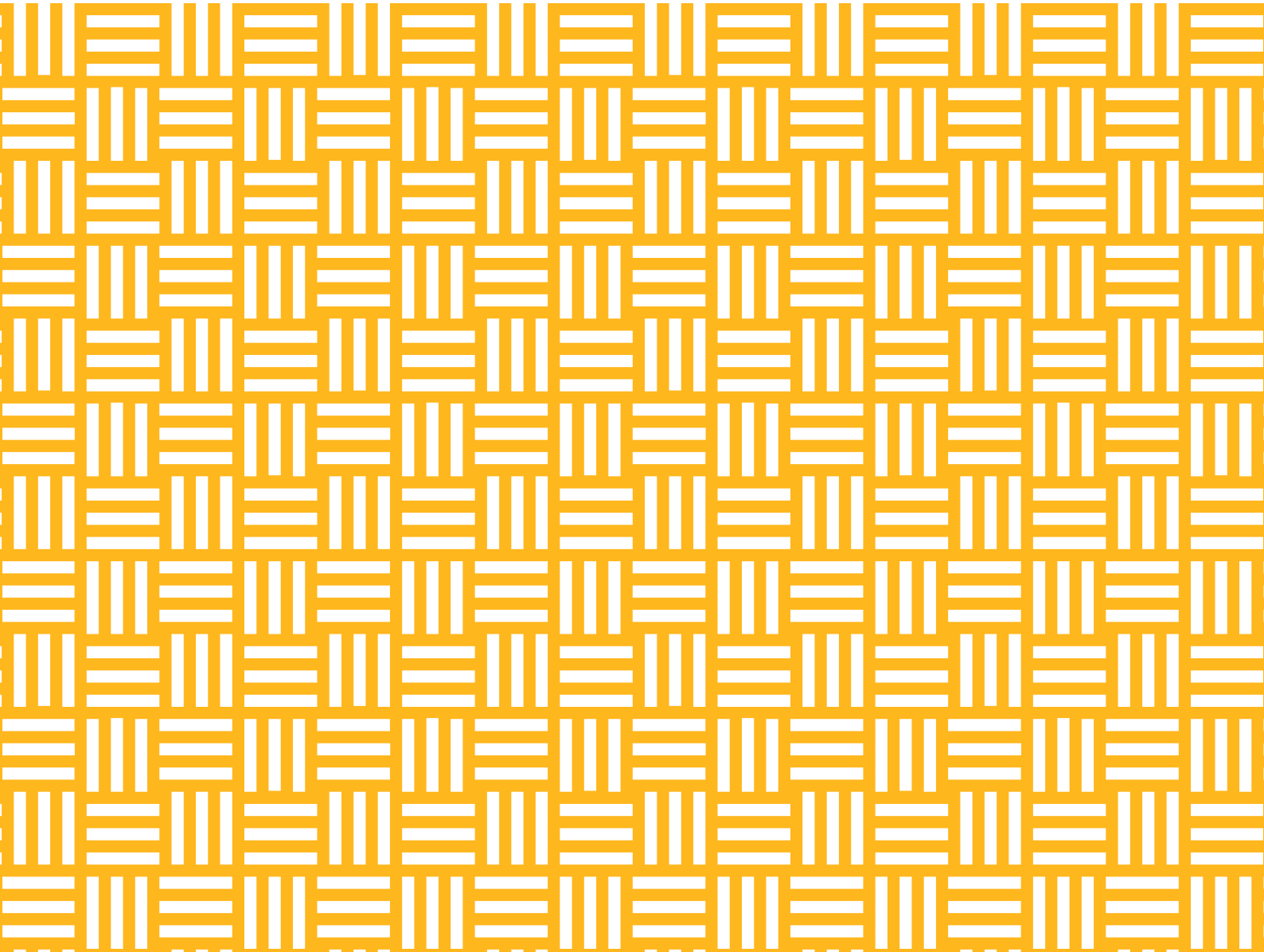




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CROATIA Indicators on the Level of Media Freedom and Journalists' Safety 2020



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Project Overview and Scope	4	B Journalists' Position in the Newsrooms	18
		B1 Economic restrictions on journalists' freedom	18
A Note on the Methodology	5	B2 Editorial independence in the private media	19
		B3 Editorial independence in the Public Service Broadcaster	20
Introduction	7	B4 Editorial independence in the non-profit sector	21
A Legal Protection	9	B5 Freedom of journalists in the news production process	21
A1 Legal guarantees for media and journalists' freedom and their application in practice	9	B6 Economic position of women journalists	22
A2 The effects of defamation laws on journalists	13		
A3 Legal protection of political pluralism in the media	14	C Journalists' Safety	24
A4 Freedom of journalists' work and association – legal guarantees and practice	15	C1 Safety and Impunity Statistics	24
A5 Legal protection of journalists' sources	16	C2 State institutions' and political actors' behaviour concerning journalists' protection	27
		Conclusions and Recommendations	30

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Project Overview and Scope

It is the fifth year in a row that journalists' associations from the Western Balkan countries (Bosnia and Herzegovina, Macedonia, Montenegro, Kosovo, and Serbia), with the support of the European Commission,¹ monitored the development of media freedom and journalists' safety in their countries. In 2020 two more countries will work on such assessments – Albania and Croatia. The research methodology developed in 2016² was fine-tuned over the years to standardize the data collection and analysis and to adjust the research focus to the developments in both traditional and online media environment in the Western Balkan countries. Based on these standardized research tool, journalists' associations assessed the newest developments in their countries and engaged in various advocacy activities to advance the political, legislative, and institutional environment in which the journalists and media work.

A Note on the Methodology

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations³. In the course of the previous years the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in the seven countries. A range of various research methods were applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies and other documents;
- Qualitative analysis of legal documents;
- Retrieval and analysis of information published on the web sites of public institutions and other organizations and bodies;
- Retrieval and analysis of press releases, announcements and other information produced by professional organisations;
- Secondary data collected by journalists' associations;
- In-depth-interviews with experts, journalists, policy makers etc.;
- Focus groups with journalists, and
- Surveys with journalists (in some of the countries).

At national level, journalists' associations nominated national researchers to carry out the data collection and to draft the narrative reports, which were then reviewed by nominated national experts and by lead researcher. In Croatia, the Croatian Journalists' Association nominated Monika Kutri as national researchers and Milan F. Živković as media expert to review the report. The three groups of indicators which were used in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

Table 1: Indicators on the level of media freedom and journalists' safety

A. Legal protection	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Legal guarantees for media and journalists' freedom and their application in practice	B.1 Economic restrictions on journalists' freedom	C.1 Safety and Impunity Statistics
A.2 The effects of defamation law on journalists	B.2 Editorial independence in the private media	C.2 State institutions and political actors' behaviour concerning journalists' protection
A.3 Legal protection of political pluralism in the media	B.3 Editorial independence in the public service broadcaster	C.3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A.4 Freedom of journalists' work and association	B.4 Editorial independence in the not-for-profit	
A.5 Legal protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Protection of the right to access of information	B.6 Economic position of women journalists	

1 In December 2019, the European Commission approved the three-year project [Safejournalists.net](http://safejournalists.net), aimed at empowering national journalists' associations in the Western Balkan's countries to become effective and accountable independent actors in advocating applications of EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This Action represents an up-scaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The action is supported by the Civil Society Facility and Media Programme 2018-2019, Support to regional thematic networks of civil society organisations, support to a regional network for women's rights and gender equality and support to small scale projects promoting cooperation between communities and citizens from Serbia and Kosovo.

2 The fifth adapted edition of the research methodology for this advocacy research project was developed by Snezana Trpevska and by Igor Micevski, research fellows of the Research Institute on Social Development RESIS from North Macedonia (www.resis.mk).

3 The following documents were taken into consideration while developing the specific research approach for the Western Balkan countries: Council of Europe: Indicators for Media in a Democracy; UNESCO: Media Development Indicators (MDI) and Journalists' Safety Indicators: National level; USAID – IREX: Media Sustainability Index; Freedom House: Freedom of the Press Survey; BBC World Service Trust: African Media Development Initiative; Committee to protect Journalists: Violence against journalists; Reporters without Borders: World Press Freedom Index.

The Republic of Croatia is a sovereign parliamentary democracy organized on the principle of the threefold division of power, with the Constitution as the highest legal act. According to the Constitution, Croatia is a unique and indivisible democratic and social state in which power derives from the people and belongs to the people, as a community of free and equal citizens.⁴ Croatia is a national state of the Croatian people and members of national minorities. According to the 2011 census, the population of Croatia includes 7.62% of members of national minorities, of which the most numerous are Serbs, Bosniacs and Italians.⁵ In line with Freedom House's 2020 survey,⁶ Croatia is a semi-consolidated democracy and appears to be making very slow progress in this area. As reported by a survey conducted in late 2019, Croatia has a major problem with corruption, which significantly threatens economic, societal and social advancement.⁷

The present atmosphere in Croatian society considers journalists as the guilty ones for everything.⁸ Top government officials often target journalists in their public appearances.

⁴ Constitution of the Republic of Croatia, accessed 25.10.2020, https://narodne-novine.nn.hr/clanci/sluzbeni/2001_05_41_705.html

⁵ Government of the Republic of Croatia, "National minorities in the Republic of Croatia", accessed 25.10.2020, <https://pravomanjina.gov.hr/nacionalne-manjine/nacionalne-manjine-u-republici-hrvatskoj/352>

⁶ Freedom House, "Nations in Transit – Croatia", accessed 11.11.2020, <https://freedomhouse.org/country/croatia/nations-transit/2020>

⁷ Transparency International Croatia, "Research on state of action against corruption in Croatia", Zagreb: 2020, accessed 11.11.2020, <https://transparency.hr/hr/novosti/istrazivanje-o-stanju-borbe-protiv-korupcije-u-hrvatskoj-822>

⁸ Nacional, "Zovko: There is an atmosphere created in the state, which puts overall blame on journalists", *Nacional.hr*, 24.01.2020, accessed 11.11.2020, <https://www.nacional.hr/zovko-u-drzavi-je-stvoreno-ozracje-da-su-novinari-krivi-za-sve/>

A

Back in 2016, the then outgoing Minister of Culture significantly weakened the media sector by abolishing the program of co-financing non-profit media, which amounted to about three million kuna a year, from the income of the Croatian Lottery.⁹ The same minister disbanded the expert committee that awarded these grants and stopped the community media support program.¹⁰ All this left a large number of journalists without jobs, and non-profit media were brought to the brink of extinction.

Croatia, like the rest of the world, was hit by a coronavirus pandemic in 2020, which completely stopped numerous production and market exchanges for a while, and thus brought the economy into crisis. GDP fell by 15.1 percent in the second quarter of 2020 compared to the same period last year, which represents the biggest drop in the last 25 years.¹¹ Even before the coronavirus pandemic, Croatia was economically worse off than other European Union countries,¹² and this crisis has further aggravated the situation in almost all sectors, including journalism. Salaries in some media have been reduced and workers have been laid off.¹³ Only 15 percent of external associates in the media kept all their engagements, while almost 85 percent of them lost one part or all of their engagements after the outbreak of the global health crisis.

A large number of media outlets are registered in Croatia. The Council for Electronic Media at the Agency for Electronic Media keeps the Register of Media Service Providers, Electronic Publications and Non-Profit Producers of Audiovisual and Radio Programs, while printed news outlets are registered with the Croatian Chamber of Commerce (HGK). There are 26 active television broadcasters (broadcasting 29 programs), 138 radio broadcasters (broadcasting 149 programs), 276 providers of electronic publications, which are responsible for 336 electronic publications, 59 media service providers via satellite, cable and internet (96 programs) and 12 providers of on-demand services

with 14 services.¹⁴ There are two public media services in Croatia: the Croatian Radio and Television (HRT) and the Croatian News Agency (Hina). There are no official data on the total number of journalists in Croatia, while there are data on the number of employed journalists in certain media¹⁵ kept by the Croatian Chamber of Commerce. The largest organizations whose members are journalists and who fight for the rights of journalists are the Croatian Journalists' Association (CJA) and the Trade Union of Croatian Journalists (TUCJ).A.

A1 Legal guarantees for media and journalists' freedom and their application in practice

Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet? Are the legal guarantees implemented in practice?

Freedom of opinion and expression, the right to access information, the right to correction and the prohibition of censorship are guaranteed by Article 38 of the Constitution of the Republic of Croatia. The article also explicitly states that "freedom of expression includes, in particular, freedom of the press and other media, freedom of speech and public appearance, and the free establishment of all institutions of public communication".¹⁶ Assumptions for the realization of the principle of freedom of certain types of media, the rights of journalists and all other participants in the informing of the public are regulated separately by the Media Act,¹⁷ the Electronic

9 CJA, "Result of cancelling financial support to non-profit media: 280 journalists left without income since yesterday, 20 non-profit media hang on the verge of being shut down", Zagreb: 2016, accessed 11.11.2020, <https://hnd.hr/rezultat-ukidanja-potpore-neprofitnim-medijima-280-novinara-od-jucer-bez-prihoda-upitna-buducnost-20-neprofitnih-medija>

10 Ibid.

11 DZS, "Effects of the COVID-19 pandemic on social and economical indicators", Zagreb: 2020, accessed 12.11.2020, https://www.dzs.hr/Hrv/Covid-19/bdp_2_q.html

12 Ljubo Jurčić, "State of Croatian Economy – Croatia in the European Union", *Economical overview*, 66 (6) (2015): 617, accessed 12.11.2020, <https://hrcak.srce.hr/file/221367>

13 CJA, "Dismissals and paycheck decrease in Styria", Zagreb: 2020, accessed 12.11.2020, <https://hnd.hr/otkazi-i-smanjivanje-placa-u-styriji>

14 Ministry of Culture, "Bill on electronic media", accessed 13.11.2020, <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=13393>

15 The spreadsheet submitted by the Croatian Chamber of Commerce to the CJA for the purposes of this report contains data on the number of permanently employed journalists in electronic media, as well as on the total number of journalists in electronic media. The accuracy of the entered data is questionable because in some media the number of permanently employed journalists is higher than the total number of employed journalists. In the same document relevant to the printed outlets there is a column "the total number of journalists – external associates in 2018", but out of 816 publications, the data was entered only for 141 publication.

16 Constitution of the Republic of Croatia, accessed 01.11.2020, https://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_85_2422.html

17 Narodne novine, "Media Act – 59/04, 84/11, 81/13", accessed 08.12.2020, <https://www.zakon.hr/z/38/Zakon-o-medijima>

Media Act,¹⁸ the Croatian Radio and Television Act¹⁹ and the Croatian News Agency Act.²⁰ The right to access information which are in possession of public authorities is guaranteed by the Law on the Right to Access Information,²¹ and journalists in particular by the Media Act.²² All of these guarantees are applied in practice, but not necessarily effectively. Some public administration bodies and institutions refuse to provide information and can only be obtained through complaint mechanisms or information protection commissioners.²³ Legal remedies against violations are not always effective because civil litigation takes a very long time.²⁴

Was media legislation developed in a transparent and inclusive process in consultation with the relevant professional associations?

Media legislation is declaratively developed in a transparent and inclusive process, but it is assessed that decisions on final resolutions in the regulations are still made by the governing structures.²⁵ The proposal for a new Law on Electronic Media (ZEM) is currently in parliamentary procedure. At the end of 2019, the Croatian Journalists' Association withdrew from the Working Group of the Ministry of Culture for the drafting of a new ZEM²⁶ because the Ministry of Culture did not include

any of CJA's proposals²⁷ in the Draft Proposal of the ZEM. There is no media policy in Croatia either; there have been several attempts to pass such a policy, but none have borne fruit. The furthest dealing with that came in 2015, when the Draft Proposal of Media Policy,²⁸ was prepared, but was never adopted.

Were there attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and Internet-based media? Do these requirements go beyond a mere business and tax registration?

In Croatia there are no permits or licenses to run electronic media, and in the last year there have been no attempts to introduce this type of media identification. Although there is no unified register of media in Croatia, there is a registration of publications with the Agency for Electronic Media.²⁹ It's the same thing when it comes to printed media outlets. More than 800 different types of printed media have been registered,³⁰ with the Croatian Chamber of Commerce, from which it could be concluded that freedom in the field of publishing is at a high level.

Have there been attempts by the state authorities to restrict the right to Internet access or seek to block or filter Internet content?

According to available data, in 2020, there were no attempts to restrict the right to access the Internet or block or filter content.³¹ At the beginning of 2019, the Minister of Culture announced the drafting of a law on illicit behavior on the Internet,³² but so far everything has remained on that announcement, which has been criti-

cized by Internet experts.³³ The Constitution and laws of the Republic of Croatia do not explicitly mention the right to access the Internet, but Croatia is a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which guarantees this right and can thus be ensured.

Is the regulatory authority performing its functions in an independent and non-discriminatory manner? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?

The only regulatory³⁴ independent body that exists in Croatia is the Council for Electronic Media,³⁵ which manages the Agency for Electronic Media and has the task of implementing the Electronic Media Act.³⁶ According to the Electronic Media Act, concessions are awarded through public tenders,³⁷ and the procedure is regulated by the Ordinance on the content and procedure of notification of the intention to grant concessions for the provision of television and radio media services.³⁸ The Council supervises the work of the concessionaire, i.e. the publisher, and is obliged to react and impose sanctions in case of violation of the Electronic Media Act. The Council is composed of seven members elected and dismissed by the Croatian Parliament, at the proposal of the Government, and the members of the Council may be re-elected. The Council operates transparently, but "the fact that the parliamentary majority has an important influence on the appointment of the Agency's decision-making body may in practice affect the political independence of the regulatory body."³⁹ The parliamentary majority has too

much power in appointing members of the Council, and the qualifications required for membership are too broad and can be interpreted in a number of ways.⁴⁰ In 2019, the CJA publicly warned of the problematic nature of the election of one of the members of the Council, due to its incompatibility for that position.⁴¹

Are the legal provisions on state advertising in the media abused for political influence over their editorial policy? Is the allocation of state funds transparent, fair and non-discriminatory? Do the state institutions regularly publish the data on the amounts allocated to different media?

In 2020, the media received at least⁴² 10 million kuna of direct money from the state budget, and in addition they received funds from state, public and local companies, cities and municipalities, agencies and tourist boards.⁴³ At the local and regional level, the money received often creates a sense of obligation in regards to local authorities; leaders often give themselves the right to remind the media of who is funding them and this can lead to some form of self-censorship.⁴⁴ In addition, there are irregularities at these two levels, and the allocation of funds by the advertising provision is not transparent.⁴⁵

18 Narodne novine „The Electronic Media Act – 153/09, 84/11, 94/13, 136/13“; accessed 08.12.2020, <https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima>

19 Narodne novine „The Croatian Radio and Television Act – 137/10, 76/12, 78/16, 46/17, 73/17, 94/18“; accessed 08.12.2020, <https://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>

20 Narodne novine „The Croatian News Agency Act – 96/01“; accessed 08.12.2020, <https://www.zakon.hr/z/1263/Zakon-o-Hrvatskoj-izvje%C5%A1taju-novinskoj-agenciji>

21 Narodne novine „Law on the Right to Access Information – 25/13, 85/15“; accessed 08.12.2020, <https://www.zakon.hr/z/126/Zakon-o-pravu-na-pristup-informacijama>

22 Narodne novine „Article 6 of the Media Act – 59/04, 84/11, 81/13“; accessed 08.12.2020, <https://www.zakon.hr/z/38/Zakon-o-medijima>

23 Paško Bilić, "Monitoring Media Pluralism in the Digital Era: Application of the MPM in the EU, Albania and Turkey in the years 2018-2019, Country Report-Croatia", European University Institute, 2020, accessed 08.12.2020, https://codmus.eui.eu/bitstream/handle/1814/67796/croatia_results_mpm_2020_cmpf.pdf

24 Ibid.

25 Helena Popović, a media expert, points out that "this means that various parties are invited and included to legitimize the decisions of the majority formed in a way that it includes those who support the decisions of the government." In other words, the decisions were made within the ruling party, and after that, the democratic procedure is faked, with a very certain outcome," interview conducted by Monika Kutri on 21.01.2021.

26 CJA, "We left the ZEM working group after the Ministry of Culture's lack of acceptance for our proposals", Zagreb: 2020, accessed 17.11.2020, <https://www.hnd.hr/hnd-istupili-smo-iz-radne-skupine-za-izradu-zem-a-jer-ministarstvo-kulture-nije-uvazilo-nijedan-nas-prijedlog1>

27 CJA, "CJA: Commentaries to certain articles of the proposal for the Bill on Electronic Media", Zagreb: 2020 accessed 17.11.2020, <https://hnd.hr/hnd-komentari-na-pojedine-clanke-prijedloga-zakona-o-elektronickim-medijima>

28 Ministry of Culture of the Republic of Croatia, "Draft of the proposal on media policy", Zagreb: 2015, accessed 17.05.2021, http://www.hnd.hr/uploads/files/noact_prijedloga_medijske_politike_republike_hrvatske.pdf

29 Register of media service providers, electronic publications and non-profit producers of audiovisual and radio programs is kept by the Council for Electronic Media, accessed 17.05.2021, <https://www.oem.hr/en/upisnik/>

30 The Croatian Chamber of Commerce keeps a Register of Publishing and Distribution of printed media, in accordance with the Media Act (NN nr. 59/04; 84/11; 81/13), accessed 17.05.2021, <https://www.hgk.hr/usluge/upisnik-o-izdavanju-i-distribuciji-tiska>

31 Share monitoring, "List of content blocking cases on internet", accessed 31.12.2020, <https://hr.bird.tools/>

32 Government of the Republic of Croatia, "Obujlen Koržinek: We shall regulate the responsibilities for the illicit hate speech in the media and on social networks", Zagreb: 2019, accessed 12.11.2020, <https://vlada.gov.hr/vijesti/obujlen-korzinek-regulirat-cemo-odgovornosti-za-nedopusteni-govor-mrznje-u-medijima-i-na-drustvenim-mrezama/25097>

33 Jutarnji list, "Are we really in need of a new bill on illicit behaviour on Internet? Experts: The proposal comes from people who have no clue on how the Internet functions", Zagreb: 2019, accessed 12.11.2020, <https://www.jutarnji.hr/tehnologija/ treba-li-nam-doista-novi-zakon-o-nedopustenom-ponasanju-na-internetu-strucnjak-radi-se-o-pokusaju-ljudi-koji-nemaju-poimakkako-funkcionira-internet-8269355>

34 The Agency for the Protection of Market Competition, the Croatian Chamber of Commerce, the Agency for Network Activities, the Ministry of Culture and the Ministry of Finance also have certain regulatory powers in the field of media, but none of these institutions deal exclusively with the media.

35 The powers of the Council for Electronic Media do not go beyond the field of electronic media, so the Council is not competent for an article published in a printed edition of a newspaper, while it holds competence for that same article published on the portal of that same newspaper.

36 Council for Electronic Media, accessed 10.11.2020, <https://www.oem.hr/vijec/>

37 Concessions issued by the Council for Electronic Media, accessed 10.11.2020, <https://www.oem.hr/kategorija/koncesije/>

38 Narodne novine, "13/13", accessed 10.11.2020, https://narodne-novine.nn.hr/clanci/sluzbeni/2013_10_131_2867.html

39 European Commission, "Report on Rule of Law for 2020 – Chapter for Croatia", accessed 10.11.2020, <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

40 Paško Bilić, "Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019: Country report: Croatia", Institute for Development and International Relations, Fiesole:2020, accessed 11.11.2020, https://irmo.hr/wp-content/uploads/2020/07/MPM_2020_CroatiaReport.pdf

41 Croatian Journalists' Association, accessed 11.11.2020, <https://hnd.hr/hnd-ostro-protiv-imenovanja-katje-kusec-clanicom-vijeca-za-elektronicke-medije1>

42 The problem is the unavailability of accurate and unified data.

43 Zoran Kovacic, "The media and the state 2020", accessed on 26.1.2021, <https://mediadaily.biz/kategorija/analize/>

44 Saša Paparella, "(Non)Transparent ways of financing journalism and (non)independent journalism", Zagreb: 2017, accessed 10.11.2020, <https://www.hnd.hr/ne-transparentno-financiranje-i-ne-ovisno-novinarstvo>

45 Media expert and sociologist Helena Popović says that there are many irregularities at the local and regional level. "Although these media are less under public scrutiny, since they are of local character, it is clear that clientelistic relations and interest networking of elites at that level reflect the national one, as well. The allocation of public funds through the provision on advertising is non-transparent, so the search for different data on funding flows is an endeavor that resembles endless wandering through a maze," Helena Popović in an interview with Monika Kutri on 21.1.2021

Are there any types of media subsidies or funds for production of media content of public interest and how are they implemented in practice? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?

The Agency for Electronic Media launched a project in year 2020, to encourage journalistic excellence by awarding one million kuna in grants to journalists for papers and research on topics of public interest from various fields, and which are published in one of the electronic media.⁴⁶ A large number of printed media outlets that have a media status and are published daily, benefit from reduced VAT to just five percent.⁴⁷ The media were also funded through the Electronic Media Pluralism and Diversity Fund, managed by the Electronic Media Agency. The financial resources of the Fund are provided by the Croatian Radio and Television Act, and every year 3 percent of the revenues from the radio and television fees are allocated to it. Funds are awarded through an annual public tender.

At the end of 2015, the Ministry of Culture and Media, in cooperation with the European Social Fund, provided 30 million kuna for the implementation of the “Community Media” program, to improve the quality of media coverage of vulnerable groups and raise public awareness of their rights.⁴⁸ It was originally envisioned that the projects in the program would last three years, but the projects will now only last two years. The tender for the first tranche⁴⁹ of 15 million kuna was announced only in mid-2019, and the funds were allocated only in mid-2020.⁵⁰ This unjustified delay in the allocation of funds represents a sort of pressure on the media, which have been waiting for more than three years. The allocated funds finance activities to strengthen the capacity of media workers and the production of media programs intended to increase the visibility of vulnera-

ble groups. Some media expressed dissatisfaction with the results of the tender, so in one it was stated that the funds were allocated, among others, to a media outlet which promotes fake news.⁵¹

What are the mechanisms for financing media in the languages of national minorities?

The work of associations of national minorities, their cultural programs, as well as the work of the media of national minorities, are financed through tenders of the Council for National Minorities. In order to exercise the right to information through television, radio and the press in the language of a national minority, councils of national minorities, associations, as well as members of national minorities themselves, may perform the activity of public communication⁵² in accordance with the law.⁵³ Every year there are funds in the state, regional and local budgets, provided for co-financing programs of radio and television stations owned by them, intended for national minorities, according to criteria adopted by the Government or competent bodies of local and regional self-government units at the proposal of the Council of National Minorities.

An example of financing media of national minorities is “an association such as the Serbian National Council, which publishes the independent Serbian weekly Novosti. The weekly Novosti contributes significantly to the media field in Croatia, not only because of the inclusive discourse, which, when it comes to minorities, has the status of an alternative in Croatia, but also because of argumentative and critically oriented journalism, which, as I said earlier, is vanishing. And when it comes to media freedom, I think that the level of that freedom in Croatian society can be tested at Novosti. The amount of pressure, threats and public defamation directed at that weekly is difficult to comprehend in a society that is in principle democratically regulated. Novosti is also a good example of what a medium can look like when it is funded stably and independently of advertisers. However, they are under constant attack

46 AEM, “Quality journalism”, Zagreb: 2020, accessed 08.12.2020, <https://www.aem.hr/nekategorizirano/podstranica-kvalitetno-novinarstvo-2/>

47 Zoran Kovacic, „Media and the state – the impact of money on media reorting”, accessed 02.02.2020, <https://mediadaily.biz/2020/04/27/mediji-drzava-utjecaj-novca-izvjestavanje-medije-izvjestavanje-medija/>

48 ESF, “Community media – support on social inclusion through the media, phase I”, Zagreb, 2019, accessed 20.11.2020, <http://www.esf.hr/natjecaji/socijalno-ukljucivanje/mediji-zajednice-potpورا-socijalnom-ukljucivanju-putem-medija-faza-i/>

49 It is unclear why the funds were divided into two tranches when they were received in the program for the period from 2014 to 2020, and the question arises when and if the second tranche of money will be allocated at all.

50 Ministry of Culture and Media of the Republic of Croatia, “Decision on financing projects ‘Community media – support on social inclusion through the media’”, Zagreb: 2020, accessed 08.12.2020, <https://min-kulture.gov.hr/vijesti-8/odluka-o-financiranju-projekata-mediji-zajednice-potpورا-socijalnom-ukljucivanju-putem-medija/19929>

51 Hrvoje Šimičević, “The scandalous results on the public tenders for the community media are the responsibility of Minister Nina Obuljen”, Portal Novosti: 02.10.2020, accessed 08.12.2020, <https://www.portalnovosti.com/za-skandalozne-rezultate-natjecaja-za-medije-zajednice-odgovorna-je-ministrica-obuljen>

52 Publish newspapers, produce and broadcast radio and television programs and perform the activities of news agencies.

53 Office for Human Rights and Rights of National Minorities, “Access for members of national minorities to means of public informing and rights of performing professions of public informing (receiving and spreading information) on the language and letter they use”, accessed 08.12.2020, <https://judskopravo.gov.hr/pristup-pripadnicima-nacionalnih-manjina-sredstvima-javnog-priopćavanja-i-pravo-obavljanja-djelatnosti-javnog-priopćavanja-primanje-i-sirenje-informacija-na-jeziku-i-pismu-kojim-se-sluzbe/626>

from those who, on the one hand, have a problem with their political position, which significantly contributes to media pluralism in Croatia, and on the other, their status, which allows them budget funding, which finely indicates the dominant logic of the profit-oriented milieu in which the media work today.”⁵⁴

Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independence and stability? Is the supervisory body representative of society at large?

The independence of the Croatian Radio and Television (HRT) is formally guaranteed by the Croatian Radio and Television Act,⁵⁵ but in practice this independence does not appear to be guarded. HRT’s governing structures are elected by the ruling majority in the Croatian Parliament, which has so far proved to be a practice of political appointments and attempts to influence the public service program.⁵⁶ HRT is financed through a radio and television fee, which is paid by all citizens, and amounts to about 1.2 billion kuna annually.⁵⁷ It could be said that the source of funding enables financial independence and work stability of the public media service. HRT has two supervisory bodies: the Supervisory Board and the HRT Programming Council. The Supervisory Board has five members, four of whom are appointed by the Croatian Parliament, while one is a representative of HRT employees, and this body supervises the operations of HRT and the compliance of the work with the HRT Act.⁵⁸ The HRT Programming Council “represents and protects the public interest by monitoring the program and improving the radio and audiovisual program and other audio and audiovisual and multimedia services.”⁵⁹ This body has 11 members, nine of whom are elected by the Parliament on the basis of a public call, while two are elected by HRT’s employees.

54 Helena Popović, media expert, interview conducted by Monika Kutri on 21.01.2021

55 The HRT Act, accessed 08.12.2020, <https://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>

56 Reporters Without Borders wrote in their 2020 report that “the Government has not stopped interfering in HRT’s business”, accessed 08.12.2020, <https://rfsf.org/en/croatia>

57 Ilko Čimić, “Confirmed by arrests: First the use extortion on us, then the same funds go to finance HDZ’s criminal actions”, Zagreb: 29.05.2021, accessed 08.12.2020, <https://www.index.hr/vijesti/clanak/uhicenja-potvrđila-prvo-nam-otmu-novac-pa-njime-financiraju-hdzov-kriminal/2186544.aspx>

58 The HRT Act, accessed 08.12.2020, <https://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>

59 HRT Programming Council, accessed 08.12.2020, <https://o-nama.hrt.hr/orqanizacija/programsko-vijece-hrt-a-4333>

A2 The effects of defamation laws on journalists

Are the provisions in the defamation laws severe and protective of state officials? What are the main shortcomings of these laws?

The provisions of the Criminal Code on defamation and insult are strict, often used by public officials, and even more often serve as revenge for journalistic reporting.⁶⁰ A conviction based on defamation or insult “enables the plaintiff to demand monetary compensation directly from the journalist after the end of the criminal proceedings”.⁶¹ Since the beginning of 2020, the felony of grave defamation was decriminalized in Croatia, but the provisions on defamation and insult remain in the law. Lawyers believe that the decriminalization of grave defamation is a good start, but that the other two provisions should certainly be decriminalized, as well. Defamation is generally difficult to prove, but there are many lawsuits related to insult.

How many lawsuits have been initiated against journalists by state officials and politicians in the past year?

According to a survey conducted by the CJA among the media in the first quarter of 2021, at least 924 lawsuits were active in Croatia against the media and journalists at that period of time, in which the compensation claims amounted to at least 78.5 million kuna. The largest part of these lawsuits, as many as 892, are civil proceedings against publishers, editors and journalists. Among prosecutors, apart from natural persons unknown to the general public, the most prominent are persons from public and political life, followed by legal entities, politicians in power and judges themselves. In active litigation, the amount of claims ranges from several thousand kunas to even more than one million kuna, while the longest litigation has currently been active for the 12th year in a row. According to the official data of the Ministry of Justice, 489 lawsuits for damages were initiated against journalists last year, and a total of 840 lawsuits, as of December 31, 2020, have not yet been resolved.⁶²

60 Mašenjka Bačić, “Crime media”, Portal Novosti: 18.03.2019, accessed 15.1.2021, <https://www.portalnovosti.com/krimi-medija>

61 Ibid.

62 Data which CJA received upon request to the Ministry of Justice and Public Administration.

To what extent are court decisions against some journalists politically motivated? What kinds of penalties have been imposed?

It could be said that lawsuits against journalists are politically motivated,⁶³ and in recent years in Croatia have often been used as an “elegant” form of attack on journalists in order to discredit, demotivate, intimidate, but also financially exhaust them. For some journalists, a big problem is the inconsistency of court practice, because when someone sues the media in which the journalist works, the journalist is not sure what the possible outcome of the procedure might be.⁶⁴

Do the courts recognize the established self-regulatory mechanism (if any)? Do they accept the validity of a published or disseminated reply, correction or apology?

Published responses, corrections or apologies are often accepted in court, and lawyers often enclose the decisions of the CJA’s Journalists’ Council of Honor, as proof that an individual journalist has or has not violated the Code of Honor of Croatian Journalists. Courts are not obliged to take into account the decisions of the Journalists’ Council of Honor during the process, but in practice this also happens, although jurisprudence in Croatia is not unified, so this claim cannot be made for the entire judiciary system.

What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?

Journalists have different views on lawsuits for defamation and reputational damages. Some of the focus group participants said that they continue to research and write critical texts and that the possibility of filing lawsuits does not discourage them from doing so. On the other hand, other journalists have generally been led to censorship by such lawsuits. They are aware that lawsuits are exhausting them, financially and mentally, so they prefer not to cover some topics.⁶⁵

A3 Legal protection of political pluralism in the media

Is political pluralism in the media regulated by media legislation outside the election processes? What are the obligations of the PSB and what of the private broadcasters concerning political pluralism outside election processes?

Political pluralism in the media outside the electoral process is not explicitly regulated in general media legislation. Although the legislation includes no explicit mention of political pluralism that would apply to all media, Article 25 of the Electronic Media Act states that “a television and/or radio broadcaster is obliged to promote impartiality in an audiovisual or radio program, respecting differences of opinion on political and economic issues or in relation to current public policy”. According to the HRT Act, the public media service is obliged to encourage the pluralism of political ideas and enable the public to be acquainted with these ideas, and to address political issues impartially.⁶⁶

Is the regulatory authority obliged to monitor and protect political pluralism outside election processes? Do political parties and candidates have fair and equal access to media outside election processes?

The regulatory body is obliged to monitor the implementation of the Electronic Media Act, and by doing so, the implementation of the very Article 25. Interviewed experts and journalists assess that outside the election campaign parliamentary parties generally have access to large media houses in proportion to their size and influence. Parties that are not represented in parliament have almost no space in the big media outside the election campaign.

What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

The Electronic Media Act stipulates that during the election campaign, the television and/or radio broadcaster must enable all political parties to campaign on equal terms, in accordance with the election regulations and instructions of the competent body that monitors or conducts the elections. The rules on the conduct of electronic media with a national concession in the Republic

⁶⁶ The HRT Act, Article 7. and 9.

of Croatia during the election campaign⁶⁷ stipulate that electronic media publishers are obliged to provide adequate space for presenting the political program of election participants, while the Croatian Radio and Television is obliged to provide at least five minutes for presenting political programs, for all election participants. The HRT’s Programming Council monitors the content of the public media service program, and whether it is in line with HRT’s legal obligations, but it has only an advisory role. The Council for Electronic Media regulates and monitors the application of legal provisions related to electronic media, while CJA’s Journalists’ Council is a body that warns and gives opinions in violation of the Code of Honor of Croatian Journalists.

Do political parties and candidates have fair and equal access to media during election campaigns?

Political parties and candidates during election campaigns have access to the media, which is guaranteed by law.⁶⁸ It often happens, however, that politicians who hold positions of senior officials are more present in media programs, and many use this opportunity for self-promotion, which also brings them political points.

A4 Freedom of journalists’ work and association – legal guarantees and practice

Do journalists have to be licensed by the state to work? Were there any attempts in the past year to introduce licenses by the state?

Journalists in Croatia do not need work licenses, nor have there been any attempts by the state to introduce them. The main problem that would arise in the eventual licensing of journalists is the definition of journalists. According to Article 2 of the Media Act, a journalist is “a natural person (...) employed by a publisher on the basis of an employment contract or a person performing journalistic activity as an independent occupation”. The emergence of new forms of journalism (such as blogs or so-called citizen journalism) has not been accompanied by a correction of the definition of “journalist” in the

⁶⁷ Rules on conduct for electronic media with a national concession in the Republic of Croatia, during the election campaign (NN 165/03, 105/07 i 118/14)

⁶⁸ OSCE, “Republic of Croatia, Parliamentary Elections of July 5th 2020, UDILJP Election Assessment Mission, Final Report”, Warsaw: 28.9.2020, accessed, 22.01.2021, <https://www.osce.org/files/f/ documents/8/4/471453.pdf>

law, which may lead to legal uncertainty in the future. Journalists are enabled to report on the work of all state bodies whose work is defined as public.

Have journalists been refused the right to report from certain events on the ground of not having an accreditation?

Reporting from the Government and the Parliament,⁶⁹ as well as some other public institutions, is conditioned by accreditations or applications, which journalists must request in advance from the institution or apply to monitor individual sessions. Journalists who participated in the CJA survey have different experiences, with 70 percent of respondents saying they have never been denied the right to report on certain events, while 30 percent said they were once denied that right.

Are journalists organised in professional associations and if yes how? Are there pressures on their organisation or on individual members?

Journalists are free to join professional organizations and trade unions. The Croatian Journalists’ Association is the largest professional association of journalists. It was founded in 1910 and gathers about 2000 members, while in 2015 the association Croatian Journalists and Publicists was founded, and their number of members has not been made public anywhere. The CJA, but also its members, are often the target of attacks and pressure. Pressure on organized journalists in newsrooms most often comes from the very media owners.⁷⁰

Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions?

Croatian journalists are also gathered under the Trade Union of Croatian Journalists, which has existed since 1990 and has about 2,200 members. Journalists are free to join unions and this type of association is guaranteed by law and the Constitution, but some media owners do not view such an association in favorable man-

⁶⁹ Procedure for accreditation of journalists for reporting from the Parliament, <https://www.sabor.hr/hr/press/akreditacije>

⁷⁰ Interview with a journalist from a national printed media, 02.12.2020.

ner⁷¹, because it is perceived as a sort of rebellion or protest⁷².

Is there a Press Council and how is it organised? Are there pressures on the representatives of the Press Council?

In 2011, the CJA and the publishers of all major Croatian media established the Croatian Media Council (HVM), a self-regulatory body to monitor and sanction violations of professional journalistic ethics. Faced with organizational and financial problems, the work of the Council never fully came to life, and after several years of existence, it was completely shut down.

A5 Legal protection of journalists' sources

How is confidentiality of journalists' sources guaranteed by the legislation? Under what circumstances, the right to protect their sources may be subject to limitations?

The protection of sources of information is regulated by law⁷³ and according to it a journalist is not obliged to disclose information about a source. The State Attorney's Office has the right to request information on the source if it is necessary for national security, territorial integrity and health protection; in that case, the court may ask the journalist to disclose the source, and it may do so if disclosing the source is of greater public interest than protecting the very source.⁷⁴

Is confidentiality of journalists' sources respected by authorities? Were there examples of ordering journalists to disclose their sources and was that justified to protect the public interest? Were there any sanctions against journalists who refused to disclose the identity of a source?

Participants in focus groups said that they had no problem with someone forcing them to reveal information about the source, and one journalist added that there were situations in which the police asked the journalist at the hearings where the information came from, that the journalist referred to the article of the Protection of Sources Act, and that it was duly respected.

Do journalists feel free to seek access to and maintain contacts with sources of information?

In the last year, there have been no sanctions against journalists who refused to reveal the identity of their sources. Participants of focus groups, but also the interviewed journalists, generally feel free to seek access and maintain contacts with sources of information.⁷⁵

A6 Protection of the right to access to information

What are the legal rules on access to official documents and information which are relevant for journalists?

Pursuant to the Right to Access Information Act, journalists are provided with access to documents and information relevant to their work. Journalists very often invoke the rights guaranteed by this law, because the institutions refuse to provide them with information⁷⁶ and often turn to the information commissioner. This way of accessing information is very slow for the journalistic profession and for the importance of swift publication of information. The preferential access of journalists to information is to some extent defined by the Media Act, but in Croatia there is no regulatory body

71 Journalists' trade union commissioners in the media are often exposed to pressure, and some to dismissal; for example, in Glas Istre, the union commissioner was fired because there "the union function is considered a direct ticket to dismissal" – TUCJ, "Glas Istre – no place for union members", Zagreb: 30.08.2019, accessed 22.12.2020, https://www.snh.hr/en/arhiva_vijesti/glas-istre-nema-mjesta-za-sindikalce/

72 Interview with a journalist from the national television, conducted by Monika Kutri, on 22.12.2020.

73 Media Act, article 30

74 In that case, the court is obliged to ensure that the confidentiality of information about the source remains in the courtroom among the necessary number of people for that trial.

75 Focus groups with 17 journalists were held from 21.12 until 23.12.2020.

76 Pasko Bilic, „Monitoring Media Pluralism in the Digital Era: Application of the MPM in the EU, Albania and Turkey in the years 2018-2019, Country Report – Croatia”, European University Institute: 2020, accessed 15.12.2020, https://irmo.hr/wp-content/uploads/2020/07/MPM_2020_CroatiaReport.pdf

(commissioner) that would react immediately if this legal provision is violated.

Do the journalists use these rules? Do the authorities follow the rules without delays?

Journalists have different experiences in relation to state institutions.⁷⁷ The transparency of state authorities and institutions and their relationship with the media depend on the situation and the sensitivity of the information that journalists seek. When it comes to information that cannot provoke greater controversy in the public, institutions are generally open, while information sensitive to the reputation of that institution is more difficult to obtain. Journalists often resort to all the necessary mechanisms and after weeks or months of procedures receive information, but often this late information is no longer relevant to the story the journalist was dealing with.

Are state authorities in general transparent? Do they employ open, non-discriminatory and fair media relations or tend to work in secrecy? Do state institutions treat preferentially politically friendly media?

State authorities are generally open to the media. Some institutions require accreditations, while some only require the announcement of a journalists' team. One of the focus group participants pointed out that he gets the impression that the spokespeople of the institutions are behaving as if they should defend the institution from journalists, and not be a link between journalists and the institution.

Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?

Transparency of the courts is not the same at all levels of the judiciary system, nor at the level of the entire state. In principle, the courts are open, but the interviewed journalists have different experiences; with some courts they have excellent co-operation, while with some they find it very difficult to co-operate and never receive answers on their inquiries.⁷⁸

77 Focus groups with 17 journalists from different media were held from 21.12 until 23.12.2020.
78 Ibid.

Is public access to parliamentary sessions provided? Are there restrictions for the journalists to follow parliamentary work?

The Croatian Parliament is open to the public and journalists have the right to report on the work of the Parliament, but they must be accredited to access the Parliament. The sessions of the Parliament are broadcasted live on the Parliamentary Television, the 4th program of the Croatian Television, the parliamentary network stations and on the Parliamentary YouTube channel. During the corona crisis, measures to combat the epidemic were tightened, and Parliament sent a request to media houses to send only one journalist to the sessions or to follow the sessions on Parliament television.

How open to the public are the Government and the respective ministries?

The Government and ministries are generally open to the public, but it happens that in some situations the Government prefers certain media.⁷⁹ This type of preference can lead to a violation of the right to report about politics

On March 17, 2020, the leaders of the Government of the Republic of Croatia held a secret meeting with the editors-in-chief of major printed media outlets and national televisions and radios, at which the Prime Minister and members of the Government instructed the editors on how to report during the coronavirus epidemic. Representatives of all media were not present at the meeting, nor were they invited to it, which the public learned about from media such as [Index.hr](https://www.index.hr) and [Telegram.hr](https://www.telegram.hr) portals. When asked by [Index.hr](https://www.index.hr) portal about the secret meeting, the Government replied that they had not called representatives of other media in order to avoid mass events.⁸⁰

79 The purchase of F16 military aircrafts has once again shown that the Government prefers some media more than others – IREX 2019, accessed 15.12.2020, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-full.pdf>

80 Secret meeting of the Government and the editors of selected media, <https://www.index.hr/vijesti/clanak/ovo-su-imeni-urednika-medija-koje-je-plenovic-zvao-na-tajni-sastanak/2190844.aspx>; accessed on: 15.12.2020.

Journalists' Position in the Newsrooms

B1 Economic restrictions on journalists' freedom

How many journalists have signed employment contracts? Do they have adequate social security? How high are the journalists' salaries? Are they paid regularly?

The economic position of journalists in Croatia has not been favorable for a long time. According to the data available to the Trade Union of Croatian Journalists, out of their 2,200 members, about 1,000 have a permanent employment contract, while the other members are individuals, freelancers, or part-time associates, and a smaller number of them are retirees.⁸¹ The collective agreement exists in three media in Croatia, and in the last 20 years, there have been attempts to negotiate a national collective agreement (NKU), but they were terminated because employers did not want to accept the following proposals of the Union: 40-hour working week, promotion of journalists' status based on years of work experience in the profession, basic salary, elements that are included in the working hours of journalists, collective agreements at the level of media houses (so that in more financially successful media even after the signing of the NKU, can be achieve greater rights than the minimum from the NKU) and basic protection of part-time associates.

⁸¹ There is no exact information on what kind of contracts they have, nor how many of these other members are employed on a temporary work contract.

According to the law⁸² journalists who have signed an employment contract have better social security than those who work as freelancers. The salaries of journalists are considered a trade secret and vary in many factors. Based on the statements of journalists, the Trade Union of Croatian Journalists calculated the approximate averages of journalists' salaries in three categories:

Table 2: Range of average net wages expressed in euros⁸³

	Journalists	Editors
Large electronic systems (national televisions)	900,00 – 1.000,00	1.500,00 – 2.000,00
Printed media (national printed media)	750,00 – 1.000,00	1.000,00 – 1.600,00
Local media	500,00 – 700,00	700,00 – 900,00

In what state are journalists' working conditions? What are the biggest problems they face in the workplace?

In Croatia, there is a growing tendency to hire external associates and freelancers, and there are fewer and fewer full-time contracts that journalists sign with the employer. In 2020, the coronavirus crisis was used as a basis for firing journalists,⁸⁴ reducing their salaries⁸⁵ and terminating contracts with freelancers.⁸⁶ According to a survey conducted by the CJA in April 2020, with participation of journalists who are not permanently employed in a media outlet, only 15 percent of them fully retained their engagements.⁸⁷ Faced with the earthquake in Zagreb in March 2020, but also with the aforementioned crisis, many journalists were forced to work from home and their employers often did not provide them

with the necessary conditions for quality work from home.⁸⁸ The working conditions of journalists depend on the media house in which they work, on the size and type of media and on the legal framework that ensures them, depending on whether they are employed or work as part-time associates. The standing point of the Trade Union of Croatian Journalists is "that it is necessary to ensure conditions that both self-employed and freelancers can protect their labor rights and benefits through a collective agreement and participate in collective bargaining."⁸⁹

B2 Editorial independence in the private media

Have private media outlets adopted organisational documents according to which the newsrooms are kept separate and independent from managers and marketing departments?

In line with the Media Act, the relations between publishers, editor-in-chief and journalists and their mutual rights and obligations are determined by the media statute. Media statutes are the obligation of all media under the act, and are also a prerequisite for those media that want to receive various forms of state aid, such as backing from the Fund for Encouraging Pluralism and Diversity of Electronic Media.⁹⁰ All electronic media that are part of the Register of Electronic Media at the Agency for Electronic Media have a statute, and editorial statutes are also present in those printed media that want to reduce VAT on printing. The legislator has failed to prescribe sanctions for non-compliance with the provisions of the statute, leaving room for many rules to be violated.

⁸² The Elementary Health Insurance Act, the Pension Insurance Act and the Mediation in Employment and Rights during Unemployment Act.

⁸³ Data obtained from the Trade Union of Croatian Journalists on request, for the purpose of this research. The data was collected by the Union in a conversation with colleagues; in Croatia there are no official statistics on the amount of salaries of journalists.

⁸⁴ Ivica Buljan, "Journalist and journalism on thin ice", Zagreb, 07.04.2020, accessed: 15.12.2020, <https://www.hnd.hr/novinar-i-novinarstvo-na-brisanom-prostoru>

⁸⁵ Hina, "Reduction of salaries and dismissal of journalists in Styria", Zagreb: 13.07.2020, accessed: 15.12.2020, <https://www.hnd.hr/otkazi-i-smanjivanje-placa-u-styriji>

⁸⁶ HND, "Letter to the Government of the Republic of Croatia in which CJA and TUCJ ask for urgent measures to save journalism", accessed: 15.12.2020, <https://www.hnd.hr/hnd-i-snh-hitne-mjere-za-spas-novinarstva>

⁸⁷ CJA and TUCJ, "Only 15 percent of media freelancers kept their jobs since the beginning of the health crisis", accessed 25.02.2021, <https://www.hnd.hr/sama-15-posto-freelancera-u-medijima-zadrzalo-poslove-od-pocetka-zdravstvene-krize>

⁸⁸ TUCJ, "Working from home – employers' obligations and employees' rights", Zagreb: 25.09.2020, accessed 25.02.2021, <https://www.snh.hr/rad-od-kuce-obveze-poslodavca-i-prava-radnika/>

⁸⁹ TUCJ, "We join the fight for the protection of the rights of freelance workers", Zagreb, 03.03.2021, accessed 17.05.2021, <https://www.snh.hr/pridruzujemo-se-borbi-za-zastitu-prava-freelancera/>

⁹⁰ Article 7 of Order on the Fund for Encouraging Pluralism and Diversity of Electronic Media accessed on 8.12.2020, https://www.aem.hr/repository_files/file/1306/

Do private media outlets have other rules adopted to safeguard editorial independence from media owners and managing bodies? Are those rules respected?

Apart from editorial statutes, private media are not obliged to enact other rules that protect the editorial independence of the media owner and governing bodies.

Do private media outlets' newsrooms have internal codes of ethics or they comply to a general code of ethics?

When it comes to the code of ethics, there is a Code of Honor for Croatian journalists in Croatia, which was established by the Croatian Journalists' Association, based on the model of similar documents in Europe. The implementation of the Code of Honor is supervised by the Journalists' Council of Honor, the only body of self-regulation of the media space in Croatia, which has been operating within the CJA since its founding in 1910.⁹¹ The Journalists' Council of Honor acts on the basis of reports that anyone can file if they notice a violation of the Code. Decisions of the Council of Honor do not carry the weight of a court judgment, but courts often take into account decisions made by that Council. The media in Croatia are not obliged to have codes of ethics, and according to a 2019 survey⁹² only Croatian Radio-Television and Večernji list⁹³ have publicly presented internal codes of ethics on their websites.

What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?

The editor is the main link between journalists and media owners, and thus advertisers, i.e. sources of financing, which can turn into pressures. When journalists are asked about the pressures of owners or managers on them, those who think they have good editors say that they are usually not threatened because the editor does not burden them, but solves the problem in his own way. Others say that the editors themselves indirectly draw their attention to which topics are not suitable to be covered, so one journalist gave the example that the editor drew her attention to the fact that a certain legal entity paid a huge amount for advertising, which should have

been a sign that she should not write about that legal entity for a certain period of time.⁹⁴

B3 Editorial independence in the Public Service Broadcaster

Does the PSB have an adopted code of journalists' conduct and editorial independence? Do journalists comply with this code?

The public has adopted a Code of Ethics for journalists and creative staff of the Croatian Radio and Television.⁹⁵ There is also an Ethics Committee on HRT, which can give opinions on violations of the Code of Ethics.

Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?

HRT has an in-house Rulebook on internal organization, but the level of responsibility of some of the function holders cannot be clearly deduced from it. The position of the editors is most influenced by the director general of HRT. Although the statute could and should allow journalists to have an influence on the choice of editor, the statute of the public media service does not oblige journalists to vote on the choice of editor.

What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS? What was the most illustrative example of the pressure exerted by the government over the work of the entire newsrooms or individual journalists in the past year?

It could be said that the Government is constantly interfering in the affairs of HRT,⁹⁶ and that it has a great influence on the public media service. In the last two years, the HRT management has constantly sued all its employees who complained about this problem, and it has also sued the Croatian Journalists' Association, which also pointed out the problems at HRT. The public ser-

vice also sued other media⁹⁷ and at one point, there were 35 active claims for protection of honor and reputation, amounting to more than 2 million kuna.⁹⁸ Due to the fact that the ruling party has an influence on the election of director general of HRT, it probably selects compatible, and not necessarily competent people. It can be said that editors very often carry out censorship and self-censorship in order to please the ruling party, thus significantly damaging the independence of the public media service.⁹⁹ "A large number of lawsuits filed by HRT against its employed journalists raise suspicions that the public service broadcaster is being held captive by a political interest group."¹⁰⁰

B4 Editorial independence in the non-profit sector

Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do journalists comply with this code?

Non-profit media in Croatia generally have very small newsrooms. All serious non-profit media have their own editorial statutes, but this is not the case with the code of ethics, and they, like all other journalists, are subject only to the Code of Honor of Croatian Journalists.

What are the most common forms of pressure over the non-profit media outlets? What was the most illustrative example of the pressure exerted over the non-profit media?

The most common form of pressure on non-profit media is to deny them the required funding. They cannot function from citizens' donations because in Croatia there is no custom for citizens to help the work of the media. Such media are dependent on project funds and funds allocated by local and regional self-government units, as well as the state. There are such funds in Croatia, but in order to get them, journalists have to deal more with

project management than with journalism itself, which certainly calls into question the functioning of such a media.¹⁰¹ The second most common form of pressure on such media is SLAPP lawsuits,¹⁰² which have become more frequent in recent years and which bring non-profit media to the brink of extinction.

In 2020, the Ministry of Culture and Media announced the results of the tender in which the first tranche of funds provided for community media through the European Social Fund was awarded in 2015. Among other things, funds in the amount of 1.3 million kuna were awarded to the association Priznajem, the publisher of the eponymous portal "which for years publishes toxic conspiracy theories, pro-Ustasha radicalism and incites intolerance to refugees, Serbs and homosexuals."¹⁰³ Although the Minister of Culture and Media claimed that the decision on the allocation of money was made by the Civil Society Development Foundation, the weekly Novosti learned from the documentation that the Minister herself had chosen two of the three members of the commission that made the decision.¹⁰⁴

B5 Freedom of journalists in the news production process

How much freedom do journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?

According to a survey conducted by the Croatian Journalists' Association among its members, 78 percent of journalists answered that they have most or complete freedom in choosing the news they work on, while 80 percent of them have freedom in deciding which aspects of the story to emphasize.

91 Journalists' Council of Honor, accessed: 09.12.2020, <https://www.hnd.hr/novinarsko-vijece-casti/>

92 Tina Đaković and Ivan Novosel, "Research report", accessed 17.02.2020, https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/Izvjestje%CC%8Ctaj_POI_mediji_hr.pdf

93 Code of ethics by Večernji list, accessed 17.12.2020, http://media.vecernji-list.hr/pdf/Eticki_kodeks_Vecernjeg_lista.pdf

94 Interview with a journalist from a private online media, conducted by Monika Kutri on 18.01.2021

95 HRT's Code of Ethics, accessed 22.12.2020, <https://objeltnica.hrt.hr/leksikon/e/eticki-kodeks/>

96 RSF, "Croatia report: No let-up in harassment", 2020, accessed 22.12.2020, <https://rsf.org/en/croatia>

97 Seven lawsuits against the weekly Nacional and the Index.hr portal, four lawsuits against the daily Slobodna Dalmacija, three lawsuits against 24sata and Jutarnji list, two against Večernji list and the Telegram.hr portal, one per each against Tportal, Novi list, Media Daily, Novosti and Net.hr portal.

98 CJA, "Number of HRT's lawsuits against journalists and media", accessed 22.12.2020, <https://www.hnd.hr/broj-tuzbi-hrt-a-protiv-novinara-i-medija>

99 Interview with a journalist from the national television conducted by Monika Kutri, 22.12.2020.

100 Petra Bard at all, "Ad-Hoc Request SLAPP in the EU context", EU-Citizen: 2020, accessed 22.12.2020, https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp_en.pdf

101 Although project funds can contribute to the development of journalists and the media, often these funds are not intended for the daily financing of journalistic work. This significantly complicates the work of non-profit media because instead of dealing with content production and research stories, they have to assign part of their already small newsrooms to jobs that involve project management.

102 Strategic lawsuit against public participation – lawsuits aimed at censoring, intimidating, and silencing critics by burdening them with litigation, <https://anti-slapp.org/what-is-a-slapp>, accessed on: 14.2.2021.

103 Hrvoje Šimičević, "The scandalous results on the public tenders for the community media are the responsibility of Minister Nina Obuljen", Portal Novosti: 02.10.2020, accessed 23.12.2020, <https://www.portalnovosti.com/za-skandalozne-rezultate-najecajja-za-medije-zajednice-odgovorna-je-ministrica-obuljen>

104 Ibid.

How often do journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?

When asked how often they participate in editorial and newsroom coordination such as participation in editorial courses, 49 percent of respondents answered that they participate often or always, while more than half of the participants rarely or almost never participate in such meetings. Focus group participants answered that they mostly participate in such meetings, while those who work in non-profit media said that they do not have such meetings because there are few of them in the media, often several people hold multiple positions and agree on everything along the way.

What are journalists' attitudes with regard to the journalists' ethics? What are the journalists' self-perceptions on the extent to which they have been influenced by different risks and sources of influence?

Almost all focus group participants, as well as survey respondents, answered that they agreed with the statement that journalists should always adhere to a professional code of ethics, regardless of the situation and context. Results of the survey questionnaire and analysis of focus groups and interviews with journalists show that personal beliefs and journalistic ethics have the greatest influence on them.

How many journalists report censorship by the editors? How many journalists report they succumbed to self-censorship due to fear or losing their job or other risks?

When asked whether journalists report censorship, focus group participants either have not experienced censorship or do not report it because they have no one to report it to, or the whole process is tedious for them. In some media outlets, employees are not allowed to speak publicly about the pressures they suffer without the consent of their superiors.¹⁰⁵

Hrvoje Zovko, the president of CJA and employee of HRT, received an extraordinary dismissal in 2018, after he resigned as editor, dissatisfied with censorship¹⁰⁶ in the holding house. HRT fired him for alleged violent behavior and sued Zovko in the amount of 250,000 kuna for appearing in public with a story about censorship on HRT. In the meantime, HRT had to reinstate Zovko to his workplace, because it was proved in court that the dismissal was illegal, and two years after the start of the trial, the court ruled in favor of Zovko, stating that the atmosphere and environment on HRT "for a long time, were generally such that in a number of persons, including the defendant [Zovko], it could reasonably point to the conclusion that there was a certain degree of restriction on the employees of the plaintiff [HRT] in the unhindered expression and exchange of opinions and ideas".

B6 Economic position of women journalists

Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men?

It is generally believed that the position of female journalists is worse than the position of male journalists. Such a position is most often reflected in general attitudes towards women in Croatian society: "The lower paid and more insecure a job is, the more likely it is that a woman will be doing it."¹⁰⁷ Journalists who are not employed but work as external associates are in a particularly bad position because they are not entitled to maternity leave in case of pregnancy; therefore, their engagement is not extended and these journalists are forced to work throughout their pregnancy and maternity leave. According to the statistics of the Croatian Employment Service, in 2020, 396 female and 153 male journalists¹⁰⁸ were entered in their unemployment regis-

106 Jasmin Klarić, "How can HRT's management be kept after this? The court confirms that Hrvoje Zovko was right on his claims of the rule of censorship at HRT", Telegram, 13.11.2020, accessed 21.2.2020, <https://www.telegram.hr/politika-kriminal/kako-uprava-hrt-a-moze-opstati-nakon-ovoga-sud-potvrdio-da-je-hrvoje-zovko-s-pravom-govorio-da-tamo-vlada-cenzura/>

107 Ministry of Culture of the Republic of Croatia, "Working materials of discussion on media policy of the Republic of Croatia 2015-2020, Part one, National report on media", Zagreb: 2015., <https://min-kulture.gov.hr/UserDocImages/arhiva/NAJNOVIJE%20NOVOSTI/lzviestaj%20-%20Radni%20materijal%201%20-%20Rad%20u%20medijima.pdf>; accessed: 17.05.2021

108 Statistics from Croatian National Employment Office on the number of journalists enrolled in their database as unemployed journalists, accessed 17.05.2021, <https://statistika.hzz.hr/Statistika.aspx?tipLzviestaja=2>

ter. This data somewhat indicates that the number of female journalists who remain or are out of work, is significantly higher than the number of male journalists. On the eve of International Women's Day, March 8, 2020, the Trade Union of Croatian Journalists carried out an action "Women, journalists and other dangerous things", during which they warned about the worse position of women in journalism.¹⁰⁹

How high are their salaries in comparison to men's? Do women tend to hold leading editorial positions in the newsrooms, as much as men?

Equal pay between women and men is guaranteed by the Labor Law. All participants in the special women's focus group, held for the purposes of this research, said that salaries in their media are not gender conditioned, but depend on the position that the journalist holds in the media. When asked if women in Croatian journalism can reach prominent positions, the participants answered that they can and that it depends on how much the journalist herself fights for her position.

Are they subject to specific gender-based pressures?

Focus group participants responded that they were not exposed to specific gender-based pressures, but that journalists faced gender-based attacks. There is a trend that the same public figures have been insulting journalists for years, and among them are, very often, the most prominent politicians. Repeatedly, the only reason for attacking or insulting female journalists is that they are women.¹¹⁰

In September 2020, public figure, politician and former mayor of Split, Željko Kerum, vulgarly and in sexist manner verbally attacked journalist Ema Branica.¹¹¹ In 2019, CJA and TUCJ launched the "Just answer the question" campaign¹¹² due to the increasingly frequent verbal attacks of public figures on female journalists, but also male journalists. Television presenters are often discriminated against on two levels, by gender and by age. In 2020, the public's attention was drawn to two impressive cases on HRT when two hosts of shows with a high viewership, were replaced by younger colleagues, while their male partners in the shows remained the same. The Gender Equality Ombudsperson reacted to this case and sent a warning and recommendation to HRT due to discrimination against presenters on the grounds of age and gender.¹¹³

105 Ahead of the protests of journalists in March 2019, CJA and TUCJ pointed out their eight demands against censorship, among which one of the demands was: "We demand the abolition of unconstitutional internal acts in media houses, which prohibit journalists from speaking publicly about the pressures and restrictions on journalistic freedom they suffer at the media they work for, without the consent of their superiors. Such internal acts unilaterally passed by employers are contrary to the essence of the journalistic vocation and Article 38 of the Constitution of the Republic of Croatia, which guarantees freedom of speech." <https://www.hnd.hr/osam-zahijeva-protiv-cenzure/>; accessed on: 21.12.2020.

109 TUCJ action ahead of International Women's Day, <http://www.snh.hr/zene-novinarke-i-druge-opasne-stvari/>; accessed 15.12.2020

110 Ivana Živković, "Female journalists in the public space", Faktograf, 04.09.2020, accessed 17.05.2021, <https://faktograf.hr/2020/09/04/novinarke-u-javnom-prostoru/>

111 Gender Equality Ombudsperson, "Public announcement regarding the insult of a journalist by Željko Kerum", Zagreb: 18.09.2020, accessed 11.11.2020, <https://www.prs.hr/cms/post/145>

112 CJA, "Campaign of CJA and TUCJ for the defence of professional dignity – 'Just answer the question'", Zagreb, 30.08.2019, accessed 11.11.2020, <https://www.hnd.hr/kampanja-hnd-a-i-snh-a-za-obranu-digniteta-struke-samo-odgovorite-na-pitanje>

113 Gender Equality Ombudsperson, "Warning and recommendation to HRT due to discrimination of presenters based on age and gender", Zagreb: 23.09.2020, accessed: 31.12.2020, <https://www.prs.hr/cms/post/209> accessed on: 11.11.2020



Journalists' Safety

C1 Safety and Impunity Statistics

According to information from the database of attacks on journalists, kept by the Regional Platform for Advocacy of Media Freedoms and Security of Journalists,¹¹⁴ a total of 12 attacks on journalists have been recorded in Croatia. Compared to 2019, that number has increased significantly. Table 3: Number of recorded attacks on journalists in 2020

Non-physical threats and harassments in 2020

As stated in the data from the Regional platform database, five non-physical threats and harassment were recorded in 2020, two of which were aggressive treatment by a public official and a former public official, and three threats were other forms of pressure that could jeopardize the safety of journalists in their work.

Table 3: Number of recorded attacks on journalists in 2020

Categories	Number	Description
Non-physical threats and harassments The non-physical threats and harassments include: – surveillance or trailing; – harassing phone calls; – arbitrary judicial or administrative harassment; – aggressive declarations by public officials; – other forms of pressure that can jeopardise the safety of journalists in pursuing their work. These types of threats do not include mobbing and bullying in the working environment	5	– At the entrance to the building where journalist Domagoj Margetić lives, feces were left and a cut off pig's head. – Journalist Anja Kožul received threats and insults on Facebook because of the text she published. – The N1 television crew was insulted and threatened by a passer-by while they were doing their job. – The former member of parliament insulted journalist Drago Pilsel and waved his arms around him as if to hit him. – A police officer chased journalist Ivana Šilović, who was reporting live from the place for which she received approval, and prevented her from doing her job.
Threats against the lives and physical safety of journalists These may include: – references to killing journalists, journalists' friends, family or sources; – references to making physical harm against journalists, journalists' friends, family or sources; These threats may be: – made directly or via third-parties; – conveyed via electronic or face-to-face communications; – may be implicit as well as explicit	2	– Two men broke into the premises of the correspondence office of Slobodna Dalmacija in Zadar and threatened both female and male journalists because of the text they published. One said he would "kill and slaughter like kittens" those who wrote the text. – A retired brigadier general insulted journalist Iva Anzulović, threatened to kill her child and her, and then dragged her by the hair.
Actual attacks on journalists Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.	5	– Journalist Luka Šangulin was surrounded at the event he was covering, insulted, prevented from doing his job, a protective mask was torn from his face and the mobile phone with which he was recording the coverage was knocked out of his hands. – A man ran into journalist Ivana Sivro with a car, and hit the camera with which she was filming through the car window. – Journalist Živana Šušak Živković had her hand crushed with the church entrance door while she was trying to film a public event, and then they destroyed the mobile phone with which she was filming the event. – Journalist Domagoj Margetić was attacked by an official of the Ministry of State Property. – Four men attacked journalist Andrea Topić while she was doing her job, after which she locked herself in her car, and the men did not allow her to leave for a while.
Killings of journalists (in the past 15-20 years) Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death, etc	1	– Ivo Pukanić was killed in a bomb explosion on October 23, 2008, not far from the editorial office of his newsroom.
Threats and attacks on media institutions, organisations, media and journalists' associations Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.	1	– Two men broke into the premises of the correspondence office of Slobodna Dalmacija in Zadar and threatened the journalists because of the text they published.

¹¹⁴ Safe journalists, Base of data related to attacks on journalists, <https://safejournalists.net/hr>

In this type of threat, one case stands out, and that is the attack on the N1 television team, which interviewed Alemka Markotić, director of the Clinic for Infectious Diseases “Dr. Fran Mihaljević”, in Zagreb. A man who, accompanied by another person, verbally attacked the journalist team and Alemka Markotić, was arrested, processed and convicted within 48 hours. The attacker was given 20 days probation and had to pay court fees in the amount of 300 kunas. Although the quick reaction of the police and the judiciary system is to be commended, it seems that such a reaction was provoked by the presence of Alemka Markotić, who was one of the most prominent people in Croatia during the corona crisis, as a representative of the professional public.

Threats against the lives and physical safety of journalists in 2020

Another form of threats recorded in the database are death threats and threats to the physical safety of journalists. This type of threat may involve references to killing or inflicting bodily harm on journalists, friends of journalists, their families or information sources. In 2020, two such threats were recorded, one related to a journalist and the other to a group of journalists in a newsroom; both threats were made directly by face-to-face communication.

Number of actual attacks in 2020

There were significantly more physical attacks in 2020 than in 2019. Five of them were recorded, some of the most aggressive ones being against women. In January 2020, four men attacked journalist Andrea Topic while investigating the property of Milan Kujundžić, the then health Minister, photographing the minister’s property from the road. The men started making comments and threatening her, and after she escaped into the vehicle and locked herself in, they surrounded the vehicle and continued to intimidate her by shouting, filming her, sitting on her car, with the intention to rocking it. Topic said the intimidation lasted for half an hour. In the meantime, she managed to communicate with the editor, who called the police, and eventually managed to start the car and leave.

During the morning Easter Mass in the church on Sirobuja near Split, journalist Zivana Susak Živković was attacked while filming gatherings of believers in front of the church, at a time when gatherings were banned due to the coronavirus epidemic. First, they roughly pushed her to the front door of the church, and then, while she was broadcasting the event live, someone took her cell phone and destroyed it. In the turmoil, her hand was crushed hard by the church door. On the same day, an-

other journalist, Ivana Sivro, was attacked in front of the church.

During 2020, there were a total of seven attacks on female journalists, three of which were physical attacks and one threat of death and serious bodily harm.

Number and types of killings in the past 15-20 years

In the past 20 years, one journalist has been killed in Croatia. Ivo Pukanić was killed in a bomb explosion on October 23, 2008. Six people were convicted of the murder, while the masterminds who ordered the execution have not yet been found. In 2020, new evidence emerged pointing to individual people involved in the murder.¹¹⁵

Although the number of attacks has increased compared to 2019, it seems that the journalists’ awareness that attacks should be reported and talked about publicly, has also increased.

Number and types of threats and attacks on media institutions, organisations, media and journalists’ associations

When it comes to attacks on media outlets, in 2020 there was an attack on journalists of Slobodna Dalmacija and the Zadarski.hr portal, who wrote about a wedding held despite measures to ban people from gathering. As soon as the story was published, two middle-aged men with surgical masks on their faces entered the Slobodna Dalmacija office in Zadar, one called the journalists vultures and threatened to “kill and slaughter like kittens” all those who wrote about the wedding.

¹¹⁵ Nacional, “Exclusive: Twelve years after the death of Ivo Pukanić, an audio recording from prison suddenly appeared indicating the perpetrators of the assassination”, Zagreb: 30.10.2020, accessed 29.12.2020, <https://www.nacional.hr/ekskluzivno-dvanaest-godina-nakan-pogibije-ive-pukanica-iznenada-se-pojavila-audiosnimka-iz-zatvora-koja-ukazuje-na-narucitelje-atentata/>

C2 State institutions’ and political actors’ behaviour concerning journalists’ protection

Are there specific provisions in the laws or other mechanisms aimed at supporting journalists’ safety, offline and online?

There are no articles in the Law that explicitly protect journalists, but Article Article 315.b of the Criminal Code also refers to coercion against a person who performs activities of public interest, and this also applies to journalists.

Are there documents (protocols, rules of procedure etc.) adopted by state institutions that give additional guidelines to military and police how to conduct with journalists?

The police and the army do not have publicly presented documents on the treatment of journalists in the event of them being threatened. The police, on the other hand, does have a document called the Media Relations Guidelines.¹¹⁶

Are there any mechanisms for monitoring and reporting on threats, harassment and violence towards journalists? Do state institutions publish data about attacks on journalists and impunity?

The Ministry of Justice and Public Administration keeps records on criminal cases in which the defendants are journalists, as well as on civil proceedings for damages. The State Attorney’s Office keeps records of acts committed to the detriment of journalists, for which the prosecution is undertaken ex officio.

Are the attacks on the safety of journalists recognized by the state institutions as a breach of freedom of expression and criminal law? Do government officials make clear statements condemning attacks upon journalists?

Government officials rarely publicly condemn attacks on journalists. Most often, such condemnations happen when the pressure on them comes from the me-

¹¹⁶ Ministry of Internal Affairs, “Guidelines for relations with the media”, Zagreb: 2018, accessed 30.12.2020, <https://mup.gov.hr/UserDocsImages/dokumenti/SMJERNICE%20MINISTARSTVA%20UNUTARNJIH%20POSLOVA%20U%20ODNOSIMA%20S%20MEDIJAMA%202018.pdf>

dia and then they go public with a condemnation of the attack. The CJA has repeatedly warned the public that the Prime Minister often calls out journalists, accusing them of “hybrid warfare” and collaborating with the opposition,¹¹⁷ or telling them what and how they should do while doing their job.¹¹⁸

Do state institutions cooperate with journalists’ organisations on journalists’ safety issues?

State institutions cooperate with the Journalists’ Association when an attack on journalists occurs. Most often, it is about cooperation with the police in such way that the CJA addresses the police regarding the attack on a journalist. In 2020, every time the CJA approached the police regarding an attack on journalists, the police reacted.

In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?

In 2020 there had been no recorded cases of electronic surveillance of journalists.

C3 Criminal and civil justice system’s behaviour concerning threats and acts of violence against journalists

Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists?

According to the responses of the Ministry of Justice and Public Administration (MPU), the Ministry of the Interior Affairs (MUP) and the State Attorney’s Office of the Republic of Croatia (DORH), there are no special departments within these institutions dealing exclusively with investigations into threats and violence against journalists.

¹¹⁷ CJA, “CJA to Prime Minister Plenković: Instead of accusing the journalists, answer the questions!”, accessed 30.12.2020, <https://www.hnd.hr/hnd-premieru-plenkovicu-umjesto-da-optuzujete-novinare-odgovorite-na-pitanja/>

¹¹⁸ CJA, “CJA: We condemn the Prime Minister’s scandalous cleverness to journalists”, Zagreb: 24.12.2020, accessed 30.12.2020, <https://www.hnd.hr/hnd-osudujemo-skandalozno-premierovo-dociranje-novinarima>

Do the Public Prosecutor's office and Ministry of Interior Affairs provide adequate resources to cover investigations into threats and acts of violence against journalists?

DORH and the Ministry of the Interior Affairs are investigating threats and violence against journalists in accordance with their priorities. When asked about the needs of this project, the State Attorney's Office replied that "in relation to criminal offenses committed to the detriment of journalists, it acts (...) quickly, impartially and efficiently and with sufficient resources."¹¹⁹ The Ministry of the Interior Affairs also replied that "criminal investigations are conducted according to the principles of operability – urgency, impartiality and legality."¹²⁰

An example of a quick reaction of the institutions is the attack¹²¹ which happened on October 14, 2020 on the team reporters of N1 television, which interviewed Alemka Markotić, the director of the Clinic for Infectious Diseases, in public. A man who, accompanied by another person, verbally attacked the team and Alemka Markotić was arrested, processed and convicted within 48 hours. The attacker was given 20 days probation and had to pay court fees in the amount of 300 kunas. Although the quick reaction of the police and the judiciary is commendable, the question is whether this case was resolved so quickly because Alemka Markotić, one of the most prominent people in Croatia during the COVID crisis, was in the story.

Are there measures of protection provided to journalists when required in response to credible threats to their physical safety?

If the police assess that the journalist's safety is endangered, they can grant him police protection, which they have done several times.¹²²

In cases of final verdicts, are the sanctions imposed only to perpetrators or to instigators/masterminds also?

In cases monitored by the CJA since 2014, final verdicts have been handed down only to perpetrators. When asked by the Ministry of the Interior Affairs, whether in

cases of final verdicts sanctions were imposed only on perpetrators or instigators and masterminds, the CJA received the answer that "according to Article 39 of the Criminal Code, every co-perpetrator and participant (instigator and accomplice) is punished in accordance with their fault."¹²³

Do the institutions organize appropriate trainings for police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists? Do they organise these trainings in cooperation with journalists' associations?

In the last few years, the Judicial Academy has organized trainings on media relations, freedom of speech and hate speech, which were attended by, among others, judicial officials, representatives of electronic and written media and lawyers, and judges; state attorneys also participated in education on freedom of speech.¹²⁴ The training of police officers is organized every year¹²⁵ and one part of the training refers to Article 315.b of the Criminal Code, i.e. coercion of a person performing activities of public interest. None of the trainings is conducted in cooperation with the Croatian Journalists' Association.

Investigative journalist Dušan Miljuš was beaten with baseball bats 12 years ago in front of the building where he lives in Zagreb. According to Miljuš, in 2010, many people were arrested in the "Shock 3" operation during the search for the perpetrators. The investigation was conducted against Goran Vidović, Đorđe Vuletić and Darko Dakić, but after a six-month investigation, the Attorney's Office dropped the indictment due to lack of sufficient evidence, and the case was returned to the Zagreb Police Department to find evidence of the perpetrators and the mastermind. The case of the grave assault on Dušan Miljuš, which happened in 2008, has not yet reached the trial stage.

¹²³ The Criminal Code (Narodne novine 125/11, 144/12, 56/15, 61/15, 101/17, 118/18 and 126/19) prescribes the definition of the perpetrator and co-perpetrator of a criminal offense, but also the institute of participation (incitement and aiding), which enables the sanctioning of participants, i.e. instigators or helpers, under the conditions prescribed by the same law.

¹²⁴ At CJA's inquiry to the Ministry of Justice and Public Administration about the trainings conducted by the Ministry, the Ministry responded with a letter and provided data.

¹²⁵ The Ministry of the Interior Affairs, when asked whether there are trainings organized for the police regarding the protection of freedom of expression and the protection of journalists, the Ministry replied: "We would like to inform you that trainings of police officers regarding the subject of criminal offenses against life and person under Chapter Ten of the Criminal Code, criminal offenses against personal liberty under Chapter Thirteen of the Criminal Code and criminal offenses against public order under Chapter Thirty of the Criminal Code shall be carried out every year."

¹¹⁹ DORH's response to research-related questions, received on 21.01.2021

¹²⁰ MUP's response to research-related questions, received on 25.01.2021

¹²¹ Attack on the reporters of N1 television, <https://hcn.info.com/vijesti/0564354-video-napad-na-novinarsku-ekipu-n1-televizije-i-alemku-markotic/>, accessed on 25.1.2021.

¹²² Dušan Miljuš, Goran Malić and Domagoj Margetić are just some of the journalists who have had police protection in the last 15 years.

Table 4: Chronicle of court cases on most serious attacks against journalists

Case	Year 2016	2017	2018	2019	2020
1. Physical assault on journalist Zivana Susak Zivković (12.04.2020)					01.06.2020. – The Municipal State Attorney's Office in Split has filed an indictment.
2. Attack on journalist of Slobodna Dalmacija Andrea Topić (23.01.2020)					22.07.2020. – The Municipal State Attorney's Office in Split has filed an indictment against four men.
3. Death threats to N1 television journalist Ivan Zada (20. 10. 2018)				05.06.2019. – The Municipal Court in Virovitica rendered a non-final verdict against Ivan Dzacic to 11 months in prison, with a probation period of three years. The State Attorney's Office and Ivan Dzacic also complained. 13.11.2019. – The Karlovac County Court rendered a final verdict against Ivan Dzacic for two criminal offenses: against personal liberty, threats under Article 139, paragraphs 2 and 3 of the Criminal Code, and for the criminal offense against public order, public incitement to violence and hatred under Article 325. paragraph 1 of the Criminal Code.	
4. Physical assault on journalist Hrvoje Bajlo (24.06.2018)			18.07.2018. – The Municipal State Attorney's Office in Zadar has filed an indictment against Jakov Surac.	22.03.2019. – The Municipal Court in Zadar rendered a non-final verdict against Jakov Surac.	22.01.2020. – The Bjelovar County Court rendered a final verdict by which Jakov Surac was found guilty and sentenced to 10 months of unconditional imprisonment.
5. Physical assault on Nova TV reporters team, of program Provjereno: reporter Ema Branica, cameraman Alan Novak and assistant cameraman Goran Jaganjac. (16.09.2017)		17.09.2017. – Municipal State Attorney's Office in Bjelovar questioned the 35-year-old and proposed to the court pre-trial detention, which the court accepted.	01.03.2018. – The Bjelovar Municipal Court rendered a non-judicial verdict against Nenad Sainović, and his mother, Ana Sainović, for threatening and attacking a journalist team. 10. 2018. – The court rendered a final judgment.		

Conclusions and Recommendations

Freedom of expression and information in Croatia is guaranteed by the Constitution and laws, but the effectiveness of their application is questionable. It is often necessary to initiate complaint mechanisms or request action from information protection commissioners to obtain information. Sanctions for violating the law in this regard are not exercised in a timely manner because litigation takes a very long time. Media legislation is declaratively developed in a transparent process, but it seems that final decisions on resolutions about legislative regulations are still made by the governing structures. There is no licensing of journalists in Croatia, and the large number of registered printed media outlets support the notion of media freedom. There is no unified media register. The only regulatory body in Croatia is the Electronic Media Council – the election of its members is greatly influenced by the ruling majority. The biggest problem of non-transparency of media financing with state funds is noted at the local and regional level. The money received also often creates a sense of obligation to local authorities, and leaders very often remind the media of who is funding them, which can lead to some self-censorship. The public service is formally independent, but its administration is elected by a parliamentary majority, which has so far proved to be a practice of political appointments. Lawsuits against journalists and the media, which numbers are not decreasing from year to year, are a very big problem. Litigation takes a long time, is often politically motivated, and puts great pressure on the media and journalists. Journalists are enabled to report from institutions which are defined as public ones, by their work tasks. Organizing into journalists' associations and trade unions is fully allowed, but some media owners do not look favorably on this type of association and perceive it as a form of rebellion or protest.

The corona crisis confirmed that freelancers and external associates in the media are the most vulnerable group among journalists and that they are most quickly and easily left without a job, because they do not enjoy the protection of employment contracts. A large number of media that do their job independently in accordance with professional standards, find it very difficult to survive on the media market, and some have even been shut down. The media generally have media statutes, while other rules, that protect editorial independence from the owner and governing bodies of the media, are usually non-existent. The Journalists' Council of Honor of the Croatian Journalists' Association is the only self-regulatory body that acts on the basis of reports related to the work of journalists of all media, but the prescribed sanctions apply only to members of the CJA. Nevertheless, courts often take into account the conclusions of the Journalists' Council of Honor. Other media usually do not have internal codes of ethics. Journalists are often called out by high-ranking state officials, which is very often followed by citizens' gross insults to journalists, most often done via social networks. The public service is heavily influenced by politics and the ruling party. The freedom of journalists in newsrooms largely depends on the media in which they work. The biggest pressure to which non-profit and small media are exposed is the lack of money to finance themselves, which has led to the shutdown of some non-profit media or reductions in content production. Salaries in the media are usually not gender-conditioned, and the positions held by journalists depend on how much someone fought for their position.

Attacks on journalists have continued to increase and their numbers are not declining. In 2020, more attacks were recorded compared to the previous year. Journalists often report attacks to the Croatian Journalists' Association, but this mechanism should be improved. Although trials for attacks on journalists happen to be concluded very quickly, there are still a large number of cases in which trials take years. In the case of the grave assault on Dusan Miljus in 2008, the trial has not yet begun. Six people were convicted of the murder of Ivo Pukanić in 2008, while the persons who actually ordered the murder were not found. In recent years, the trend of "elegant" type of attack on journalists with lawsuits in order to discredit, demotivate, intimidate, but also financially exhaust them, has increased.

The announcement of the making of a new Media Act is a good start, but in itself, it is not enough to improve the situation in Croatian journalism. Institutions must show a stronger interest in getting more familiar with the journalistic profession in order to know how to treat journalists in the right way. The weak socio-economic position of journalists, especially in small and non-profit media, tends to affect the content and quantity of produced journalistic content, and thus the very quality of journalism in Croatia. In order to improve the situation in journalism, it is first necessary to change the attitude towards journalists in Croatia, which usually puts a blame on them for everything bad that is happening in the society, so that they can continue to do their job without fear and in the best interest of the public. There is a need for better cooperation between institutions and journalists, and for breaking the notorious opinion on journalists being enemies of institutions and politics. Journalists' associations must continue to publicly point out problems in journalism and put pressure on institutions to improve their attitude towards journalists and to make journalists themselves more protected.

RECOMMENDATIONS

- Precisely define the term and occupation “journalist”.
 - Create a unified media register.
 - Conduct a survey on the total number of journalists in Croatia and establish a mechanism to monitor that number.
 - Establish a Media Financing Fund.
 - Ensure better transparency in the allocation of local government funds to local media and protect these media from the influence of local authorities.
 - Decriminalize the provisions of defamation and insult in the Criminal Code.
 - Ensure better employment and legal status of freelance journalists.
 - Encourage journalists to become more involved in the work of the Croatian Journalists’ Association and to strengthen their position as professionals by associating together.
 - Strengthen the Trade Union of Croatian Journalists, trade union branches in the media and the journalists themselves, to get involved in the work of the Trade Union
- Establish cooperation in educational programs between the Ministry of the Interior Affairs, the State Attorney’s Office and the Ministry of Justice and Public Administration on the one hand, and the Croatian Journalists’ Association and the Trade Union of Croatian Journalists on the other, to better familiarize the employees within the mentioned institutions with journalism.
 - Encourage institutions such as the police, the State Attorney’s Office and the courts to issue internal instructions on how to deal with journalists.
 - Encourage officials and heads of institutions to openly, clearly and non-discriminatory condemn any attack on a journalist, in order to point out that attacks are not tolerated in Croatia.
 - Encourage officials and leaders to refrain from statements that could jeopardize the safety of journalists.
 - Ensure the cooperation of the judiciary system with journalists, in order to make judges more familiar with the work of journalists and the problems they encounter.
 - Design and establish a mechanism for systematic monitoring and segregation of SLAPP lawsuits, in order to determine with more detail how to reduce and combat them.

