[BA] The RAK Is Expanding its Mandate

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The Communications Regulatory Agency (RAK) has expanded its mandate on SMS broadcast via TV stations. In 2007, having experienced cases of hate inciting SMS in the form of chain laters, or so-called cyrons, RAK supplemented its Code of Conduct with regards to public and commercial broadcasters. Article 3 of the General Principles also regulates SMS, however RAK have not, thus far, imposed any sanctions..

TV OBN, a Sarajevo-based and country-wide commercial TV station, was the first to be fined to the amount of BAM 30,000 (about EUR 15,000), for violation of Article 4 "Hate Speech" of the Broadcasting Code of Practice and concerning the content of SMS broadcast in the programme " *Mimohod* " on 30 August 2008, the topic of which was the first Queer Festival held in Bosnia and Herzegovina in Sarajevo. It also concerned the program " *Telering* ", a very popular talk-show, broadcast on 18 September 2008. Dragan Covic, the President of the ruling political party of BiH Croats (HDZ), was a guest on this show and the topic under discussion was: "Should the Croats be minority?".

The RAK did not object the broadcast programme itself, but only the SMS, which were “inappropriate and incited discrimination, hatred and violence”.

Despite being in accordance with European media standards, this case has, at the same time, raised the possibility of further expanding the role and mandate of RAK with regards to communications in cyberspace. So far, RAK has been reluctant to enter this very complex media regulation field, but recent cases of hate inspiring speeches spread via the Internet, brought it to RAK´s attention. The key problem to be solved is the global medium and local law dichotomy.

Currently, domestic ISPs are only responsible for content relating to child pornography. Obviously, it has to be expanded to hate inciting speech too, since the message matters, not the medium.

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Decision of the RAK

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