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# CROATIA Indicators on the Level of Media Freedom and Journalists' Safety 2021





**CROATIA**  
**Indicators on**  
**the Level of**  
**Media Freedom**  
**and Journalists’**  
**Safety 2021**

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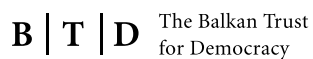
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A PROJECT OF THE GERMAN MARSHALL FUND

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# Project Overview and Research Scope

The journalists associations from the Western Balkan countries, with the support of the European Commission<sup>1</sup>, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice and to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform monitor the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo<sup>2</sup> and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis<sup>3</sup>, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

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- 1 In December 2019, the European Commission approved the three-year project [Safejournalists.net](https://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 project is funded, under the Civil Society Facility and Media Programme 2020-2022, Support to regional thematic networks of Civil Society Organizations.*
  - 2 This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.*
  - 3 The first edition of the research methodology for this advocacy research project was developed in 2016 and fine-tuned over the years to reflect the situation in the Western Balkan countries. The advocacy research is designed and coordinated by Snežana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia ([www.resis.mk](http://www.resis.mk)).*

# Notes on Methodology

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans 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, the advocacy research is conducted by national researchers who carry out the data collection and draft the narrative reports, which were then reviewed by local media experts and by lead researcher. In Croatia the Croatian Journalists' Association nominated Monika Kutri as national researchers and Đurđica Klancir as media expert to review the report.

*Table 1: Indicators on levels of media freedom and journalists' safety*

A. Legal protection	B. Journalists' position in newsrooms	C. Journalists' safety
A1 Legal guarantees for media and journalistic freedom and their application in practice	B1 Economic restrictions of journalistic freedoms	C1 Statistics of attacks on journalists and impunity
A2 The impact of defamation laws on journalists	B2 Editorial independence in private media	C2 Conduct of state institutions and political actors in relation to the protection of journalists
A3 Legal protection of political pluralism in the media	B3 Editorial independence in public media services	C3 Conduct of criminal and civil justice in relation to threats and violence against journalists
A4 Freedom of work and journalistic associations	B4 Editorial independence in non-profit media	
A5 Legal protection of a journalistic source	B5 Journalists' freedom in the process of news production	
A6 Protection of rights to access information	B6 The economic position of women in journalism	





The Republic of Croatia is organized as a sovereign parliamentary democracy based on the principle of division of powers between legislative, executive and judicial powers. According to the Constitution, the highest legal act, Croatia is a unique and indivisible democratic and social state in which the power comes from the people and belongs to the people, as a community of free and equal citizens<sup>4</sup>. Croatia is the national state of the Croatian people and members of national minorities. According to the 2011 census<sup>5</sup>, a total of 7.62% of the population of Croatia are members of national minorities, the most numerous of whom are Serbs, Bosniaks and Italians<sup>6</sup>.

In Croatian society, there is still an atmosphere in which journalists are considered “culprits”. The highest state officials accuse and point out to journalists in their public appearances, and there have been no significant changes compared to last year. Back in 2016, the then Minister of Culture, Zlatko Hasanbegović, significantly weakened the media sector by canceling the co-financing program for non-profit media, which left a large number of journalists without work, non-profit media were brought to the brink of existence, and the consequences of this are still being felt today. Hasanbegović’s successor, Minister Nina Koržinek Obuljen, announced the adoption of a media strategy and changes to the Media Act, but changes and adjustments of legal regulations in the media segment are progressing in an extremely slow manner. In December 2021,

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4 Constitution of the Republic of Croatia [https://narodne-novine.nn.hr/clanci/sluzbeni/2001\\_05\\_41\\_705.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2001_05_41_705.html); accessed on: 3.3.2022.

5 Although a new census was carried out in 2021, by the time this report was concluded, the results on national minorities had not yet been published.

6 National minorities in the Republic of Croatia <https://pravomanjina.gov.hr/nacionalne-manjine/nacionalne-manjine-u-republici-hrvatskoj/352>; accessed on: 3.3.2022.

the first meeting of the Working Group for Amendments to the Media Act was held, which included the Croatian Journalists' Association and the Trade Union of Croatian Journalists, but after that initial meeting, not a single meeting of the working group was held.

In 2021, Croatia is still under certain restrictions due to the coronavirus pandemic, which hit the whole world at the beginning of 2020. The economy is still in crisis, but certain developments and improvements can be seen compared to 2020. The pandemic had a negative impact on the overall business of 78% of electronic media in Croatia, with an emphasis on television and radio<sup>7</sup>.

A large number of media are registered in Croatia. The Council for Electronic Media at the Agency for Electronic Media maintains the Register of media service providers, electronic publications and non-profit producers of audiovisual and radio programs, while printed materials are registered with the Croatian Chamber of Commerce (HGK).

In Croatia, on 31.12.2021., 31 media services of television, 153 media services of radio, 438 media services of electronic publications, 177 media services via satellite and Internet and 18 media services on demand were registered as active<sup>8</sup>. 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 journalists employed in certain media<sup>9</sup>, kept by the Croatian Chamber of Commerce. The largest organizations whose members are journalists, and which fight for the rights of journalists are the Croatian Journalists' Association (HND) and the Trade Union of Croatian Journalists (SNH).

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7 <https://www.aem.hr/vijesti/pandemija-uzrokovana-virusom-covid-19-negativno-utjecala-na-78-elektronickih-medija-u-hrvatskoj/>; accessed on: 25.3.2022.

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8 For the purposes of producing this report, the information were obtained from the Agency for Electronic Media.

9 In the table submitted by the HGK to the CJA for the purposes of this report, there are data on the number of full-time employed journalists in electronic media, as well data on the total number of journalists in electronic media. The accuracy of the data entered is questionable because in some media the number of full-time employed journalists is higher than the total number of journalists employed all together. In the same document, in the newspaper segment, there is a column "the total number of journalists – external associates in 2018", but out of 816 newspapers, the data was entered only for 141 of them.

### **A1 Legal guarantees for media and journalists' freedoms and their application in practice**

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Is the right to freedom of expression and information guaranteed? Does it also include internet access? Are legal guarantees put into practice?

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The Constitution of the Republic of Croatia guarantees freedom of thought and expression, the right to access information, the right to correction and the prohibition in censorship<sup>10</sup>. "Freedom of expression of thought includes in particular the freedom of the press and other means of communication, freedom of speech and public appearance and the free establishment of all institutions of public communication."<sup>11</sup> The preconditions for the exercise of the principles of freedom of certain types of media, the rights of journalists and all other participants in the process of informing the public are regulated separately by the Media Act<sup>12</sup>, the Electronic Media Act<sup>13</sup>, the Croatian Radio

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<sup>10</sup> Article 38., Constitution of the Republic of Croatia

<sup>11</sup> The Constitution of the Republic of Croatia [https://narodne-novine.nn.hr/clanci/sluzbeni/2010\\_07\\_85\\_2422.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_85_2422.html); accessed on: 28.11.2021.

<sup>12</sup> Narodne novine (Official Gazette) 59/04, 84/11, 81/13 <https://www.zakon.hr/z/38/Zakon-o-medijima>; accessed on: 28.11.2021.

<sup>13</sup> <https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima>; accessed on: 28.11.2021.

and Television Act<sup>14</sup>, the Croatian News Agency Act<sup>15</sup> and in part by the Copyright and Related Rights Act<sup>16</sup>. The right of access to information held by public authorities is guaranteed by the Right of Access to Information Act<sup>17</sup>, and guaranteed to journalists in particular by the Media Act<sup>18</sup>. All these guarantees are applied in practice, but not the most effective way. Some public administration bodies and institutions refuse to provide information and they can only be obtained through complaint mechanisms or the Information Protection Commissioner<sup>19</sup>. Remedies against violations are not always effective because civil litigation lasts a very long time.<sup>20</sup>

### Has media legislation been developed in a transparent and inclusive process, in consultation with relevant professional associations?

During 2021, a new Copyright and Related Rights Act and a new Electronic Media Act (ZEM) were also adopted. At the end of 2019, the Croatian Journalists' Association stepped down from the Working Group of the Ministry of Culture for the development of the new ZEM<sup>21</sup> because the Ministry of Culture did not include the CJA's proposal in the Draft proposal of the ZEM<sup>22</sup>. Some of the novelties in the new ZEM are: changes in the way the program base is calculated; responsibility for comments under media posts on portals will fall onto the real authors of these comments; the number of beneficiaries of the Fund for fostering pluralism and diversity of electronic media has been expanded, but the finances for this Fund have not been increased; incitement to hatred and violence (on the basis of political or other opinion, membership of a national minority, property, birth, disability, age, sexual orientation or citizenship and content that calls for terrorism) is prohibited<sup>23</sup>. Declarative legislation has been developed in a

transparent and inclusive process, but it seems that decisions on final solutions in the regulations are still taken by the ruling structures.<sup>24</sup> Media policy does not exist in Croatia: although there have been several attempts to adopt such a policy, none of these attempts have succeeded, and the furthest such attempts have gone to was in 2015, when the Draft proposal on Media Policy<sup>25</sup> was made, but it was never adopted. In December 2021, the Ministry of Culture and Media has formed a Working Group for amendments to the Media Act, in which the Croatian Journalists' Association and the Trade Union of Croatian Journalists were involved with one member each, but despite solid proposals from these associations, the Working Group no longer held a single meeting. The Media Act of 2012 is in force, which is outdated on many counts, and many of its determinants, which are well set, do not apply in practice since the legislator did not provide for sanctions.

### Have there been any attempts by state authorities to impose licensing or other strict requirements for the establishment of print and online media? Do these requirements go beyond mere corporate and tax registration?

There are no permits or licenses in Croatia to establish the business of electronic media, and in the last year there has been no attempt to introduce this kind of media legitimacy. Although there is no unified media register in Croatia, there is a register of publications with the Agency for Electronic Media<sup>26</sup>. It's the same thing when it comes to print media. More than 800 different types of newspapers have been registered at the Croatian Chamber of Commerce<sup>27 28</sup>, from which it could be concluded that freedom in the field of publishing is at a high level.

14 Narodne novine 137/10, 76/12, 78/16, 46/17, 73/17, 94/18 <https://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>; accessed on: 28.11.2021.

15 Narodne novine 96/01 <https://www.zakon.hr/z/1263/Zakon-o-Hrvatskoj-izvje%C5%A1tajnoj-novinskoj-agenciji>; accessed on: 28.11.2021.

16 Narodne novine 111/21 <https://www.zakon.hr/z/106/Zakon-o-autorskom-pravu-i-srodnim-pravima>

17 Narodne novine 25/13, 85/15 <https://www.zakon.hr/z/126/Zakon-o-pravu-na-pristup-informacijama>; accessed on: 28.11.2021.

18 Article 6., the Media Act; Narodne novine 59/04, 84/11, 81/13 <https://www.zakon.hr/z/38/Zakon-o-medijima>; accessed on: 28.11.2021.

19 [https://cadmus.eui.eu/bitstream/handle/1814/67796/croatia\\_results\\_mpm\\_2020\\_cmpf.pdf](https://cadmus.eui.eu/bitstream/handle/1814/67796/croatia_results_mpm_2020_cmpf.pdf); accessed on: 28.11.2021.

20 Ibid.

21 <https://www.hnd.hr/hnd-istupili-smo-iz-radne-skupine-za-izradu-zem-a-jer-ministarstvo-kulture-nije-uvazilo-nijedan-nas-prijedlog>; accessed on: 29.12.2021.

22 <https://hnd.hr/hnd-komentari-na-pojedine-clanke-prijedloga-zakona-o-elektronickim-medijima>; accessed on: 29.12.2021.

23 [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_11\\_1942.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_11_1942.html); accessed on: 12.1.2022.

24 Helena Popović, a media expert, points out that "this means that different participants are invited and involved to legitimize the decisions of the majority that was formed in such a way as to include those who support the decisions of the authorities. In other words, decisions were taken within the framework of the ruling structures, and after that the democratic procedure is being fawned, with a very certain outcome," interview conducted by Monika Kutri in January 2021.

25 [http://www.hnd.hr/uploads/files/nacrtr\\_prijedloga\\_medijske\\_politike\\_republike\\_hrvatske.pdf](http://www.hnd.hr/uploads/files/nacrtr_prijedloga_medijske_politike_republike_hrvatske.pdf); accessed on: 29.12.2021.

26 The register of media service providers, electronic publications and non-profit producers of audiovisual and radio programmes is kept by the Electronic Media Council: <https://www.em.hr/en/upisnik>; accessed on: 29.12.2021.

27 Register on issuance and distribution of printing at HGK - <https://www.hgk.hr/usluge/upisnik-o-izdavanju-i-distribuciji-tiska>; accessed on: 29.12.2021.

28 The Croatian Chamber of Commerce maintains the Register on The Issuance and Distribution of Newspapers, in accordance with the Media Act (NN No. 59/04; 84/11; 81/13)

### Were state authorities trying to restrict the right to access the internet or block or filter online content?

According to available data, in 2021 there had been no attempt to restrict internet access rights or block or filter content<sup>29</sup>. The Constitution and the laws of the Republic of Croatia do not mention the right to access the Internet, but Croatia is a signatory of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which guarantees this right and thus can be secured in such manner.

### Does the regulatory body exercise its powers in an independent and non-discriminatory manner? Do broadcast licensing regulations apply in a fair and neutral way?

The only independent regulatory<sup>30</sup> body that exists in Croatia is the Electronic Media Council<sup>31</sup>, which manages the Agency for Electronic Media and is tasked with implementing the Electronic Media Act<sup>32</sup>. Concessions, according to the Electronic Media Act, are awarded in public tenders<sup>33</sup>, and the procedure is governed by the Ordinance on the content and procedure of notification of the intention to grant concessions for the performance of the activities of providing media services of television and radio<sup>34</sup>. The Council oversees the work of the concessionaires, i.e., publishers, and is obliged to act 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 can be re-elected. The Council operates transparently, but “the fact is that the parliamentary majority has an important influence on the appointment of the decision-making body of the Agency, which may in practice affect the political independence

of the regulatory authority<sup>35</sup>”. Media Daily conducted a poll of 30 radio publishers, 18 publishers of electronic portals and 12 television publishers; 63.4% of respondents felt that the Electronic Media Council (VEM) was not independent in its work<sup>36</sup>. In 2021, the work of the Electronic Media Council was specifically considered in the event of the award of a concession for the frequency on which radio 101 had broadcast for many years. The frequency was assigned to the company Top radio d.o.o., owned by businessman Ivan Jurić Kačunić, who was tied to serious accusations of being involved in the concealment of the real owners of the media, in several cases.

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

Although advertising is governed by the Acts, there are no clear and fair criteria in Croatia for distribution of state advertisements in the media<sup>37</sup>. State institutions generally publish data on the amounts allocated to the media, but this is only a fraction of the funds that the media receive from the state: the media also receive funds from various public companies or companies controlled by the state, and such data is not transparent<sup>38</sup>. “Monitoring the work of local self-government units” is recorded as commercial advertising revenue rather than public subsidy and it is not possible to determine the extent of such practices<sup>39</sup>. Sometimes local media are helped by payment-in-kind, for example, by having their electricity bill covered, or by not charging them for the use of venue at a local cultural centre<sup>40</sup>. Local media, 124 of them, received HRK 5,846,182.07 from the state budget in 2021.<sup>41</sup> Three national TV companies received a total of HRK 22,017,98.09, of which more than HRK 18 million went to HRT itself, while Nova TV and RTL Croatia received approximate amounts of less than HRK 2 mil-

29 Share monitoring: <https://hr.bird.tools/> list of cases of content blocking on the Internet; accessed on: 31.12.2021.

30 Certain regulatory powers in the field of media are also held by the Croatian Competition Agency, the Croatian Chamber of Commerce, the Agency for Network Activities, the Ministry of Culture and the Ministry of Finance, but none of these institutions deal exclusively with the media.

31 The powers of the Electronic Media Council do not go beyond the field of electronic media, and therefore the Council does not have jurisdiction over the article published in the printed edition of the newspaper, while the same article is published on the portal of that newspaper.

32 The Electronic Media Council <https://www.aem.hr/vijece/>; accessed on: 25.2.2022.

33 <https://www.aem.hr/kategorija/koncesije/>; accessed on: 25.2.2022.

34 Narodne novine 131/13 [https://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_10\\_131\\_2867.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2013_10_131_2867.html); accessed on: 25.2.2022.

35 Rule of Law Report 2020 - Chapter for Croatia <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>; accessed on: 12.1.2022.

36 <https://mediadaily.biz/2022/03/29/anketa-vecina-ispitanika-smatra-da-vem-ne-odlucuje-samostalno-i-neovisno-o-dodjeli-radijskih-tv-koncesija/>; accessed on: 30.3.2022.

37 [https://cmpf.eui.eu/wp-content/uploads/2019/01/infographics\\_COMMS\\_PROJECT\\_distribution-state-advertising.pdf](https://cmpf.eui.eu/wp-content/uploads/2019/01/infographics_COMMS_PROJECT_distribution-state-advertising.pdf); accessed on: 31.3.2022.

38 <https://gong.hr/2021/12/29/drzavno-oglasavanje-milijuni-iz-proracuna-i-drzavnih-tvrtki-slijevaju-se-u-selected-media/>

39 <https://www.hnd.hr/ne-transparentno-finciranje-i-ne-ovisno-novinarstvo>; accessed on: 1.4.2022.

40 Ibid.

41 <https://mediadaily.biz/2022/02/21/mediji-i-drzava-2021-zbirne-liste-prihoda-svih-lokalnih-medija-iz-drzavnog-proracuna-26/>; accessed on: 30.3.2022.

lion.<sup>42</sup> These are just some of the data published by Media Daily, conducting a survey on finances flowing from various sources into the budgets of media outlets. According to the results of the pilot survey conducted by Gong<sup>43</sup>, it seems that some media are significantly more favored compared to other media, when it comes to state advertising.

### Are there any types of media subsidies or funds for the production of media content of public interest and how are they implemented in practice?

One of the sources of media funding is the Fund for fostering pluralism and diversity of electronic media, managed by the Agency for Electronic Media. The Law on the Croatian Radio and Television ensures the financial resources of this Fund, and each year it allocates 3% of the revenue from the broadcasting fee. The funds are allocated through an annual public tender, which some publishers consider not to be fully fair and regular<sup>44</sup>. Print media that have their media statute and publish on daily basis benefit from a reduced VAT to just 5%.<sup>45</sup>

#### Box A1.1

*When it comes to financing local media, the City of Pula was the first in Croatia to decide to change the system of co-financing of local media. Before the elections, through the campaign of the Croatian Journalists' Association (HND) and the Trade Union of Croatian Journalists (SNH) "Local media to citizens, not sheriffs", the general public was made aware of the problems faced by journalists in the local media, who are mainly dependent on financing from local self-government units, often in non-transparent "advertising" transactions, which mainly result in the sacrifice of media independence. The main idea is to allocate means for media funding through a transparent tender system that will be implemented by the Committee for the allocation of grants to local media from the area of the City of Pula. This kind of funding, however, began with problems and new controversies in the profession and the*

*public. Nevertheless, CJA continued to promote the idea and model of transparent financing in other cities across Croatia.*

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

The media of national minorities are financed through the tenders of the Council for National Minorities. In order to exercise the right to information via television, radio and the press in the language of the national minority, national minority councils, associations, as well as members of national minorities themselves may carry out public communication activities<sup>46</sup> in accordance with the law<sup>47</sup>. Each year, there are funds in the state, regional and local budgets, provided for the co-financing of programs of radio and television stations owned by them intended for national minorities, according to criteria adopted by the Government at the proposal of the Council for National Minorities or competent bodies of local and regional self-government units. The Council for National Minorities financed 63 information programs<sup>48</sup> in 2021, in accordance with the Decision on the distribution of funds provided in the State Budget of the Republic of Croatia for the needs of national minorities. Every year, electronic media agencies, through the Fund for fostering pluralism and diversity of Electronic Media, award means to media service providers in the category of National Minorities in the Republic of Croatia, within the framework of a public tender. In 2021, a total of HRK 1,687,231.03 was awarded to broadcasters, non-profit providers of electronic publications and non-profit producers of audiovisual programmes for the category of national minority programmes in the Republic of Croatia. In total, 5 television shows (HRK 759,169.55), 28 radio shows (HRK 720,078.30), 4 contents of electronic publications (HRK 182,983.18) and one content from a non-profit audiovisual program producer (HRK 25,000.00) were financed. Article 18. of the Constitutional Law on the Rights of National Minorities (the Treaty between the Croatian Radio and Television and the Government of the Republic of Croatia for the period from 1 January 2018 to 31 December 2022) guarantees members of national minorities representation in the programme of the Croatian Radio and Television. In its 2021 report, the Council for National Minorities found "an underrepresentation of produced and broadcast programmes aimed at members of national minorities

42 <https://mediadaily.biz/2022/02/22/mediji-i-drzava-2021-nacionalnim-televizijama-22-milijuna-kuna-27/>; accessed on: 30.3.2022.

43 <https://gong.hr/2021/12/29/drzavno-oglasavanje-milijuni-iz-proracuna-i-drzavnih-tvrtki-slijevaju-se-u-birane-medije/>; accessed on: 14.2022.

44 In a poll conducted by Media Daily, to which 60 publishers responded, when asked if VEM properly and fairly evaluates applications to this Fund, 36.7% of respondents think they do not, while 16.7% think VEM sometimes "deprives" them in its assessment. <https://mediadaily.biz/2022/03/29/anketa-vecina-ispitanika-smatra-da-vem-ne-odlucuje-samostalno-i-neovisno-a-dodjeli-radijskih-i-tv-koncesija/>; accessed on: 30.3.2022.

45 <https://mediadaily.biz/2020/04/27/mediji-drzava-utjecaj-novca-izvijestavanje-medijae-izvijestavanje-medija/>; accessed on: 30.3.2022.

46 Publish newspapers, produce and broadcast radio and television programs and carry out the activities of news agencies.

47 <https://judskoprava.gov.hr/pristup-priopadnicima-nacionalnih-manjina-sredstvima-javnog-priopavanja-i-pravo-obavljanja-djelatnosti-javnog-priopavanja-primanje-i-sirenje-informacija-na-jeziku-i-pismu-kajim-se-sluzbe/626/>; accessed on: 30.3.2022.

48 When asked for information received from the Council for National Minorities.

in the entire programme of the Croatian Broadcasting Company”.

Is the autonomy and independence of the public radio and television service guaranteed and effectively protected? Does the funding framework ensure its independence and stability? Is its supervisory authority a representative of the community as a whole?

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The Law on the Croatian Radio and Television formally guarantees the independence of the Croatian Radio and Television (HRT)<sup>49</sup>, but this independence does not appear to be protected in practice. HRT’s administration is elected by the ruling majority in the Croatian Parliament, which has so far proven to be a practice of political appointments and attempts to influence the public service programme<sup>50</sup>. HRT is financed through the broadcasting fee, which is paid by all citizens, amounting to about HRK 1.2 billion annually<sup>51</sup>. It could be said that the source of funding enables financial independence and stability of the operations in the public media service. HRT has two supervisory bodies: the Supervisory Board and the HRT Programme Council. The Supervisory Board has five members, four of whom are appointed by the Croatian Parliament, while one is a representative of HRT’s employees, and this body supervises HRT’s operations and the coherence of their work with the Act on Croatian Radio and Television<sup>52</sup>. The HRT Programme Council “represents and protects the public interest by conducting monitoring of the programme and improving the evaluation of radio and audiovisual programmes and other audio, audiovisual and multimedia services<sup>53</sup>”. This body has 11 members, nine of whom are elected by the Parliament on the basis of a public tender, while two are elected by HRT’s employees.

## A2 Impact of defamation laws on journalists

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Are the legal provisions on defamation strict and do they protect state officials? What are the main disadvantages of these laws?

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Despite years of appeals and requests by the CJA to remove defamation from the criminal legislation, it still exists as a provision of the Penal Code. Libel and insult provisions are strict, public officials often use them, and they often serve as retaliation for journalists’ coverage<sup>54</sup>. A conviction on the grounds of defamation or insult “allows the plaintiff to claim monetary damages directly from the journalist after the end of the criminal proceedings”<sup>55</sup>. In Croatia, since the beginning of 2020, the crime of serious humiliation has been decriminalized, but the provisions of defamation and insult remained in law. Lawyers believe that decriminalising severe humiliation is a good start, but that the other two provisions should definitely be decriminalized as well. Defamation is generally difficult to prove, but there are a lot of lawsuits relating to insults.

How many lawsuits have state officials and politicians filed against journalists in the past year?

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CJA’s survey<sup>56</sup> on the number of lawsuits against journalists and the media relating to lawsuits active in 2021 again shows devastating data. At that time, at least 951 lawsuits against the media and journalists were active in Croatia, of which prosecutors claimed damages amounting to almost HRK 77.4 million. Of the total number of 951 lawsuits, 928 relate to litigation against publisher, their editors and journalists, demanding damages for breach of honour and reputation, for published texts and contributions. On the other hand, 23 criminal proceedings are currently active. In addition to natural persons unknown to the general public, prosecutors are usually figures from public and political life, including politicians who hold power, as well as legal entities and judges. In active litigation, the amount of claims ranges from several thousand kunas to even more than 1 million kuna, while the longest court case has lasted as long as 32 years. Official data from the Ministry of Justice and Administration, however, show that 380 new litigation cases were filed against journalists last year for damages, and on 31 December 2021, a total of 859 lawsuits

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49 <https://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>; accessed on: 30.3.2022.

50 Reporters Without Borders again wrote in their 2021 report that “the Government has not stopped interfering in HRT’s affairs” <https://rsf.org/en/croatia>; accessed on: 30.3.2022.

51 <https://www.index.hr/vijesti/clanak/uhicjenja-potvrnila-prvo-nam-otmu-novac-pa-nijime-financiraju-hdzov-kriminal/2186544.aspx>; accessed on: 30.3.2022.

52 <https://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>; accessed on: 30.3.2022.

53 HRT’s Programme Council <https://o-nama.hrt.hr/organizacija/programsko-vijece-hrt-a-4333>; accessed on: 30.3.2022.

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54 <https://www.portalnovosti.com/krimi-medija>; accessed on: 30.3.2022.

55 *Ibid.*

56 <https://www.hnd.hr/istrazivanje-hnd-a-braj-tuzbi-protiv-novinara-i-medija-u-porastu-aktivno-njih-najmanje-951>; accessed on: 1.4.2022.

have not yet been settled. The total number of active criminal cases in which defendants are journalists in all courts in Croatia at the very end of 2021 was 110. The overview of the outcomes of the proceedings is very interesting: in 2019, 2020 and 2021, a total of 39 rulings were issued in criminal proceedings against journalists rejecting the private complaint and 53 rulings to suspend the proceedings. There were 2 rejection verdicts and 20 acquittals. In only 11 cases, a conviction has been issued against journalists, from which, same as last year, it can be concluded that very few journalists have been convicted of the act for which they were charged, and those were probably cases of SLAPP lawsuits.

**To what extent are court rulings against some journalists politically motivated? What kind of sentences were imposed?**

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In recent years, lawsuits against journalists have often been used in Croatia as an “elegant” form of attack to discredit, demotivate, intimidate, and financially exhaust journalists. You could say that such lawsuits against journalists are politically motivated<sup>57</sup>. Non-uniformity of judicial practice is a major problem in journalism, because when someone sues the media in which the journalist works, journalists are never sure what the possible outcome of this procedure is.

**Do courts recognise the established self-regulation mechanism (if such exists)? Do they accept the validity of the published response, correction or apology?**

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Published responses, corrections or apologies are often taken into account in court, and lawyers often attach decisions of the CJA's Journalists' Council of Honour as proof that an individual journalist did or did not violate the Code of Honour of Croatian Journalists. The courts are not obliged to consider the decisions of the Journalists' Council of Honour during the processes, but in practice this is also happens, even though judicial practice in Croatia is uneven, so this claim cannot be made for the entire judiciary system.

**What do journalists think of legal provisions on defamation? Do these provisions have a discouraging effect on their research work and critical writing?**

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Journalists view defamation and reputational damage lawsuits differently. Some journalists are discouraged and very exhausted by these lawsuits, while others deal with them in an easier way<sup>58</sup>. The journalist's view of lawsuits also depends on what kind of media they work in and what is the size of that media - whether the media has its own legal service that stands in the protection of journalists and the like.

### **A3 Legal protection of political pluralism in the media**

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**Is political pluralism in the media regulated by media legislation outside the electoral processes? What are the obligations of public media services and what are those of commercial electronic media in relation to political pluralism outside the electoral processes?**

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Political pluralism in the media outside the electoral processes is not regulated in general media legislation. According to the HRT Act, the public media service is obliged to encourage pluralism of political ideas and enable the public to be familiar with these ideas and to process political issues impartially.<sup>59</sup> Commercial media are not explicitly obliged to encourage political pluralism under the Act.

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

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The regulatory authority must oversee the implementation of the Electronic Media Act. Outside election campaigns, parliamentary parties generally have access to large media outlets in proportion to their size and influence. Parties that are not represented in parliament have almost no space in the big media outside of election campaigns.

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57 In the Ad Hoc study 'SLAPP in the context of the European Union', it is stated that a large number of lawsuits filed by HRT against journalists raises suspicions that the public service has been captured by a political interest group [https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp\\_en.pdf](https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp_en.pdf); accessed on: 30.3.2022.

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58 A focus group with seven journalists held in December 2021.

59 HRT Act, Article 7. and 9.



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

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The Electronic Media Act stipulates that at the time of election campaigning, the publisher of television and/or radio content must allow all political parties to promote themselves on equal terms in accordance with the electoral regulations and instructions of the competent authority that supervises or conducts the elections. The rules on the conduct of electronic media with the national concession in the Republic of Croatia during election campaigns<sup>60</sup> stipulate that the publishers of electronic media are obliged to provide adequate space for the presentation of the political program of the participants in the elections, while the Croatian Broadcasting Company is obliged to provide at least five minutes for the presentation of political programs for all participants in the elections. The HRT's Programme Council oversees the content of the programme of the Croatian media service, and whether it complies with the legal obligations of HRT, but it has only an advisory role. The Council for Electronic Media regulates and oversees the application of legal provisions relating to electronic media, while the CJA's Journalists' Council of Honour is a body that admonishes and gives opinions when violating the Code of Honour of Croatian Journalists.

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

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Political parties and candidates have access to the media during election campaigns, which is guaranteed by law<sup>61</sup>. It often happens, however, that politicians who hold the positions of senior officials or local officials are more present in media programs and many use this opportunity for self-promotion, which also earns them political points.

**A4 Freedom of work and journalists' associations**

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**Do journalists have to have a state license to work? Has there been any attempts by the state in the past year to introduce licensing for journalists?**

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In order to do journalism in Croatia, journalists do not need licenses to work, nor have there been any attempts to introduce them during this year. The definition of a journalist remains a big problem, as per Article 2. of the Media Act, the journalist is "a natural person (...) employed by the publisher on the basis of an employment contract or carries out a journalistic activity as an independent occupation". The emergence of new forms of journalism (such as blogs or the so-called citizen journalism) is not followed by a correction of the definition of "journalist" in the law, which may lead to legal uncertainty in the future. Journalists are allowed to report on the work of all state bodies whose work is defined as public.

**Are journalists denied the right to report on certain events because they do not have accreditation?**

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Reporting from the Government and Parliament<sup>62</sup>, as well as some other public institutions, is conditional on accreditations or applications, which journalists must request from the institution in advance or apply for the monitoring of individual sessions. According to the results of a survey conducted by the CJA among its membership, 42.9% of journalists said they were once denied the right to report on certain events.

**Are journalists organized into professional associations and if so, how? Are there pressures on their organization or on individual members?**

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Journalists are free to join forces with professional organisations and trade unions. The Croatian Journalists' Association is the largest professional association of journalists. It was established in 1910 and gathers about 2000 members, while in 2015 the Association Croatian Journalists and Publicist was founded - the number of its members has not yet been made public anywhere. The CJA, as well as its members, are often the target of attacks and pressures.

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60 (NN 111/21)

61 <https://www.osce.org/files/f/documents/8/4/471453.pdf>

62 <https://www.sabor.hr/hr/press/akreditacije>; accessed on: 30.3.2022.

Are journalists organized into unions and if so, how? Are there pressures on union leaders and other members? Can journalists become union members?

Croatian journalists are also organized into the Trade Union of Croatian Journalists, which has existed since 1990 and gathers about 2200 members. Journalists are free to join unions and this kind of association is guaranteed by law and the Constitution, but some media owners do not look kindly on such association because it is perceived as a rebellion or a sort of protest.

Is there a press council and how is it organised? Are there pressures on press council representatives?

In 2011, the CJA and publishers of all major Croatian media outlets established the Croatian Press Council (HVM), a self-regulatory body that was supposed to monitor and sanction violations of professional journalistic ethics. In the face of organizational and financial problems, the work of the Council has never fully come to life, and after several years of existence, it has been completely extinguished.

## **A5 Legal protection of journalists' sources**

How is the confidentiality of journalists' sources guaranteed by law? Under what circumstances can the right to protect sources be limited?

The protection of the source of information is regulated by law<sup>63</sup> and according to it the journalist is not obliged to disclose information about the source. The Public Prosecutor's Office has the right to request information about the source if necessary for the sake of national security, territorial integrity and health protection; in this case, the court may ask the journalist to present information about the source, and may also do so if the disclosure of sources is of greater public interest than the protection of the source.<sup>64</sup>

<sup>63</sup> Article 30. of the Media Act

<sup>64</sup> In this case, the court is obliged to ensure that the confidentiality of the source information remains in the courtroom among the necessary number of people for that trial.

Do the authorities respect the confidentiality of the journalistic source? Were there any examples of journalists being required to disclose their sources and was that justified, in order to protect the public interest? Were there sanctions against journalists who refused to reveal the identity of the source?

Journalists rarely have a problem with being forced to divulge the source of information. Journalists who participated in interviews and focus groups did not encounter such problems. In the past year, there have been no sanctions against journalists who have refused to reveal the identity of their sources.

Do journalists feel free to seek access and maintain contact with the source of information?

Focus-group participants, as well as interviewed journalists generally feel free to seek access and maintain contact with sources of information.<sup>65</sup>

## **A6 Protection of the right of access to information**

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

Under the Law on the Right of Access to Information, journalists are given access to documents and information relevant to their work. Journalists often invoke the rights guaranteed by this law because the institutions refuse to give them information<sup>66</sup> and often turn to the information commissioner. This type of access to information is very slow for the journalists' profession and for the importance of the speed of publication of information. Preferential access of journalists to information is somewhat defined by the Media Act, but in Croatia there is no regulatory body (commissioners) that would react immediately if there were violations of this legal provision.

<sup>65</sup> Focus groups with 14 journalists held in December 2021.

<sup>66</sup> MPM 2020 - Country report: Croatia [https://irmo.hr/wp-content/uploads/2020/07/MPM\\_2020\\_CroatiaReport.pdf](https://irmo.hr/wp-content/uploads/2020/07/MPM_2020_CroatiaReport.pdf); accessed on: 15.1.2022.

**Do journalists use these rules? Do the authorities abide by the rules without delay?**

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, and journalists have different experience in relation to state institutions<sup>67</sup>. In the case of information that cannot cause greater public controversy, institutions are largely open, while information sensitive to the institution's reputation is harder to come by. Journalists often get information only after putting into action all the essential mechanisms and after weeks or months of procedures, but often these information are no longer relevant to the story that the journalist was dealing with.

**Are state authorities generally transparent? Do they have open, non-discriminatory and fair relationships with the media, or do they tend to work in secret? Do state institutions prefer media that are politically inclined to them?**

In principle, the government is open to the media: some institutions require accreditation, while some just need an announcement from the news crew. Several journalists on focus groups agreed that spokespeople for institutions appear to be acting as if they needed to defend the institution from journalists rather than be a link between journalists and the institution.

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

The transparency of the courts is not the same at all levels of the judicial structure, nor at the state level. In principle, the courts are open, but the interviewed journalists have different experiences; they have excellent cooperation with some courts, while they find it very difficult to cooperate with other courts and never get responses to their inquiries.<sup>68</sup>

**Is public access to parliamentary sessions allowed? Are there any restrictions on journalists in monitoring the work of the Croatian Parliament?**

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

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

In principle, the Government and its ministries are open to the public, but it happens that in certain situations the government prefers certain media. Such a form of preference may cause distortions of the right to report on politics.

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<sup>67</sup> Focus groups with 14 journalists held in December 2021.  
<sup>68</sup> *Ibid.*

# B

## Position of journalists in newsrooms

### **B1 Economic restrictions on journalists' freedom**

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

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The economic position of journalists in Croatia has not changed significantly compared to last year's survey. The crisis caused by the covid pandemic put journalists in an unenviable position, leaving a large number of them without extended part-time contracts and some journalists were dismissed from their work positions. According to the data available to the Trade Union of Croatian Journalists, out of their 2200 members, about 1000 members have permanent employment contracts, while other members are individuals, freelancers, or part-time associates, and a small number of them are retirees<sup>69</sup>. The collective contract exists in three media outlets in Croatia, and in the last 20 years there have been attempts to negotiate a national collective contract (NKU), but such attempts were terminated because employers did not want to accept the following proposals of the Union: 40-hour working week, advancement of journalists in status based on years of professional experience, basic salary, elements which get included in the working hours of journalists, collective contracts at the level of media companies (so

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<sup>69</sup> There is no exact information on what kind of contracts they have, or how many of these other members are employed for a determined period of time.

that in more financially successful media after the signature of the NKU, more rights could be achieved than the minimum from NKU) and basic protection of part-time associates.

Journalists who have a signed an employment contract are granted, under the laws<sup>70</sup>, better social security than those who work as freelancers. The salaries of journalists are considered a trade secret and differ in relation to many factors. Based on journalists' statements, the Trade Union of Croatian Journalists calculated the indicative averages of journalists' salaries in three categories:

	Journalists	Editors
Large electronic systems (national television)	900,00 – 1.000,00	1.500,00 – 2.000,00
Press (national print media)	750,00 – 1.000,00	1.000,00 – 1.600,00
Local media	500,00 – 700,00	700,00 – 900,00

Table 1: Range of average net salaries expressed in euro<sup>71</sup>

### What are the working conditions of journalists? What are the biggest problems they face in the workplace?

The employment of external associates and freelancers instead of employment under the Employment Contract is still very present in Croatia, thus making the employer's obligations towards journalists much fewer. Last year's crisis was used as a good excuse for firing journalists<sup>72</sup>, reducing their salaries<sup>73</sup> and terminating freelancers' contracts<sup>74</sup>. Only 15% of freelance journalists fully maintained their work engagements<sup>75</sup> during the crisis, according to CJA's survey conducted in April 2020. A large number of journalists still work from home, because a number of employers saw it as a good model.

The working conditions of journalists generally depend on the media company in which they work, on the size and type of media, and on the legal framework that provides for them, depending on whether they are employed or work as part-time associates. The position of the Trade Union of Croatian Journalists is "that it is necessary to ensure that both the self-employed and freelancers can protect their labour rights and benefits through a collective agreement and participate in collective negotiations".<sup>76</sup>

## B2 Editorial independence in private media

Have private media adopted documents that separate newsrooms from the management and marketing structure of media publishers? Do private media adopt other rules that protect editorial independence from the owner and managing bodies of media publishers? Are those rules followed?

According to the Media Act, relations between publishers, editors-in-chief and journalists and their mutual rights and obligations are determined by the statute of the media. Media statutes are the obligation of all media according to the law, and are also a prerequisite for those media that wish to receive various forms of state subsidies, such as means from the Fund for fostering of pluralism and diversity of Electronic Media<sup>77</sup>. All electronic media listed in the Electronic Media Register at the Agency for Electronic Media have a statute, and editorial statutes are also created by those print media that want to be granted VAT reduction for the printed media. The legislature has not succeeded in imposing sanctions for failing to enforce the provisions of the statute and that leaves room for violations of many rules. In addition to editorial statutes, private media are not obliged to adopt other rules that protect editorial independence from the owner and management bodies of the media. That the problem of influencing editing and journalistic work in private media exists in the Croatian media was also warned by GONG's pilot survey on pressures and new forms of censorship within newsrooms, which was carried out and published in 2021<sup>78</sup>.

70 The Basic Health Insurance Act, the Pension Insurance Act and the Law on Mediation in Employment and Rights during Unemployment.

71 Data obtained from the Trade Union of Croatian Journalists upon request, for the purpose of last year's survey, but the Union also confirmed for this research that the amounts have not changed significantly. The data was collected by the Union in conversation with colleagues; there are no official statistics in Croatia on the level of salaries of journalists.

72 Journalists On Thin Ice <https://www.hnd.hr/novinarstvo-i-novinarstvo-na-brisanom-prostoru>; accessed on: 29.12.2021.

73 Pay cuts and dismissals in Styria <https://www.hnd.hr/otkazi-i-smanjivanje-placa-u-styrji>; accessed on: 29.12.2021.

74 A letter to the Government of the Republic of Croatia asking the CJA and CJU for urgent measures to save journalism <https://www.hnd.hr/hnd-i-snh-hiine-mjere-zaspas-novinarstva>; accessed on: 29.12.2021.

75 <https://www.hnd.hr/samo-15-posto-freelancera-u-medijima-zadrzalo-poslove-od-pocetka-zdravstvene-krize>; Accessed on: 29.12.2021.

76 <https://www.snh.hr/pridruzujemo-se-borbi-za-zastitu-prava-freelancera/>; accessed on: 29.12.2021.

77 Article 7 of the Rulebook on the Fund for the fostering of pluralism and diversity of electronic media [https://www.aem.hr/repository\\_files/file/1306](https://www.aem.hr/repository_files/file/1306); accessed on: 29.12.2021.

78 <https://gong.hr/2021/12/15/ko-sve-pritisce-novinare-i-novinarke-od-politicara-do-oqlasivaca/>; accessed on: 8.3.2022.

## Do private media newsrooms have internal codes of ethics or adhere to the general code of ethics?

When it comes to the code of ethics, there is a Code of Honour for Croatian Journalists in Croatia, adopted by the Croatian Journalists' Association, modelled on similar documents in Europe. At the 66th regular Assembly of the CJA, a conclusion was reached on the establishment of a commission for amendments to the Code of Honour of Croatian Journalists, in order to modernize the document<sup>79</sup>. The Journalists' Council of Honour is the only self-regulation body of the media space in Croatia, which has been active within the CJA since its foundation in 1910 and which oversees the implementation of the Code of Honour<sup>80</sup>. The Press Council of Honour decides on denunciations which anyone can make if they notice a breach of the Code. Although the rulings of the Council of Honour do not have the weight of a court verdict, courts often consider decisions taken by the Council, seeing them as a relevant source of data. The media in Croatia are not obliged to have codes of ethics, and according to a 2019 survey<sup>81</sup>, only the Croatian Radio and Television<sup>82</sup> and Večernji list<sup>83</sup> have publicly presented internal ethic codes on their own websites.

## What are the most common forms of pressure from media owners and managers on newsrooms or individual journalists?

The editor is the main link between journalists and media owners, and therefore advertisers, or sources of finance, who can easily turn into those who apply pressures. When journalists are asked about the pressures of owners or managers on them, those who feel that they have good editors, say that mostly the eventual threat does not reach them because the editor does not burden them with it, but in his own way solves the problem. Others say that the editors themselves indirectly draw their attention to what topics are not suitable to engage with, so one journalist cited the example that the editor brought to her attention that a certain legal person paid a substantial sum for advertising, which was supposed to be a sign to the journalist that she should not

write about this legal person for a while<sup>84</sup>. The GONG survey of pressures on journalists and the media has seen various forms of pressure from media owners and managers on newsrooms and journalists: the management of ad sales in a media company puts pressure on the newsroom because they believe that dealing with a topic will make them lose some advertisers; "changing the headlines to mitigate the damage to the Prime Minister and other ministers, removing texts from portals which did not favour the HDZ (Croatian Democratic Party) prefect"; "increasingly, journalists are required to write texts ordered by editors and with pre-given premises, often inaccurate"; it is forbidden to invite certain guests to television shows.<sup>85</sup> These are just some examples of pressure from superiors within media outlets. When asked: "Have you been banned from dealing with a particular topic in the past two years? Have you personally, or has someone in the wider newsroom circle, been requested to deal or not to deal with a particular topic at all, or for a certain period of time?" as part of the GONG survey, 10 journalists said yes, while eleven responded negatively.<sup>86</sup>

## B3 Editorial independence at the public broadcaster

### Does the public broadcaster have an adopted code of conduct for journalists and editorial independence? Do journalists abide by this code? Do public broadcasting bodies have internal organisational rules in place to keep newsrooms independent of the managing bodies of the public broadcaster? Are those rules followed?

The public media service has adopted the Code of Ethics for journalists and creative staff of the Croatian Radio and Television<sup>87</sup>. There is also an Ethics Committee on HRT, which can give opinion on violations of the Code of Ethics. HRT has an in-house Ordinance on internal organisation, but it does not provide a clear conclusion on the level of responsibility of some of the office holders. The director-general of HRT has the greatest influence on the position of editors. Although the statute could and should allow journalists to have influence on the choice of editors, that same statute of the media

79 <https://www.hnd.hr/zakljucci-66-godisnje-skupstine-hrvatskog-novinarskog-drustva>; accessed on: 3.3.2022.

80 The Press Council of Honor <https://www.hnd.hr/novinarsko-vijece-castr/>; accessed on: 29.12.2021.

81 Research by the House of Human Rights [https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/lzvjesc%CC%8Ctaj\\_POI\\_mediji\\_hr.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/lzvjesc%CC%8Ctaj_POI_mediji_hr.pdf); accessed on: 17.2.2022.

82 The Croatian broadcaster does not currently have this document published on its web. Document visualized on 20.2.2022.

83 Večernji list Code of Ethics [http://media.vecernji-list.hr/pdf/Eticki\\_kodeks\\_Vecernjeg\\_lista.pdf](http://media.vecernji-list.hr/pdf/Eticki_kodeks_Vecernjeg_lista.pdf); accessed on: 17.2.2022.

84 Interview with a reporter from a private online-media, in January 2021, conducted by Monika Kutri.

85 GONG research conducted by Đurđica Klancir "Who and how pressures journalists, from politicians to advertisers" <https://gong.hr/wp-content/uploads/2021/12/Tko-sve-i-kako-pritisce-novinare-i-novinarke-od-politicara-do-oglasivaca-2.pdf>; accessed on: 8.3.2022.

86 Ibid.

87 <https://objetnica.hrt.hr/leksikon?s=e#eticki-kodeks>; accessed on: 20.1.2022.

service does not oblige the journalists to vote on the choice of editor.

### Box B 3.1

*During June 2021, several people were arrested in the USKOK raid for suspicion of corruption, including Kazimir Bačić, director-general of HRT<sup>88</sup>. Bačić's arrest had nothing to do with HRT's operations, but as director-general of the Public Media Service, he traded influence. The event led to the dismissal of Bačić as director-general and the election of a new one. After Robert Šveb, the new HRT director, was elected by Parliament for the position, a vote was cast regarding the proposal of the Social Democratic Party's that after he takes office, the new director should take the necessary actions to withdraw the lawsuits against journalists brought during Kazimir Bačić's tenure<sup>89</sup>. The parliamentary majority rejected the proposal<sup>90</sup>.*

**What are the most common forms of government pressure on newsrooms or individual journalists at the public broadcaster? What is the most illustrative example of government pressure on the work of entire newsrooms or individual journalists in the past year?**

The Government continues to constantly interfere in HRT's affairs<sup>91</sup> and, as in recent years, has a great influence on the public media service. Therefore, the ruling party has influence over the election of HRT's directors, probably selecting people for these positions which are not necessary competent, but compatible to their political views. "The large number of lawsuits filed by HRT against its employed journalists raises suspicions that the public service has been captured by a political interest group<sup>92</sup>." Although HRT has withdrawn a number of lawsuits against journalists and the media in 2021, their "showdown" with lawsuits with Hrvoje Zovko continues.

## B4 Editorial independence in the non-profit sector

**Have nonprofit media adopted a code of conduct for journalists and editorial independence? Do journalists adhere to this code?**

Non-profit media in Croatia usually have very small newsrooms where "everyone does everything". Serious non-profit media have their own editorial statutes, but not their own ethical codes, so they are subject only to the Code of Honor of Croatian Journalists.

**What are the most common forms of pressure on nonprofit media? What is the most illustrative example of pressure on nonprofit media?**

Withholding funding remains the most common form of pressure on non-profit media. In Croatia, there is no culture of citizens' grants or donations for the work of the media, and they are dependent on the project financing 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 access them, journalists have to deal more with project management than journalism itself, which certainly calls into question the functioning of such media.<sup>93</sup> The new Electronic Media Act has expanded the number of beneficiaries of the Fund for fostering pluralism and diversity of electronic media, but the finances for the Fund have not increased, which is likely to have an even more negative impact on the financing of non-profit media. The second most common form of pressure on such media are SLAPP lawsuits<sup>94</sup>, which do not subside in Croatia and which bring non-profit media to the edge of existence.

88 <https://www.vecernji.hr/vijesti/zbog-sumnje-u-korupciju-uhiceno-vise-osoba-medu-njima-i-kazimir-bacic-glavni-ravnatelj-hrt-a-1504348>; accessed on: 20.1.2022.

89 <https://www.index.hr/vijesti/clanak/hdzova-vecina-odbila-prijedlog-da-hrt-odbaci-tuzbe-protiv-novinara/2312203.aspx>; accessed on: 22.1.2022.

90 Out of 126 representatives, 51 were in favour, 2 sustained, while 72 opposed it.

91 <https://rsf.org/en/croatia>; accessed on: 22.2.2022.

92 Ad-Hoc Request - SLAPP In the the EU context [https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp\\_en.pdf](https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp_en.pdf); accessed on: 22. 12. 2021.

93 Although project funds can contribute to the development of journalists and the media, these funds are often not intended for the daily financing of journalists' work. This makes it much more difficult for nonprofit media to work because instead of producing content and research stories, they have to allocate part of their already small newsrooms to jobs that involve project management.

94 Strategic lawsuit against public participation – lawsuits aimed at censoring, intimidating and silencing critics by burdening them with legal proceedings <https://anti-slapp.org/what-is-a-slapp>; accessed on: 14. 2. 2022.

## **B5 Freedom of journalists in the news production process**

How much freedom do journalists have in choosing the news they will deal with and in deciding which aspects of the story to emphasize? How often do journalists participate in editorial or newsroom coordination (attend editorial briefings)?

The results of the survey conducted by the Croatian Journalists' Association among its members show that 71% of journalists responded that they mostly or completely have freedom to choose the news they are going to work on, while only 66% of respondents have freedom to decide which aspects of the story should be emphasized. When asked how often they participate in editorial and newsroom coordination such as participation in editorial briefings, 55% of respondents said they participate frequently or always. Interviewed journalists, as well as participants in focus groups, said they most often participate in such meetings. Nonprofit media, which have small newsrooms, often do not have this kind of coordination and mostly agree on tasks "on the go".

What are the views of journalists regarding respect for journalistic ethics? What is their personal perception about the extent to which they have been affected by different risks and influential persons/sources of pressure?

As many as 91% of those surveyed in the poll said they agreed with the statement that journalists should always adhere to the professional code of ethics, regardless of the situation and context. The results of the survey and the analysis of focus groups and interviews with journalists show that mostly personal beliefs and journalistic ethics have the most influence on them.

How many journalists report cases of editorial censorship? How many journalists testify that they succumbed to self-censorship for fear of losing their jobs or other risks?

When asked if journalists were reporting cases of censorship, participants at focus groups said they did not know how to report censorship even if they experienced it, or that they would not report it so as not to go through a tortuous process. In some media outlets, without the consent of superiors, employees are not allowed to speak publicly about the pressures they suf-

fer.<sup>95</sup> The results of the research conducted by GONG indicate that censorship is present in the media space of Croatia and "that mechanisms within editorial censorship are increasing"<sup>96</sup>.

### *Box B6.1*

*Over several weeks in 2021, the non-profit media portal H-alter published a series of articles by journalist Jelena Jindra titled "System for Protection or Abuse of Children?" in which the author problematizes the work of Gordana Buljan Flander and the Polyclinic for the Protection of Children and Youth of the City of Zagreb. H-alter was given a temporary measure of banning the publication of texts on the director of the Polyclinic, on grounds of "Order on insurance". Lawyer Vanja Jurić said the court's decision is "contrary to all standards of the European Court of Human Rights and democratic principles in general and in the future, opens the door for all legal and natural persons, all state officials and politicians and all state and public bodies to seek, and as clearly stated from the case in question, to receive court authorization for such silencing and censorship of media coverage on topics of public interest".<sup>97</sup>*

## **B6 Economic position of female journalists**

Do female journalists work in worse professional conditions than their male colleagues? Are they employed through employment contracts as often as men?

The poorer position of female journalists compared to male journalists is most often reflected through the prism of general attitudes that exist towards women in Croatian society: "The less some job is paid and more insecure it is, it is increasingly likely that it will be per-

95 Ahead of the March 2019 protests by journalists, the CJA and Trade Union of Journalists highlighted their eight anti-censorship demands, including the following: "We ask for the abolition of unconstitutional internal acts in media outlets that prohibit journalists from speaking publicly without the consent of their superiors about the pressures and restrictions on journalistic freedom they suffer in the media for which they work. Such internal acts unilaterally adopted by employers are contrary to the essence of the journalistic profession and Article 38. of the Constitution of the Republic of Croatia guaranteeing freedom of speech." <https://www.hnd.hr/osam-zahitjeva-protiv-cenzure>; accessed on: 21.1.2022..

96 <https://gong.hr/2021/12/15/tko-sve-pritisce-novinare-i-novinarke-od-politicara-do-oglasivaca/>; accessed on: 25.2.2022

97 <https://www.slobodnaevropa.org/a/halter-jindra-zabrana-mediji/31475077.html>; accessed on: 25.2.2022.



formed by a woman.”<sup>98</sup> Female journalists are more often the target of attacks and insults, and the ones especially at risk are those journalists who are external associates, because they do not have labour rights, from which it derives they also do not have the right to maternity leave; for example, such female journalists are forced to work during the entire pregnancy and the period foreseen for maternity leave. According to statistics of the Croatian Employment Service, there are 208 female journalists and 84 male journalists recorded as unemployed.<sup>99</sup> Female journalists are more often discriminated against based on appearance and age, so they are more often replaced by younger colleagues; one editor said that “while he is the editor, women over 40 will not be seen on screen.”<sup>100</sup>

### Do women occupy leading editorial positions in newsrooms as much as men? What are their salaries in relation to the salaries of male colleagues?

The Labour Act guarantees pay equality between women and men. Most often, they are not gender-based, but depend on the position held by a female or male journalist in the media. In Croatian journalism, women can most often reach prominent positions depending on how they fight for their position in the media or newsroom<sup>101</sup>.

### Are they exposed to special gender-based pressures?

Participants in the focus group replied that they were not subjected to specific gender-based pressures, but female journalists were faced with gender-based attacks. There is a trend for the same public figures to insult female journalists for years, most often the most prominent politicians. Often the only reason for attacking or insulting female journalists is because they are women.<sup>102</sup>

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<sup>98</sup> <https://min-kulture.gov.hr/UserDocsImages/arhiva/NAJNOVIJE%20NOVOSTI/Izvestaj%20-%20Radni%20materijal%201%20-%20Rad%20u%20medijima.pdf>; accessed on: 17. 2. 2022.

<sup>99</sup> <https://statistika.hzz.hr/Statistika.aspx?tipIzvestaja=2%3b>; accessed on: 30.4.2022.

<sup>100</sup> Interview with Maja Sever <https://www.zeneimediji.hr/maja-sever-diskriminacija-zena-u-medijima-i-nasem-drustvu-ozbiljan-je-problem/>; accessed on: 29.12.2021.

<sup>101</sup> Data obtained on focus groups and through interviews held for the purposes of this research.

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<sup>102</sup> <https://faktograf.hr/2020/09/04/novinarke-u-javnom-prostoru/>; accessed on: 20.12.2021.



## **C1 Safety and Impunity Statistics**

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In 2021, in the Regional Platform database for advocating media freedom and the safety of journalists<sup>103</sup>, registered 34 attacks against journalists Croatia, which represents a significant increase compared to 2020, when a total of 12 attacks on journalists were recorded.

### **Number of recorded attacks on journalists in 2021 year<sup>104</sup>**

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Next page.

### **Non-physical threats in 2021**

According to data from the Regional Platform database, in 2021, fourteen non-physical threats and harassments were recorded. A large number of these threats occurred via social networks and emails, but a number also happened in person. The case of

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<sup>103</sup> <https://safejournalists.net/hr>; accessed on: 31.12.2021.

<sup>104</sup> The attacks are described in more detail on the platform [safejournalists.net](https://safejournalists.net)

Categories	Nr.	Description
<p>Nonphysical threats and harassments: The non-physical threats and harassments include: surveillance or trailing harassing phone calls arbitrary harassment by representatives of judicial or administrative bodies aggressive statements 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 work environment.</p>	14	<ul style="list-style-type: none"> <li>– The president of the Association of Volunteers of the Croatian Defence Forces stormed the Radio Orahovica newsroom, to threaten journalist, editor and director Tonino Rađenović, telling him: "You are a piece of shit of a man, when I come to power, you will be the first to be dismissed by me, if you do not have the money to sue, I will give it to you."</li> <li>– The editorial board of Faktograf portal received a message saying, among other things: "... just so you know, I will file a lawsuit tomorrow against you for censorship and restricting the freedom of expression, I will demand millions in damages, and I will visit you in person in Zagreb."</li> <li>– The editorial board of Faktograf received a message saying, among other things, "I don't want to swear, but you don't know what I'm capable of. (...) Have a nice afternoon and get high on dick everyone in the shit editorial board. You're cheap souls, and we have your data."</li> <li>– Faktograf received also comments and messages - to one of the female reporters: "I have photos of you, and I know who you are, stinky whore, you will see who you get to block."; to the editor-in-chief: "Shitface, you're going to come across me, I'm going to change your pussy! You will be cut!"; to the project coordinator: "You are working against the people. Don't worry, we'll remember" and "Oy stupid, we know at least who's blocking us, nasty spy!!! "; to the newsroom: "Read Fucktograf. Shame on you! We know all your names! You are fucked because you sold people for money."</li> <li>– Mario Živković, an employee of the Zadar city administration, approached journalist Frano Šarić on the street and insulted and belittled him with threats because he wrote affirmatively about vaccination actions in Zadar County.</li> <li>– "Hrvatski tjednik" published on its front page a photo of Serbian Patriarch Porfirije and portraits of 14 intellectuals (including journalists) titled "Chetnik Patriarch and Croatian Quislings". Journalist Branimir Pofuk directly felt threatened by the front page as well as the text itself published within the newspaper.</li> <li>– After H-alter published a series of articles by journalist Jelena Jindra entitled "System for the Protection or Abuse of Children?" in which the author questioned the work of Gordana Buljan Flander, or the Polyclinic she heads, Judge Andrija Krivak signed a decision prohibiting the media outlet in question from writing about a particular person.</li> <li>– The husband of the arrested former minister addressed journalist Drago Hedl: "Mr. Hedl, how are you? I know all about you, Hedl! Light a candle for All Saints' Day."</li> <li>– In one of the discussions on Facebook, the address of Faktograf's editor, Petar Vidov, was made public in the comments.</li> <li>– Comment on Faktograf's Facebook page: "I think that the Faktograf team should be analy caressed, in the capacity of spreading more accurate news, that is, the TRUTH they present."</li> <li>– The following message came to Faktograf's email "You won't succeed, you won't because most of the videos are real, are you listening Petar Vidov, when this is over and it will be over then all will be in our hands Vidov, we can't wait and there are many of us, you hireling, a pawn of Plenki."</li> <li>– Nenad Bakić rudely attacked Faktograf on December 10th and 11th on his Facebook profile, making a series of untrue claims and urging his followers to file lawsuits against the portal, thus initiating organized pressure on this portal. The Faktograf editorial board has since received a series of threatening messages.</li> <li>– One person posted the status on their private Facebook profile: "5 members of the hireling Faktograf and their addresses, spam their inboxes with "appropriate messages"!!! (the post contains links to the Facebook profiles of Faktograf's journalists).</li> <li>– Journalist Ivan Kovačić was the first to report on the events in Krapinske Toplice, where protesters gathered in support of a father who did not want his son to wear a protective mask at school. Kovačić has become the target of an incitement campaign on social media, where his first and last name and mobile number have been published for days and was urged to harassed him, to put pressure on him.</li> </ul>
<p>Threats against the lives and physical safety of journalists, which may include: death threats against journalists, their family and friends or a journalistic source; threatening to cause grievous bodily harm to journalists, their family and friends or a journalistic source. These threats can be: direct or through third parties; electronic or face-to-face communication; implicit and explicit.</p>		<ul style="list-style-type: none"> <li>– Faktograf's editorial board received a message on Facebook, featuring the following: "You all need to be put under the guillotine, you lying animals. Soon time will come for you to hide from the lynching you have so much deserved."</li> <li>– Editor-in-chief of Faktograf, Petar Vidov, received an email containing the following: "Peter, get high on all of our d...., f... Faktograf and Zuckerberg and Gates and other shit. You won't be going on much longer! Do you think you are going to determine what's true and what's not, you shitty sellouts! You're participating in supporting genocide, pussy! You're all coming to an end..."</li> <li>– After the music editor of Radio Rijeka played Vinko Coce's "Kada umrem umotan u bilo", one of the popular songs of FC Hajduk fans from Split, and after which her colleague apologized for the song to listeners, the editorial board of Radio Rijeka received an email saying, among other things: "If I hear another, only one "tovar" song that I do not like (which sings about the olives, stones or glorifies Dalmatia and those gypsies) you will GET F.... In a nasty way. One wrong move, one wrong song and the whole of Radio Rijeka goes up in the air along with the newsroom, which will be on duty. You read it right. I'm not kidding, this is an open threat. Smarten up and in the future be careful what kind of songs you play because you don't even know what kind of shit you've gotten yourself into because of one stupid female "tovar"." (note: tovar means donkey in Croatian language – Dalmatian dialect, often used in hate speech as a negative way to name a person originally from Dalmatia)</li> </ul>

Categories	Nr.	Description
	15	<ul style="list-style-type: none"> <li>- During a memorial service for the victims of Kevina jama gallows, two males repeatedly interfered with the work of journalists, and at one point told one of the reporters, "What do you have to write about, come on get out of here, you want me to throw you down into the pit now?" The same team was confronted physically face-to-face, insulted and threatened by several people, and for journalists who were not present it was said they "should be put under a boiling hot cauldron".</li> <li>- Faktograf's editorial board received a message on Facebook saying, among other things, "It will be a cordial greeting to all of you together, we, whom you have blocked, have all your names and addresses, so you think carefully about returning home, as the nighttime can do wonders."</li> <li>- To a reporter: "Gang of chetniks, I will get back at you. Slavica Lukić, if it happens once again that I am blocked on FB, I will kill you, you chetnik whore."</li> <li>- The following message was sent to Faktograf via Facebook comment: "There is no evidence that for deaths of people who have to have perfect health for their jobs and have the strictest controls regarding this, are associated with vaccinations, besides the fact they have all been vaccinated. Tell me, Fukctografers, do you ever feel afraid to go home when you're alone? Know this... You should start to be. I'm just saying."</li> <li>- The following message was sent to Faktograf via Facebook comment: "Sleazy sleazebags, you are so obvious and miserable, Soros hasn't got enough money to wash your dirty noses. There will come a time when you will be held accountable for your work. Hint: Causescu did well, he didn't struggle for long."</li> <li>- Marko Perković Thompson, the singer, accused journalist Danka Derifaj of breaking into his property and scaring his children, he made the announcement on his official Facebook page, after which Thompson's fans began insulting and threatening the journalist in a commentary on the post. For days, falsehoods related to the event were published on the portal <a href="http://narod.hr">narod.hr</a>, which continued to draw a target on journalist Derifaj.</li> <li>- After publishing one of his columns, journalist Boris Dežulović fell victim to comments about the column, messages in the inbox of his personal Facebook profile, as well as getting publicly condemned by both the Ministry of Veterans' Affairs and the mayor of Vukovar. Dežulović has so far received hundreds of threats over this column, in which he is insulted, where it is said that he needs to be stripped of his Croatian citizenship and expelled from Croatia, according to where the journalist lives, and that he should be killed.</li> <li>- Faktograf received a message via Instagram: "Satans, you are dead soon, get ready for death shitty communist, we f., your whore mother"</li> <li>- A comment on a post on Faktograf's Facebook page said: "Faktograf, an axe is waiting for you. Chopping, not vaccination."</li> <li>- Faktograf received an email that said, among other things, "But don't think that the COVID dictatorship is already collapsing a bit, soon there will be no corner on the planet where you will be able to hide from us. And then all hell begins for you!!!"</li> <li>- A comment on a post on Faktograf's Facebook page read, among other things, "Well, you need to be killed."</li> <li>- Faktograf received an email message that said, among other things, "As far as I know, two people from the Faktograf are being followed. You have to be careful, there are so many people who are ill minded and ready for anything. People think it's impossible or that the police are protecting them, but no one is untouchable."</li> </ul>
Actual assaults on journalists Assaults can include actual physical or mental injury, kidnapping, trespassing of a home or newsroom, seizure of equipment, unauthorized detention of journalists, attempted execution, etc.	3	<ul style="list-style-type: none"> <li>- Journalist Tea Paponja started receiving insults from a girl after Zagreb Pride parade, who punched her in the head in front of police officers.</li> <li>- RTL's reporter Goran Latković was attacked physically while reporting from a gathering of protesters against epidemiological measures and COVID-certificates in Zagreb, on November 20th.</li> <li>- Al Jazeera's journalist Nikolina Zavišić had her microphone ripped out of her hand by a group of protesters amid a live broadcast from the anti-covid certificates protest.</li> </ul>
Murders of journalists (in the past 15-20 years) Murder in crossfire, murder, murder in a bomb blast, beating to death, etc.	1	<ul style="list-style-type: none"> <li>- Ivo Pukanić was killed in a bomb blast on 23.10.2008, not far from the editorial board of his newsroom.</li> </ul>
Threats and attacks on media institutions, organizations, media and journalists' associations Actual attacks on the assets of the media and organizations, their personnel, seizure of equipment, aggressive statements of public officials, etc. The description of threats and attacks may include some of the above categories.	2	<ul style="list-style-type: none"> <li>- Hrvoje Zovko received threats intended for him as CJA's president.</li> <li>- Faktograf portal was under hackers' attacks on December 14.</li> </ul>

journalist Jelena Jindra, who published a series of articles on H-alter portal entitled “System for protection or abuse of children?” in which she problematizes the work of Gordana Buljan Flander, or the Polyclinic for the Protection of Children and Youth of the City of Zagreb, draws special attention. Judge Andrija Krivak signed a decision imposing a temporary measure on H-alter by “Order on insurance”, which prohibited the publication of texts about the director of the Polyclinic. The CJA believes that the Croatian judiciary system has in this way resorted to unprecedented censorship “beforehand”.

### Threats against the lives and physical safety of journalists in 2021

Threats against the lives and physical safety of journalists are the second most frequent form of attacks on journalists in 2021. This type of threats can imply references to murdering or causing bodily harm to journalists, friends of journalists, their families or sources. In 2021, there had been fifteen such threats, one of which was in person, while the other fourteen occurred through some form of electronic communication, through social networks, emails or comments under articles in the media. Online space is a very fertile ground for various forms of attacks on journalists. One example of such cases is the attack on the journalist Boris Dežulović. After the publication of a column entitled “Jebo vas Vukovar” in which the author questioned the abuse of the sacrifice of Vukovar for political purposes, Dežulović fell victim to comments on the column, messages in the inbox of his personal Facebook profile, as well as getting publicly condemned by both the Ministry of Veterans’ Affairs and the mayor of Vukovar. Dežulović has so far received hundreds of threats over this column, in which he is insulted, where it is said that he needs to be stripped of his Croatian citizenship and expelled from Croatia, according to where the journalist lives, and that he should be killed.

### Actual assaults on journalists in 2021

In 2021, three physical assaults were reported. After Zagreb Pride Parade, journalist Tea Paponja noticed police vehicles and police officers standing around a group of young men and two girls, for whom she heard from the crowd that they were burning the LGBT flag. On the sidelines, she was photographing the event when one of the young men in the company of a girl approached her and said, “Why are you taking pictures of my girlfriend, you whore?” When she replied that she was a journalist and mentioned burning the flag, he said his girlfriend wasn’t burning the flag. After that, this girl started insulting the journalist and punched her in the head in front of the police. RTL’s reporter Goran Latković was attacked physically while reporting from a

gathering of protesters against epidemiological measures and COVID-certificates in Zagreb, on November 20th. According to information the CJA received from Latković, two unknown persons attacked him from behind and slapped him twice, and a third person elbowed him in the ribs. At the same rally, a group of protesters ripped the microphone out of the hands of Al Jazeera’s journalist Nikolina Zavišić, in the middle of a live broadcast. This type of attack continues to occur most often at protests and public gatherings.

### Murders of journalists over the past 15–20 years

One murder of journalists has been reported in Croatia over the past 20 years. Ivo Pukanić was killed in a bomb blast on October 23<sup>rd</sup> 2008. Six people have been finally convicted of the murder, while the instigators have not yet been found. In 2020 new evidence has emerged, pointing at certain individuals who had something to do with this murder<sup>105</sup>, but nothing significant has happened in relation to this investigation since then.

### Threats and attacks on media institutions, organizations, media and journalists’ associations

In 2021, [Faktograf.hr](http://Faktograf.hr) portal has solely reported 20 registered threats. This is the largest number of threats reported to us by a media outlet so far, and it speaks to the fact that there is still no culture of reporting attacks and threats in Croatia. While awareness among journalists and the media that attacks should be reported and spoken about publicly has increased in 2021, it remains insufficient. Online threats were particularly expressive during the year in question, and it seems as if the attackers most conveniently use electronic communication as an option for attacks.

#### *Box C 1.1*

*The larger number of as many as nineteen threats and one hackers’ attack reported by Faktograf portal in 2021, may indicate that other media outlets face the same or similar problem of a large number of threats that are not reported or ignored. All journalists interviewed during this survey responded that at least once they received a threat that they did not report because they consider it as part of their job.*

<sup>105</sup> <https://www.nacional.hr/ekskluzivno-dvanaest-godina-nakon-pogibije-ive-pukanica-iznenada-se-pojavila-audiosnimka-iz-zatvora-koja-ukazuje-na-narucitelje-atentata/>; accessed on: 15.1.2022.

*As a professional organization, during 2021, the Croatian Journalists' Association received one threat to its president, Hrvoje Zovko, and [Faktograf.hr](#) portal was under hackers' attacks on December 14th.*

## **C2 Behaviour of state institutions and political actors regarding the protection of journalists**

**Are there specific provisions in laws or other mechanisms aimed at supporting the safety of journalists, offline and online? Are there documents (protocols, listings, etc.) that have been adopted by state institutions and which provide additional guidance to the military and police forces on how to treat journalists?**

Croatian laws do not have articles that expressly protect journalists, but Article 315.b of the Penal Code also applies, among other things, to coercion towards a person who performs activities of public interest, which includes journalists. The police and military do not have a publicly released document on the treatment of journalists in the event of threats to them. Police, however, have a document called Guidelines in Media Relations.<sup>106</sup>

**Are there mechanisms for monitoring and reporting threats, harassment and violence against journalists? Do state institutions publish information about attacks on journalists and impunity?**

The Ministry of Justice and Administration keeps records of criminal cases in which the defendants are journalists, as well as litigation procedures for damages. The Public Prosecutor's Office keeps a record of acts committed at the expense of journalists for which prosecution is undertaken ex officio.

**Have state institutions recognized attacks on journalists' safety as violations of freedom of expression and the Penal Code? Do government officials make clear statements condemning attacks on journalists?**

Government officials still rarely condemn attacks on journalists in public. If such convictions do occur, they occur mainly after pressure from professional journalists' associations and the public. In 2021, the president

and the prime minister continued to allow themselves to continuously tell the press how they should conduct their work, criticize and attack them, and the Prime Minister also said that the media were trying to obscure facts<sup>107</sup>. The Prime Minister's attack on journalists in 2021 were condemned by the European Federation of Journalists<sup>108</sup>. The President of the Republic also referred to the HRT collective in one of his remarks, telling them that they were "worse than Yutel"<sup>109</sup>. Such behavior of the first two politicians in the country is not a good example for the rest of the public on how journalists should be treated; thus, that small number of positive and exemplary reactions remain in the shadows.

**Are state institutions cooperating with news organisations on issues of journalists' safety?**

State institutions cooperate with the CJA when an attack on journalists occurs. The CJA had its best cooperation in years with the police, who responded each time to reported attacks and threats against journalists. In 2021, the CJA and the Trade Union of Croatian Journalists started negotiations with representatives of the Ministry of Interior Affairs, which should result in the definition of a common model of action through guidelines or protocols, based on the Recommendations of the European Commission from September 16<sup>th</sup> 2021, on ensuring the protection, security and strengthening of the position of journalists. The joint action document should improve and formalise cooperation through the definition of channels of communication and processes, which would result in better protection of journalists and prevention of assaults.

**Do state institutions respect freedom of expression and privacy in cases of electronic surveillance? What is the latest case of electronic surveillance of journalists?**

In 2021, there was no case of electronic surveillance of journalists.

<sup>106</sup> [https://mup.gov.hr/UserDocsImages/dokumenti/SMJERNICE%20MINISTARSTVA%20UNUTARNJIH%20POSLOVA%20U%20ODNOSIMA%20S%20MEDIJIMA%202018\\_.pdf](https://mup.gov.hr/UserDocsImages/dokumenti/SMJERNICE%20MINISTARSTVA%20UNUTARNJIH%20POSLOVA%20U%20ODNOSIMA%20S%20MEDIJIMA%202018_.pdf); accessed on: 30. 12. 2021.

<sup>107</sup> <https://www.nacional.hr/premijer-novinarima-i-urednicima-davao-upute-kakve-da-naslave-stavljaju/>; accessed on: 12.1.2022.

<sup>108</sup> <https://hnd.hr/efj-osudio-napad-premijera-plenkovica-na-novinare-i-medije/>; accessed on: 12.1.2022.

<sup>109</sup> <https://www.jutarnji.hr/vijesti/hrvatska/milanovic-zestoko-napao-hrt-vi-ste-qori-od-yutela-sramota-je-ovo-sto-radite-15070994/>; accessed on: 12.1.2022.

### C3 Behaviour of the justice system regarding threats and violence against journalists

Are there special departments in judicial institutions dedicated to investigating and prosecuting threats and violence against journalists?

Within the Ministry of Justice and 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 units that deal exclusively with investigations and prosecution of threats and acts of violence against journalists.

Do the State Attorney's Office and the Interior Ministry provide adequate resources to cover investigations into threats and acts of violence against journalists? Are investigations into crimes against journalists, including intimidation and threats, investigated quickly, impartially and effectively?

Institutions deal with threat investigations and violence against journalists in line with priorities; the Ministry of Interior Affairs says that "criminal investigations are carried out according to the of operability - urgency, impartiality and legality."<sup>110</sup> DORH treats "criminal cases formed due to the existence of a basic suspicion of the commission of crimes at the expense of journalists in an expeditious, efficient and impartial manner."<sup>111</sup> Last year, the Ministry of Interior Affairs recorded "15 events involving persons engaged in journalistic activity. In ten cases, persons in the journalistic profession were harmed by the crimes of "Threat" described in Article 139., paragraph 3 of the Penal Code (...), in addition to the above-mentioned threats, we recorded two offences of "Coercion against a person performing activities in the public interest or in the public service" described in Article 315.b of the Penal Code. In relation to misdemeanor liability, we inform that in three cases violations were found under the Law on Violations against Public Order."<sup>112</sup> Most of these cases received their epilogue.

<sup>110</sup> The Ministry of Interior Affairs' answer to research-related questions, received 21.1.2022.

<sup>111</sup> DORH's answer to research-related questions, received 17.1.2022.

<sup>112</sup> The Ministry of Interior Affairs' answer to research-related questions, received 17.1.2022.

Are there security measures for journalists when they are needed in response to threats to their physical safety?

Every time the police estimates that a journalist's safety has been compromised, they can grant him police protection, which they have done several times before.<sup>113</sup>

In cases of final verdicts, are sanctions imposed only on the perpetrators of the attack or the instigators/principals?

In cases that the CJA has been tracking since 2014, final verdicts have been handed down only to the perpetrators. When asking the MPU whether, in cases of final verdicts, sanctions were imposed only on the perpetrators or on the perpetrators and instigators/principals, the CJA received a reply that "under Article 39. of the Penal Code, each co-offender and participant (instigator and accomplice) is punished in accordance with his or her guilt."<sup>114</sup>

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

In 2021, the Ministry of Culture and Media established an Expert Working Group to shape the policy of combating SLAPP lawsuits, in which it brought together representatives of journalists and publishers, professional journalists' associations, the Judicial Academy, the Croatian Bar Association, academic society, the Ministry of Culture and Media and the Ministry of Justice and Administration<sup>115</sup>. The idea is to exchange experience and knowledge through a common dialogue, and to educate the representatives of all these organizations and institutions, which should result in an effective way to stop the initiation of SLAPP lawsuits, and therefore in some way protect the freedom of expression of journalists. For the past few years, the Judicial Academy has organized educations on media relations, freedom of speech and hate speech, which included, among oth-

<sup>113</sup> Dušan Miljuš, Gordan Malić and Domagoj Margetić are just a few of the journalists who have had police protection in the last 15 years.

<sup>114</sup> The Penal Code (NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18 and 126/19) prescribes the definition of the perpetrator and co-offender of the criminal act, as well as the institute of complicity (incitement and assistance), which allows sanctioning participants, i.e., instigators or facilitators, under the conditions laid down by the same law.

<sup>115</sup> <https://min-kulture.gov.hr/naslovna-blokovi/izdvojen/izdvojena-ljevo/mediji-16434/strucna-radna-skupina-za-oblikovanje-politike-suzbijanja-slapp-tuzbi/22216>, accessed on: 22.1.2022.

er things, judicial officials, representatives of electronic and printed media, as well as lawyers and judges; state attorneys also participated in education on the topic of freedom of speech<sup>116</sup>. The education of police officers is organized every year<sup>117</sup> and one part of the training concerns Article 315.b of the Penal Code, i.e., the coercion of a person performing activities of public interest. Educations by the Judicial Academy and the police are not carried out in cooperation with the Croatian Journalists' Association.

### Box C3.2

*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 "Šok 3" operation during the pursuit for the perpetrators. The investigation was led against Goran Vidović, Đorđe Vuletić and Darko Dakić, but after a six-month investigation, the Prosecution dropped the indictment due to the lack of sufficient evidence, and the case was returned to Zagreb Police Department for further search of evidence of the perpetrators and the principals. The case of the 2008 beating of Dušan Miljuš has not yet reached the trial stage.*

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<sup>116</sup> CJA's inquiry to the Ministry of Justice and Administration on educations carried out by the Ministry was responded with a letter providing requested data.

<sup>117</sup> When asking the Ministry of Interior Affairs whether trainings for the police are being organized regarding the protection of freedom of expression and the protection of journalists, the Ministry replied: "We inform you that the education of police officers on the topic of crimes against the lives and physical safety under Title Ten of the Penal Code, crimes against personal freedom under Title Thirteen of the Penal Code and crimes against public order under Title Thirty of the Penal Code are carried out every year."



Table: Chronicle of trials where the injured parties are journalists

Case	Year 2017.	2018.	2019.	2020.	2021.
1. Physical attack on journalist Živana Šušak Živković (12. 4. 2020.)				1. 6.2020. - The Municipal Prosecutor's Office in Split has filed an indictment.	In 2021 - the first hearing was scheduled for 24.1.2022.
2. Attack on Andrea Topić, journalist of Slobodna Dalmacija (23. 1. 2020.)				22.7.2020 - The Municipal Prosecutor's Office in Split has filed charges against four men.	
3. Death threats against Ivan Žada, N1 television reporter (20.10.2018.)			5.6.2019. - The Municipal Court in Virovitica issued a non-final verdict against Ivan Đakić to 11 months in prison with a probation period of three years. The State Attorney's Office and Ivan Đakić appealed. 13. 11. 2019. - The Karlovac County Court issued a final verdict against Ivan Đakić for two offences: against personal freedom, threats referred to in Article 139. Paragraph 2 and 3 of the Penal Code, and for a crime against public order, by publicly inciting violence and hatred referred to in Article 325. Paragraph 1 of the Penal Code.		
4. Physical attack on journalist Hrvoje Bajlo (24. 6. 2018.)		18. 7. 2018. - The Municipal Prosecutor's Office in Zadar has filed an indictment against Jakov Surać.	22. 3. 2019. - The Municipal Court in Zadar issues a non-final verdict against Jakov Surać.	22. 1. 2020. - The County Court in Bjelovar issued a final verdict, which found Jakov Surać guilty and sentenced him to 10 months of unconditional imprisonment.	
5. Physical attack on the NOVA TV crew – show "Provjereno": reporter Ema Branica, cameraman Alan Novak and assistant cameraman Goran Jaganjac (16. 9. 2017.)	17. 9. 2017. - District Attorney's Office in Bjelovar questioned the 35-year-old and suggested the court that he should be remanded in custody, which the court accepted.	1. 3. 2018. – At the Municipal Court in Bjelovar, a non-final verdict was issued against Nenad Šainović and his mother, Ana Šainović, for threatening and attacking the TV crew. 10. 2018 - The Court delivers a final verdict.			

# Conclusions and Recommendations

## Conclusions

Although the freedom of speech and information in Croatia is guaranteed by the Constitution and laws, the effectiveness of their application is still questionable. Journalists often have to initiate appeal mechanisms in order to obtain information from Public Administration bodies. The new Law on Copyright and Related Rights and the new Law on Electronic Media were adopted during 2021, so the effectiveness of their application can only be commented on in the next reporting period. There is no unified media register in Croatia, journalists do not need to be licensed, and neither permits nor licences are required to start electronic media. The Council for Electronic Media is the only regulatory body in Croatia and the ruling majority has a great influence on the choice of its members. Advertising is regulated by laws, but in Croatia there are no clear and just criteria for the distribution of state advertisements to the media, and it seems that certain media are significantly more favoured than others. The problem of non-transparency of media financing with state funds is best observed at the local and regional level. The public service is formally independent, but the management is elected by parliamentary majority, which often results in political appointments. The provisions on defamation and insult are strict, public officials often use them, and they often serve as revenge for journalistic reporting. Lawsuits against the media and journalists continue to pose a great pressure, they are often politically motivated, and disputes in the courts last a long time. Journalists usually have no problems reporting from institutions whose work is defined as public. Although association in a journalist association and trade union is free, some media owners understand this type of association as rebellion or protest.

The working conditions of journalists depend on whether they are employed or work as part-time collaborators and on the size and type of media in which they work. Serious media generally have media statutes, but there are no sanctions for non-implementation of the statute's provisions, which leaves room for many rules to be broken. Owners of certain media and managers often put pressure on their employees, which has a negative impact on their work. The general director of Croatian Radio and Television was arrested in mid-2021 on suspicion of corruption; his arrest had nothing to do with the operations of HRT, but he, as the general director of the public media service, traded in influence; after that arrest, a new director general was elected. Small and non-profit media are still the most in danger in Croatia; there are funds for their financing, but these funds are allocated on a project basis, so most often small newsrooms have to devote themselves more to project management than to the creation of journalistic content itself in order to satisfy the format. Self-censorship and censorship, which seems to be present in the Croatian media space, are still a big problem.

The number of attacks on journalists increased significantly in 2021 compared to 2020. In 2021, 34 attacks were recorded, of which 14 were non-physical threats and harassment, 15 were death threats and threats to the physical safety of journalists, 3 were physical attacks and 2 were threats and attacks on the media and journalists' associations. In addition to these forms of attack, the trend of "elegant" attacks on journalists with lawsuits in order to intimidate, financially exhaust, demotivate and discredit journalists continues to flourish in Croatia. It seems that journalists have become more aware of the importance of reporting attacks, and thus only one media reported 20 attacks in 2021, but still a large number of threats remain unreported. Online threats were particularly present during the ongoing year, and it seems that attackers are most comfortable using electronic communication as an option for attacks. During 2021, 17 attacks were reported to institutions, none of which received a judicial epilogue.

Institutions must demonstrate the will and readiness to work on improving the situation in journalism in Croatia and participate in dispelling the rumour that journalists are enemies of institutions and politics. Journalism is an important factor in any democracy and therefore institutions must apply good practices of relations and communication with journalists. To improve the situation in journalism, it is first of all necessary to change the stance towards journalists, namely that they are to blame for everything bad in society, so that they can continue to do their work without fear and in the public interest. The weak socioeconomic position of journalists, especially in small and non-profit media, can affect the content and quantity of produced journalistic content, and thus the quality of journalism in Croatia. In Croatia, there is

still no culture of reporting attacks and threats. Although the awareness of journalists and the media that attacks should be reported and talked about publicly increased during 2021, it is still insufficient. Journalists' associations must continue to publicly point out problems in journalism and put pressure on institutions to improve their attitude towards journalists and for journalists themselves to be more protected.

## Recommendations

- Precisely define the term and occupation «journalist» in order to harmonize it with contemporary forms of journalism and ways of performing journalistic work.
- Create a unified media register.
- Conduct research on the total number of journalists in Croatia and establish a mechanism for monitoring that number.
- Create a fund for media financing.
- Ensure better transparency in the allocation of funds by local self-governments to local media and protect these media from the influence of local powerful people.
- Decriminalize defamation and insult provisions in the Criminal Code.
- To ensure a better labor-legal status of freelance journalists.
- To encourage journalists to strengthen their position as professionals by joining the Croatian Journalists' Association and the Croatian Journalists' Union.
- Encourage institutions to pass internal instructions on how to deal with journalists.
- Encourage officials and heads of institutions to openly, clearly and non-discriminatoryly condemn any attack on a journalist in order to point out that attacks are not tolerated in Croatia; encourage them to refrain from making statements that may endanger the safety of journalists.
- Encourage institutions to process cases related to attacks on journalists more quickly.
- Ensure the cooperation of the judiciary system with journalists so that judges are more knowledgeable about the issues of journalists' work.
- Encourage journalists to report threats and attacks.
- Design and establish a mechanism for systematic monitoring and separation of SLAPP-lawsuits in order to determine in more detail the way to reduce and suppress them.





