create an anti-SLAPP coalition. For the time being, a consultative working group has been involved in drafting anti-SLAPPs amendments in the proposed reform of the law on defamation in the Federation of Bosnia and Herzegovina⁷⁸. The proposal includes several small but significant amendments and amongst them the definition of what constitutes a SLAPP, the possibility of an early dismissal of the lawsuits and the possibility for those targeted by SLAPPs to ask for the compensation of damages. The amendments have been drafted and submitted to the Ministry of Justice of the Federation for their approval. Experience suggests that the electoral year might negatively impact the process: a similar initiative has already failed in July 2025⁷⁹.

⁷² A 2024 Report on SLAPPs in Europe: Mapping Trends and Cases.

⁷³ A 2025 Report on SLAPPs in Europe: Democracy in the Dock.

⁷⁴ Interviews in Sarajevo 16-18 March and Banja Luka, 11-12 May 2026.

⁷⁵ Interviews in Sarajevo, 16-18 March.

⁷⁶ Focus group with journalists from BiH, 8 April 2026 and interviews in Banja Luka 11-12 May 2026.

⁷⁷ Interview in Banja Luka, 11-12 May.

⁷⁸ Fukelj, 'Zašto su važni anti-SLAPP amandmani na Zakon o zaštiti od klevete Federacije BiH'.

⁷⁹ Hebib, 'Dom Naroda Federacije Nije Usvojio Zakon Za Rano Odbacivanje Tužbi Za Zastrasivanje Građana'.

Other initiatives to counter SLAPPs do not seem within sight: while many stakeholders are hoping for a transposition of the EU anti-SLAPP directive, there is also a significant lack of trust in the domestic legislative process due to the ongoing threats of obstruction.

Another possibility, however, could be to focus on the implementation of the anti-SLAPP recommendation of the Committee of Ministers of the Council of Europe⁸⁰. Several of the provisions of the Committee of Ministers recommendation are already part of the codes of civil procedure of Bosnia and Herzegovina, like for instance the principle of active case management or the allocation of costs to the unsuccessful party. The High Judicial and Prosecutorial Council could therefore bring to the attention of the judges of the country the issue of SLAPPs, their abusive character and the impact on freedom of expression and encourage them to standardise their practice making use of the existing provisions to start tackling SLAPPs. In any case, however, under the existing legislation, the early dismissal of SLAPPs, which is one of the main features of the CoM recommendation, would not be possible.

Defamation and judicial practice

The ruling of the Cantonal Court in Široki Brijeg against the Centre for Investigative Reporting (CIN) in a defamation case related to reporting on the company “Lager” widely raised concerns among media and civil society. The court imposed three measures against the outlet: monetary compensation, publication of the judgment, and removal of the disputed article. In response, CIN published a legal analysis on the merits of the case⁸¹. On the proportionality of the sanctions, particularly the order to remove the articles, the analysis argues that the judgments did not sufficiently examine less restrictive alternatives or the potential impact of the measures on media freedom and public access to information. The analysis draws on ECtHR case law where the courts had overstepped their limited leeway to restrict discussion on matters of public interest and ruled the interference with freedom of expression as disproportionate to the aim pursued and not “necessary in a democratic society”, in violation of Article 10.

⁸⁰ Recommendation of the Committee of Ministers to Member States on Countering the Use of Strategic Lawsuits against Public Participation (SLAPPs).

⁸¹ Sali-Terzić, ‘ANALIZA PRESUDE ZA KLEVETU KANTONALNOG SUDA U ŠIROKOM BRIJEGU LAGER d.o.o.’

While not commenting on the merits of the specific case, the OSCE Mission to Bosnia and Herzegovina emphasised the importance of safeguarding investigative journalism as a key component of a democratic society in response. The statement underscores that measures affecting access to information and the ability of journalists to report on issues of public interest should be assessed in accordance with international human rights standards relating to freedom of expression. The case is currently under appeal.

2.3 Working conditions of journalists

The working conditions of journalists in Bosnia and Herzegovina were already problematic even before the withdrawal of USAID funding, which has further exacerbated the financial situation. Following the closure of USAID, the EU stepped in but its support has been considered insufficient and reporting requirements are considered cumbersome – taking away significant time from newsrooms⁸².

The lack of an effective trade union of journalists is negatively impacting their bargaining power. Moreover, the lack of any collective salary agreement for journalists creates a great variance in terms of salaries paid to journalists, depending on the type of outlet, its location and the sector. There are no real recent data on the level of salaries for journalists. The available data in fact, based on a voluntary survey indicate that 80% of journalists receive a salary between 1,028 and 2,225 BAM⁸³. The range is not really indicative and the lack of data is another indicator of the situation of neglect of journalists. The average salary in BiH is approximately 1369 BAM monthly. A report dating back to 2021 indicates that the average salary of journalists is around 950 BAM⁸⁴, which is well below the average one.

The whole sector is characterised by a high degree of uncertainty and precarious contracts, to the point that journalists are obliged to work two or three jobs to support themselves⁸⁵. A large percentage of journalists do not have a regular contract, while in many cases fixed terms contracts are a widely accepted as a “refined method to control media content”⁸⁶. While precarious working conditions affect small independent media, the situation in the entity or state media is not much better either, with contracts being delayed in the RTRS and underpaid workers at the BHRT, as a result of the crisis of the public employer.

⁸² Interviews Sarajevo, 16-18 March 2026.

⁸³ Paylab - Salary Surv. Comp. Salary Salary Data, 'Salary Journalist - Bosnia and Herzegovina'.

⁸⁴ MC_ONLINE, 'BH novinari Pritisci, niske plate i samocenzura u lokalnim medijima u BiH.'

⁸⁵ Focus group with journalists, 8 April, 2026.

⁸⁶ Kovačević, DIVERSIFYING MEDIA, DECLINING JOURNALISM.

The poor working conditions are affecting the new generations as well, which are not attracted by the profession of journalism, and they are not at ease with the harshness of the work and the working conditions. This often leads to situations of burnout, for which there are really no support services.

3. The Communications Regulatory Agency

The Communications Regulatory Agency (RAK) is foreseen by the Law on Communications⁸⁷. The RAK is a “functionally independent and non-profit making institution with the status of a legal person under the laws of Bosnia and Herzegovina”⁸⁸. Its bodies are the Council of the Agency and the Director General. The duties of the agency are similar to those of other regulators: to promulgate rules on broadcasting and telecommunications, to licence operators, to allocate frequencies and monitor the use of those, to seek information as necessary for the performance of the regulatory obligations, to apply technical and quality standards, to establish licence fees and other duties as assigned by the Council of Ministers. The Council of the RAK provides strategic direction, adopts code of practice and rules and serves as an appellate body for decisions of the Director General. The Council is composed of seven members, serving in a personal capacity, and is nominated by the Council of Ministers on the basis of a list containing twice as many candidates as post available and submitted by the Council of the RAK. The Parliament shall accept or reject these nominations. Candidates need to be persons with exceptional expertise in the field of telecommunications and broadcasting.

The Director General is nominated by the Council, following a public competition, and approved by the Council of Ministers. The Director General is responsible for all the regulatory functions of the RAK as well as for the management of the agency. Like other regulators, the RAK has the power to make decisions which should be made, as far as possible, by consensus.

⁸⁷ Zakon o Komunikacijama, Sluzbeni List Bosne i Hercegovine, Godina VII - Broj 31 Utorak, 21. oktobra 2003.

⁸⁸ Article 36, Op. cit. 34

The RAK is an agency with converging competences, in the sense that it exercises jurisdiction over two or more previously separate sectors, like broadcasting, telecommunications and online services, which as a result of digitalisation have merged into a single market. These sectors were initially regulated separately but digitalisation made this distinction irrelevant. The advantage of having convergent competencies is that the same body can have a coherent view of all issues and apply the same rules to the whole sector. In the region, RAK is the only fully convergent regulator exercising jurisdiction over electronic communications, broadcasting content and radio frequencies under a single institutional roof. All other countries in the region have separate regulators. This model is broadly consistent with the directions of the EU regulatory convergence under the EMFA and DSA. The limits of the RAK are however that its mandate rests on a law which didn't keep the pace of the media development, and this creates a gap between the institutional form and the regulatory capacity.

The RAK has been playing an important role in bringing the legal framework in line with EU standards. This was achieved by passing several rules that have the purpose of harmonising the BIH legislation with the Audiovisual Media Services directive. In February 2026, the RAK has adopted the Rule on Audiovisual Media Services, the Rule on Radio Media Services, and the Rule on Distribution of Media Services and the Rule on the Exchange of Video Content⁸⁹. The RAK seeks to compensate for the lack of a proper legal framework, and this is allowed by the existing law which gives the RAK sufficient room for manoeuvre. When new legislative solutions are required, the RAK has been advocating new solutions, but indeed it can't compensate for the lack of political will.

The financial and political independence of the RAK needs however to be strengthened⁹⁰. The case about the "Pečat" programme of the RTRS is indicative of this concern. In December 2025, during the programme, a lawful purchase of apartments in East Sarajevo was portrayed as a demographic threat and a strategic plan to take Republika Srpska's territory. The programme prompted an ex officio investigation by the RAK, which however to date has not yet been concluded⁹¹. As remarked during the course of interviews, RAK has been hesitant in taking steps against RTRS even when violations are committed. It is also concerning that the complaints' procedure has no statutory time limits.

⁸⁹ See the latest Rules passed by the RAK in early 2026- Available at <https://www.rak.ba/bs-Latn-BA/brdcst-regulations>. The Rule on Distribution of Media Services was criticised by the focus group of journalists as it would leave too little space, i.e. at least 15% to content generated in Bosnia and Herzegovina.

⁹⁰ Bosnia and Herzegovina Report 2025.

⁹¹ Pekmez, 'RAK Pokreće Postupak Protiv RTRS-a Zbog Priloga o Prodaji Nekretnina u Istočnom Sarajevu Bošnjacima'.

4. Public service media

The protracted financial crisis of the national public broadcaster Radiotelevision of Bosnia and Herzegovina (BHRT) continued in 2026, and the question remains if BiH will become the only country in Europe without a state-level public service media. The threat is imminent given that the deadline to settle its debt of over EUR 11M to the European Broadcasting Union (EBU) has passed in February 2026, but no new deadline was announced. The BHRT accounts are additionally at risk of being blocked due to the outstanding debts for unpaid taxes and utilities and social security contributions on employees' salaries – as current and former employees, who are facing a precarious situation, continue filing lawsuits⁹².

The financial and operational crisis of BHRT has been primarily driven by a long-standing stalemate over the collection and distribution of the RTV fee as its primary funding source. The 2005 BiH Law on the Public Broadcasting system, prescribing a joint management body and RTV fee distribution logic, has never been fully implemented. According to the law, BHRT is entitled to the 50% of the total tax collected, while entity broadcasters, the Radio Television of Republika Srpska (RTRS) and the Radio Television of Federation of Bosnia and Herzegovina (RTVFBiH) are entitled to 25% each. In practice, the RTRS stopped transferring RTV fee revenues to BHRT in 2017, and currently the funds are collected through separate accounts in the FBiH and the RS – resulting in BHRT and RTVFBiH sharing the total RTV fee only from the territory of FBiH – where the collection rate is low⁹³.

A series of lawsuits are active among public service broadcasters. In 2025 a decision of the Constitutional Court of BiH confirmed that RTRS had unlawfully retained part of the RTV fee and the same had previously been confirmed by the RS Supreme Court⁹⁴. However, in May 2026, a binding appellate verdict by the Higher Commercial Court in Banja Luka ordered BHRT to pay RTRS approximately EUR 9M (BAM 17.7M) for the use of radio links and marketing revenue distribution – ruling out a large amount of financial relief that was expected by the BHRT on the basis of the RTV fee dispute.

⁹² The BHRT shared that BAM 56,414,565, is owed to current and past employees of which BAM 2,125,858 was subject to court proceedings in April 2026.

⁹³ Interviews in Sarajevo, 16-18 March 2026.

⁹⁴ Kovačević and Bubonjić, Protection of Media Freedoms in Bosnia and Herzegovina: Progress Monitoring Study I.

Despite the commitment expressed by the government in the Reform Agenda by the end of 2025, to ensure that “the debts of entity broadcasters with BHRT are settled”, and that the “BHRT has a sustainable fee collection system by adopting a new BiH Law on Public Broadcasting System,” a solution has not been reached yet. The long-term solution remains difficult to foresee, while ad hoc solutions to prevent the shutdown of the broadcaster in the form of a financial package could not be agreed.

In June 2026, two drafts of laws on changes and amendments to the Law on Public Broadcasting System of BiH were put under public consultations by the BiH Ministry of Communications of Transport concerning the financing of the public service broadcasting. The first concerns the introduction of a mechanism through which BHRT may receive funding from the budget of the institutions of Bosnia and Herzegovina to cover the deficit between the justified costs of fulfilling its public mission and its accrued income. According to the draft, the deficit would be determined by the Finance and Budget Committee of the Parliamentary Assembly. The second draft restates the RTV fee distribution system envisaged by the 2005 law, requiring transfer of funds to the single account, while separating commercial revenues from the shared public-financing mechanism to individual accounts. However, their adoption remains uncertain in the current political climate.

The key risk to media pluralism remains contingent on political will, as solutions to financial sustainability and political independence of the public broadcaster remain stalled. To align with provisions and the broader spirit of the EMFA, the structural failures of the system must be remedied by eliminating uncertainty and independence concerns.

5. Country-specific issues

5.1 Initiatives regarding social media content at a local level

In the recent years, Bosnia and Herzegovina has witnessed a growing trend of initiatives seeking to regulate the digital sphere. While frequently presented as responses to disinformation or hate speech, these initiatives have increasingly relied on broad and imprecise concepts that may pose risks for freedom of expression online⁹⁵. The 2025 Decision on Public Order and Peace adopted by the Municipality of Kakanj⁹⁶ presents a 'precedent' at the local level. Such local initiatives may be replicated further, as a similar initiative has been announced in Bugojno by the Cantonal Minister of Interior who praised it as positive practice⁹⁷.

By explicitly treating social media communication as a matter of public order, the Decision establishes a local framework for sanctioning online expression. The Decision on Public Order and Peace adopted by the Municipality of Kakanj classifies as a public order offence the act of "making threats, insulting, disparaging, engaging in rude or insolent conduct, or any other form of harassment of citizens or public officials in a public place or through social media, ..." ⁹⁸. The provision extends traditional public order regulation to social media, relying on broad and vague definitions.

The Decision attaches financial penalties ranging from 300 KM for individuals to 1,000 KM for legal entities. It is worth noting that in its jurisprudence, the European Court of Human Rights has interpreted the "prevention of disorder" as a legitimate aim for restricting freedom of expression, provided that the restrictions meet the requirements of legality, proportionality and necessity. Furthermore, the Council of Europe member states have the obligation to respect freedom of expression in the digital environment and to create a safe and enabling environment for everyone to participate in public debate and to express opinions and ideas without fear, "including those that offend, shock or disturb State officials or any sector of the population."

⁹⁵ Previously, the proposals in the Sarajevo and Una-Sana cantons were criticized for potential overreach, since such approaches could facilitate arbitrary enforcement and have a chilling effect on independent journalism and public debate. Džihana, Governance of Social Media Platforms and Regulation of Online Media Bosnia and Herzegovina; Gačanica, 'Tendenciozni zakonski zalogaj u Kantonu Sarajevo'. The proposal of the Sarajevo Canton was explicitly criticised by the EU in its 2024 progress report.

⁹⁶ Odluka o javnom redu i miru. Službene Novine Općine Kakanj, br. 5/25, 01/1-5-125/25, 27/03/2025.

⁹⁷ Melez, 'Bugojno Predlaže Policijski Nadzor Nad Komentarima Na Društvenim Mrežama'.

⁹⁸ Odluka o Javnom Redu i Miru, Article 3(19)

The Decision assigns discretion to law-enforcement authorities to determine what constitutes insulting, disparaging, rude, or otherwise prohibited expression. While this is problematic itself, as outlined by local media experts⁹⁹, no dedicated rulebook, methodology, or public criteria providing guidance to police officers in making such determinations are available¹⁰⁰. The boundaries between unlawful conduct, legitimate criticism, and protected political expression are therefore left largely to the discretion of individual law-enforcement officials.

Media organizations, civil society and legal experts have warned that such initiatives may produce a chilling effect on the public debate. The institution of the Ombudsman has warned that an imprecise formulation can endanger the freedom of expression and legal certainty, while the OSCE mission in BiH has warned that initiatives have emerged despite the existence of criminal and civil provisions at the FBiH level capable of addressing serious offences, and create risks of an inconsistent application and potential misuse.

While the institutional response to harmful and potentially harmful content remains a legitimate concern¹⁰¹, the unregulated expansion of law enforcement powers into the digital sphere risks creating mechanisms that are more suited to sanctioning criticism rather than addressing threats. The result is a regulatory environment in which the scope of permissible expression becomes increasingly dependent on administrative and police discretion rather than clear legal standards and judicial safeguards that could ultimately contribute to the chilling effect.

5.2 Transfers of ownership and editorial independence

One of the concerns outlined by the journalists relates to the issue of editorial independence, following transfers of ownership. In summer 2025 a recorded conversation between the director of RS Telekom Vladimir Lučić and the United Group's general Manager Sten Miller was leaked to the public. In the leaked conversation, Miller explained to the director of Telekom that he couldn't fire Aleksandra Subotić, the executive director of United Media (which is part of United Group) and that first he had to downsize the company.

⁹⁹ Gačanica, 'Tendenciozni zakonski zalogaj u Kantonu Sarajevo'.

¹⁰⁰ Melez, 'Kažnjavanje Objava Na Internetu Po Odlukama Općina Moguće Narušavanje Slobode Izražavanja'.

¹⁰¹ Sokol and Maja Čalović, Regulation of Harmful Content Online in Bosnia and Herzegovina.

The conversation raised huge concerns as it was perceived as an attempt at silencing United Media. In the following months, the contents of the conversation materialised: the Adria News Network (ANN) group was formed, and it took control of the United Group media outlets¹⁰², which led to the dismissal of Aleksandra Subotić. Later on, the sale of ANN to the Alpac Capital by the United Group was announced¹⁰³. While the creation of ANN led to the installation of a new governance framework, which emphasised the importance of editorial independence, this rapid change of ownership and the contents of the leaked conversation in summer 2025 raised significant concerns amongst journalists interviewed for this research¹⁰⁴. In particular, the journalists are worried whether the editorial independence will be respected or whether following several transfers of ownership, the media might be sold to persons close to the establishment and ready to undermine editorial independence.

5.3 Elections and anonymous online media

In Bosnia and Herzegovina, elections are organised in two cycles. Both local elections and general elections occur for mandates of four years, staggered two years apart, meaning that elections are organized every two years and so are campaigns. There is a substantial number of provisions that apply to media in this period, but within this framework harmful narratives and violations of norms produced by anonymous online media are particularly difficult to mitigate and sanction.

Many interviewees point to the recurring problem with anonymous online media during election cycles in Bosnia and Herzegovina. Previous election-related media monitoring noted a clear difference between online media with an impressum and anonymous portals in terms of violations of journalistic ethics. Anonymous portals were linked to disinformation and attempts to discredit the Central Election Commission or political opponents¹⁰⁵, including through the malicious use of gender-based narratives¹⁰⁶. Interviewees also pointed to the practice of proliferation of online media before elections – often vanishing thereafter. As one interviewee notes, and as it has been documented before¹⁰⁷, disinformation and other forms of harmful content disseminated through anonymous online media are frequently further legitimised by mainstream media coverage.

¹⁰² N1 Info RS, 'Adria News Network launched to take control of UG media outlets'.

¹⁰³ Milanovic, 'Alpac Capital and United Group Announce Agreement for the Sale of Adria News Network'.

¹⁰⁴ Focus group with journalists, April 2026.

¹⁰⁵ Sarajlić et al., Harmful Narratives during Elections: Smear Campaigns, Gender Stereotypes and Hate Narratives 2022 General Elections in Bosnia and Herzegovina;

¹⁰⁶ Zulić Šiljak, Monitoring Seksizma i Zastupljenosti Teme Nasilja Nad Ženama Kroz Online Monitoring Lokalnih Izborna 2024. Godine u Bosni i Hercegovini.

¹⁰⁷ Bubonjić, Strateški Tokom Izborna: Kako Dezinformacija Sa Anonimnih Portala Postaje "istina"

In 2024, the High Representative has imposed amendments to the Electoral Law pertaining to media within Chapter 16 which prescribes obligations during election campaign reporting¹⁰⁸. These changes included an obligation for online media reporting on the campaign to provide public and transparent information on their ownership, which according to the Rulebook on Media Representation and Public Advertising of Political entities includes the ownership structure, name, address, contacts of editor and editor-in-chief to which complaints could be sent. However, the competence in case of disputes remained with the Press and Online Council¹⁰⁹. The operation of this body is limited to mediation in practice, without competence to sanction violations. Without enforceable sanctions, the amendments had limited impact. Most recently, during the 2025 early election for the president of Republika Srpska, the publication Raskrinkavanje has pointed to at least 46 anonymous online media outlets that actively reported on the campaign in over 850 articles on elections, campaign and candidates¹¹⁰ – pointing to impunity despite the existence of norms.

¹⁰⁸ Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina.

¹⁰⁹ Sokol, 'Šta izmjene Izbornog zakona znače za medije'; Sokol and Gačanica, Protection of Media Freedoms in Bosnia and Herzegovina: Steps Towards European Integration.

¹¹⁰ Čosić, 'Anonimni portali ponovo krše Izborni zakon'.

6. Recommendations

On the legislative framework

To the state authorities:

- Adopt a strategic framework and a state-level media strategy with accompanying action plans that define clear priorities, institutional responsibilities and implementation deadlines for media reform, in line with Bosnia and Herzegovina's obligations under the requirements of the EU accession process, and pursue progressive alignment with EMFA provisions. Ensure effective coordination among competent institutions through a transparent and inclusive process involving media representatives, civil society and independent experts.
- Adopt the Law on Transparency of Media Ownership that would enable a systematic access to information on ownership, regulate media concentration and include measures for promoting media pluralism.
- Adopt a legal framework binding public institutions to proactively publish the exact amounts and purposes of the funds allocated to media. The APIK and Council of Ministers should cooperate to ensure institutional participation in the process beyond voluntary participation.
- Adopt the laws on electronic media and electronic communications without unnecessary delays following the process of public consultations with the participation of the professional community, media, and civil society; ensure compliance with the relevant EU framework, particularly the Audiovisual Media Service Directive and EMFA.

To the authorities of Republika Srpska:

- Decriminalise defamation restoring the situation prior to 2023, in line with the Reform Agenda commitments.
- Discontinue the initiative to create a media law unless this is done through a genuinely consultative process aimed at enhancing media freedom and harmonised with the rest of the country or alternatively constructively contribute to developing state level regulations.

To all levels of government:

- Develop transparent criteria and safeguards to regulate freedom of expression in the digital sphere and refrain from introducing restrictive provisions, particularly on lower levels of governance. In line with this, the Kakanj Decision on Public Order should be repealed.
- Commit to prioritising non-punitive responses to disinformation and harmful content online, including media literacy, transparency, platform accountability and institutional communication.
- Adopt rulebooks for the allocation of public funds to the media and publish this information transparently. The rule books should be aligned with guidelines for allocation of public funds to media, following good practices identified by civil society and expert community (including clear provisions on conflict of interest, procedures that ensure transparent criteria or allocation processes and introducing preconditions tied to media registration and self-regulatory standards). The criteria established for allocation of public funds and other benefits to media should be aligned with EMFA standards. For public media, allocation of funds should be based on estimations of independent experts.

On the safety of journalists

To all authorities in BiH:

- Elected and appointed officials should conduct themselves in a manner that creates an environment conducive to journalistic activity and refrain from threatening or defaming journalists.

To the legislative bodies of BiH:

- Ensure that violence against journalists is duly sanctioned taking into account the function journalists perform in the society. Consider amending the relevant criminal laws to treat attacks on journalists as a separate offence.

To the High Judicial and Prosecutorial Council:

- Consider the possibility of making use of the powers provided under Article 17(28) to promote the consistent application of the law, in line with the positive obligations arising from the ECHR, and to issue guidance to prosecutors across the country on the legal qualification of threats and attacks against journalists.

To the donors' community:

- Engage in long term planning to support journalism in BiH and simplify the administrative requirements of the projects.

On SLAPPs

To the Parliament of the Federation of Bosnia and Herzegovina:

- Adopt without delays the proposed amendments to the Law on Protection against defamation of the FBiH introducing a definition of SLAPPs, the possibility of early dismissal of SLAPPs and the award of compensatory damages to those targeted by SLAPPs.

To all authorities:

- Take steps to initiate the adoption of anti-SLAPP legislation to give effect to both the EU anti-SLAPP Directive and the Committee of Ministers Recommendation against SLAPPs.

To the High Judicial and Prosecutorial Council:

- Raise awareness among the judiciary about SLAPPs in Bosnia and Herzegovina, highlighting their negative impact on freedom of expression.

To the international community and to donors:

- Commit trial monitors to monitor ongoing SLAPP cases in the country.
- Continue providing training to judges on SLAPPs and their impact on freedom of expression.
- Support local initiatives for the purpose of creating an anti-SLAPP coalition.

On the Communications Regulatory Agency:

To the state authorities:

- Ensure that future legislation strengthens the political and financial independence of the Communications Regulatory Agency. The procedure to appoint its management needs to be reformed to limit political influence.

On the Public Broadcasting System:

To the state authorities

Adopt a new Law of the Public Service Broadcasting System that ensures financial and political independence of public broadcasters. Due to the consistent delays, short-term solutions should be pursued along with consistent engagement of international community and experts to improve the legal framework.

On media and the elections

To the state authorities:

- Consider adopting an accountability framework for online media through co-regulation, while ensuring systematic inclusion of the Press and Online Media Council and other media associations in self-regulation.

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- OSCE Mission to Bosnia and Herzegovina, Sarajevo
- Zašto ne?, Sarajevo
- OHCHR, Sarajevo
- BiH journalists
- Lawyers in Banja Luka

Research team:

- Lamija Kovačević, Mediacentar Sarajevo
- Massimo Moratti, Osservatorio Balcani Caucaso Transeuropa



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