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SOUTH EAST EUROPE MEDIA ORGANISATION
AFFILIATE OF THE INTERNATIONAL PRESS INSTITUTE

Press Freedom Mission to Croatia Report





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AFFILIATE OF THE INTERNATIONAL PRESS INSTITUTE

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Introduction

A delegation of the South and East Europe Media Organisation (SEEMO), including representatives from the International Press Institute (IPI), took part in a four-day Press Freedom Mission to Croatia from 25 - 28 January 2011.

The main goal of the mission was to obtain clear feedback about the media situation and developments in Croatia. Topics that were high on the agenda were self-censorship, pressure by advertisers and political groups, threats against journalists, especially investigative reporters, the situation of the public broadcaster, and other problems media professionals face in their daily work.

Most discussions with journalists revolved around pressure from political and commercial interests, impunity and attacks on journalists, as well as journalistic standards. Additionally, proposed changes to the draft penal code was a much discussed topic as it would impose severe penalties for libel, including jail for public announcers and journalists.

Other press freedom issues that were discussed include the divide between younger and older journalists, government corruption, and the lack of transparency of ownership in the Croatian media.

Country Profile

Full name: Republic of Croatia

Independence: Formerly a constituent republic of the Socialist Federal Republic of Yugoslavia (SFR Yugoslavia), Croatia gained independence from the SFR Yugoslavia in 1991.

Government type: Croatia is a presidential/parliamentary democracy. The president is the head of state and is elected by popular vote every five years. The prime minister is the head of government and is usually the leader of the majority party or the leader of the majority coalition appointed by the president and approved by the Assembly. The unicameral Assembly forms the legislative branch.

Area: 56,594 sq km

Borders: Croatia borders the Adriatic Sea, Bosnia and Herzegovina, Slovenia, Serbia, Montenegro and Hungary.

Population: 4,437,460

Literacy: 98.1 percent (male: 99.3 percent; female: 97.1 percent)

Economy: GDP real growth rate -1.4 percent. The labour force by composition is: services: 63.6 percent; industry: 31.3 percent; agriculture: 5 percent. There is 13.2 percent unemployment and 17 percent of the population lives below the poverty line.



Media: The Croatian media can be characterised as relatively free. Croatian Radio-Television, HRT, is the national public broadcaster, which is financed by both advertising and a license fee. Public TV is the primary source of news and information for Croatians. The public broadcaster operates three national radio networks and a number of regional stations, as well as 4 national channels, and a number of regional studios. There are 6 national and 4 regional daily newspapers. Austrian and German companies own large stakes in the print media.

Press

- *Vecernji list*: daily, mass-circulation daily
- *Jutarnji list*: mass-circulation daily
- *Vjesnik*: Zagreb-based daily
- *Slobodna Dalmacija*: Split-based daily
- *24 sata*: Zagreb-based daily tabloid
- *Novi list*: Rijeka-based daily
- *Glas Istre*: Pula-based daily
- *Glas Slavonije*: Osijek-based daily
- *La Voce del Popolo*: Italian minority newspaper
- *Poslovni dnevnik*: business daily
- *Globus*: Zagreb-based political weekly
- *Nacional*: Zagreb-based political, weekly

Television

- Croatian TV: public, operates national networks
- RTL Televizija: national, private
- Nova TV: national, private

Radio

- *Croatian Radio*: public, operates three national networks
- *Otvoreni Radio*: private, national
- *Narodni Radio*: private, national

News agencies/Internet

- HINA: English-language pages
- Croatian Information Centre: English-language pages
- Index.hr: news portal

EU Accession: A resolution adopted on 26 January 2011 by the European Parliament stated that EU membership negotiations with Croatia could be completed in 2011 if Croatia's reforms continue down the right path. EU Commissioner Füle has stressed that Croatia must maintain the momentum of accession negotiations and must tackle a few outstanding issues, with emphasis on the closing benchmarks of Chapter 23, Judiciary and Fundamental Rights. In November 2010 the European Commission adopted its 2010 Enlargement package, which includes a "Progress Report for Croatia." Under the section Human rights and protection of minorities of the report, it is noted that freedom of expression is provided for in Croatian law and is generally respected, but editors and journalists continue to report undue political pressure. It cites the limited progress made in investigating threats against journalists, remaining problems with the independence of local media, as well as the managerial difficulties facing HRT.

Mission Overview

SEEMO and IPI conducted a joint press freedom mission to Croatia from 25-28 January 2011.

The SEEMO and IPI delegates who were present in Zagreb, Croatia included:

- **Pavol Mudry**, SEEMO/IPI Board Member
- **Radomir Licina**, SEEMO/IPI Board Member
- **Boris Bergant**, SEEMO Board Chairperson
- **Marta Palics**, SEEMO Board Member
- **Alison Bethel McKenzie**, IPI Director
- **Steve Ellis**, IPI Press Freedom Adviser for Europe and the Americas
- **Oliver Vujovic**, SEEMO Secretary General and Mission Head

Additional technical staff of the mission includes:

- **Brigitt Roveti**
- **Mirajana Milosevic**
- **Mirjana Zivanovic**
- **Slobodan Polic**

During its visit to the Croatian capital, the delegation met with representatives from major media houses. Meetings were held with journalists from public, private, print and broadcast media, with representatives from the Croatian Journalists' Association, as well as with representatives from the Austrian embassy. Journalists will not be identified by names or organisation in this report, only by their medium and whether they work for private or publicly owned media. The delegation met with more than 60 representatives in total.

The SEEMO and IPI joint delegation had a meeting with President Ivo Josipovic at his office in Zagreb on 27 January 2011.

SEEMO made audio, photo and video documentation of all meetings for internal use.

Media Concentration and Transparency

Croatian Radio-Television (HRT) is the national public broadcaster that operates 4 digital terrestrial TV networks, a satellite channel that rebroadcasts programmes for Croatians living abroad, and 6 regional TV centres. There are 2 private broadcasters each operating 2 national terrestrial networks; about 15 privately-owned regional TV stations; multi-channel cable and satellite TV subscription services are available. The state-owned public broadcaster operates 3 national radio networks and a number of regional radio stations. There are 2 privately-owned national radio networks and a large number of regional, county, city, and community radio stations.

Public TV is the main source of news and information in Croatia. National commercial networks and dozens of private local TV stations compete for viewers. Croatia completed a transition to digital TV broadcasting in 2010. The cable and satellite market is well developed. The radio landscape comprises three national public networks, four national commercial channels, regional public channels and more than 130 local and regional radios.

In contrast to the broadcast sector, newspapers in Croatia are owned either by individuals or large corporations. Most Croatian newspapers were acquired by two media conglomerates, namely the partly German-owned Europa Press Holdings (EPH) and Austria's Styria, and because of this, there exist fears about concentration of ownership.

One broadcast journalist told the joint SEEMO and IPI delegation that in terms of his programme's budget, there is absolutely no transparency and that decisions are dependent on the will of the boss. Representatives from the public broadcaster commented on the issue of transparency by noting that positive changes are currently underway since processes are becoming more transparent than ever before.

Political reporting by both private and public media is often biased due to the close relationship between politicians and media owners. Private media has a strong commercial focus, which has led to a decline in the quality of news produced. On several occasions, journalists told the joint delegation that media owners make deals with politicians and are solely commercially driven.

Another journalist told the joint delegation that many private media owners in Croatia have additional non-media businesses. In such cases, when these additional businesses face economic hardships or fail, the owners turn to their media businesses to pick up the slack. This lack of transparency in ownership in turn creates pressure on journalists, decreasing the quality of the media and serves a great ground for corruption.

Such issues of transparency often prevent investigative journalists from properly conducting their work. One journalist expressed that unsure about whose interests are really at stake, investigative journalists are hesitant to poke around for fear that they just might step on the wrong person's toes. This lack of ownership transparency causes journalists to self-censor.

The SEEMO and IPI delegation also met with representatives from the independent radio station Radio 101, one of the leading fighters for democracy during the Tudjman period. Radio 101 representatives informed the joint delegation of the current financial problems they face, which could force them to shut down.

Impunity and Attacks on Journalists

A dominant theme during the joint delegation of SEEMO and IPI was attacks on journalists. In Croatia, investigative journalists reporting on corruption and sensitive subjects have been subject to threats, removal from their posts, as well as court action.

Physical attacks against journalists decreased in 2009, yet little progress was actually made in investigating the previous year's murders and attacks, a theme, which was reinforced in many of the delegation's discussions with journalists who had been physically attacked themselves.

SEEMO and IPI representatives met with authors of a "White Book" that is expected to be published in Spring 2011. For the first time, this book will present the background information about the most important attacks and threats against journalists that have occurred in since 1991. SEEMO and IPI would like to support the promotion of this publication as it is both an interesting project and is relevant to the field of journalism.

While it is often the case that those who are responsible for the physical attack itself are prosecuted, those responsible for ordering the attack go free. Police in Croatia have yet to identify those who ordered the June 2008 attack on investigative journalist, Dusan Miljus, though Croatian police detained four suspects allegedly responsible for the attack itself. Miljus was brutally attacked by unidentified men who beat him with a baseball bat until he lost consciousness. Miljus has been threatened since the attack and remains under police protection.

Reporter Stjepan Mesaric of the weekly *Medjimurske Novine* was repeatedly punched in the face in June 2010 after writing an article about corruption in the local construction industry. The police failed to take immediate action even though Mesaric continued to receive threats from the alleged assailant.

Both SEEMO and IPI believe any case that involves a physical attack on journalists is unacceptable and urge authorities in Croatia to further investigate the masterminds behind such attacks.

Draft Criminal Law

The current Croatian constitution of 1990 guarantees freedom of the press but was under prolonged pressure in 2009. The media is indirectly governed by the Criminal Code and Civil Code through provisions about defamation and libel.

A draft penal code under discussion by a government working committee was unveiled for public debate in January 2011, addressing insults and embarrassment to honour and reputation. According to this draft, a journalist found guilty of libel could face imprisonment of up to a year, as well as a fine equalling half of the journalist's annual wage. Before the proposal can become law, it still must go before Croatia's justice ministry, which would then finish a draft and send it to the government before any legislation would be presented before parliament.

Zdenko Duka, president of the Croatian Journalists' Association, said that truth was not a defence to libel charges under the proposal, and that journalists could be subject to the penalties for reporting items judged not to be in the public interest.

Several journalists in Zagreb told the joint SEEMO and IPI delegation that journalists were afraid if the law were to pass, while one expressed that it was up to journalists to do something now before the law is passed. One editor stressed his concern about the draft law, specifically that the burden of proof would be placed on the journalists, which would be an expensive process.

**“THIS LAW WILL PUSH US
BACK 20 YEARS,”**

SAID A JOURNALIST.

Both SEEMO and IPI believe that the criminalisation of defamation is unacceptable anywhere in the world.

Unofficial English Translation of the Penal Code /Draft 2011/Croatia by SEEMO

Crimes against Honour and Reputation

Assault

Article 1 (199)

- (1) Whoever assaults another person will be punished by fine up to 90 daily wages.
- (2) Whoever commits a crime described in paragraph 1 by print media, radio or television, computer system or network, on public gathering or in any other way that makes the deed available to a greater number of persons will be punished by fine up to 180 daily wages.
 - (1) If assaulted person responds to assault, the Court may absolve of fine both perpetrators.
 - (2) If the perpetrator was provoked by improper behaviour of the harmed person or if the harmed person accepted his/her apology for the deed, the Court may absolve him/her of fine.
 - (3) Crime of assault is not to be considered done if it is obvious, following way of speaking/writing and other circumstances that assault has been done to protect other valid interests.

Disgracing/Bringing shame on someone

Article 2 (200-202/200)

- (1) Whoever says or announces a statement about another person that might harm his/her honour or reputation will be punished by fine up to 90 daily wages.
- (2) Whoever commits a deed described in paragraph 1 by print media, radio or television, computer system or network, on public gathering or in any other way that makes the deed available to greater number of persons will be punished by fine up to 180 daily wages.
- (3) The defendant will not be punished if he/she can prove published or said facts have been true or if he/she can give reasons for believing in good faith the facts to be true.
- (4) The perpetrator mentioned in paragraph 3, who has not published the facts led by public interest or any other justified reason but acted mostly with intention to harm the other person's honour or reputation, especially if the facts consider his/her family or personal life, will not be allowed to give their proof.
- (5) If the perpetrator admits his/her statements have been untrue or if he/she revokes them, the Court may acquit him/her of fine.

Defamation

Article 3 (200/201)

- (1) Whoever introduces or publicly announces an untrue statement about a person that might harm him/her knowing the fact is untrue will be punished by fine up to 180 daily wages or by prison up to 6 months.
- (2) Whoever commits a deed described in paragraph 1 by print media, radio or television, computer system or network, on public gathering or in any other way that makes the deed available to a greater number of persons will be punished by fine or by prison up to one year.

Starting penal procedure for crimes against honour and reputation

Article 4 (204/203)

- (1) Penal procedure for crimes against honour and reputation is started by civil law suit.
- (2) If a crime against honour and reputation is committed against a deceased person, the penal procedure can be initiated by a partner (married or unmarried), parents, children, adopted parents, adoptees or the deceased person's siblings.

Publication of verdict for crimes against honour and reputation

Article 5 (205/294)

- (4) Verdict by which the perpetrator of crimes against honour and reputation done through print media, radio, television, computer system or network or any other mean of public broadcasting is pronounced guilty will be published on total or partially upon request of harmed person and on perpetrator's expense.
- (5) Mode of publication will be decided upon by the Court; if possible it will stipulate to publish it in the media the referent deed was done.

SEEMO and IPI Meeting with President Ivo Josipovic

President Ivo Josipovic told the joint SEEMO and IPI delegation at a meeting in his Zagreb office that he was against the proposed draft criminal law. “I am against jail for public announcers, journalists, etc.,” he said.

He also noted that efforts to stop the proposal have been diminished by the presence of similar laws in the criminal codes of other European states. According to human rights advocacy group Article 19, nearly all Western European countries retain criminal defamation provision on their books.

President Josipovic said that governments should rely on civil, rather than criminal remedies, adding that he supported making civil remedies both stronger and more efficient. Like many of the journalists met during the mission, President Josipovic echoed their concerns calling on journalists to hold themselves to higher standards in their reporting.

Both SEEMO and IPI were pleased to hear that the president is against this draft legislation. It shows that leading politicians in the country are dedicated to directing Croatia towards EU membership.

“JOURNALISM IS A VERY POWERFUL PROFESSION, AND PEOPLE’S DESTINY DEPENDS ON IT. THERE NEEDS TO BE SOME RESPONSIBILITY.”

- PRESIDENT JOSIPOVIC



SEEMO and IPI meeting with President Josipovic

Self-regulation

SEEMO and IPI believe that self-regulation is the optimal means of media regulation, and is principally against statutory regulation. Presently, there exists no media self-regulatory body in Croatia. Only two other major European countries, France and Slovenia also have no media council.¹

CJA's Attempts to Establish a Media Self-Regulatory System

The Croatian Journalists' Association (CJA), the oldest and most respected professional body in the country, has tried on numerous occasions to revive the debate about the vital need for a media self-regulatory system, as well as how such a system should be introduced.

In 1993, the CJA developed a code of ethics, which was viewed as being compatible with existing international standards, yet shortly after its adoption, its shortcomings came to light. Those shortcomings included insufficient provisions in regards to the coverage of children in the media, it applied only to CJA members and it made no mention of publishers' participation in the disciplinary process.² As a body of the CJA, the Council of Honour can only react against those individuals who are members of CJA. There have been several cases where journalists have left CJA because they were unhappy that the Council of Honour had reacted in certain instances.

In 2004, CJA's Council of Honour looked at the practices of press councils in other countries as an example of success, particularly at the German press council, Deutsche Presserat, and at the Bulgarian press council, the National Council for Journalism Ethics. It was at this time that all stakeholders agreed about the imminence of established a press council in Croatia. With the support of the Ombudsman and media companies, CJA intends to establish a Media Council composed of representatives of publishers, journalists and civil society.

Following a decision to establish a media council made at the 2006 Annual Assembly of the Croatian Journalists' Association, a special task force was assigned the role of negotiating potential financial support from the government for this project. To this date, no funding has been granted in support of this project, proving to be yet another discouragement to the media community in Croatia.

It should be noted that self-regulation is possible in the absence of institutional bodies, namely in the newsroom itself by journalists themselves. Several journalists told the joint SEEMO and IPI delegation that there exists no rule of law for journalists. In reference to the 2006 decision of the Annual Assembly of the of the Croatian Journalists' Association, one journalist stated that the conclusions were presented to the Ministry of Culture and received no response. Several journalists said that there is a genuine lack of interest in self-regulation in Croatia, preventing such proposed measures of coming to fruition.

**“JOURNALISM HAS
NEVER BEEN
VALUED LESS,”
SAID ONE
JOURNALIST.**

¹ UNESCO. “Roundtable discussed media self-regulation in Croatia.”

² UNESCO. “Professional Journalism and Self-Regulation.”

Although the CJA has encountered setbacks in establishing a self-regulatory media body, it has not abandoned the idea.

Ombudsman

The Ombudsman is a commissioner of Parliament, elected for an eight-year term, who serves to protect the constitutional and legal rights of citizens in proceedings before the state administration and body vested with public authority. Currently Jurica Malčić holds the position of Ombudsman. According to the Anti-Discrimination Act, the Office of the Ombudsman warns the public of discrimination occurrences.

One journalist in a meeting with the delegation also brought up the topic of regulation on news portals. He stressed that a vast amount of hate speech in Croatia is generated online and that such sites are generally not administered. It is up to the owners of such news portals to monitor the comments produced by readers.

Background Information on the Croatian Journalists' Association

The Croatian Journalists' Association was founded in 1910, is a member of the International Federation of Journalists (IFJ) and has over three thousand members.

The objectives of the Croatian Journalists' Association are:

- a) exercising of professional interests, ethics and freedom of public expression;
- b) promoting the constitutionally guaranteed rights of the public to be informed of any developments in society and the rights of every person to freedom of expression, opinion and availability of all the public media;
- c) maintaining the reputation and dignity of the profession,
- d) the protection of journalists from the tyranny of publishers and prevent monopolies;
- e) material and social protection of journalists.

The Assembly is the supreme governing body of the CJA, which elects the President, Executive Committee, Supervisory Committee, Council of Honour and the members of the Governing Board of the Solidarity Fund.

The CJA works with civil society organisations whose primary missions are freedom of information, protection of human rights, gender equality, and with the Ombudsman and other specialised Attorney Generals.

The CJA actively participates in the legislative initiative such as projects related to the Right to Information Act to help all citizens gain timely answers to their questions that are addressed to bodies of public authority.



SEEMO and IPI delegation with the CJA

Journalistic Standards

Croatian journalists are subject to various individual ethical codes, as well as to the Honour Codex of Croatian Journalists, which was adopted by the Croatian Journalist Society in a November 2006 general meeting. Despite of this fact, many journalists admitted that journalism in Croatia suffers from a lack of journalistic standards. In addition to establishing a Media Council, CJA intends to create a new Code of Honour for Croatian Journalists.

One journalist from the public media stated that he was not as pessimistic about journalistic standards as in the 1990s, though they are worse than those found between 2000 and 2003.

Generational Gap

It was expressed on several occasions during the delegation's meetings that there exists a generational gap between older, more experienced journalists and younger journalists. One editor stated that young journalists come to their jobs without experience and know-how and that they think they can write whatever they want without actually doing the hard work of fact checking. He added that a large part of the problem lies in the educational system.

Another older journalist highlighted that this gap was intentionally maintained by media owners as a way to manipulate younger, inexperienced journalists into complying with the owners' demands.

In reference to younger journalists, one journalist added that many younger journalists in Croatia have no hunger to learn.

One editor also mentioned that it is often the case that when a journalist complains about pressure or censorship, it is more often the case that he simply did not properly fact check or quote his sources because of a lack of standards.

**“CROATIAN MEDIA
IS MISINFORMATION
MEDIA,”
SAID A JOURNALIST
IN A MEETING WITH
THE JOINT
DELEGATION.**

Honour Codex of Croatian Journalists

Adopted by the general meeting of the Croatian Journalist Society in November 2006.

GENERAL PRINCIPLES

The right to information, freedom of expression and criticism is one of the basic rights of every human being regardless of gender, race, nationality, religion and political belief.

The right of the public to be informed on facts and opinions generates rights and responsibility of journalists.

In their work, journalists are obliged to defend human rights, dignity and freedom, respect pluralism of ideas and views, contribute to strengthening of the legal state and as democratic part of publicity participate in controlling the performance of government and politics.

Journalists shall abide by the Constitution and the positive laws of the Republic of Croatia, the Statute and Acts of the International Journalist Federation (IFJ) as well as the acts of the Council of Europe on freedom of expression, informing and human rights.

Journalists nurture culture and ethics of public statement, respect the accomplishments and values of advanced civilization.

All members of the Croatian Journalist Society are obliged to abide by the highest professional and ethical principles.

This codex is the criterion of those principles, protects the vested rights of individuals and rights of publicity to be informed.

RIGHTS AND OBLIGATIONS

1. In his practice and performance, a journalist has to operate by general principles and ethics of the journalist's profession. Beginning with principles that in democratic society all public organs are free, independent, open and research for different opinions, journalist is responsible for his work in front of the public, the law and his professional organisation.

2. Presenting independent and critical state in the search for truth as a basic principal in professional work actively engage journalist in creating public opinion and collective judgment about issues that concern everybody.

3. A journalist, like any citizen, has a right to political and other commitment. In his work, he respects professional distance toward actual events, which is one of the conditions for objective, professional report on events.

4. A journalist is obligated to present truthful, verified information. He indicates persons or institutions as a source of given information or a statement. He has a right not to indicate the source of information, but then he is morally, materially and legally responsible for published data.

5. A journalist has a right to access all information sources as well as the right to investigate all facts caused in public life. If a journalist is unduly prevented from accessing certain information, he has the right to inform the public about this.
6. A journalist is legally obligated to respect state secrecy. A journalist respects embargo on publishing information. If there are, by his evaluation, misuse restrictions for closing information; journalist has to notify authorized individuals.
7. In reporting, especially in comments and polemic texts, a journalist is obligated to respect the ethics of public statement and culture of dialogue as well as to respect the dignity and integrity of the person whom is controvert with.
8. The work of the journalist is subject to public criticism. Journalists and editors are obligated to carefully consider all recommendations; remarks and criticism referred to them and are obligated to occasionally notify the public about these.
9. Rights and duties of the journalist are to stand for free information flow.
10. A journalist respects the authorship of other journalists and participants in public information dissemination. In his work a journalist quotes the names of authors whose text he uses.
11. Shorted or changed texts, which change the essential meaning of the original text, can be published only with approval of the author. In case of a dispute the author has the right to withdraw his text and signature.
12. Text without the name of the author or text signed with a pseudonym is considered editorial.
13. Plagiarism is irreconcilable with the Journalists' Codex.
14. In his efforts to access a photo, information or document journalist may not use dishonest and unlawful means.
15. A member of journalists' organization has a right to refuse an assignment if it contradicts this honour codex, regulations of a journalists' organization, statute or the professional and ethical standards of journalist work.
16. A journalist has to protect people's privacy from unreasonable or sensational discovery in public. Journalist is obligated to respect everybody's right to private and family life, home, health and correspondence. Publishing data that violates someone's privacy without permission has to be justified by the public interest. Using means to photograph people from a long way off in their private surroundings and on their private property without permission is unacceptable. Editors may not publish material of workers who do not obey these rules. Special attention and responsibility are required when reporting on accidents, family tragedies, sickness, children and minors, trials. The assumption of innocence, integrity, dignity and the sensibilities of all parties in a trial must be respected. In political conflicts a journalist has to respect the civil rights and freedom of all participants and try to be neutral.

17. A journalist must not take photographs or interview children (under 14 years) concerning issues about their lives of those of other children without the presence of parents or other responsible adult. It is not allowed for a journalist to talk with pupils or take pictures of them without the permission of the school. It is not allowed to pay children and minors for information (14 to 16 years) nor their parents or guardians, unless it is in the interest of the child.

18. In cases of sexual abuse, a journalist is not allowed to reveal the identity of the children involved in those cases, regardless of the fact they are witnesses or victims. In the journalist's report (and other texts) regarding sexual abuse cases of children, all formulation have to be:

- a) Children and minors may not be identified (directly or indirectly)
- b) Only an adult can be identified.

19. Journalist should not publish details about race, skin colour, religion, and gender or sexual orientation or any physical or mental disability or illness if it is not relevant for the public interest.

20. Journalist must not be involved in business that threatens the freedom of his judgment and decreases objectivity regarding publishing truthful facts or violating his journalistic dignity. Journalist may not publish information to gain benefit (bribe, corruption).

21. Journalists and organizations should preserve the reputation, dignity and integrity of their profession; they should cooperate and maintain friendly relations as well as professional solidarity.

22. Journalists must not author paid advertisements and other sedition texts. Promotional journalistic texts are not allowed in the media, nor is hidden advertising. Interaction and affiliation of journalist texts and advertisements is not allowed. Advertisements and other paid information must be clearly distinguished from other journalistic texts so that an observer, reader and listener can recognize an advertisement. Advertisements prepared as journalist work have to be clearly marked as "Advertisement" or "Paid advertisement". Promotional agencies and advertising departments of media headquarters need to respect the principles of the Codex and not encroach upon journalists.

23. A journalist has to avoid situations that might lead to a conflict of interest, direct or indirect, visible or invisible, so he does not compromise himself or his profession. A journalist has to refuse gifts, services or bonuses. A journalist has to avoid paid journeys and other conveniences, additional employment, employment in politics, as well as any employment in state or other public institutions. Otherwise it could decrease his credibility and the credibility of the profession. He needs to avoid situations that might leave an impression of favouritism. For his own agenda, journalist must not abuse information about financial development gained while doing his job. If he deals with valuable papers that he reports about, journalist has to publish it. A journalist has to reject conveniences offered by advertisement agencies and interest groups, and resist their attempts to influence his reports. Possible conflict of interest has to be publicised, otherwise is not allowed to publish or comment occasions and subjects that might lead to conflict of interest.

FINAL REQUIREMENT

A journalist that works in accordance with this Codex will enjoy the support of the editor's office, his professional journalist and syndicate union. The sanctions for violation of the Codex are defined in the Statute of the Croatian Journalist Society.

Editorial acts determine responsibility in conducting Codex for journalist who are not members of the Croatian Journalist Society, and is related to author and editor of every published text regardless the fact of editorial membership, free reporting or honorary cooperation.

Journalist Honour Council of Croatian Journalist Society is authorized for the protection and performance of the Codex.

Public Broadcasting

Croatia Radio-Television–Hrvatska Radio Televizija (HRT) – is a public corporation headquartered in Zagreb that was founded by the Republic of Croatia. Its structure and law are defined by the HRT law (*Official Gazette*, No. 25/203) and its provisions are adopted in accordance with the law. HRT is funded by license fees and is allowed 9 minutes of advertising per hour.

As a public television station, HRT is obligated to spread awareness about the dangers of all forms of discrimination and to this end, 3 percent of subscription fees received by HRT are allocated to programmes that encourage diversity and tolerance.

The public broadcaster HRT continues to face serious managerial difficulties as a result of several unsuccessful attempts made by the HRT Programme Council to elect a new director. Such difficulties negatively affect HRT's functioning. There also exists pressure from political and business groups on journalists working at HRT.

A representative from the Croatian Journalists' Association (CJA) said that the CJA wanted the appointment of the HRT Programme Council to be changed so that its members are appointed like other civil institutions rather than one made by Parliament.



SEEMO and IPI delegation at HRT offices

Legal Framework of the Media

The media regulations of Croatia secure the protection of the media from political influence and guarantees media freedom and complete independence of the media. The principles of media freedom are regulated by the Media Act while the Electronic Media Act regulates the rights, obligations and responsibilities of legal and natural persons who are engaged on the production and publication of the programme content and programming services via electronic media.

The Croatia Radio-Television Act regulates the legal status, as well as the activity and methods of HRT as a public electronic media owned by the Republic of Croatia.

At the end of 2009, a new Electronic Media Act was adopted, which incorporated the 2007/65/EC audiovisual media services.

Pressure from Political and Commercial Interests

The Croatia media suffers pressure from both political and commercial interests. In a number of cases that have been highlighted by domestic and international organisations, media owners have restricted critical coverage of the government and influential companies as a result of fear of the loss of advertising during the recession.

On several occasions during the discussions with the joint SEEMO and IPI delegation, journalists and editors of the private media said that pressure does exist, making it difficult for them to do their jobs.

A few private media editors stated that the greatest amount of pressure they experience comes from their advertisers, stating that some want to take control and that the only way to avoid such types of pressure is to have a financially independent owner. They also stated that Croatia is currently experiencing more press freedom than in the past, yet it does not matter because consumerism prevails.

Several editors expressed concerns that some journalists claim cases of political pressure as a means to gain publicity and subsequently, build their careers. In this same vein, one editor stated that there is a problem where there are not enough jobs for journalists given the economic crisis, so when a journalist loses his job, he claims that it is because he did not write what the owners wanted.

A group of journalists presented problems to the delegation that they had encountered over the past year with tax authorities. According to the journalists, the pressure from the tax authorities was as a result of reporting that they had conducted. SEEMO and IPI must further investigate these cases in more detail.

Short Profiles on Europa Press Holding (EPH) and Styria

Europa Press Holding

Europa Press Holding (EPH) is the leading publishing and media company in Croatia and one of the biggest companies of this sort in Southeastern Europe.

EPH currently employs more than 1,700 people. EPH originally sprang from the political weekly *Globus* project, 17 years ago. Since the early 1990s, EPH has grown into a company that is currently engaged in a broad array of business activities: including, newspaper and magazine publishing, television and online production, production and internal distribution of news and photographic content, as well as printing. EPH is co-owned by the German WAZ Media Group and the Croatian partner, Ninoslav Pavic.

The EPH portfolio consists of more than 30 publications with an annual circulation of more than 177 million copies.

Styria Media Group AG

Founded in 1869, Styria Media Group AG is one of the leading Media Groups in Austria, Croatia and Slovenia, employing 3,100 people total. Styria's portfolio includes, 9 daily and 17 weekly newspapers, 15 magazines, 15 customer magazines ("Styria Multi Media Corporate"), more than 40 magazines in Croatia, Slovenia and Serbia ("Adria Media"), 2 supplements, 15 online services, 2 radio programmes and 1 TV programme as well as 7 book publishers.

In Croatia, Styria is the sole shareholder of the traditional daily newspaper *Večernjilist* and has launched the most successful newspaper in the country with the daily newspaper *24 sata*. Styria also includes Croatia's first business daily newspaper *Poslovni dnevnik* in its portfolio, as well as the largest TV magazine in the country *TV tjedan* and the search portal *njuskalo.hr*.

Minorities and Media

Croatia guarantees in its constitutional provisions the freedom of thought and expression through the freedom of the press and other media, freedom of speech, public expression and free establishment of all institutions of public communication. Censorship is forbidden in Croatia and freedom of reporting and access to information is guaranteed.

There also exist laws that regulate the media, which contribute to media diversity and pluralism. The media holds an important role in raising public awareness about the need to promote and protect human rights yet at the same time, media can infringe upon human rights, such as privacy violations, and encourage human rights violations; therefore, it is important to harmonise freedom of expression and the legal ban on hate speech.

The joint delegation also met with a representative from the Serbian minority newspaper *Novosti*. The *Novosti* representative presented several cases of clearly nationalistic, ultra-right wing and anti-Serbian attacks on Croatian web portals.

In spite of this, the situation surrounding the reporting on minorities has improved and is generally better than it was 10 to 15 years ago. Currently, there exists less hate speech in the media given the increased professionalism in reporting about all forms of diversity in society, including sexual and religious diversity. It should be noted that while there have been improvements, attacks against minorities in the form of hate speech frequently occur on the web in the comments field in responses to articles, as well as on online forums.

Internet

According to the Croatian Telecommunications Agency, there are around 2.5 million Croats online. There are an estimated 25,000 registered websites in Croatia. The telecommunications sector is the most developed in the region.

Several websites are very popular in Croatia, generating several hundred clicks on a daily basis. These sites serve as an important source of information especially for the younger generation. One notable example of a well-known website is the blog 45 lines, developed by journalist Zeljko Peratovic, which has grown in popularity over the past few years.

Other important online news portals include index.hr and business.hr, a business daily.

Conclusions

Journalists serve to inform the public on matters of public interest and it is the responsibility of the media to hold governments accountable to the people, as well as to serve as watchdogs for democracy. To this end, journalists' rights must be upheld.

Like individuals in any other profession, journalists make mistakes, yet there should be mechanisms in place to both minimize their occurrence and provide a best response solution. Currently, Croatia is not equipped with such mechanisms. Croatian journalists are not properly trained in the journalistic profession, often lacking the ethics and standards required to properly inform the public.

The use of criminal penalties, such as the draft penal code proposal of imprisonment for journalists found guilty of libel, is incompatible with freedom of the press. The Croatian government should rely on civil, rather than criminal remedies as stated by President Josipovic.

Croatia is one of three major European countries lacking a self-regulatory Press Council. Given the lack of professional standards within the journalistic profession, such a body could ensure a more accurate coverage of other media, improve upon codes of ethics and serve as a coercive force, as it is the opinion of other media and journalists conducting the regulation.

The lack transparency of ownership remains critical in Croatia given that it hinders journalists from properly conducting their work.

Attacks on journalists remain a critical press freedom issue in Croatia. Those journalists who have been attacked rarely see the organiser go behind bars, creating a climate of injustice and fear. It should be noted that such incidents of impunity are not specific to Croatia or the region, but occur worldwide.



Joint delegation at the residence of the Austrian Ambassador to Croatia

Recommendations

- Representatives of publishers, journalists and civil society should cooperate with the Croatian Journalists' Association to establish a Press or Media Council, working together at each step of the process
- Regardless of having a Press or Media Council, media houses can progress in terms of self-regulation by introducing ethical codes and procedures
- The Croatian Government/Parliament should not accept changes in the penal code as suggested by the group of experts
- Online portals should be administered to control the levels of hate speech present
- Media houses should focus on improving journalists' skills through training programmes to better equip journalists to work within the journalistic profession
- Police and courts should conduct better investigations in order to arrest and prosecute those who have ordered attacks against journalists.



SEEMO and IPI delegation pictured with Ante Gavranovic and Danko Plevnik

Follow-up Activities

The South and East Europe Media Organisation and the International Press Institute are committed to supporting the process of self-regulation in Croatia. In an effort to support press freedom in Croatia, SEEMO and IPI are considering the following follow-up activities in 2011 in cooperation with the local journalists and media groups:

- Monitor press freedom condition for journalists covering crime and corruption
- Monitor the developments in the draft criminal law
- Work more closely with the Croatian Journalists' Association to improve standards and opportunities for the media in Croatia

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