



safejournalists.net

Western Balkans Journalists' Safety Index

Narrative report Croatia 2020

CONTENTS

LEGAL AND ORGANISATIONAL ENVIRONMENT

8

DUE PREVENTION

18

DUE PROCESS

26

ACTUAL SAFETY

33

Introduction

The Western Balkans' Journalists' Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries, that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The WB-JSI relies primarily on the research evidence collected and analysed by the partners of the [Safejournalists.net](https://safejournalists.net) Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country¹ assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) **Legal and organisational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists;
- (2) **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute² and partners of the [Safejournalists.net](https://safejournalists.net) Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media of Montenegro, Association of Journalists of

¹ In Croatia the Advisory Panel consisted of 9 members: Helena Popović, Dragutin Hedl, Dina Vozab, Maja Sever, Ante Pavić, Goran Šimac, Mašenjka Bačić, and two more who requested to remain anonymous..

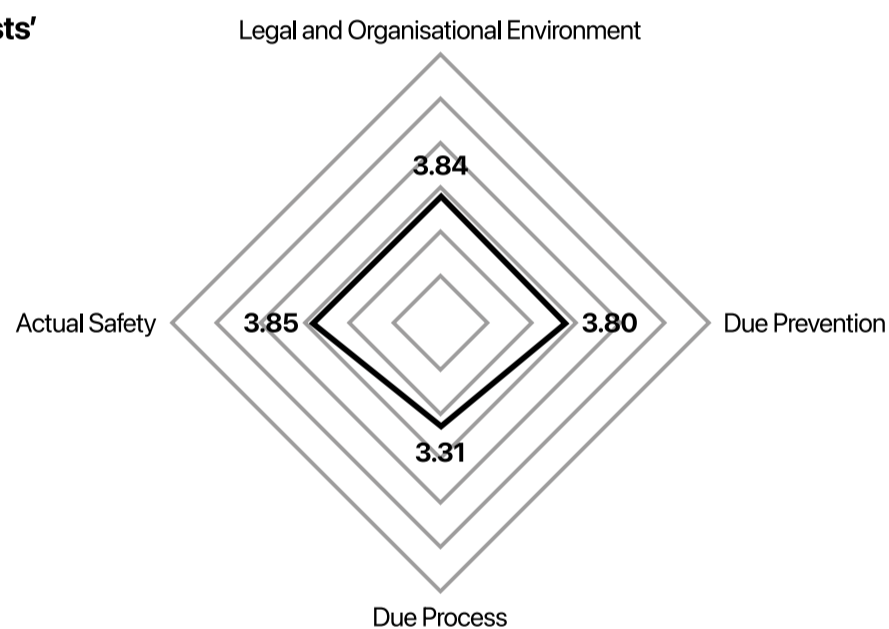
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Macedonia, Association of Journalists of Kosovo and Croatian Journalists' Association and independent researcher in Albania³. As such, the Index is a result of a joint effort of the Platform [Safejournalists.net](https://safejournalists.net) and covers all the specific issues that local partners identified as relevant for their country contexts.

This report refers to the situation in Croatia in 2020 which was designated as the first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. In the upcoming years, the improvement or deterioration of the situation in all countries will be measured by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at: <https://safejournalists.net/safety-index/>.

— SUMMARY

Journalists' Safety Index
3.73



I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- The criminal offense of grave humiliation was decriminalized, but the provisions of defamation and insult still remained as part of the law. Defamation and insult provisions are strict and are often used by government officials and other politicians, usually as revenge for journalistic reporting. There are more than 900 active lawsuits against the media and journalists, out of which 32 lawsuits were criminal proceedings. In 2020 alone, 41 new criminal cases were activated

³ Blerjana Bino as independent researcher in Albania for [Safejournalists.net](https://safejournalists.net) platform.

against journalists. The large number of lawsuits can have an influence on discouraging journalists.

- The protection of journalistic sources is regulated by law. Representatives of the authorities, the judiciary system and the police generally respect the protection of sources. Although 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, this was not done in 2020.
- There is no protection of journalists from SLAPP lawsuits, i.e., there is no mechanism for prevention of such lawsuits, and from year to year, they increasingly endanger journalists. There is no uniformity of case law. There are no exact data about their number in 2020, but there are some evident cases (example is Tomislav Tolušić). Moreover, in year 2020, the number of at least 924 active lawsuits had been registered against journalists and media, among which also SLAPP lawsuits.
- Journalists do not need licenses, but the definition of journalist in the law is restrictive. Journalists are enabled to report on the work of all state bodies and are free to join professional organizations and trade unions, but CJA (Croatian Journalists' Association) members sometimes have problems with employers due to their membership in the association, and some media owners do not have a favorable view on the association of journalists in the Union, as it is perceived as a rebellion or protest.
- Out of 2,200 members of the Trade Union of Croatian Journalists, about 1,000 of them have a permanent employment contract, while the other members are individuals, freelancers, or part-time associates, and a smaller number of them are retirees. The biggest problem occurs with external associates and freelancers, who, by not having an employment contract, do not have employment rights. The collective agreement exists only in three Croatian media companies, and the national collective agreement does not exist. The work of journalists is not stable: it often happens that the Labour Act and the Media Act are not respected; the Media Act prescribes the existence of a Newsroom Statute in every media outlet that would protect journalists in the performance of their work, but this provision was only partially respected. Some media owners do not look favorably on the association of journalists in the Union because it is perceived as a rebellion or protest.

II. DUE PREVENTION

- There are some mechanisms which apply to the whole population or individual vulnerable groups (for example women). Journalists are defined as profession of public

interest, but there are no special mechanisms to protect those who practice such a profession. When they are victims of attacks or threats, journalists turn to the CJA or directly to the police. The police do not have special departments or officers that deal exclusively with attacks and threats to journalists, so such reports are resolved all together with others, according to the principles of operability – urgency, impartiality, and legality. One gets the impression that most police officers, judges, as well as other public officers do not have enough knowledge about the journalistic profession.

- There are no special protection mechanisms exclusively for journalists. If the police assess that the journalists 'safety is endangered, they can grant them police protection, which they have done several times.
- In Croatia, there are certain measures to protect women, but there are no special mechanisms that apply exclusively to women journalists. The Istanbul Convention was ratified in 2018. There is a National Strategy for Protection against Domestic Violence (of which the implementation of the Convention is an integral part) and various protocols on conduct in such cases. Legal, psychological and other types of assistance to women are provided mainly by project-funded NGOs. Discrimination against female journalists is not uncommon, they are most often discriminated against at the age and gender level, so last year a few institutions actually reacted to the issue of discrimination against female journalists. However, in 2020, female journalists rarely turned to the institutions or organizations for protection or advice for gender-based threats.
- Officials rarely publicly condemn attacks on journalists. Most often, such condemnations occur when the pressure on them comes from the media or professional associations of CJA and TUCJ (Trade Union of Croatian Journalists), so only after that, they go public with condemnations of the attack. It often happens that officials comment on the work of journalists, "tutoring" them how to do their job. They do not create an atmosphere that it is safe to work as a journalist in Croatia.
- The police do not have a document (standards, guidelines) dedicated exclusively to the safety of journalists, and it seems that additional education in the police-journalists relationship is needed, in order to be more aware of each other's work. The Police officers attended some trainings, but not in the field of protecting journalists in their work. The cooperation of CJA with the Police is quite good, but they still don't understand sufficiently enough what the journalists' work really is.

III. DUE PROCESS

- Relevant institutions do not have specialized departments with personnel trained to deal exclusively with attacks on journalists, while the actual expertise on this depends on the individuals who dealing with the case (a police officer, a judge, ...). Definitely, the respective institutions need more knowledge about efficient processing of the most serious cases of threats and attacks against journalists. They don't sufficiently understand the role and the work of the journalists.
- Investigations are conducted independently, but the speed and thoroughness of the investigation depends on a case-by-case basis. Some cases are resolved promptly within 48 hours, while in others, the investigation period lasts for several years. In practice the State Attorney's Office independently decides whether to initiate proceedings (whether there are elements of a criminal offense in the attack or not). If they reject the criminal report, the journalists are left to their own arrangements: they can take over the criminal prosecution themselves, pay the lawyer's fees themselves and bear the costs of the proceedings if they fail to prove the crime. Journalists usually cannot bear such an expense.
- Online harassment as such is not fully regulated by law. Harassment is recognized in the legislation for anti-discrimination and in other laws. In 2020, most online harassment of journalists was happening through social networks (on their personal profiles), comments below the news on the media's website, but also on the media's social media pages. These are the most common insults that sometimes turn into hate speech, but also threats. There is no precise data on the total number of such types of online harassment in 2020. The Police react only when online threats become most serious. The most critical aspect here is that journalists do not report those cases always.
- Journalists as victims generally do not have effective access to the investigative procedure, only after the indictment is filed does the victim have the right to know the details of the procedure. Courts and the legal profession generally disclose information publicly, but some information can only be obtained through separate inquiries.
- There are no publicly disclosed statistics recorded by state bodies concerning journalists. The Ministry of Justice and Public Administration keeps records of lawsuits against journalists, while the State Attorney's Office of the Republic of Croatia monitors criminal offenses committed to the detriment of journalists, for which persecution is undertaken ex officio, and keeps records of them.

IV. ACTUAL SAFETY

- According to data from the Regional Platform database, in 2020 there were five non-physical threats and harassment, two of which were aggressive addressing done by a public servant and a former public official, and three threats were other forms of pressure that could jeopardize the safety of journalists in their work. Journalists often experience various insults, reprimands and “tutoring” attempts, which are often directed at them by public officials, but also by the highest state officials.
- 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. Numerous journalists do not report such threats, especially if they are addressed through social media.
- There were significantly more physical attacks in 2020 than in 2019. Five of them were recorded, some of the most aggressive ones were addressed towards women.
- During 2020, one attack was recorded on the editorial office of a media correspondence.

Legal and Organisational Environment

3.84

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

2.78

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

5.03

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

3.39

Journalists are free to pursue their profession and to establish, join and participate in their associations

5.07

Journalists' job position is stable and protected at the workplace

2.91

1.00
2.00
3.00
4.00
5.00
6.00
7.00



By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

Legal provisions related to defamation and their implementation do not result in “chilling” effects on journalists and media

Score (2.78) – The criminal offense of grave humiliation was decriminalized, but the provisions of defamation and insult still remained as part of the law. Defamation and insult provisions are strict, and are often used by government officials and other politicians, usually as revenge for journalistic reporting. There are more than 900 active lawsuits against the media and journalists, out of which 32 lawsuits were criminal proceedings. In 2020 alone, 41 new criminal cases were activated against journalists. The large number of lawsuits can have an influence on discouraging journalists.

In Croatia, at the beginning of 2020, the criminal offense of grave humiliation was decriminalized, but the provisions of defamation and insult still remained as part the law. Lawyers believe that the decriminalization of grave humiliation is a good start, but that the other two provisions should certainly be decriminalized as well. Defamation and insult provisions are strict, and are often used by government officials and other politicians, usually as revenge for journalistic reporting. Convictions based on defamation or insult provide an opportunity for prosecutors to seek compensatory damages directly from journalists after the criminal proceedings are completed. Defamation is generally difficult to prove, but there are still a lot of lawsuits related to insult. All the sanctions prescribed for the offenses of insult and defamation are in fact disproportionate to the offense committed; “The fundamental principle of criminal law is that criminal offenses are prescribed only for conduct by which certain personal rights or social values, protected by the Constitution and international law, are violated or endangered to such an extent that their protection could not be achieved without criminal coercion.” Such disputes can also be resolved by civil law.

In the first quarter of 2021, at least 924 lawsuits against the media and journalists were active in Croatia, from which prosecutors demanded damages in the amount of almost HRK 78.5 million, which is an increase in the number of lawsuits

— INDICATOR 1.1

compared to the year before, according to the results of an annual survey conducted by the Croatian Journalists' Association. Of the total number of 924 lawsuits, 892 relate to litigation for damages for violation of honor and reputation against publishers, their editors and journalists for published texts and articles, while 32 lawsuits were criminal proceedings. In these proceedings, 28 plaintiffs were persons in power at the time the lawsuit was filed, while 71 of them were persons from political life. According to the Ministry of Justice and Public Administration, from the beginning of 2016 to the end of 2020, a total of 234 criminal cases were activated against journalists, while at the end of 2020, there were a total of 125 criminal cases in which defendants were journalists, for criminal offenses of insult, defamation and grave humiliation. In 2020 alone, 41 new criminal cases were activated against journalists, and in the same year 32 cases were resolved, of which only 3 were convicting, 27 were rejected, suspended or acquitted in favor of journalists, while in two cases the court ruled on local incompetence. Out of a total of 230 resolved cases in these five years, only 27 lawsuits were convicting against journalists, which may indicate a large number of unfounded lawsuits. It is not known that in 2020, officials abused procedural law in disputes against journalists. It often happens that sentences have a "chilling" effect on journalists, but this very often depends on many factors: the length of the trial, the amount of the sentence imposed, the psychological profile of the journalist. Any large sentence imposed on journalists represents a potential "chilling" effect on other journalists, who should continue to do their job, investigate corruption, crime, etc... Journalists have different views on defamation and reputational damages. Some continue to research and write critical texts and the possibility of filing lawsuits does not discourage them in their work. On the other hand, some journalists have generally been led to censorship by such lawsuits. They are aware that lawsuits exhaust them, financially and mentally, so they prefer not to cover some topics.

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

Score (5.03) – The protection of journalistic sources is regulated by law. Representatives of the authorities, the judiciary system and the police generally respect the protection of sources. Although 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, this was not done in 2020.

Formally, the protection of sources of information is regulated by Article 30 of the Media Act, and according to that provision of the law, a journalist is not obliged to disclose information about a source, and such a provision also exists in the Criminal Procedure Code. Nevertheless, the State Attorney's Office has the right to request information on the source if this 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 source. The protection of sources guaranteed by law is respected, and there is no information that in 2020 any of the journalists were forced to disclose the source of information. Focus group participants (for research on the Safety of journalists in Croatia) said they had no problem with someone forcing them to reveal information about the source, and one journalist added that there were situations during hearings, in which police officials asked journalist where from did they get the information, following which the journalist referred to the article of the Media Act which regulates the protection of sources, and that it was respected. There is no explicit sanction in the Law against journalists who refuse to reveal the identity of a source. In the last few years, no case has been reported in which state authorities ordered a journalist to hand over a computer or mobile phone, thus (potentially) endangering sources. Focus group participants and interviewed journalists (for the purpose of research on the Safety of journalists in Croatia) generally feel free to seek access and maintain contacts with sources of information.

Other laws are implemented objectively and allow journalists and other media professionals to work freely and safely

Score (3.39) – There is no protection of journalists from SLAPP lawsuits, i.e. there is no mechanism for prevention of such lawsuits, and from year to year, they increasingly endanger journalists. There is no uniformity of case law. There are no exact data about their number in 2020, but there are some evident cases (example is Tomislav Tolušić). Moreover, in year 2020, the number of at least 924 active lawsuits had been registered against journalists and media, among which also SLAPP lawsuits.

Cases are most often initiated against journalists according to the Criminal Code and provisions for defamation and insult, as well as under the Civil Obligations Act and the Media Act, which refer to damages for violating personal rights (right to honor, reputation, dignity, etc.). Such an example is the case of journalist Ivan Žada. A final verdict was handed down in 2020 against said journalist, who was sentenced to a four-month suspended prison sentence. In October 2018, journalist Žada called MP Josip Đakić after his own friends told him that Đakić's son Ivan was spreading threats in Virovitica's Boom Cafe, saying that he would break Žada's neck and pull him by the hair or pay someone in Zagreb 500 euros to do so, because he writes negatively about his father. Žada then called Josip Đakić to tell him about the threats, recorded the conversation and posted it on Facebook and the news portal [Index.hr](https://www.index.hr). Also, proceedings are initiated under the Law on Misdemeanors, for violations against public order and peace, as well as by submitting reports to the Agency for Personal Data Protection (for alleged violations of personal data protection) and the Agency for Electronic Media (hate speech). We have cases in which a joint lawsuit has been filed against the media, for alleged discrimination against Catholic believers. In 2020, no journalist was accused of spreading fake news despite the health and natural disasters that hit the country, which are often fertile ground for fake news. There are still no safeguards in Croatia to protect journalists and the media from SLAPP lawsuits. In the previous year, the CJA recorded at least 924 lawsuits filed against journalists and the media. When you look at the amount of damage claims and the meaning of the lawsuits that have been filed, it can be concluded that among

— INDICATOR 1.3

these lawsuits there are SLAPP lawsuits, which, among other things, aim to discourage journalists from further research. Hrvoje Zovko, the president of the CJA and an employee of HRT, received an extraordinary dismissal in 2018, after he resigned as editor, dissatisfied with the censorship in the head office. HRT fired him for alleged violent behavior and sued Zovko in the amount of HRK 250,000, for appearing in public with a story about censorship on HRT. In the meantime, HRT had to reinstate Zovko to work, 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 at HRT “for a long time, were generally such that in a number of persons, including the defendant [Zovko], it could be reasonably pointed 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”. As a powerful institution, HRT sued its employees, as well as many other media, and former Minister Tolušić filed a dozen lawsuits against various media, for reporting on his property record cards. The rights of journalists and their security in situations when they report on protests are most often threatened by individual civilians, rather than by representatives of law enforcement or other institutions (although politicians and government officials often call journalists out and thus label them as the culprits for certain conditions in society, and such propaganda can also be considered as a cause of protest participants attacking journalists). The verdicts against journalists and publishers and high financial compensation endanger the freedom of the media and the survival on the market of a small number of independent publishers, especially those in local communities.

Journalists are free to pursue their profession and to establish, join and participate in their associations

Score (5.07) – Journalists do not need licenses, but the definition of journalist in the law is restrictive. Journalists are enabled to report on the work of all state bodies and are free to join professional organizations and trade unions, but CJA (Croatian Journalists' Association) members sometimes have problems with employers due to their membership in the association, and some media owners do not have a favourable view on the association of journalists in the Union, as it is perceived as a rebellion or protest.

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 a journalist. 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 performing journalistic activity as an independent profession”. 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 law, which can lead to legal uncertainties. That is why courts and other institutions often turn to the CJA, for a definition of a journalist. Journalists are enabled to report on the work of all state bodies, whose work is defined as public. Reporting from the Government and Parliament, 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 follow 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. Since there is no license for journalists in Croatia, they usually prove their profession by showing the membership card of the Croatian Journalists' Association or by showing the card or accreditation of the media house for which they work. Journalists usually have no problem proving their interest in public institutions.

Journalists are free to join professional organizations and trade unions, so they are the two largest journalists' organizations

— INDICATOR 1.4

in Croatia, the Croatian Journalists' Association (CJA) and the Trade Union of Croatian Journalists (TUCJ). CJA members sometimes have problems with employers due to their membership in the association, and some media owners also do not have a favorable view on journalists associating within the Union, because it is perceived as a rebellion or protest. In parallel with the CJA, there is the association Croatian Journalists and Publicists, founded in 2015, but its existence does not diminish the importance of the CJA.

Journalists' job position is stable and protected at the workplace

Score (2.91) – Out of 2,200 members of the Trade Union of Croatian Journalists, about 1,000 of them have a permanent employment contract, while the other members are individuals, freelancers, or part-time associates, and a smaller number of them are retirees. The biggest problem occurs with external associates and freelancers, who, by not having an employment contract, do not have employment rights. The collective agreement exists only in three Croatian media companies, and the national collective agreement does not exist. The work of journalists is not stable: it often happens that the Labor Act and the Media Act are not respected; the Media Act prescribes the existence of a Newsroom Statute in every media outlet that would protect journalists in the performance of their work, but this provision was only partially respected. Some media owners do not look favorably on the association of journalists in the Union because it is perceived as a rebellion or protest.

According to the data available to the Trade Union of Croatian Journalists, out of their 2,200 members, about 1,000 of them have a permanent employment contract, while the other members are individuals, freelancers, or part-time associates, and a smaller number of them are retirees. According to the law, 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 average salaries of journalists within three categories: Large electronic systems (national television) where journalists have a salary in the range of 900.00 – 1,000.00 euros, and editors from 1,500.00 – 2,000.00 euros; national print media in which journalists have a salary in the range of 750.00 – 1,000.00 euros, and editors in the range of 1,000.00 – 1,600.00 euros; local media where journalists have a salary in the range of 500.00 – 700.00 euros, and editors from 700.00 – 900.00 euros. The working conditions of journalists depend on the media house which they work for, on the size and type of media and on the legal framework that provides for them, depending on whether they are fully employed or work as part-time associates. The position 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

— INDICATOR 1.5

participate in collective negotiations." The work of journalists is not stable: it often happens that the Labor Act and the Media Act are not respected; the Media Act prescribes the existence of a Newsroom Statute in every media outlet that would protect journalists in the performance of their work, but this provision was only partially respected when the VAT Act allowed media owners to have privileges in paying VAT. Despite this, many media outlets still do not have Statutes or do not have valid ones, and the implementation of this document is not monitored by anyone. This results in media in which suitable and not professional editors are appointed, which is then often accompanied by the persecution of journalists, but at the same time, inadequate material relief is achieved.

Women journalists who participated in interviews and focus groups for research on the Safety of journalists and media freedom in Croatia say that they generally have the same working conditions as men, and that these conditions depend on the media house which they work for and their position. Trade unions also exist in the private media, but some media owners do not look favorably on the association of journalists in the Union because it is perceived as a rebellion or protest. The collective agreement exists in three media companies 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 certain proposals of the Union. There is no legal obligation to provide journalists in the media houses where they work with free legal aid in cases where they are personally sued for their reporting. So far, the good practice of media houses in most cases has been to provide legal assistance to their employees. CJA members are provided with legal advisory assistance and, in some cases, pro bono representation in court.



Due Prevention

3.80



Journalists and media actors have access to immediate and effective protective measures when they are threatened

Score (3.55) – There are some mechanisms which apply to the whole population or individual vulnerable groups (for example women). Journalists are defined as profession of public interest, but there are no special mechanisms to protect those who practice such a profession. When they are victims of attacks or threats, journalists turn to the CJA or directly to the police. The police do not have special departments or officers that deal exclusively with attacks and threats to journalists, so such reports are resolved all together with others, according to the principles of operability – urgency, impartiality and legality. One gets the impression that most police officers, judges, as well as other public officers do not have enough knowledge about the journalistic profession.

The competent state institutions do not have special mechanisms in place within which hate speech can be reported, while journalists, like all other citizens, can report serious threats to the police. There is no special department in the police that deals with reports of attacks on journalists, and all criminal investigations are conducted according to the principles of operativeness – urgency, impartiality and legality. In 2019, the non-governmental organization "GONG" launched an online tool for reporting hate speech in public spaces, on social networks, the Internet and in the media. In relation to the nature of hate speech, it may be reported to the Agency for Electronic Media / Council for Electronic Media, to one of the Ombudsmen (Ombudsman, Ombudsman for Gender Equality, Ombudsman for Persons with Disabilities and Ombudsman for Children) and the CJA's Journalists' Council of Honor. When it comes to hate speech aimed at violence and hatred, it is subject to criminal prosecution, for which the State Attorney's Office of the Republic of Croatia is responsible. Apart from the contact telephone number of the Police Directorate, there are no special area numbers or codes for journalists who can report cases of hate speech or serious threats to life.

In 2020, every time the CJA approached the police regarding attacks on journalists, the police responded, as in cases where journalists themselves reported threats or attacks. During

last year, the CJA recorded two death threats. The first was an attack on journalists from Slobodna Dalmacija and the portal Zadarski.hr, which wrote about a wedding held despite measures to restrict people from gathering due to COVID-19. As soon as the story was published, two middle-aged men with surgical masks on their faces, entered the Slobodna Dalmacija branch office in Zadar – one called the journalists vultures and threatened to “kill and slaughter like kittens” all those who wrote about the wedding. In this case, the police reacted quickly, brought the suspect for questioning, and the judge ordered him to be banned from approaching the four journalists he threatened, as well as the newsrooms of media outlets in Zadar, where he broke into. Following the investigation, the State Attorney’s Office filed an indictment against the person who threatened the journalists. The second case is the attack on journalist Iva Anzulović, in which the retired Brigadier General Renato Romić addressed her several times with “listen, you stupid cow”, probably revolted by her journalistic work. After the journalist told him that she had mentioned him in more texts, Romić insulted her several times, saying that he would get rid of her, saying “you should be beaten, we will decide what to do with you”, and then “First, I would kill your son, for you to see what’s that like, and then I’d kill you”. Their conversation continued in a private weekend-house, where Romić dragged her by the hair and told her she was “alive only because he decided so”. The police and the Attorney’s office reacted to this case, but the journalist herself withdrew the criminal complaint because Romić apologized to her.

In 2020, there were no cases in which the competent institution did not process or accept the report of journalists or media due to the violation of their rights.

Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

Score (3.20) – There are no special protection mechanisms exclusively for journalists. If the police assess that the journalists 'safety is endangered, they can grant them police protection, which they have done several times.

There are no special protection mechanisms exclusively for journalists. If the police assess that the journalist's safety is endangered, they can grant him police protection, which they have done several times. According to Article 99 of Police Affairs and Powers Act, "as long as there are justified reasons, the police shall adequately protect the victim and another person who has given or may provide information relevant to the criminal proceedings or a person close to them, if they or their relatives are endangered by the perpetrator or other persons in connection with the criminal proceedings". According to the Witness Protection Act, if a journalist is a witness in criminal proceedings, the Chief State Attorney, at the proposal of the State Attorney or the proposal of a vulnerable person, may submit a request to the Commission for inclusion of a vulnerable person in the Protection Program, if independent testimony of witnesses in criminal proceedings could not otherwise be ensured. According to the Protection of Whistleblowers Act, a journalist, like any other person who reports an irregularity, has the right to: protection in accordance with the procedures for reporting irregularities/whistleblowers, judicial protection, compensation for damages and protection of identity and confidentiality. The Law explicitly states that it is prohibited to prevent the reporting of irregularities. The CJA, within its Center for the Protection of Freedom of Expression, provides journalists with free legal aid, teamed up with lawyers. When an attack on a journalist occurs, the CJA reacts towards all institutions to which it is necessary to react.

Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence

Score (4.47) – In Croatia, there are certain measures to protect women, but there are no special mechanisms that apply exclusively to women journalists. The Istanbul Convention was ratified in 2018. There is a National Strategy for Protection against Domestic Violence (of which the implementation of the Convention is an integral part) and various protocols on conduct in such cases. Legal, psychological and other types of assistance to women are provided mainly by project-funded NGOs. Discrimination against female journalists is not uncommon, they are most often discriminated against at the age and gender level, so last year a few institutions actually reacted to the issue of discrimination against female journalists. However, in 2020, female journalists rarely turned to the institutions or organizations for protection or advice for gender-based threats.

Croatia signed the Istanbul Convention in 2013, ratified it in April 2018, and began implementing it in October of the same year. Croatia has also adopted the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Act. The Government of the Republic of Croatia has adopted the National Strategy for Protection against Domestic Violence (from 2017 to 2022), of which the implementation of the Istanbul Convention is an integral part. The Protocol on the Treatment of Sexual Violence (2018), the Protocol on the Treatment of Domestic Violence and the Protocol on the Integration/ Reintegration of Victims of Human Trafficking (2019) are in force. Furthermore, as of January 1st, 2020, amendments to the criminal legislation (Criminal Code, Criminal Procedure Code and Protection from Domestic Violence Act) are in force, which tighten punishment and faster and more efficient prosecution of perpetrators of violence against women, children and families, and the status of an official person was granted to employees of the social welfare and education system. The Free Legal Aid Act guarantees free legal aid to victims of violence and it includes primary and secondary legal aid.

— INDICATOR 2.3

Through project funding, relevant institutions support the work of associations that provide regular information on security measures, legal advice and other useful information for victims of gender-based violence. Gender equality is a fundamental value of the constitutionality of the Republic of Croatia, and according to the Gender Equality Act, men and women are equally present in all areas of private and public life, have equal status, opportunities to exercise all rights and equal benefits from the results achieved. Discrimination in the Republic of Croatia is regulated in detail by the Anti-Discrimination Act.

Among the protection mechanisms in Croatia, the institutions of the Gender Equality Ombudswoman (an independent institution for combating discrimination in the field of gender equality) and the People's Ombudswoman (Plenipotentiary of the Croatian Parliament for the Protection and Promotion of Human Rights and Freedoms, the central body for combating discrimination, which also acts as the National Preventive Mechanism for the Protection of Persons Deprived of Liberty) have been established. Throughout Croatia, there are also about sixty organizations or their branches, that deal with the security and legal protection of victims of gender-based violence. There is a national call center for victims of crime and misdemeanors and free legal and psychological counseling, but these are projects of non-governmental organizations that exist with the help of donations from the European Union and relevant ministries.

To our knowledge, in 2020, journalists did not turn to these associations for help. However, in September 2020, the Gender Equality Ombudswoman reacted to discrimination against presenters based on age and gender on HRT, and sent a recommendation and warning to that house. Namely, two presenters were removed from the position of show presenters. In this particular case, the host (57 years old) of the show "Good Morning Croatia" was replaced by a younger colleague, while the male host, also in his fifties, continued to host the show. "Male presenters of senior age (58, 52 and 46 years old), including those who have been anchoring the show for decades, while female presenters change more often, and are currently getting younger (31, 32 and 35 years old)." The Gender Equality Ombudswoman concluded that if only older female presenters are replaced by younger ones, then we can talk about multiple discrimination – by gender and age.

In case of gender-based violence, female journalists can turn to the Gender Equality Agency of BiH, Entity Gender Centers, the Institution of the Ombudsman in BiH, non-governmental organizations dealing with gender-based violence ... When it comes to attacks, threats and discrimination they experience within their newsrooms, female journalists most often turn to the BH novinari's Helpline, through which they can receive free legal aid. Two years ago, BH novinari initiated the establishment of a Network of Female Journalists in BiH with the aim of protecting the rights of female journalists in solidarity and with better efficiency, ensuring dignified and paid work, and advocating equal access to leading positions in the media.

The practice of regular public condemnation of threats and attacks on journalists and media has been established

Score (4.08) – Officials rarely publicly condemn attacks on journalists. Most often, such condemnations occur when the pressure on them comes from the media or professional associations of CJA and TUCJ (Trade Union of Croatian Journalists), so only after that, they go public with condemnations of the attack. It often happens that officials comment on the work of journalists, “tutoring” them how to do their job. They do not create an atmosphere that it is safe to work as a journalist in Croatia.

After all grave attacks on journalists, representatives of state bodies, political parties and the civil sector condemned such events, assessing them as an attack on freedom of expression. However, public officials should go a step further than these declarative condemnations and investigate attacks on journalists, which is unfortunately not the case. The European Commission’s report also states that investigations into cases of attacks on journalists should be a priority in the work of state bodies. The EC expects the authorities to show “zero tolerance for threats or attacks on the media and refrain from making statements that do not affect freedom of expression.”

Officials rarely publicly condemn attacks on journalists. Most often, such condemnations occur when the pressure on them comes from the media 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 on journalists, accusing them of “hybrid warfare” and collaborating with the opposition, or instructs them on what and how they should do their job. Journalists have often been the victims of unfounded verbal attacks by various politicians, officials and other public figures. After a series of sexist outbursts by the former mayor of Zagreb against journalists in 2019, CJA and TUCJ launched the “Just answer the question” campaign. There is an atmosphere in Croatia in which journalists are blamed for everything, and public officials often contribute to such an atmosphere.

Police authorities are sensitive to journalists' protection issue

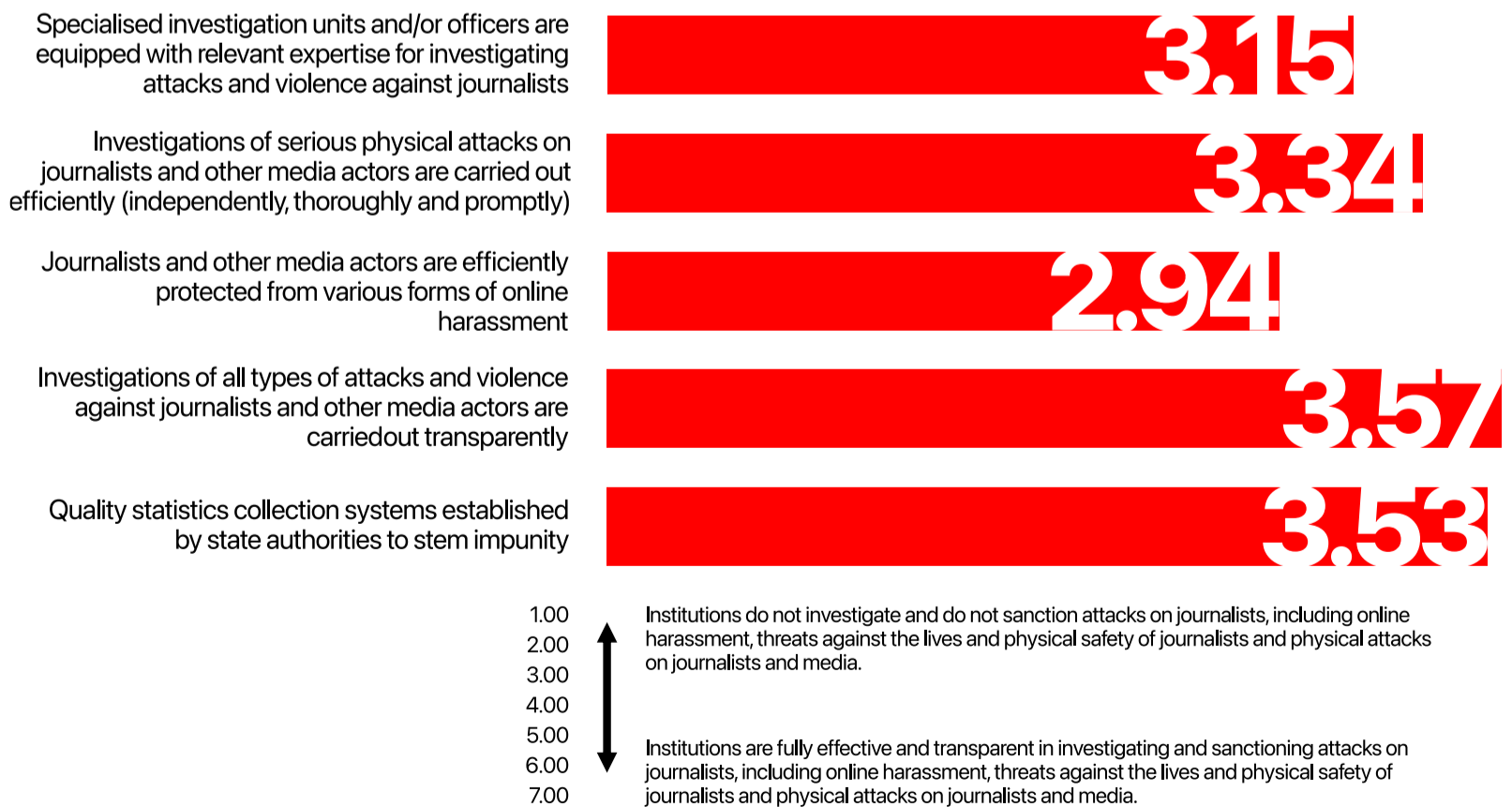
Score (3.69) – The police do not have a document (standards, guidelines) dedicated exclusively to the safety of journalists, and it seems that additional education in the police-journalists relationship is needed, in order to be more aware of each other's work. The Police officers attended some trainings, but not in the field of protecting journalists in their work. The cooperation of CJA with the Police is quite good, but they still don't understand sufficiently enough what the journalists' work really is.

The police do not have publicly presented documents on the treatment of journalists in case of their threat, and it is not known whether such documents even exist. All the educations they have, protocols and documents refer to citizens in general, but none of the documents refers exclusively to journalists. In all their actions, the police act according to the principles of operability – urgency, impartiality and legality, regardless of the occupation and work performed by victims of crime or injured persons. Additional education among police and journalists appears to be needed, to make both sides more familiar with the work both sides are doing. In the previous year, the CJA had professional cooperation with the police when it came to attacks on journalists; the police reacted every time the CJA drew attention to an attack or threat. The police did not unreasonably detain journalists in the previous year. In 2020, in Split, a police officer forced away journalist Ivana Šilović, who was reporting live from a location for which she had obtained approval from the intervention police, and thus prevented her from doing her job.



Due Process

3.31



Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

Score (3.15) – Relevant institutions do not have specialized departments with personnel trained to deal exclusively with attacks on journalists, while the actual expertise on this depends on the individuals who dealing with the case (a police officer, a judge, ...). Definitely, the respective institutions need more knowledge about efficient processing of the most serious cases of threats and attacks against journalists. They don't sufficiently understand the role and the work of the journalists.

There are no special units in the State Attorney's Office and the police that deal exclusively with journalists. In general, all documents and cooperation that exist between institutions relate mostly to citizens, regardless of their profession or occupation. According to the Criminal Code, for a criminal offense threats to a journalist in connection with the work performed by the perpetrator, are prosecuted ex officio, while under this law a journalist is considered a person performing activities of public interest, and, therefore, the perpetrator is prosecuted ex officio. In 2020, we had the first prosecution under this last point of the Criminal Code (315.b) for the attack on journalist Živana Šušak Živković in Sirobuja, April 12th, 2021. When asked by the CJA, for the purpose of the research on the Safety of journalists and media freedom in Croatia, the Ministry of the Interior replied that every year they have organized training for police officers on crimes against life and body, crimes against personal liberty and crimes against public order. "When acting upon finding out about such an event of a criminal offense of threat, police officers' approach with due care, since it is a criminal offense against personal liberty, especially if it is a more serious form or if the offense was committed to the detriment of an official or responsible person or according to a journalist, in connection with their work, for which a prison sentence of up to 5 years can be imposed. In such cases, the police react promptly, and in cooperation with the injured party, they start a criminal investigation", stated the Ministry of the Interior. Cooperation between the staff of the competent institutions regarding the investigation of threats and attacks on journalists exists, depending on the severity of the cases in question.

Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

Score (3.34) – Investigations are conducted independently, but the speed and thoroughness of the investigation depends on a case-by-case basis. Some cases are resolved promptly within 48 hours, while in others, the investigation period lasts for several years. In practice the State Attorney's Office independently decides whether to initiate proceedings (whether there are elements of a criminal offense in the attack or not). If they reject the criminal report, the journalists are left to their own arrangements: they can take over the criminal prosecution themselves, pay the lawyer's fees themselves and bear the costs of the proceedings if they fail to prove the crime. Journalists usually cannot bear such an expense.

Investigations are independent and, given the gravity of the case, also address background circumstances. The speed of the investigation varies from case to case. An example of a quick institutional reaction is the attack of October 14h 2020 to the N1 television crew, which was interviewing Alemka Markotić, director of the Clinic for Infectious Diseases, in public. 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 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 involved in the story. There are also examples in which a case, more than a decade old, has not yet reached the trial stage; 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

— INDICATOR 3.2

arrested in the operation "Shock 3", during the search for the perpetrators. An investigation was conducted against several of them, but after a six-month investigation, the Attorney's Office dropped the indictment, due to lack of sufficient evidence, and the case was taken back to the Zagreb Police Department, to find evidence of the perpetrators and the client.

Depending on the type of attack on a journalist, they are generally qualified as a criminal offense. Journalism is treated as a profession of public interest: the criminal offense of threatening a journalist in connection with his work is prescribed by Article 139, paragraph 3 of the Criminal Code, for which the perpetrator is prosecuted *ex officio*, and the protection of journalists in their activities is further determined by Article 315.b of the Criminal Code – coercion against a person who performs activities of public interest or in the public service, for which the perpetrator is also prosecuted *ex officio*. In practice, however, the State Attorney's Office independently decides whether to initiate proceedings, i.e., whether there are elements of a criminal offense in the attack or not. If the DORH rejects the criminal report, the journalists are left to their own devices: they can take over the criminal prosecution themselves, which means that they pay the lawyer's fees themselves, but also bear the costs of the proceedings if they fail to prove the crime. Journalists usually cannot bear such an expense.

Journalists and other media actors are efficiently protected from various forms of online harassment

Score (2.94) – Online harassment as such is not fully regulated by law. Harassment is recognized in the legislation for anti-discrimination and in other laws. In 2020, most online harassment of journalists was happening through social networks (on their personal profiles), comments below the news on the media's website, but also on the media's social media pages. These are the most common insults that sometimes turn into hate speech, but also threats. There is no precise data on the total number of such types of online harassment in 2020. The Police react only when online threats become most serious. The most critical aspect here is that journalists do not report those cases always.

The Ministry of the Interior of the Republic of Croatia has a "Red Button" report on its website, through which only online harassment of children can be reported. Nowhere in the Criminal Code are the Internet and harassment explicitly mentioned together, but the ban on access to the Internet is recognized as a measure for those who have committed a criminal offense via the Internet. Harassment is recognized in the Anti-Discrimination Act and is also mentioned in several places in the Protection from Domestic Violence Act, the Gender Equality Act, the Protection of Whistleblowers Act, the Labour Act and other similar laws and bylaws. One of the measures in the Criminal Code is a ban on approaching, harassing and stalking, for a period of one to five years, which can be imposed on a perpetrator who is in danger of committing the crime again, against persons he or she have harassed so far. The most common form of harassment via the Internet are messages that journalists receive via social networks after a text they publish, as well as vulgar and threatening comments that users of the online edition of certain media outlet publish. Journalists report such forms of harassment only when they directly threaten them or their families, and institutions process it as a threat. Out of a total of 12 registered attacks on journalists in 2020, one of the attacks was a threat to journalist Anja Kožul, after she published her article. Kožul was subjected to a campaign of appeasement and insults from the founders of the Serbian paramilitary unit, their followers and some Serbian media. The police responded to CJA's call, conducted an informative interview with Anja, and continued to act regarding the protection of the journalist.

Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently

Score (3.57) – Journalists as victims generally do not have effective access to the investigative procedure, only after the indictment is filed does the victim have the right to know the details of the procedure. Courts and the legal profession generally disclose information publicly, but some information can only be obtained through separate inquiries.

Complainants or victims generally do not have effective access to the investigation process. Criminal charges are filed with the State Attorney, who examines the merits of the report; this process can take months or even years and during that time the victim has no information about what is happening. The State Attorney may reject the criminal report, issue a decision on conducting an investigation, or file an indictment. Only after the indictment has been filed does the victim have the right to know the details of the proceedings and thus protect their own rights.

The victim does not receive all information about the investigation automatically; in criminal proceedings, both parties have the right to inspect the file, so the victim or their lawyer must be active, and independently undertake everything they are entitled to.

Courts and prosecutors disclose some information publicly on their websites, while giving certain information to journalists on request. In conversations with lawyers, it was not found out whether the courts and the prosecution had published information that was not true.

Quality statistics collection systems established by state authorities to stem impunity

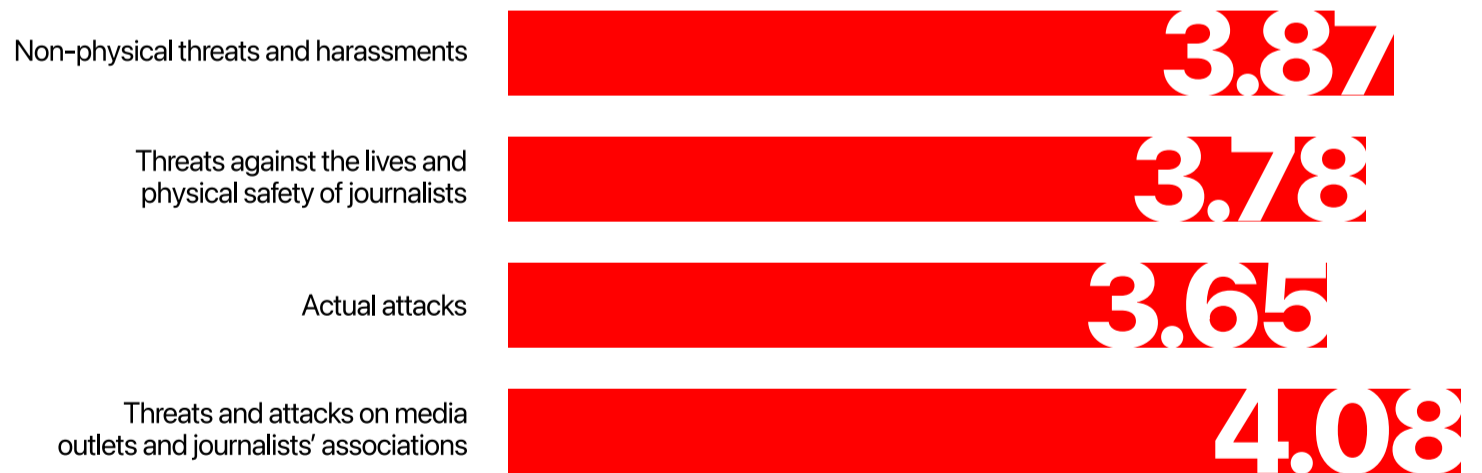
Score (3.53) – There are no publicly disclosed statistics recorded by state bodies concerning journalists. The Ministry of Justice and Public Administration keeps records of lawsuits against journalists, while the State Attorney's Office of the Republic of Croatia monitors criminal offenses committed to the detriment of journalists, for which persecution is undertaken ex officio, and keeps records of them.

There are no publicly disclosed statistics recorded by state bodies concerning journalists. Every year, upon request, the Ministry of Justice and Public Administration submits to CJA statistical data on lawsuits against journalists. This data represents the number of active and completed Criminal Cases in which the defendants are journalists, classified by years (2016-2020), by the article of the law under which they were filed and by the types of termination or verdicts (if completed). The second table refers to status of litigation cases in which the defendants are journalists in all municipal courts in the Republic of Croatia, relative to the period from 2016 to 2020. On a yearly basis, the table presents filed, resolved and unresolved cases for damages-payment and damages-correction of information. Data were not disaggregated by gender, ethnicity, and other socio-demographic criteria. The State Attorney's Office of the Republic of Croatia monitors criminal offenses committed to the detriment of journalists for which persecution is undertaken ex officio and keeps records of them on the basis of data provided to them by lower state attorney's offices.

IV

Actual Safety

3.85



1.00
2.00
3.00
4.00
5.00
6.00
7.00



There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

Non-physical threats and harassments

These include: surveillance or tracking, harassment by telephone calls, arbitrary harassment by representatives of judicial or administrative bodies, aggressive statements by public officials, other forms of pressure that may jeopardize the safety of journalists in the performance of their duties. These types of threats do not include mobbing and violent behavior in the work environment.

Score (3.87) – According to data from the Regional Platform database, in 2020 there were five non-physical threats and harassment, two of which were aggressive addressing done by a public servant and a former public official, and three threats were other forms of pressure that could jeopardize the safety of journalists in their work. Journalists often experience various insults, reprimands and “tutoring” attempts, which are often directed at them by public officials, but also by the highest state officials.

- Journalist Anja Kožul received threats and insults on Facebook because of the article she published.
- The N1 TV crew was insulted and threatened by a passerby while they were doing their job.
- A 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 location for which she had received approval and prevented her from doing her job.
- At the entrance to the building where journalist Domagoj Margetić lives, faeces were left and a cut off pig’s head.

Threats against the lives and physical safety of journalists

These may include: death threats to the journalist, their family and friends or a journalist source; threats of causing grievous bodily harm to a journalist, their family and friends or a journalistic source. These threats can be direct or through third parties, through electronic or face-to-face communication, implicit and explicit.

Score (3.78) – 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. Numerous journalists do not report such threats, especially if they are addressed through social media.

- Two men broke into the premises of Slobodna Dalmacija's correspondent office in Zadar and threatened journalists for the article 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

This type of attack can include actual physical or mental injury, kidnapping, intrusion into a home or newsroom, confiscation of equipment, unauthorized detention of journalists, attempted liquidation, and so on.

Score (3.65) – There were significantly more physical attacks in 2020 than in 2019. Five of them were recorded, some of the most aggressive ones were addressed towards women.

- Journalist Luka Šangulin was surrounded at the event he was following, insulted, prevented from doing his job, a protective mask was torn from his face and his mobile phone, which he was using to film the event, was taken away from his hand by force.
- A man ran into journalist Ivana Sivro in a car, and used his hand to hit the camera through the car window, with which she was filming.
- Journalist Živana Šušak Živković got her hand crushed by the church door as she tried to film a public event, and afterwards, her mobile phone was destroyed, with which she was filming.
- Journalist Domagoj Margetić was attacked by an official of the Ministry of State Property.
- Journalist Andrea Topić was attacked by four men while she was doing her job, after which she locked herself in her car, and the men did not allow her to leave for some time.

Threats and attacks on media outlets and journalists' associations

Threats relate to: actual attacks on the property of the media and organizations, their staff, seizure of equipment, aggressive statements by officials, etc.

Score (4.08) – During 2020, one attack was recorded on the editorial office of a media correspondence.

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

Original title
Western Balkans Journalists' Safety Index
Narrative report Croatia 2020

Publisher
Croatian Journalists' Association
Independent Journalists' Association of Serbia



Author
Monika Kutri

Legal Expert
Vanja Jurić

Media Expert
Milan F. Zivković

Translator
Josipa Siklic

Design
comma.rs

This publication was produced with the assistance of the European Union and Civil Rights Defenders. The contents of this publication are the sole responsibility of the Independent Association of Journalists of Serbia and may in no way be taken to reflect the views of the European Union and Civil Rights Defenders.

