[BA] Constitutional Court Rules on Name of Public Broadcasters

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The Constitutional Court of Bosnia and Herzegovina has confirmed the ruling of the Communications Regulatory Agency (CRA/RAK) concerning the name of public broadcasters.

Paragraph 1 of the CRA Rule 01/199 on the definition and obligation of public broadcasting (changed and amended text, adopted on 22 September 2003), states that

“no public broadcaster as defined by this Rule is to contain, within its official name any prefix, reference, symbol or designation which may lead to its being regarded as the exclusive domain of one ethnic or national group”.

Within three months from the date of entry into force of the CRA Rule, public broadcasters were obliged to start the process of officially changing the names of their respective TV-station(s). Otherwise they were threatened with penalties for non-compliance. Two broadcasters, both based in western Mostar (under Bosnian Croats control) - Hrvatska Radio-Televizija (Croatian Radio Television) and Hrvatski radio Herceg-Bosna (Croatian Radio Herzeg-Bosnia), filed a suit against the CRA rule, but the Constitutional Court of Bosnia and Herzegovina confirmed the CRA's ruling. The decisions of the Constitutional Court are final and binding. In its decision on admissibility and merits, reached on 18 January 2005, the Court stated, inter alia, that the appeal was unfounded. According to the lawyers engaged by these public broadcasters, the only remaining legal process is an appeal to the European Court of Human Rights in Strasbourg. However, bearing in mind the strict terms of the European Convention of Human Rights and Fundamental Freedoms (Article 35 - Admissibility Criteria), it seems unlikely that public broadcasters in question might regain their old names.

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http://www.cra.ba/

CRA Rule 01/199 on the definition and obligation of public broadcasting (changed and amended text, adopted on 22 September 2003)

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Decision of the Constitutional Court of 18 January 2005

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