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The Western Balkans Journalist Safety Index

Narrative report Croatia 2021

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Introduction

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

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

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute¹ and partners of the Safejournalists.net Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media od Montenegro, Association of Journalist of Macedonia, Association of Journalist of Kosovo, Croatian

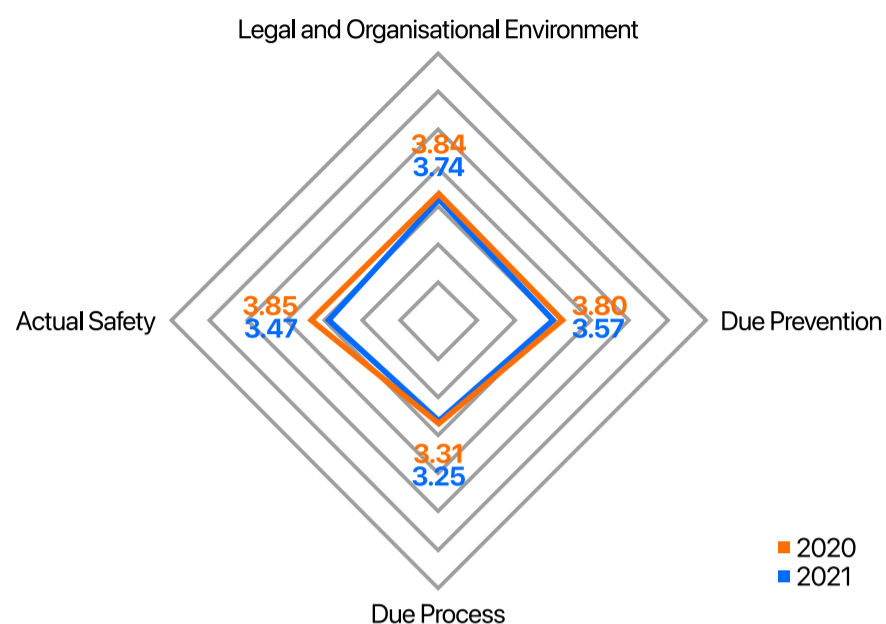
¹ The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Journalists' Association and independent researcher in Albania². As such, the Index is a result of a joint effort of the Platform Safejournalists.net and covers all the specific issues that local partners identified as relevant for their country contexts.

The first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index was 2020. This report refers to the situation in Serbia in 2021 and presents the improvements or deterioration of the situation related to the four dimensions by taking into consideration the assessment for 2020 as the reference year. For more details about the theoretical framework and the process of creating and calculating the Western Balkan Journalist Safety Index and all country reports see (<https://safejournalists.net/safety-index/>).

² Blerjana Bino as independent researcher in Albania for Safejournalists.net platform.

JOURNALIST SAFETY INDEX



	2020	2021		Main new developments in each dimension
1. Legal and Organizational Environment	3.84	3.74	↓	The legal and organizational environment was rated higher than last year. Defamation and insult are still not decriminalized, and a large number of lawsuits against journalists and the media affect editorial policy and internal censorship. By a court decision, H-alter portal was forbidden to write about the polyclinic which work H-alter's journalist put under scrutiny, and as such, this represents a kind of silencing of journalists and degrading of journalistic work.
2. Due Prevention	3.80	3.57	↓	The situation in this aspect has changed for the worse; sexual harassment on HRT (Croatian National Radio and Television) has not been fully investigated, and the Ombudswoman for Gender Equality wrote in her report that the victims generally do not trust the system for protection. State institutions, state officials, political parties and politicians in general do not sufficiently condemn attacks on journalists and are often the creators of welcoming ground for attackers. However, MUP (Ministry of the Interior) has shown sensitivity towards the work of journalists and an agreement is expected to be signed with CJA on better protection of journalists.
3. Due Process	3.31	3.25	↓	Trials for attacks on journalists continue to take a long time, and some of those have not yet started even after almost two years since the attacks occurred. In this aspect, the picture became a little clearer comparing to the previous report, so it became more evident that journalists rarely report online threats, because they consider them part of their professional hazard.
4. Actual Safety	3.85	3.47	↓	As expected, the aspect of journalists' safety was rated the worst in 2021, when a large increase in the number of attacks and threats was recorded. The majority of physical attacks occur at public gatherings, while the greatest number of threats occur online, on social networks and via e-mail.
Journalist Safety Index	3.73	3.48	↓	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- The situation seems to have worsened in 2021 compared to 2020. The Criminal law still contains provisions on defamation and insult, which should be decriminalized because cases of this severity against journalists can also be dealt with by Civil law. In 2021, a verdict was issued that the portal Virovitica.net (journalist and editor Goran Gazdek) must pay HRK 7,500 with interest to SDP's (Social Democratic Party) MP Romana Nikolić in compensation for damages, due to their announcement that the MP has a final verdict for death threats made to a colleague.

In the meantime, Nikolić was redeemed, and the court found that even the published correction of the text cannot compensate for the damages caused to her. In 2021, the verdict in the case of Velimir Bujanec v. News Bar portal became final, in which the satirical portal was convicted for the text in which, according to the court, insults and falsehood were presented. The number of lawsuits against journalists and the media increased slightly compared to 2020, so in the survey for 2021, at least 951 were registered. Fines often have a chilling effect on the sentenced journalists, but also on journalists who, due to the possibility of being sentenced in such ways, decide not to deal with and write about important topics. Verdicts and lawsuits affect the editorial policy and internal self-censorship of the media, which is generated primarily by editors because they want to avoid problems.

- Compared to 2020, the situation in 2021 remained unvaried. The protection of journalistic sources is regulated by law and state authorities respect it. Although in 2021 there were no publicly recorded requests to hand over the source, the DORH (the State Attorney's Office) has the right to request so if it considers that it is a question of national security, territorial integrity and health protection. If the journalist refuses to reveal the source, the law does not explicitly prescribe a sanction for that act. Journalists generally feel free to search for sources of information, and during 2021 there was no recorded case in which the authorities required a journalist to hand over their phone or computer, and thereby potentially endanger a source. Nevertheless, pressures to reveal sources do exist, but because of fear, journalists to whom such things have happened are reluctant to talk about such pressures, which is why it is difficult to determine their number and frequency.
- Although there were positive developments and initiatives during 2021, there was also degradation of the journalistic profession by a court decision, and thus the situation worsened compared to 2020. Cases are initiated against journalists according to all laws on the basis of which lawsuits can be filed against them. In 2021, a court decision was made on the basis of which H-alter portal was prohibited from writing about the polyclinic whose work H-alter's journalist had put into question, which represents one sort of silencing of journalists and the devalorizing of journalistic work. In Croatia, there is no definition of SLAPP as a form of lawsuit, but among the numerous current and closed court cases, lawsuits that have elements of SLAPP and are probably SLAPP per se can be recognized. The Ministry of Culture and Media recognized this and established a working group aimed at suppressing such lawsuits. The CJA started negotiations with MUP (the Ministry of the Interior) on improving the protection of journalists and prevention of attacks.

- The situation in 2021 remained unchanged compared to 2020. Journalists in Croatia do not need work licenses to engage in journalism, nor did the government try to introduce licenses in the previous few years. Journalists are enabled to report from all state government institutions whose work is defined as public. For some institutions, it is necessary to accredit or register journalists in advance. Respondents who completed CJA's survey have different experiences, so 42.9% of them answered that they once had the problem of being prevented from reporting. Journalists can easily prove their occupation by means of the CJA ID card or the card of their newsroom. Journalists are free to join in professional associations, although some media owners do not look favorably on it or perceive such membership as an act of rebellion or protest.
- The situation remained unchanged in 2021. According to the data collected by the Trade Union of Croatian Journalists, only half of its members have a permanent employment contract, while the rest of the members are mostly external collaborators. Wages and working conditions depend on many factors, so they are very different. The work of a journalist is not stable and there is often non-compliance with legal regulations. The collective contract exists in only three media outlets, and the National Collective Contract does not exist. Female journalists generally have the same working conditions as men, but despite this, discrimination on the basis of age occurs, so older female presenters are replaced by younger female presenters, while such "shifts" do not occur among male presenters. Experienced female journalists who worked in print media outlets and who, due to the crisis of traditional media, are forced to look for work in other types of media, are more difficult to get employed in digital media (TV, portals), regardless of their experience and willingness to acquire new knowledge. Freelancers are one of the most endangered groups of journalists, and because they don't have work contracts, and thus, they don't have labor rights either. Private media also have unions, but the owners of some of those media do not look favorably on their employees joining a union and perceive it as an act of rebellion or protest. Journalists are usually provided with legal assistance in their main newsrooms, and CJA and TUCJ offer their members free legal assistance.

II. DUE PREVENTION

- During 2021, the situation remained unchanged compared to 2020. There are no special mechanisms for the protection of journalists in Croatia. All mechanisms that journalists can use are available to all citizens, so attacks and threats can be reported to the police. Hate speech, if its goal is hatred and violence, is subject to criminal prosecution and is then dealt with by the State Attorney's Office of the Republic of Croatia. Depending on the

nature, other forms of hate speech can be reported to the Council for Electronic Media, human rights defenders, the Journalists' Council of Honor or through the GONG application. The police process every report of an attack, and if they find that they are serious threats and attacks, they systematically deal with such cases. During 2021, no case was recorded in which the police refused to receive a report of an attack or to look into a certain case.

- When compared with 2020, the situation in 2021 remained unchanged. The only institution at the national level that can provide physical protection to journalists and other citizens is the Ministry of the Interior. So far, the police have provided twenty-four-hour protection to journalists several times, when it was determined that such protection was necessary. There are several laws that identify the specific needs of individual victims. The Law on Police Duties and Powers protects victims and their relatives if there is a risk to them in connection with criminal proceedings; according to the Law on Witness Protection, a vulnerable person can be included in a protection program in order to ensure the freedom of their testimony in criminal proceedings; according to the Law on the Protection of Whistleblowers, the whistleblower has the right to: judicial protection, protection in accordance with procedures for reporting irregularities, compensation for damages and protection of identity and confidentiality. CJA reacts to attacks on journalists by reporting to all required institutions, and within the framework of its Center for the Protection of Freedom of Expression, in cooperation with lawyers, it provides journalists with free legal assistance.
- The situation in 2021 worsened compared to 2020; sexual harassment on HRT (Croatian National Radio and Television) has not been fully investigated, and the Ombudswoman for Gender Equality wrote in her report that the victims generally do not trust the system for protection. Croatia signed the Istanbul Convention, ratified it and incorporated it into some laws. New laws, protocols and regulations have been adopted to serve for better protection women in Croatia. The Law on Free Legal Aid guarantees free legal aid to victims of violence and includes primary and secondary legal aid. There are also institutions and organizations that represent the mechanism for the protection of women: the Ombudswoman for Gender Equality, the Public Ombudswoman and more than 60 non-governmental organizations or their branches throughout Croatia. Although there are basis for women to be protected, they are often not. During 2021, a female journalist reported sexual harassment on HRT, for which HRT allegedly conducted an investigation and determined that the report was unfounded. The journalist quit her job after that. Female victims of sexual harassment, if they do file reports, mostly report harassment anonymously and do not trust the system for protection.

- In 2021, the unchanged situation affects the deterioration of journalists' safety. State institutions, state officials, political parties and politicians in general do not sufficiently condemn attacks on journalists and are often the creators of a welcoming environment for attackers. Journalists are often the target of verbal insults and attacks directed at them by the political establishment. Citizens often take over the politicians' narrative, which they see as "permission" for attacks, and that leads to openly threatening journalists. In Croatia, there is still an unfavorable atmosphere for journalists, in which they are often blamed for everything.
- In 2021, the situation has slightly improved when it comes to sensitizing the police to journalistic work, i.e. showing willingness to cooperate and create a joint model that would help prevent attacks on journalists. Police officers participate in educations every year, but these workshops do not include information about journalists and their important role in democratic societies. The police still haven't adopted protocols related to the treatment of journalists or the prevention of attacks on journalists, but they have a good will to cooperate with journalists' associations when it comes to protecting the safety of journalists. The CJA and TUCJ started negotiations with the police in 2021, which should result in the creation of a model for better action to prevent attacks, that is, to guarantee better protection, safety and strengthening of the position of journalists.

III. DUE PROCESS

- The situation in 2021 remained unvaried. In Croatian institutions such as the Ministry of the Interior and the State Attorney's Office of the Republic of Croatia, there are still no special departments that deal exclusively with attacks and violence against journalists. It could be said that these institutions need additional education in order to better understand the peculiarities of journalistic work. There are still no documents that would help more efficient prosecution of those who attack and threaten journalists. Threats to journalists are prosecuted ex officio, and the Criminal Law recognizes journalists as persons performing tasks of public interest. Cooperation between competent institutions related to investigations of threats and attacks on journalists exists, depending on the severity and type of attack.
- During 2021, the situation did not change. In cases of threats to journalists, the investigations are independent of the perpetrator, and depending on the severity of the cases, the background circumstances are also taken into account during the investigations. The speed of the investigation varies from case to case: some cases are resolved promptly, while in others, it takes years to even begin with court trials. In the case of the attack on

journalist Živana Šušak Živković from April 2020, the first hearing was scheduled for January 2022, while the hearing for the attack on journalist Ivana Sivro, which occurred on the same day, has not yet been scheduled. The DORH independently decides whether to initiate proceedings or not, so if DORH concludes that there are no elements of a criminal offense in the attack or threat, the journalists are left to initiate and bear the costs of the case themselves. Procedural deadlines are not a problem in investigations if there is an interest in solving the case quickly, while in all other cases the procedures can last from several months to several years. Journalism is recognized in the Criminal Law as a profession that is carried out in the public interest.

- During 2021, it became clearer that journalists rarely report online threats because they consider them part of their professional hazard, and the overall picture compared to 2020 is significantly worse. The most common form of harassment of journalists is via social networks and comments on portals. At the end of 2021, a new Electronic Media Act was passed, which also regulates commenting on portals, so from now on everyone who wants to comment must register on the portal and accept the terms of use, and the actual authors of the comments will be responsible for comments that violate the Law. There are a number of other laws that partially regulate harassment of such kind. Journalists rarely report such forms of harassment. Of the 34 registered attacks on journalists in 2021, as many as 25 of them were online threats. There is a fear that the numbers of online threats to journalists are much higher than the number we have registered, but that journalists do not report them because they consider them part of their work environment. The implementation of the new Electronic Media Act and its provisions on comments on portals could show its results only at the end of 2022. Other laws apply, but only when an attack occurs; better prevention of such attacks is needed.
- The situation has not changed in 2021. During the examination of the validity of filed reports at DORH, which can last for years, victims do not have any access to information. Only after the indictment is filed (if that happens) do the victims have the right to examine the files, but they do not get this information automatically - mostly only through their own effort. Some information is presented publicly by the courts and the prosecutor's office on their websites, while some information can be obtained at the request of journalists. In conversations with lawyers, it was not possible to find out whether some of the information published by these institutions were untrue.
- During 2021, the situation did not change. In Croatia, there are no publicly available statistical data concerning journalists, which are recorded by state bodies and institutions. The Ministry of the Internal

Affairs and the State Attorney's Office of the Republic of Croatia keep their own statistics in cases where the injured parties are journalists, but these statistics are not publicly available. The Ministry of Justice and Administration also keeps statistics on civil and criminal proceedings against journalists and submits this data to the CJA upon request. The data that CJA had access to was not classified according to gender, ethnicity and other socio-demographic criteria.

IV. ACTUAL SAFETY

- According to data from the Regional Platform database, five non-physical threats and harassments were recorded in 2020, two of which were aggressive addressing by a public official and a former public official, and three threats represented other forms of pressure that can threaten the safety of journalists in the performance of their journalistic work. Journalists often experience various insults and condescending addressing that are often directed at them by public officials, but also by the highest government officials.
- During 2020, only two death threats and threats to the physical safety of journalists were recorded, so it could be said that the situation in 2021 has significantly worsened. There is also the possibility that the Croatian Journalists' Association's constant appeal to journalists to report attacks bore fruit, so that they were generally more free to report attacks compared to previous years.
- The number of physical attacks in 2021 is slightly down compared to 2020, when five were registered. This number is not associated with the improvement of certain preventive measures for the protection of journalists.
- During 2021, two attacks on journalist's associations and a newsroom were registered, and the situation worsened slightly compared to 2020, when one attack on a newsroom was registered in Croatia. Although the awareness of journalists and the media that attacks should be reported and talked about publicly increased during 2021, it is still insufficient. Online threats were particularly present during the following year and it seems that attackers are most comfortable using electronic communication as an option for attacks.

Legal and Organizational Environment

3.74

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

2.63

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

5.03

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

3.07

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

5.07

Journalists' job position is stable and protected at the workplace

2.91

1.00
2.00
3.00
4.00
5.00
6.00
7.00



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

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

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

Final Score for 2020: 2.78 / Final Score for 2021: 2.63

The situation seems to have worsened during 2021 compared to 2020. The Criminal Law still contains provisions on defamation and insult, which should be decriminalized because cases of this severity against journalists can also be dealt with in Civil Law. In 2021, a verdict was issued ordering the portal Virovitica.net (journalist and editor Goran Gazdek) to pay HRK 7,500 with interest to SDP's (Social Democratic Party) MP Romana Nikolić in compensation for damages, due to their announcement that the MP has a final verdict for death threats made to a colleague. In the meantime, Nikolić was redeemed, and the court found that even the published correction of the text cannot compensate for the damages caused to her. In 2021, the verdict in the case of Velimir Bujanec v. News Bar portal became final, in which the satirical portal was convicted for the text in which, according to the court, insults and falsehood were presented. The number of lawsuits against journalists and the media increased slightly compared to 2020, so in the survey for 2021, at least 951 were registered. Fines often have a chilling effect on the sentenced journalists, but also on journalists who, due to the possibility of being sentenced in such ways, decide not to deal with and write about important topics. Verdicts and lawsuits affect the editorial policy and internal self-censorship of the media, which is generated primarily by editors because they want to avoid problems.

The Criminal Law in force in the Republic of Croatia still contains criminal offenses of defamation and insult. These two provisions of the Criminal Law are mainly used by politicians and officials as revenge for journalistic coverage of their public activities. Laws regulating defamation and insult (both in the civil and criminal sense) do not differentiate between journalists and government officials. Legislation provides for sanctions that are not proportionate to the act committed. Disputes against journalists can be resolved in Civil Law, and the provisions of

— INDICATOR 1.1

Criminal Law should be used only in the most serious cases, in which values protected by the Constitution or international law are excessively violated and their protection cannot be achieved without criminal coercion. Also, prosecutors often initiate both civil and criminal proceedings at the same time, referring to the publication of the same journalistic report or article.

During 2021, the second-instance court confirmed the verdict passed in 2018, in which Velimir Bujanec, a controversial TV host known for his neo-Nazi outbursts and convicted of possessing and distributing cocaine, unlawfully won a case against News Bar Empire, a well-known publisher of satirical and humorous content. The court concluded that insulting falsehoods were published about Bujanec, for which News Bar will have to pay compensation to Bujanec in the amount of HRK 12,000 (approx. €1,600). Velimir Bujanec, with a conviction for dealing cocaine, filed a lawsuit against News Bar for the text "Emergency service..revived Bujanec after the news about the seizure of cocaine worth 44 million euros" despite the fact that on the News Bar website under "Terms of Use" it says that the news published on the portal were "invented with the aim of creating satirical-humorous work and therefore should not be taken seriously".

During 2021, there were verdicts in which the plaintiffs were influential politicians – in one of such cases it was ruled that the Virovitica.net portal (journalist and editor Goran Gazdek) must pay HRK 7,500 along with legal interest fees, starting from September 14th, 2020, to SDP's MP Romana Nikolić in the name of compensation. On the portal Virovitica.net, information was published that the candidate in the elections, Romana Nikolić, has a final verdict for a death threat to a colleague. Despite the final verdict, Nikolić was later redeemed, which is why she sued the portal. According to the Media Act, non-property damage is compensated by publication of corrections and an apology from the publisher and payment of compensation. The correction was published, but the court found that it did not fully compensate for the damages due to the violation of the right to personal identity and awarded HRK 7,500 for the damages suffered due to the violation of the personal identity, dignity, honor and reputation. A large number of lawsuits against journalists and the media are active in Croatia. According to CJA's survey, at the end of 2021, at least 951 lawsuits against the media and journalists were active in Croatia, from which the plaintiffs claims amounted to almost HRK 77.4 million. Of these, 928 lawsuits refer to litigation proceedings for damages due to injury of honor and reputation, which are conducted against publishers, their editors and journalists due to published texts and articles, and at there were at least 23 active criminal proceedings. The plaintiffs, apart from being natural persons, unknown to the general public, are most often persons from public and political life, including politicians in office, then legal entities, but also judges. Legal entities are usually businessmen connected to politicians or businessmen who cooperate with politicians.

— INDICATOR 1.1

Fines often have a chilling effect on journalists, but there are also many other factors that influence that effect: the psychological profile of journalists, the size and "strength" of the media outlet which they work for and which has their back, the duration of the court process, the amount of damages in a particular sentence. Verdicts in which journalists are awarded large fines/compensation claims are likely to have a negative or intimidating effect on a number of other journalists. Some journalists continue to write critical articles and research, and the possibility of being sued does not discourage them, while this possibility has exhausted other journalists financially and psychologically, so they prefer not to deal with certain topics. Despite the journalists who want to deal with topics for which they have been pressured by lawsuits, editors or media owners often ask journalists to avoid topics related to entities that filed lawsuits or received final verdicts, that is, verdicts and lawsuits affect the editorial policy and internal self-censorship of the media, which is generated by editors wanting to avoid problems.

The verdict in the case of Velimir Bujanec v. News Bar showed that satire is not an acceptable way of expression in Croatia and stands as a warning to other journalists who would deal with a topic in a similar way.

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

Final Score for 2020: 5.03 / Final Score for 2021: 5.03

Compared to 2020, the situation in 2021 remained unvaried. The protection of journalistic sources is regulated by law and state authorities respect it. Although in 2021 there were no publicly recorded requests to hand over the source, the DORH (the State Attorney's Office) has the right to request so if it considers that it is a question of national security, territorial integrity and health protection. If the journalist refuses to reveal the source, the law does not explicitly prescribe a sanction for that act. Journalists generally feel free to search for sources of information, and during 2021 there was no recorded case in which the authorities required a journalist to hand over their phone or computer, and thereby potentially endanger a source. Nevertheless, pressures to reveal sources do exist, but because of fear, journalists to whom such things have happened are reluctant to talk about such pressures, which is why it is difficult to determine their number and frequency.

The protection of sources is regulated by the Media Act, according to Article 30, which states that a journalist does not have to disclose information about the source. The Criminal Procedure Law also contains a similar provision. The State Attorney's Office of the Republic of Croatia has the right to request information about the source if it is necessary for the sake of national security, territorial integrity and health protection; in that case, the court can request the disclosure of the source, but also in the case where the disclosure of the source would represent a greater public interest than its protection. In practice, these provisions are respected.

There are no publicly recorded data on any journalists being forced to reveal the source of information in 2021, and the journalists who participated in the conversation for the purpose of creating this index say that they have not had such requests and pressures in the last few years. Despite this, pressures to reveal sources do exist, but journalists

— INDICATOR 1.2

who experience such things are reluctant to talk about such pressures due to fear, which makes it difficult to determine their number and frequency. Legislation does not recognize an explicitly prescribed sanction in case the journalists refuse to reveal the source. During 2021, no case was recorded in which the authorities confiscated a journalist's phone or computer and thereby endangered the source. Journalists generally feel free to communicate with sources.

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

Final Score for 2020: 3.39 / Final Score for 2021: 3.07

Although there were positive developments and initiatives during 2021, there was also degradation of the journalistic profession by a court decision, and thus the situation worsened compared to 2020. Cases are initiated against journalists according to all laws on the basis of which lawsuits can be filed against them. In 2021, a court decision was made on the basis of which H-alter portal was prohibited from writing about the polyclinic whose work H-alter's journalist had put into question, which represents one sort of silencing of journalists and the devalorizing of journalistic work. In Croatia, there is no definition of SLAPP as a form of lawsuit, but among the numerous current and closed court cases, lawsuits that have elements of SLAPP and are probably SLAPP per se can be recognized. The Ministry of Culture and Media recognized this and established a working group aimed at suppressing such lawsuits. The CJA started negotiations with MUP (the Ministry of the Interior) on improving the protection of journalists and prevention of attacks.

Most often, cases are initiated against journalists under the Criminal Law and the provisions for defamation and insult (these lawsuits are often initiated by high-ranking officials, politicians, judges..), as well as on the basis of the Civil Obligations Act and the Media Act, which refer to compensation for damages, due to violations of personal identity rights (rights to honor, reputation, dignity, etc.), but there are also other cases. Also, proceedings are initiated under the Misdemeanour Act, for offenses against public order and peace, and reports are sent to the Agency for Personal Data Protection (due to alleged violations of personal data protection), as well as to the Agency for Electronic Media (hate speech). During 2021, there were no records of the Prime Minister and other top government officials filing lawsuits based on other laws.

Journalist Jelena Jindra published a series of articles on H-alter portal entitled "System for child protection

or child abuse?" in which she questions the work of the director Gordana Buljan Flander, that is, the Polyclinic for the Protection of Children and Youth in the City of Zagreb. Judge Andrija Krivak signed the "Decision on insurance" imposing a temporary ban on H-alter from publishing texts about the director of the Polyclinic. The CJA believes that in this way the Croatian judiciary system resorted to so far unprecedented censorship "beforehand". With this decision, the court tried to silence the journalist and her work.

There is no definition of SLAPP in the Croatian legislation and judiciary system, so there is no organized protection of journalists from this form of pressure. Despite this, it was recognized that problems with SLAPP exist, so the Ministry of Culture and Media established an Expert Working Group in 2021 to formulate a policy to combat SLAPP lawsuits. This working group includes representatives of the Ministry of Culture and Media, the Ministry of Justice and Administration, journalists and publishers, professional journalist associations (CJA and TUCJ), the Judicial Academy, the Croatian Bar Association and the academic community. During 2021, the CJA recorded at least 951 lawsuits against journalists and the media in its annual survey. When comparing the amount of compensation claims and the nature of the lawsuits that have been filed, it can be concluded that among these lawsuits there are also SLAPPs, whose goal, among other things, is to discourage journalists from continuing with their work. When it comes to the defense of journalists, the CJA, within its Center for the Protection of Freedom of Expression, in cooperation with lawyers, offers journalists free legal assistance, and media houses also have their own lawyers; this being taken into account, but also the fact that there is no definition of SLAPP and that lawsuits are not categorized according to this criterion, there is no information that during 2021 there were any SLAPP lawsuits that would censor, intimidate and silence journalists burdening journalists with high defense costs.

According to the attacks recorded during 2021, all physical attacks were registered at protests or after protests. In 2021, CJA representatives attended a meeting at the Ministry of the Interior, where they began negotiations that should result in the definition of a common model of action through guidelines or protocols, based on the European Commission's Recommendations on guaranteeing the protection, safety and strengthening of the position of journalists. The document on joint action should improve and formalize cooperation by defining communication channels and processes, which would result in better protection of journalists and prevention of attacks.

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

Final Score for 2020: 5.07 / Final Score for 2021: 5.07

The situation in 2021 remained unvaried compared to 2020. Journalists in Croatia do not need work licenses to engage in journalism, nor did the government try to introduce licenses in the previous few years. Journalists are enabled to report from all state government institutions whose work is defined as public. For some institutions, it is necessary to accredit or register journalists in advance. Respondents who completed CJA's survey have different experiences, so 42.9% of them answered that they once had the problem of being prevented from reporting. Journalists can easily prove their occupation by means of the CJA ID card or the card of their newsroom. Journalists are free to join in professional associations, although some media owners do not look favorably on it or perceive such membership as an act of rebellion or protest.

In order to engage in journalism in Croatia, journalists do not need work licenses, nor has the state tried to introduce any form of licensing in the past few years. Journalists are enabled to report on the work of all state bodies whose work is defined as public. In order to report from the Government or the Croatian Parliament, as well as some other public institutions, journalists or newsrooms must be accredited or registered in advance. According to the survey conducted by the CJA among its journalists, as many as 42.9% of the respondents answered that it once happened to them that they were denied the opportunity to report from a certain place or event because they did not have accreditation issued by the competent authority, or for some other reason. Journalists usually have no problem proving their interest in public institutions, especially if their newsrooms send them on work assignments. Journalists usually prove their occupation by showing a membership card of the Croatian Journalists' Association or by showing a card or accreditation of the newsroom which they work for.

— INDICATOR 1.4

Joining are free to join in professional associations, and the two largest organizations that bring together journalists in Croatia are the Croatian Journalists' Association (CJA) and the Trade Union of Croatian Journalists (SNH). CJA members sometimes have problems with their employers because of their membership in the association, and some media owners also do not look favorably on journalists joining the Union because it is perceived as an act of rebellion or protest. In addition to the Croatian Journalists' Association, there is an association of Croatian journalists and publicists (HNIP) founded in 2015, but its existence does not undermine the importance of the CJA.

Journalists' job position is stable and protected at the workplace

Final Score for 2020: 2.91 / Final Score for 2021: 2.91

The situation remained unchanged in 2021. According to the data collected by the Trade Union of Croatian Journalists, only half of its members have a permanent employment contract, while the rest of the members are mostly external collaborators. Wages and working conditions depend on many factors, so they are very different. The work of a journalist is not stable and there is often non-compliance with legal regulations. The collective contract exists in only three media outlets, and the National Collective Contract does not exist. Female journalists generally have the same working conditions as men, but despite this, discrimination on the basis of age occurs, so older female presenters are replaced by younger female presenters, while such "shifts" do not occur among male presenters. Experienced female journalists who worked in print media outlets and who, due to the crisis of traditional media, are forced to look for work in other types of media, are more difficult to get employed in digital media (TV, portals), regardless of their experience and willingness to acquire new knowledge. Freelancers are one of the most endangered groups of journalists, and because they don't have work contracts, and thus, they don't have labor rights either. Private media also have unions, but the owners of some of those media do not look favorably on their employees joining a union and perceive it as an act of rebellion or protest. Journalists are usually provided with legal assistance in their main newsrooms, and CJA and TUCJ offer their members free legal assistance.

According to the Trade Union of Croatian Journalists, not enough journalists have employment contracts. Of their 2,200 members, only about 1,000 members have a permanent employment contract, while the rest are individuals, freelancers, or part-time employees, and a smaller number of them are retired. By law, journalists who have signed an employment contract are guaranteed better social security than those who

— INDICATOR 1.5

work as freelancers. Journalist salaries are considered a trade secret and are influenced by many factors, which can make them vary widely. Based on conversations with colleagues, the TUCJ calculated the rough averages of the net salaries of journalists in three categories: large electronic systems (national television), where journalists have a salary ranging from 900 to 1,000 euros, and editors from 1,500 to 2,000 euros; national print media where journalists have a salary ranging from 750 to 1,000 euros, and editors from 1,000 to 1,600 euros; local media, where journalists have a salary ranging from 500 to 700 euros, and editors from 700 to 900 euros. According to the law, journalists who have work contracts must be paid regularly, while part-time collaborators have different experiences: if they work in serious media companies that do not have financial difficulties, they generally receive regular fees.

The working conditions of journalists depend on several factors: the media company they work for, the type of media, the size of the media, and the legal framework that ensures them, depending on whether they are employed or work as part-time employees. The journalistic work is not stable, as there is often disregard to legal regulations. It was noted that in many media outlets, especially on portals, work outside regular working hours, especially on-call work during weekends, is not regulated. The Media Act stipulates the existence of a statute in the media that would protect journalists and editorial independence the most. This provision began to be partially respected, mostly only when the VAT Act gave media owners who have media statutes privileges when paying VAT. Although they have such a possibility, some media still do not have statutes or have statutes that are not valid, and no one supervises the compliance with that document. The result of this is the media in which suitable, instead of professional editors are appointed, which is then often accompanied by the persecution of journalists, whereby the publisher received an undeserved financial benefit.

Female journalists generally have the same working conditions as male journalists, and these conditions depend on the media company they work for and the position they are in. Despite this, female journalists are often discriminated against on various grounds, mostly based on age. There are cases where older female presenters are replaced by younger female presenters, while such "shifts" do not occur with male presenters. After the crisis of printed media, the transition of female journalists to television media or portals is difficult because such media find it hard to employ older female journalists.

By the very fact that they do not have an employment contract, freelancers do not have guaranteed labor rights either. The position of the Trade Union of Croatian Journalists is that there is a need to create conditions in which freelancers could protect their working rights and compensation through some form of collective agreement.

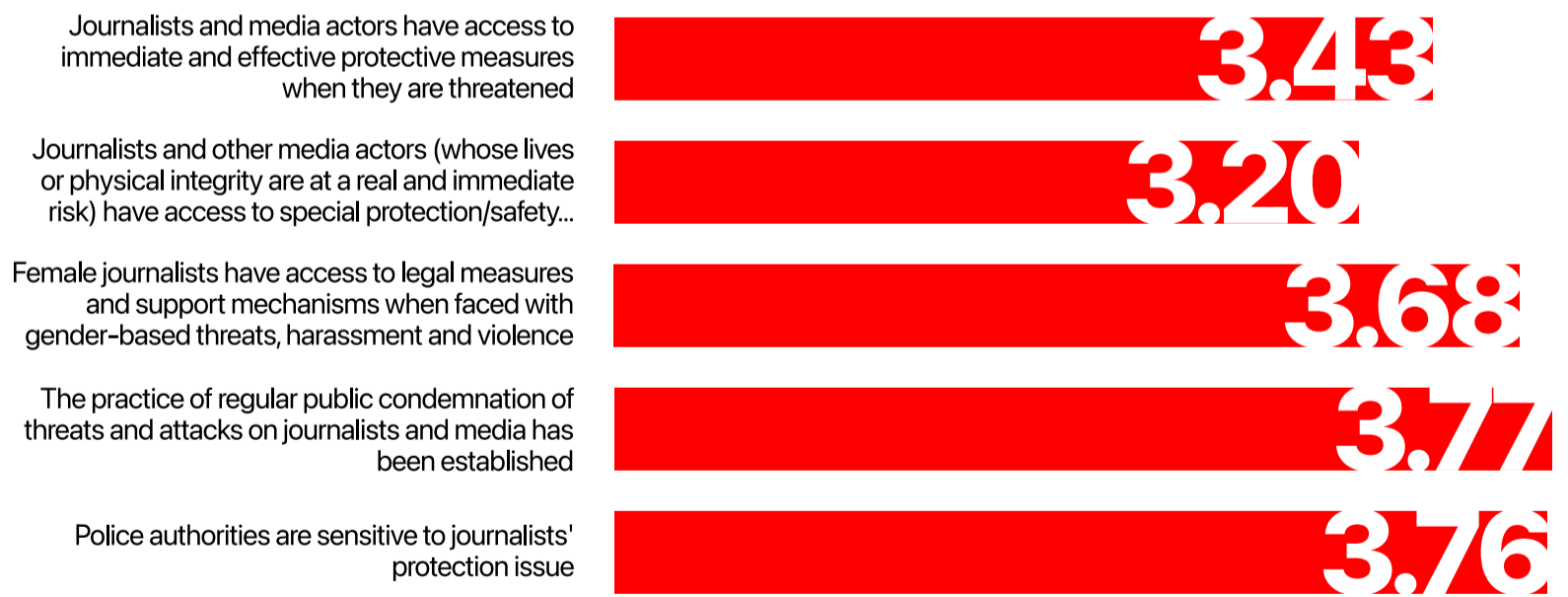
— INDICATOR 1.5

Private media also have trade unions, but some media owners are do not have favorable viewa towards journalists joining a trade union because they perceive it as a kind of rebellion or protest. Collective contracts exist in three media houses in Croatia, and the National Collective Contract does not exist, although there have been attempts to create such a document in the last 20 years. Media houses generally have a good practice of providing legal aid to journalists who are sued for their reporting, despite the fact that there is no legal obligation to do so. Membership in the Croatian Journalists' Association provides guaranteed advisory assistance from lawyers, and in some cases pro bono representation before the court. Union members who have acquired the conditions for this by a certain length of membership, have legal assistance in labor disputes.



Due Prevention

3.57



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Institutional mechanisms for immediate protection of journalists in cases of threats and attacks do not exist, officials encourage attacks on journalists and police officers treat journalists extremely harshly.

All institutional mechanisms are established for the immediate protection of journalists in the event of attacks, officials clearly and systematically discourage attacks on journalists and police authorities treat journalists with respect.

Journalists and media professionals have access to immediate and effective protective measures when threatened

Final Score for 2020: 3.55 / Final Score for 2021: 3.43

During 2021, the situation remained unchanged compared to 2020. There are no special mechanisms for the protection of journalists in Croatia. All mechanisms that journalists can use are available to all citizens, so attacks and threats can be reported to the police. Hate speech, if its goal is hatred and violence, is subject to criminal prosecution and is then dealt with by the State Attorney's Office of the Republic of Croatia. Depending on the nature, other forms of hate speech can be reported to the Council for Electronic Media, human rights defenders, the Journalists' Council of Honor or through the GONG application. The police process every report of an attack, and if they find that they are serious threats and attacks, they systematically deal with such cases. During 2021, no case was recorded in which the police refused to receive a report of an attack or to look into a certain case.

Special mechanisms for the protection of journalists do not exist in Croatia. Journalists, like all other citizens, can report threats and attacks to the police, which does not have a special department established to deal exclusively with journalists. The MUP (Ministry of the Interior) says that all their criminal investigations are conducted according to the principles of operationality - urgency, impartiality and legality.

Reports of hate speech in relation to its nature can be sent to the Council for Electronic Media, one of the ombudsmen (Ombudswoman, Ombudswoman for Gender Equality, Ombudswoman for Persons with Disabilities and Ombudswoman for Children) and the Council of Honour at the CJA. If hate speech is aimed at violence and hatred, it is subject to criminal prosecution, which is the responsibility of the State Attorney's Office of the Republic of Croatia. In 2019, the GONG association launched an online tool for reporting hate speech in public space, on social networks, the Internet and in the media.

— INDICATOR 2.1

During 2021, almost all threats and attacks registered in the Safejournalists.net database that were reported to the police were processed. Due to public lynching and threats on social media, RTL's journalist Danka Derifaj filed a criminal complaint against Marko Perković Thompson and a number of other perpetrators, who, among other things, extended death threats to her.

If the police conclude that the reported incident is not a serious threat, they do not continue to deal with it, while in cases of serious attacks and threats, they systematically deal with it. For the criminal offense of threatening a journalist in connection with the work he or she is doing, the perpetrator is prosecuted ex officio, and according to that law, a journalist is also considered a person who performs tasks of public interest, and again accordingly, the perpetrator is also prosecuted ex officio. In 2021, there was no recorded situation in which the police ignored a journalist's report.

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

Final Score for 2020: 3.20 / Final Score for 2021: 3.20

When compared with 2020, the situation in 2021 remained unchanged. The only institution at the national level that can provide physical protection to journalists and other citizens is the Ministry of the Interior. So far, the police have provided twenty-four-hour protection to journalists several times, when it was determined that such protection was necessary. There are several laws that identify the specific needs of individual victims. The Law on Police Duties and Powers protects victims and their relatives if there is a risk to them in connection with criminal proceedings; according to the Law on Witness Protection, a vulnerable person can be included in a protection program in order to ensure the freedom of their testimony in criminal proceedings; according to the Law on the Protection of Whistleblowers, the whistleblower has the right to: judicial protection, protection in accordance with procedures for reporting irregularities, compensation for damages and protection of identity and confidentiality. CJA reacts to attacks on journalists by reporting to all required institutions, and within the framework of its Center for the Protection of Freedom of Expression, in cooperation with lawyers, it provides journalists with free legal assistance.

The police is the only institution at the national level that can provide physical protection to journalists as well as to all other citizens if they are threatened. Several times so far, the police have granted official protection to journalists when they had assessed that the journalist's safety was threatened. When it comes to the process of systematic risk assessment in order to identify the specific protection needs of journalists or any other citizens who are victims, there are several laws in Croatia that cover this field, but they are not exclusively related to journalism

— INDICATOR 2.2

as a profession. Article 99 of the Law on Police Duties and Powers stipulates that as long as there are justified reasons, the police will appropriately "protect the victim and another person who has provided or may provide information important for criminal proceedings or a person close to them, if they or their close persons are in danger of perpetrators or other persons in connection with the criminal proceedings". If a journalist is a witness in a criminal proceeding, he or she is subject to the Witness Protection Act, where the State Attorney General can submit a request for the inclusion of a vulnerable person in the Protection Program, if the freedom of testimony of a witness in a criminal proceeding could not be secured in any other way. A journalist, like any other person who reports an irregularity, has the right to: judicial protection, protection in accordance with procedures for reporting irregularities, compensation for damages and protection of identity and confidentiality. In the Law on the Protection of Whistleblowers, it is expressly stated that preventing the reporting of irregularities is prohibited. When there is an attack on a journalist, the Croatian Journalists' Association reacts within its powers and capabilities according to all the necessary institutions. As part of its Center for the Protection of Freedom of Expression, the CJA, in cooperation with lawyers, provides journalists with free legal assistance.

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

Final Score for 2020: 4.47 / Final Score for 2021: 3.68

The situation in 2021 worsened compared to 2020; sexual harassment on HRT (Croatian National Radio and Television) has not been fully investigated, and the Ombudswoman for Gender Equality wrote in her report that the victims generally do not trust the system for protection. Croatia signed the Istanbul Convention, ratified it and incorporated it into some laws. New laws, protocols and regulations have been adopted to serve for better protection women in Croatia. The Law on Free Legal Aid guarantees free legal aid to victims of violence and includes primary and secondary legal aid. There are also institutions and organizations that represent the mechanism for the protection of women: the Ombudswoman for Gender Equality, the Public Ombudswoman and more than 60 non-governmental organizations or their branches throughout Croatia. Although there are basis for women to be protected, they are often not. During 2021, a female journalist reported sexual harassment on HRT, for which HRT allegedly conducted an investigation and determined that the report was unfounded. The journalist quit her job after that. Female victims of sexual harassment, if they do file reports, mostly report harassment anonymously and do not trust the system for protection.

The Istanbul Convention was incorporated in Croatia by a series of acts, protocols and amendments to already existing laws. Croatia signed the Istanbul Convention in 2013 and ratified it in 2018, when it started to apply it. The Law on Ratification of the Istanbul Convention, i.e. the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, was passed. The National Strategy for protection against domestic violence for the period from 2017 to 2022 was also adopted, which includes the implementation of the Istanbul Convention. Since the ratification of the Convention, a number of protocols have been in put into force: the Protocol on Actions in the Case of Sexual Violence, the

— INDICATOR 2.3

Protocol on Actions in the Case of Domestic Violence, and the Protocol on the Integration/Reintegration of Victims of Human Trafficking. Since the beginning of 2020, punishment has been tightened, and rules have been established for faster and more efficient prosecution of perpetrators of criminal acts of violence against women and children and in the family, and the status of official persons has been given to employees of the social welfare and upbringing and education system (Criminal Law, Law on criminal procedure and the Act on Protection from Domestic Violence).

The Law on Free Legal Aid guarantees free legal assistance to victims of violence and includes primary and secondary legal aid. This type of legal aid applies to all people equally, not just women.

In Croatia, there are several institutions that, among other things, represent a mechanism for the protection of women: the Ombudswoman for Gender Equality (an independent institution for combating discrimination in the field of gender equality) and the Public Ombudswoman (the representative of the Croatian Parliament for the protection and promotion of human rights and freedoms, the central body for combating discrimination, and also acts as a national preventive mechanism for the protection of persons deprived of liberty). Across Croatia, there are around 60 organizations or their branches that deal with the safety and legal protection of victims of gender-based violence. There is a national call center for victims of crimes and misdemeanors and a free legal and psychological counseling center, but these are projects of non-governmental organizations that exist with the help of donations from the European Union and relevant ministries.

According to our knowledge, during 2021, female journalists did not turn to associations for help, although there is a possibility that such reports remained secret due to the protection of the identity of female journalists. At the beginning of 2021, a journalist on HRT reported sexual harassment against the director of HRT's operations, accusing him of making sexual services conditional for a better salary and a better work position. They allegedly conducted an internal investigation at HRT and found that there were no grounds for the accusations, but the CJA branches and the TUCJ branch at HRT were not satisfied with the investigations and demanded an independent investigation. Journalist and editor of the Croatian Radio and Television, Mirna Zidarić, publicly announced on her Instagram profile, among other things: "A young colleague turned to me for help, shocked by what she experienced from the same person, we contacted the superiors, but they said - don't make a fuss now, we will talk, we will solve it.. and of course nothing has changed, except that, among other things, the girl decided to look for a better professional solution in a different and happier work environment.. has the time finally come to change your behavior

and provide unambiguous support to those whose dignity, our fundamental right, is violated by simpletons and moral freaks."

Female journalists who are discriminated against or harassed in their newsrooms can turn to one of the aforementioned institutions, but the report of the Ombudswoman for Gender Equality shows that there is a trend of anonymous reporting of sexual harassment and that victims generally do not trust the system for protection.

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

Final Score for 2020: 4.08 / Final Score for 2021: 3.77

In 2021, the unchanged situation affects the deterioration of journalists' safety. State institutions, state officials, political parties and politicians in general do not sufficiently condemn attacks on journalists and are often the creators of a welcoming environment for attackers. Journalists are often the target of verbal insults and attacks directed at them by the political establishment. Citizens often take over the politicians' narrative, which they see as "permission" for attacks, and that leads to openly threatening journalists. In Croatia, there is still an unfavorable atmosphere for journalists, in which they are often blamed for everything.

State institutions and the most influential political parties sometimes condemn the most serious attacks on journalists, commenting on it as an attack on freedom of expression. There is no established regular practice according to which all attacks on journalists are regularly condemned.

Public officials, political leaders and politicians in general rarely condemn attacks on journalists. Such condemnations usually follow sharp reactions from professional associations and pressure from international organizations. Journalists often suffer unfounded verbal attacks directed at them by various politicians and powerful people.

Public officials, the president and prime minister, sometimes make statements targeting individual journalists or media houses. In this way, the public space is left open for potential attackers to whom the most prominent officials serve as an example. In Croatia, there is still an atmosphere in which journalists are to be blamed for everything, and public officials often contribute to such an atmosphere.

Police authorities are sensitive to journalists' protection issues

Final Score for 2020: 3.69 / Final Score for 2021: 3.76

In 2021, the situation has slightly improved when it comes to sensitizing the police to journalistic work, i.e. showing willingness to cooperate and create a joint model that would help prevent attacks on journalists. Police officers participate in educations every year, but these workshops do not include information about journalists and their important role in democratic societies. The police still haven't adopted protocols related to the treatment of journalists or the prevention of attacks on journalists, but they have a good will to cooperate with journalists' associations when it comes to protecting the safety of journalists. The CJA and TUCJ started negotiations with the police in 2021, which should result in the creation of a model for better action to prevent attacks, that is, to guarantee better protection, safety and strengthening of the position of journalists.

Education of police officers on the topic of criminal offenses against life and health from Chapter ten of the Criminal Law, criminal offenses against personal freedom from Chapter thirteen of the Criminal Law and criminal offenses against public order from Chapter thirty of the Criminal Law is carried out every year. The Ministry of the Interior does not organize special education related to the role of journalists in a democratic society.

Police authorities have not yet adopted protocols or guidelines to prevent harassment, intimidation or physical attack on journalists, but they have shown a willingness to cooperate and create such a document.

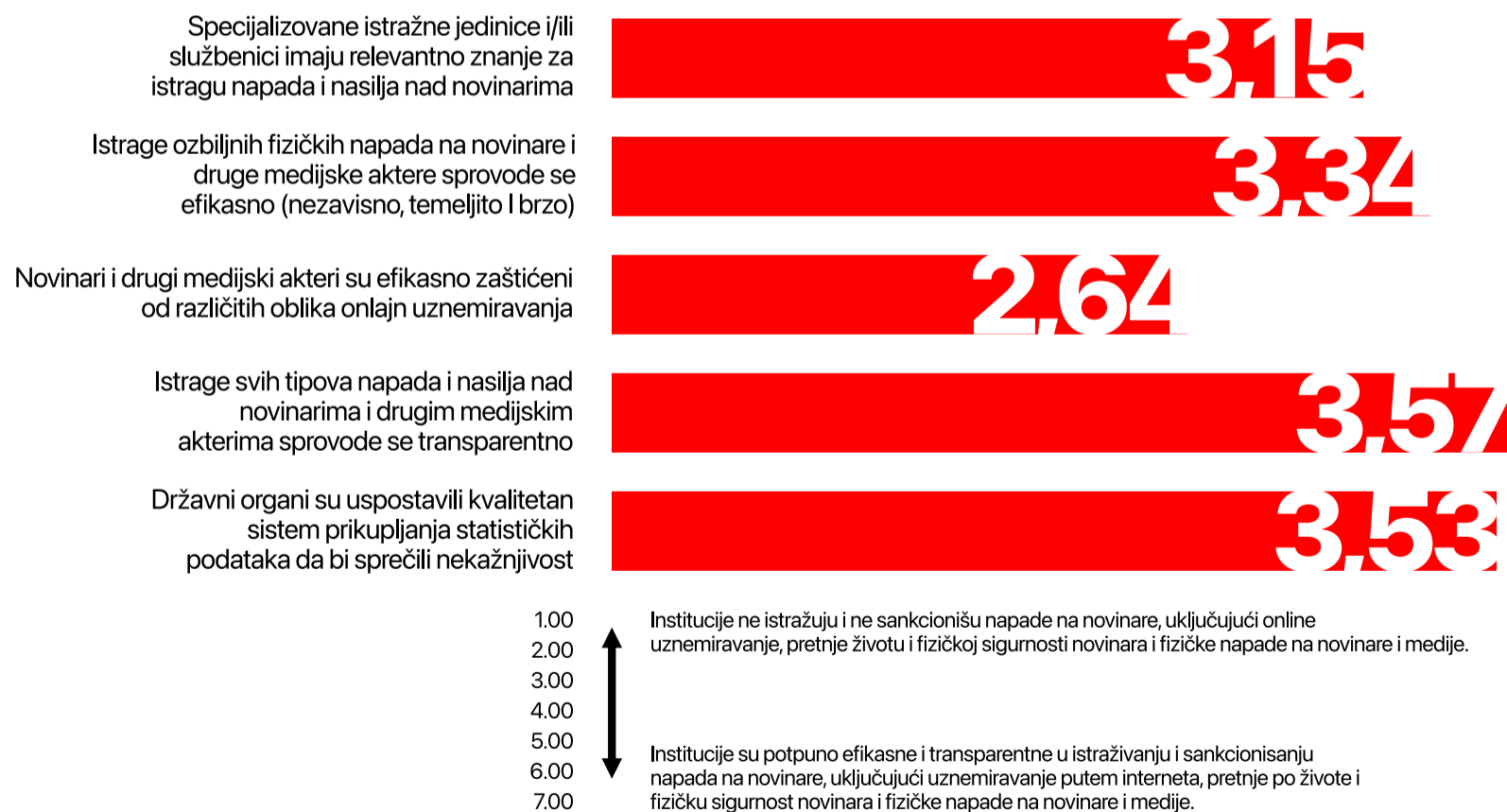
The police generally show a positive attitude towards cooperation with journalists' associations when it comes to protecting the safety of journalists.

In 2021, the Croatian Journalists' Association and the Trade Union of Croatian Journalist began negotiations with representatives of the Ministry of the Interior, which should result in the definition of a joint model of action through guidelines or protocols in cases of mutual interest, based on the European Commission's Recommendations on guaranteeing protection, security and strengthening the position journalists.



Due Process

3.25



34

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

Final Score for 2020: 3.15 / Final Score for 2021: 3.15

The situation in 2021 remained unvaried. In Croatian institutions such as the Ministry of the Interior and the State Attorney's Office of the Republic of Croatia, there are still no special departments that deal exclusively with attacks and violence against journalists. It could be said that these institutions need additional education in order to better understand the peculiarities of journalistic work. There are still no documents that would help more efficient prosecution of those who attack and threaten journalists. Threats to journalists are prosecuted ex officio, and the Criminal Law recognizes journalists as persons performing tasks of public interest. Cooperation between competent institutions related to investigations of threats and attacks on journalists exists, depending on the severity and type of attack.

The Ministry of the Interior and the State Attorney's Office of the Republic of Croatia do not have established special departments that exclusively deal with violence against journalists.

One gets the impression that better education of the police and the State Attorney's Office is needed in order to better understand the specifics of journalistic work. There are no guidelines or other documents, the application of which would ensure the effective detection and prosecution of violence against journalists only. According to the Criminal Law, for a threat addressed to a journalist in connection with his or her work prescribed by Article 139, paragraph 3, the perpetrator is prosecuted ex officio. The protection of journalists in the performance of their activities is additionally determined by the provision of Article 315b of the Criminal Law, coercion against a person who performs tasks of public interest or in public service, for which the perpetrator is also prosecuted ex officio.

— INDICATOR 3.1

Cooperation between the staff of competent institutions regarding the investigation of threats and attacks on journalists exists depending on the severity of the cases in question.

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

Final Score for 2020: 3.34 / Final Score for 2021: 3.34

During 2021, the situation did not change. In cases of threats to journalists, the investigations are independent of the perpetrator, and depending on the severity of the cases, the background circumstances are also taken into account during the investigations. The speed of the investigation varies from case to case: some cases are resolved promptly, while in others, it takes years to even begin with court trials. In the case of the attack on journalist Živana Šušak Živković from April 2020, the first hearing was scheduled for January 2022, while the hearing for the attack on journalist Ivana Sivro, which occurred on the same day, has not yet been scheduled. The DORH independently decides whether to initiate proceedings or not, so if DORH concludes that there are no elements of a criminal offense in the attack or threat, the journalists are left to initiate and bear the costs of the case themselves. Procedural deadlines are not a problem in investigations if there is an interest in solving the case quickly, while in all other cases the procedures can last from several months to several years. Journalism is recognized in the Criminal Law as a profession that is carried out in the public interest.

Investigations conducted in cases of threats to journalists are independent of those who caused damage or injury. Depending on the severity of the cases, background circumstances are also taken into account during investigations.

The speed of investigation and prosecution depends on each case. Most often, the judiciary system is very slow, as example, we have the case of the attack on journalists Živana Šušak Živković and Ivana Sivro from April 2020: in the

case of Šušak Živković, the first hearing was only scheduled for January 2022, while in the case of Sivro, the trial has not yet started. We also have a 13-year-old example where the trial has not yet started: investigative journalist Dušan Miljuš was beaten with baseball bats in front of the building where he lives in Zagreb. In 2010, as part of police action "Shock 3", many people were arrested during the search for the perpetrators. The investigation was conducted against several of them, but after a six-month inquiry, the Attorney's Office gave up indictment due to lack of sufficient evidence, and the case was returned to Zagreb's Police Department in order to find evidence about the perpetrators and the client. In practice, the DORH independently decides whether to initiate proceedings, or whether the attack contains elements of a criminal offense or not. If the DORH rejects the criminal complaint, journalists are left to fend for themselves: they can take over the prosecution on their own, which means that they pay for the lawyer out of their own pocket, but also bear the costs of the proceedings if they fail to prove the existence of a crime. Journalists usually cannot bear such an expense.

When there is a "higher" interest to close the case quickly, there is no time issues because of the procedures that need to be followed. An example which shows that procedural deadlines do not necessarily slow down the case is the attack on October 14, 2020, on the N1 television crew, which interviewed Alemka Markotić, director of the Clinic for Infectious Diseases, on a public area. A man who, accompanied by another person, verbally attacked the reporter team and Alemka Markotić was detained, processed and sentenced within 48 hours. The attacker received a 20-day suspended prison sentence and had to pay court fees. The question arises whether this case would have been solved so quickly if Alemka Markotić, one of the most prominent people in Croatia at the time of the COVID-crisis, had not been with the reporter team. On the other hand, criminal reports are submitted to the State Attorney, who examines the merits of the report. This process can last months, even years, and during that time the victim has no information about what is happening.

Attacks on journalists are generally classified as a criminal offense. Journalism has recently been recognized in the Criminal Code as a profession that is carried out for the sake of public interest: the criminal offense of threatening a journalist in connection with his work is prescribed by Article 139, Paragraph 3 of the Criminal Code, for which the perpetrator is prosecuted ex officio, and the protection of journalists in the performance their activities are additionally determined by the provisions of Article 315b of the Criminal Code - coercion against a person who performs tasks of public interest or in public service, for which the perpetrator is also prosecuted ex officio. On the other hand, criminal reports are submitted to the state attorney, who examines the merits of the report; this process can take months, even years, and during that time the victim has no information about what is happening.

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

Final Score for 2020: 2.94 / Final Score for 2021: 2.64

During 2021, it became clearer that journalists rarely report online threats because they consider them part of their professional hazard, and the overall picture compared to 2020 is significantly worse. The most common form of harassment of journalists is via social networks and comments on portals. At the end of 2021, a new Electronic Media Act was passed, which also regulates commenting on portals, so from now on everyone who wants to comment must register on the portal and accept the terms of use, and the actual authors of the comments will be responsible for comments that violate the Law. There are a number of other laws that partially regulate harassment of such kind. Journalists rarely report such forms of harassment. Of the 34 registered attacks on journalists in 2021, as many as 25 of them were online threats. There is a fear that the numbers of online threats to journalists are much higher than the number we have registered, but that journalists do not report them because they consider them part of their work environment. The implementation of the new Electronic Media Act and its provisions on comments on portals could show its results only at the end of 2022. Other laws apply, but only when an attack occurs; better prevention of such attacks is needed.

For resolving online forms of harassment, Criminal Code
The most common form of harassment on the Internet are messages that journalists receive via social networks after a journalistic report they have published, as well as vulgar and threatening comments posted by users of online editions of certain media outlets. The new Act on Electronic Media, which was adopted in October 2021, introduced novelties in regulating the problem of user comments on portals. According to the new act, the actual authors of the comments will be responsible for the written comments. Anyone who wants to leave comments will have to register and accept the terms of use, which will clearly state the rules for commenting and the consequences of breaking the law. Part of the online space

— INDICATOR 3.3

has been regulated in this way, and harassment and hate speech will be partially removed from the public space, at least when it comes to media portals. The Ministry of the Interior of the Republic of Croatia has a "Red Button" on its website, the possibility to report only online harassment of children. In the Criminal Law, the Internet and harassment are not explicitly mentioned together anywhere, but the prohibition of Internet access is recognized as a measure for those who have committed a criminal offense via the Internet. Harassment is recognized in the Law on Suppression of Discrimination, and it is also mentioned in several places in the Law on Protection from Domestic Violence, the Law on Gender Equality, the Law on the Protection of Whistleblowers, the Labor Law and other similar legal and bylaw regulations. One of the measures in the Criminal Law is a ban on approaching, harassing and stalking an individual for a period of one to five years, which can be imposed on an offender who is in danger of committing the same crime against the people he or she has harassed so far.

Journalists rarely report such forms of harassment. Of the 34 registered attacks on journalists in 2021, as many as 25 of them were online threats via social networks, comments on portals or via e-mail. There is a concerning doubt that online threats to journalists are much higher than the number we have registered, but that journalists do not report them because they consider it part of their job.

The implementation of the new Law on Electronic Media and its provision on comments on portals could show its results only in 2022, because the media have a deadline of one year to start implementing it. Other laws apply, but only when an attack occurs; better prevention of such attacks is needed.

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

Final Score for 2020: 3.57 / Final Score for 2021: 3.57

The situation has not changed in 2021. During the examination of the validity of filed reports at DORH, which can last for years, victims do not have any access to information. Only after the indictment is filed (if that happens) do the victims have the right to examine the files, but they do not get this information automatically - mostly only through their own effort. Some information is presented publicly by the courts and the prosecutor's office on their websites, while some information can be obtained at the request of journalists. In conversations with lawyers, it was not possible to find out whether some of the information published by these institutions were untrue.

Victims usually do not have effective access to the investigative procedure. The procedure is that criminal charges are submitted to the State Attorney, who examines the merits of the complaint, and this can take months or even years. All this time, the victim has no information about the procedure. Only if the State Attorney decides to file an indictment, victims have the right to receive information about the procedure, on the basis of which they she can protect their rights. This information is not obtained automatically, but in criminal proceedings both parties have access to the file, so the victim and the lawyer must be active.

Some information in the courts and the State Attorney's Office is presented publicly, on their websites, while some information can be obtained by journalists upon request. In conversations with lawyers, it was not possible to find out whether the courts and the prosecutor's office published information that was not true.

Quality statistics collection systems are established by state authorities to stem impunity

Final Score for 2020: 3.53 / Final Score for 2021: 3.53

During 2021, the situation did not change. In Croatia, there are no publicly available statistical data concerning journalists, which are recorded by state bodies and institutions. The Ministry of the Internal Affairs and the State Attorney's Office of the Republic of Croatia keep their own statistics in cases where the injured parties are journalists, but these statistics are not publicly available. The Ministry of Justice and Administration also keeps statistics on civil and criminal proceedings against journalists and submits this data to the CJA upon request. The data that CJA had access to was not classified according to gender, ethnicity and other socio-demographic criteria.

In addition to statistics kept by some journalists' associations, In Croatia, there are no publicly available statistical data concerning journalists, which are recorded by state bodies and institutions. This year, the Ministry of the Interior provided us with data on how many cases they processed in which the injured parties were journalists, but these data are quite scanty, without any concrete information about the cases themselves. The State Attorney's Office of the Republic of Croatia monitors criminal offenses committed against journalists for which prosecution is undertaken ex officio and keeps records on them based on information provided to them by district State Attorney's offices. At the request of the CJA, the Ministry of Justice and Administration annually submits to the CJA statistical data on lawsuits filed against journalists. These data represent the number of active and completed criminal cases in which the defendants are journalists, classified by year (2016 - 2021), the article of the law under which they were filed and the type of termination (if completed). They also provide data on the progress of civil cases in which the defendants are journalists in all municipal courts in the Republic of Croatia. The data table presents the received, solved and unresolved cases for damages - payment and damages compensation - correction

— INDICATOR 3.4

of information by year. These data are not classified according to gender, ethnicity and other sociodemographic criteria.

IV

Actual Safety

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

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

Non-physical threats and harassments

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

Final Score for 2020: 3.87 / Final Score for 2021: 3.24

According to data from the Regional Platform database, five non-physical threats and harassments were recorded in 2020, two of which were aggressive addressing by a public official and a former public official, and three threats represented other forms of pressure that can threaten the safety of journalists in the performance of their journalistic work. Journalists often experience various insults and condescending addressing that are often directed at them by public officials, but also by the highest government officials.

According to data from the Regional Platform database, 14 non-physical threats and harassments were recorded in 2021. A large number of these threats occurred via social media and e-mail, but a number also occurred live. An interesting case is the journalist Jelena Jindra, who published a series of texts on the H-alter portal entitled "System for the protection or abuse of children?" in which she problematizes the work of Gordana Buljan Flander, that is, the Polyclinic for the Protection of Children and Youth in the City of Zagreb. Judge Andrija Krivak signed a decision imposing a temporary measure which was banning the publication of articles about the director of the Polyclinic to H-alter, under the name "Decision on Insurance". The CJA believes that in this way the Croatian judiciary system resorted to so far unprecedented censorship "beforehand".

- Mirko Sekulić, 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."

- The editorial board of Faktograf portal received a message with the following content: ".. why did you block me for the truth I wrote, do you block Serbian posts too, 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."
- 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. This is now just about my destiny, but the destiny of 95% of people. And you are standing in the way against all of us. Get that in your head and decide, is your salary worth of your future and your children. Have a nice afternoon and get high on dick everyone in the shit editorial board. You're cheap souls, and we have your data."
- The editorial board and journalists of Faktograf received via Facebook and e-mail comments and messages: Initiative Brave Beaver on Facebook for reporting on private profiles of Faktograf team - 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. I wouldn't want to be in your position, and your conscience will be the one to judge you. You have no clue how screwed you are, and even less how PATHETIC you are. You are not worthy of living here, or life itself. In my opinion, you are not even humans!"
- 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.
- Hrvatski tjednik published on its front page a photo of Serbian Patriarch Porfirije and portraits of 14 intellectuals – politicians, scientists, political analysts, university professors and 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.

- 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.
- 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."
- In one of the discussions on Facebook, the address of Faktograf's editor, Petar Vidov, was made public in the comments.
- 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."
- 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."
- 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. Faktograf's editorial board has since received a series of very threatening messages on Facebook, but also via e-mail.
- 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"!!! Franjo Petračić street, number 6, Zagreb" (the post contains links to the Facebook profiles of Faktograf's male and female journalists).
- 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 harass him, to put pressure on him.

Threats against the lives and physical safety of journalists

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

Final Score for 2020: 3.78 / Final Score for 2021: 3.18

During 2020, only two death threats and threats to the physical safety of journalists were recorded, so it could be said that the situation in 2021 has significantly worsened. There is also the possibility that the Croatian Journalists' Association's constant appeal to journalists to report attacks bore fruit, so that they were generally more free to report attacks compared to previous years.

Threats against the lives and physical safety of journalists are the second most frequent form of attacks on journalists in 2021, and there had been fifteen such threats registered, 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 welcoming 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, listing precisely where the journalist lives, and that he should be murdered.

- 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."
- 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 shits. 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.."

- 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)
- 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".
- 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."
- To a female 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."
- 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, Faktografers, do you ever feel afraid to go home when you're alone? Know this.. You should start to be. I'm just saying."
- The following message was sent to Faktograf via Facebook comment: "Sleazy sleazebags, you are

— INDICATOR 4.2

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."

- Marko Perković Thompson, 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 narod.hr, which continued to draw a target on journalist Derifaj.
- 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, precisely listing where the journalist lives, and that he should be murdered.
- Faktograf received a message via Instagram: "Satans, you are dead soon, get ready for death shitty communist, we f., your whore mother"
- A comment on a post on Faktograf's Facebook page said: "Faktograf, an axe is waiting for you. Chopping, not vaccination."
- 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!!!"
- A comment on a post on Faktograf's Facebook page read, among other things, "Well, you need to be killed."
- 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."

Actual attacks

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

Final Score for 2020: 3.65 / Final Score for 2021: 3.72

The number of physical attacks in 2021 is slightly down compared to 2020, when five were registered. This number is not associated with the improvement of certain preventive measures for the protection of journalists.

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 the burning of 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.

Threats and attacks on media outlets and journalists' associations

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

Final Score for 2020: 4.08 / Final Score for 2021: 3.73

During 2021, two attacks on journalist's associations and a newsroom were registered, and the situation worsened slightly compared to 2020, when one attack on a newsroom was registered in Croatia. Although the awareness of journalists and the media that attacks should be reported and talked about publicly increased during 2021, it is still insufficient. Online threats were particularly present during the following year and it seems that attackers are most comfortable using electronic communication as an option for attacks.

The Croatian Journalists' Association, as a professional organization, received one threat addressed to its president Hrvoje Zovko during 2021. The editorial office of Faktograf was under a hacker attack for several days. Since it is the platform through which they publish all their content, they were down for a few days. During 2021, the Faktograf.hr portal itself reported as many as 20 registered threats. So far, this is the largest number of threats reported to us by one media outlet, and it speaks to the fact that there is still no culture of reporting attacks and threats in Croatia.

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