# Croatia: Media Freedom in Turbulent Times

## *Report on the June 2016 Joint International Mission*

**August 2016**

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South East Europe Media Organisation (SEEMO)
European Broadcasting Union (EBU)
European Federation of Journalists (EFJ)
European Centre for Press and Media Freedom (ECPMF)
International Press Institute (IPI)
Reporters Without Borders - Austria (RSF)

**Mission Observer:**

Office of the OSCE Representative on Freedom of the Media



**ABOUT THIS REPORT**

This report summarises the findings of a June 21-23, 2016 **international media freedom mission** to Croatia led by the South East Europe Media Organisation (SEEMO) and including representatives from the European Broadcasting Union (EBU), the European Federation of Journalists (EFJ), the European Centre for Press and Media Freedom (ECPMF), the International Press Institute (IPI) and the Austrian section of Reporters Without Borders (RSF). The Office of the Representative on Freedom of the Media of the OSCE joined the mission as an observer.

Over the course of the mission, delegates held more than two dozen meetings with journalists, editors, government officials – including Croatian President Kolinda Grabar-Kitarović – and representatives from journalist organisations and civil society groups to evaluate issues related to media freedom and media independence in the European Union's newest member state.

Abbreviations used in this report:

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|---|---|
| EMC | Electronic Media Council |
| HDZ | Croatian Democratic Union (political party) |
| HND | Croatian Journalists' Association |
| HNiP | Association of Croatian Journalists and Publishers |
| HRT | Croatian Radiotelevision (public broadcaster) |
| SDP | Social Democratic Party |

Note on descriptions of government ministers:

In June 2016 (shortly before the mission), the Croatian government collapsed, ending a coalition between the HDZ and Most parties. However, ministers in this coalition continue to service as part of a 'technical', or acting' government until the next parliamentary elections in September 2016. For simplicity, this report refers to ministers in the recent HDZ-Most coalition simply as "Minister" without the attributes "Then" or "Acting".

**BACKGROUND**

*Preceding events*

The delegation arrived in Zagreb at a time of significant **political turmoil**. On November 8, 2015, Croatia held a parliamentary election in which coalitions led by the country's two main political parties, the Croatian Democratic Union (HDZ) and the Social Democratic Party (SDP), fell far short of the necessary 76 seats for a governing majority.

After several weeks of difficult negotiations, HDZ announced on December 23, 2015, that it would seek to join a governing coalition with the centrist Most ("Bridge") party, which had won 19 seats in the election. HDZ and Most agreed to nominate Tihomir Orešković, a businessman who had lived most of his life in Canada, as a compromise independent candidate for prime minister. Orešković officially assumed office on January 22, 2016.

Plagued by infighting from the outset, the HDZ-Most coalition collapsed shortly before the delegation's visit, after less than six months in power. The collapse was directly preceded by allegations, first revealed by the Croatian weekly Nacional, that the wife of HDZ leader and then-Vice Prime Minister Tomislav Karamarko had been a paid lobbyist for the Hungarian oil company MOL, which had been in arbitration proceedings with the Croatian government. The scandal worsened the climate between the two parties, prompting Orešković to request both Karamarko and the head of Most, Božo Petrov, to resign their positions in government. Instead, on June 16, 2016, HDZ filed a successful no-confidence motion against Orešković. However, unable to cobble together a governing majority, Karamarko resigned his leadership position the following week.

The Croatian Parliament dissolved itself effective July 15. Shortly thereafter, President Kolinda Grabar-Kitarović announced that **new elections would be held on September 11, 2016**.

*Political and societal tension*

On the surface, the results of Croatia's November 2015 parliamentary election revealed sharp divisions among voters, with coalitions led by the country's two main political parties finishing in a virtual tie. However, that poll was also notable for a scattering of preferences (see above).

In light of certain policy measures implemented under the HDZ-Most coalition – in particular interference with the country's public broadcaster, a central subject of the mission – some observers have expressed fear that Croatia could follow in the footsteps of Poland and Hungary, where nationalist governments have moved to consolidate power over various democratic structures, including courts and the press. Such a development seems unlikely in Croatia in the short term. Governing parties in both Warsaw and Budapest benefit from unobstructed majority rule (in Hungary, Viktor Orbán's Fidesz party even enjoyed, for a stretch, a constitutional two-thirds majority) against a weak opposition. Initial polling for Croatia's September 2016 suggests that the country's splintered electorate will again block the rise of any one particular party.

At the same time, a clear recurring theme in the delegation's meetings was a perceived rise in nationalist, and even historical-revisionist, sentiment in public discourse, said to be provoked in particular by extremist factions within HDZ. To a certain extent, this sentiment reflects the fact that attitudes toward the country's history – both its role during World War II and its communist past within the former Yugoslavia – still divide the Croatian population. Notably, Croatia has struggled to fully come to terms with crimes committed by the ultranationalist Ustaše organisation, active in the 1930s and 40s; past politicians have been accused of playing down the Ustaše's actions, which especially targeted Serbs.

"Certain tendencies such as hate speech are rising again, like at the beginning of the 1990s," Saša Milošević, secretary-general of Croatia's Serb National Council, a body set up to protect the rights of the Serb minority population in Croatia, told the delegation. "Hate speech is becoming part of the mainstream, supported by leading public figures."

Within the context of the media, journalists and civil society groups describe an atmosphere in which certain politicians, including prominent members of the HDZ-Most coalition, have deliberately fostered mistrust in critical media, regulatory bodies and human rights defenders so as to undercut the credibility of these institutions.

Frequently, this is manifested in verbal attacks on "leftist media" that display insufficient "patriotism", with journalists smeared as "traitors", "anti-Croats" or equated with members of groups such as the Četniks (a Serbian paramilitary force accused of atrocities against Croats and other groups during World War II).

"The last six months have been worse than the 1990s," Saša Leković, president of the Croatian Journalists' Association (HND), said of the current atmosphere for media in Croatia. He added: "Once a country is an EU member, nobody cares anymore." (Croatia acceded to the EU in 2013.)

Notably, former HDZ head Tomislav Karamarko and various other HDZ figures have expressed a desire to "get rid" of "leftist" media. Critics see the smear campaigns and related recent incidents as being influenced or directed by such a plan.

The delegation was able to witness these mechanisms of undercutting institutions first-hand. Following an official visit to Croatia in April, Nils Muižnieks, the Council of Europe Commissioner for Human Rights, issued a statement[1] containing strong warnings on freedom of expression and media freedom in Croatia (as well as on social cohesion and pluralism, ethnic intolerance, hate speech and impunity for human rights violations). In a meeting with the delegation, however, Culture Minister Zlatko Hasanbegović (HDZ) implied that Muižnieks's criticism was politically motivated and that the Commissioner came from a "political background". Hasanbegović called the Council of Europe's position "superficial".

Perhaps the most disturbing recent example of such discourse was a January 2016 protest directed against the Croatian Electronic Media Council (EMC) and its president, Mirjana Rakić, after the EMC temporarily banned a broadcaster for violating hate speech rules. The EMC issued the ban after the broadcaster, Z1, aired a programme in which the programme host signed off by warning viewers – especially "mothers with children" – to steer clear of a Serb Orthodox church in central Zagreb that the host said was run by "Četnik vicars".

In response to the EMC's decision, some 5,000 to 7,000 Croatian nationalist protesters gathered in front of the EMC's offices on January 26. Participants hurled hate-filled slogans and symbols alluding to Rakić's Serbian ethnicity, including a "cardboard effigy of [Rakic] dressed in Partisan uniform and holding a machine-gun".[2] Reports indicate that some participants also shouted Ustaše-era salutes and that the leader of the protesters, Velimir Bujanec, presented a Četnik hat to Rakić as a "present".

[1] "Croatia: High time to create a tolerant and inclusive society," Council of Europe Commissioner for Human Rights, 29 April 2016, http://goo.gl/nECaaZ (last accessed 4 August 2016).
[2] See "Temporary revocation of broadcasting licence from Z1 sparks protest," HINA, 26 January 2016, available at https://goo.gl/i6tPcO (last accessed 4 August 2016).

Troublingly, the group of protesters included the deputy speaker of the Croatian Parliament, Ivan Tepeš, a member of the right-wing Croatian Party of Rights, part of HDZ's "Patriotic Coalition".

Members of the EMC who spoke with the delegation, as well as other journalists interviewed, believe that these protests were organised by ethnonationalist factions within the government to discredit the EMC, which is apparently perceived as belonging to the "unpatriotic" forces operating within Croatia.

"Whatever we did in that period, they would have found something," Council Member Vesna Roller said, referring to the HDZ-Most coalition following the November 2015 elections. Roller also pushed back against what she saw as a calculated attempt to undercut the EMC's moral stature, saying that the protest's organisers had "deliberately blurred the lines" by accusing the EMC of an attack on free speech by banning Z1.

Rakić attributed the EMC's ability to withstand pressure to support from the EU. "Without the support of ERGA (ed: European Regulators Group for Audiovisual Media Services), it would have been impossible to maintain our independent work," she commented.

Despite the support from ERGA, where she serves as vice-chair, Rakić announced her decision to resign from EMC shortly after the protests, citing a desire to prevent "collateral damage" to the rest of the body. At the time of this writing, Parliament had not yet acted to approve her resignation.

Police did not issue citations to any of the protesters for hate speech. More shockingly to the international delegation, however, not a single top politician from the governing coalition condemned a clear attempt – based on crude ethnopolitics – to harass and intimidate an independent media regulatory body. This silence speaks volumes.

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Croatia's political and ideological fault lines were also clearly visible within the journalistic community itself. In July 2015, a group of journalists dissatisfied with the work of the long-established HND, formed a new body called the Association of Croatian Journalists and Publishers (HNiP).

Numerous persons interviewed during the mission described HNiP as a front for HDZ, with critics pointing to the "suspicious" timing of the group's formation, just months before the November 2015 parliamentary election. In a meeting with the delegation, HNiP President Katja Kušec strongly denied any connection with the HDZ-Most government. Instead, she attributed HNiP's founding to the HND's "selective" handling of media issues, and stated that the latter acted as a "politically engaged NGO" (HND and its president, Saša Leković, have been vocally critical of the recent government and in particular Culture Minister Hasanbegović; Leković has accused HNiP of lack of integrity and trying to introduce "servility" among journalists[3]).

Nevertheless, it is clear that HNiP borrows from the language of nationalist discourse. In a recent press release, it said that journalists who had been reassigned at HRT, the public broadcaster, belonged to "anti-Croat groups" and defended the cancellation of a particular show on HRT by

[3] See "HND head says HNiP trying to introduce journalist servility," HINA, 4 March 2016, available at https://goo.gl/WGsX6x (last accessed 4 August 2016).

suggesting that the show's host, Ljubica Letinić, was primarily a "left-wing activist" who used her programme to spread "neo-Yugoslav" and "Marxist" propaganda.[4]

The group defended the government from accusations of interference at HRT, and also pushed back against some of the delegation's other concerns. For instance, Kušec suggested that the uproar over the EMC was "engineered" and that Mirjana Rakić had applied the law only selectively. She said the decision to suspend the broadcaster Z1, while legal, was "heavy handed" and stated only that the demonstrations had been "testy".

Regardless of the reasons behind HNiP's formation – and there is certainly nothing wrong in principle with creating an alternate representation point for journalists – the decision to engage in smear campaigns against fellow journalists is disappointing and leaves HNiP vulnerable to charges of political activism.

All organisations in Croatia whose stated aim is to represent journalists should seek to maintain a measured, nonpolitical tone and focus on common goals, most prominently protecting media freedom and media independence. Such organisations should not contribute to damaging the public reputation of the journalistic profession by becoming overly political in nature.

**HRT (CROATIAN PUBLIC BROADCASTER)**

The delegation's visit to Croatia was prompted in significant part by concerns surrounding the independence of HRT, Croatia's public broadcaster and long a model of professionalism in the region.

In 2012, the SDP-led Parliament passed an amendment to the Croatian Radio and Television Act that clarified the responsibilities and appointment process for the position of HRT director-general. According to this amendment, the director-general is to be elected by Parliament by majority vote for a term of five years.

The decision to implement this appointment system was politically short-sighted and, more importantly, out-of-step with principles on promoting the independence of public broadcasters.

Appointing the director-general – who is responsible for running HRT's daily affairs – via parliamentary vote introduces party politics into the heart of the broadcaster's operations. Allowing a majority vote worsens this prospect still, as any party holding a parliamentary majority could appoint whomever it pleased to the position, regardless of that person's commitment to editorial independence.

The potential for political meddling in the broadcaster became clear earlier this year. In March – less than two months after the HDZ-Most coalition took office – Parliament fired the previous director-general, Goran Radman, who had been appointed by the SPD-led Parliament in 2012. Radman had been accused by HRT's supervisory board of accounting irregularities. Parliament replaced Radman with an acting director, Siniša Kovačić.

According to the Croatian Radio and Television Act, acting directors may serve for a maximum of six months, during which time public tenders must be put out as part of the process of selecting a new director-general. However, in July 2016 Croatia's acting government, using its authority to bypass Parliament on certain matters, extended the acting director's term to one year, allowing Kovačić to

[4] See "Evo kako HNIP opravdava čistku na HRT-u: Kolege nazvali antihrvatima i ljevičarima," Index.hr, 11 July 2016, available at http://goo.gl/EBW9MN (last accessed 4 August 2016).

remain in office through and beyond HRT's coverage of the September 2016 parliamentary elections.[5]

The timing and mechanism of this decision are suspicious and, in the context of the further personnel and programming changes described below, lend support to the charge that the HDZ-Most coalition has sought to establish control over HRT to further its own political aims.

Following Kovačić's appointment, HRT's management embarked on a massive round of staff 'restructuring'. Approximately 70 HRT editors and journalists were reassigned to other positions, generally ones carrying less responsibility or influence over content. They were replaced, in many cases, by persons perceived to be sympathetic to the HDZ-Most coalition. (A complete list of those reassigned is included in the annex to this report.)

Although staff changes following the appointment of a new director-general are not unusual at HRT, the speed and breadth of the changes suggests a strong political motivation at odds with the mission of a public-service broadcaster. Various journalists met by the delegation, including current and former HRT employees, described the changes as the "most radical" in recent memory (others disputed this characterisation, however; see below).

HRT observers say the changes resulted in an increase in nationalist and religious content, which is considered to serve the aims of the right-leaning HDZ party in particular. Critics pointed in particular to the use of "far right" journalists as analysts and the broadcasting of sermons by "radical" priests. These changes are said to be driven by a "revolutionary agenda" led by Culture Minister Hasanbegović, a historian by profession who has been accused of "downplaying the crimes of the Ustashe and cautiously rehabilitating its ideas"[6].

HRT's well-regarded third television channel, which focuses on culture and is known for its documentaries, has been particularly scrutinised by the new management. This channel is believed to have been a thorn in the side of Hasanbegović, who previously described its content as "post-modern neo-Yugoslav 'deconstruction' of Croatian national and cultural identity" financed by Croatian tax-payers.

Journalists at HRT and other outlets say HRT's new management has fundamentally altered the third channel's programme, including by cancelling, apparently without explanation, several well-regarded shows run by the journalists Ivica Prtenjača and Ljubica Letinić. HND stated that "the Third Programme has just become activistic, passionate and non-professional. In that new program documentary contents were cancelled and replaced with talk-shows of extremely religious and ideological character".[7] Similar changes are said to have occurred with regards to HRT's third radio channel.

Those who defended the changes at HRT argued that the latter were mainly response to left-wing politicisation that had taken place under the previous SDP government, which several persons, including HNiP representatives, asserted had been equally, if not more, wide-reaching. HNiP argued that the broadcaster needed to be reformed to produce "more balanced programming that would

[5] On July 26, HRT's Supervisory Board opposed the decision to extend Kovačić's mandate and proposed an alternate candidate, Mario Raguž, to Croatia's High Commercial Court. A ruling in the case is expected within the next few weeks.
[6] See Paul Hockenos, "Croatia's Far Right Weaponizes the Past," Foreign Policy, 6 May 2016, available at http://goo.gl/10KoQQ (last accessed 4 August 2016).
[7] "HRT Program has been deliberately destructed," HND, 7 July 2016, available at http://goo.gl/KC7i7G (last accessed 4 August 2016).

serve all citizens". The group also suggested that finances were the main driver behind cancellations at the third channel.

Marija Nemčić, head of HRT's international relations department, justified the staff reshuffling by noting that every director general "has the right to choose a team and be responsible for the results". She told the delegation that she had "not been surprised by the speed of changes" and that the latter were no different than those carried out by the previous director four years prior.

For his part, Hasanbegović pointed out that the government's actions with regard to HRT were all taken according to the Radio and Television Act, which he emphasised had been approved by the previous SDP government. He also insisted that because of HRT's public nature and its cultural impact, the government had a right to have a say in the channel. "We need to find a balance between government influence and media autonomy," he said.

The delegation was dismayed by arguments justifying the interference at HRT as a tit-for-tat in response to similar actions under previous governments. Deliberate political intervention that may have occurred previously is wrong. But it cannot be the basis for pushing through massive changes at the public broadcaster that are clearly aimed at promoting particular political and ideological lines.

Rather than rehashing a tired pattern of political interference – in which successive Croatian governments have apparently treated the public broadcaster as an election prize rather an as a medium in service of the people – the next government should focus on ensuring that rules are in place to safeguard HRT's independence and ensure balance in the channel's management and programming.

Rules based on international standards should help mitigate HRT journalists describe as rapid ideological swings at the broadcaster, which are said to "mirror what's going on in politics." This situation is a disservice to HRT's staff and to the viewing public.

"We are all hostages of this situation," one HRT journalist told the delegation. "Every time there is an election we have to start from scratch."

In this light, the delegation welcomed President Grabar-Kitarović's verbal support, given during a meeting with the delegation, of efforts to protect the independence of the public broadcaster.

**JOURNALIST SAFETY AND IMPUNITY**

The international delegation is deeply troubled over the Croatian authorities' failure to investigate physical attacks on journalists and hold the perpetrators – including the masterminds – accountable.

An emblematic case is that of Jutarnji list investigative journalist **Dušan Miljuš**, who was beaten unconscious in front of his apartment building in Zagreb by two men wielding baseball bats on June 2, 2008. Miljuš, who is known for his coverage of organised crime in South East Europe, was hospitalised with head and facial injuries. He spent the following four-and-a-half years under police protection.

Despite having occurred more than eight years ago, the attack on Miljuš remains unsolved. Four suspects arrested in 2010 were later released due to lack of evidence. Miljuš told the delegation that he "cannot explain" why no further suspects have been arrested. He also expressed scepticism that authorities would locate the mastermind behind the incident.

More recently, on May 28, 2015, award-winning investigative journalist **Željko Peratović** was badly beaten and nearly strangled to death by three men who broke into his home near Karlovac, central Croatia. Police arrested three suspects the following day, but later released them shortly thereafter pending further investigation. Prosecutors initially intended to charge the men with grievous bodily harm; this was upgraded to attempted murder at Peratovic's urging. In February 2016, however, prosecutors announced they would drop the murder charge and seek conviction based on grievous bodily harm and home invasion.

The attack on Peratović is thought to be related the journalist's coverage of corruption implicating the city of Karlovac and a public water company. Peratović, who received the 2014 prize in investigative journalism from HND, alleged in a meeting with the delegation serious shortcomings in the police investigation, including poor forensic work and a failure to properly question witnesses. Peratović left Croatia for Switzerland with his family following the attack.

Other physical attacks have occurred in recent years. In May 2015, Nova TV journalist **Domagoj Mikić** was assaulted by a person whom he attempted to interview in Pula, according to SEEMO.[8] The attack was captured on video. Just one day earlier, a freelance journalist, **Domagoj Margetić,** "found a hangman's knot – made of twine and one page of a document from a bank scandal stolen from his apartment last year during a burglary – in his home mailbox in Zagreb".[9] Margetić had also been injured in a beating in August 2014.

The mission delegation welcomed news that police, under now-Acting Interior Minister Vlaho Orepić (Most), had begun investigating threats against Index.hr chief sports editor **Dea Redžić**. Redžić told the delegation that she received death threats on an almost daily basis related to her investigative coverage of the Croatian Football Union and the Dinamo Football Club.

Nevertheless, it was disconcerting to hear that both the Croatian Football Union and the Dinamo Football Club have blacklisted Redžić in recent years, revoking her accreditation and denying her access to press conferences and even preventing her from buying tickets, ostensibly in connection to her reports on corruption involving those bodies. On one occasion, Redžić was violently thrown out of a press conference and had her mobile phone confiscated. Both bodies should end their blockade against her and accept the journalistic scrutiny that comes with a high public profile.

The president of HND, **Saša Leković**, also told the delegation that he received death threats on a daily basis via e-mail and mail.

Croatia's failure to promptly investigate attacks on and threats of violence against journalists increases the potential for journalists to be seen as legitimate targets for those angered by media coverage. The delegation joins Commissioner Muižnieks's concern over Croatia's "inadequate" response to journalist safety issues. Following his April 2016 visit to the country Muižnieks noted:[10]

> "Journalists play the important role of a public watchdog in a democratic society and their safety has to be ensured by all states. Impunity for crimes committed against journalists needs to be effectively addressed and dissuasive penalties for such crimes have to be imposed. Public discourse which justifies attacks against journalists is dangerous and detrimental to media freedoms and democracy."

[8] "Journalists attacked, threatened in Croatia and Macedonia," IPI/SEEMO, 29 May 2015, available at http://goo.gl/V3fqN6 (last accessed 4 August 2016).
[9] Ibid.
[10] *Supra* note 1.

**SHAMING LAW**

In a welcome move, President Grabar-Kitarović told the international delegation that she supported repealing Croatia's controversial 'shaming' law, which has been abused to criminally prosecute investigative journalists since taking effect in January 2013.

Art. 148 of the Croatian Criminal Code punishes presenting or disseminating facts about a person that may harm that person's honour or reputation – 'shaming' – with a criminal fine. In 2014, Jutarnji list journalist Slavica Lukić was convicted of 'shaming' over her investigative reporting into corruption at a medical clinic that received public funds.

Lukić's conviction led the HND to spearhead efforts to reform the law. Those efforts were supported by IPI and SEEMO, representatives of which travelled to Zagreb in November 2014 to urge Croatian lawmakers to bring the country's defamation laws in line with international standards.[11] In 2015, Parliament amended the 'shaming' law[12] to exempt from liability statements that were disseminated in the course of journalistic work or if these statements were disseminated in the public interest or for some other justifiable reason (the amendment, Art. 148a, also applies to Art. 147 on insult).

Noted Zagreb-based media attorney Vesna Alaburić told IPI that, following the amendment, the Croatian Criminal Code "does not allow the punishment for any media report published in the public interest" as relates to the protection of reputation. This progress should be applauded. In Lukić's case, her conviction was overturned on appeal and sent back to the first-instance court, which ultimately acquitted her based on the amended text.

Despite the reforms, the international delegation urges Parliament to fully repeal Art. 148 as well as Art. 147 on insult and Art. 149 on defamation, defined as knowingly making or disseminating of false statements of fact harmful to another's reputation. Although reasonable safeguards are in place to prevent abuse of these laws, international human-rights bodies, including the European Court of Human Rights, have frequently criticised the use of criminal sanctions in defamation cases, citing the potential for a wider chilling effect. Croatia and Slovenia remain the only former Yugoslav states with criminal defamation laws on the books, according to IPI's legal database.[13]

Likewise, the delegation urged lawmakers to repeal Art. 349 of the Criminal Code, which forbids mocking or disparaging the Republic of Croatia and its symbols; and Art. 356, which forbids mocking or disparaging foreign states and symbols, as well as the symbols of international organisations including the EU and the Council of Europe. Both offences carry a maximum sentence of one year in prison.

The U.N. Human Rights Committee as well as the OSCE Representative on Freedom of the Media have previously spoken out[14] against laws that protect the 'reputation' of the state given the capacity of such laws to curb debate on public institutions. The Parliamentary Assembly of the Council of Europe previously called[15] on states to repeal similar laws, stating: "Governments and

[11] See "Croatian MPs voice support for criminal defamation repeal," IPI, 20 November 2014, available at http://goo.gl/jfuPCz (last accessed 4 August 2016).
[12] See http://goo.gl/f1ErO0 (last accessed 4 August 2016).
[13] See legaldb.freemedia.at.
[14] For detailed information on international standards on freedom of expression and the protection of reputation, see http://legaldb.freemedia.at/international-standards/.
[15] Resolution 1577 (2007) Towards decriminalisation of defamation, available at http://goo.gl/cZV6Qx (last accessed 4 August 2016).

parliaments should clearly and openly reject false notions of national interest evoked against the work of journalists."

The delegation urged Croatia to both learn from and follow the example of Germany, which announced that it would repeal a similar article protecting foreign heads of state from insult after Turkey's President Recep Tayyip Erdoğan sought the prosecution of German comic Jan Böhmermann over a vulgar poem that satirised the head of state.

**OTHER ISSUES**

*Non-profit-media funding scheme*
In 2014, the Croatian government initiated a scheme by which an independent commission would distribute a share of state lottery earnings to non-profit media outlets. In its first year of operation, the commission awarded 20 grants worth 3 million kuna (approx. €300,000) in total. Grantee media outlets also received free access to HINA, the Croatian news agency, for one year.

The scheme was intended to enrich the independent media scene in Croatia following a collapse in the country's print media sector that saw the closure of several well-known newspapers. However, the commission was accused by some of ignoring "conservative" media and of funnelling state money to "left-wing media". Culture Minister Hasanbegović shut down the programme after the HDZ-Most coalition took office.

Damir Hainski, a member of the now-defunct commission, admits there was a problem with ideological balance among the media grantees, but says the commission was preparing to rectify that. He defended the model, however, describing it as a "lifeline" for non-profit media, many of which provided employment to journalists who had lost their jobs in the commercial media market due to Croatia's ongoing economic woes.

The decision to shutter this innovative scheme was unfortunate, and to a certain degree reflects the polarised political environment in Croatia. Whatever problems there may have been in terms of pluralism among the grantees could have been addressed. At a time of economic hardship that is contributing to depriving the Croatian public of quality news, programmes to support media development are more necessary than ever.

*Funding for minority-language media*
In June 2016, Culture Minister Hasanbegović announced that the government would end public funding for the publishing house Edit, which caters to the Italian-speaking minority in the area of Istria in northwestern Croatia. The decision reversed decades of precedent of support for Edit, whose most well-known product is the newspaper La voce del popolo ('The Voice of the People'), founded in 1944. In 2015, Edit received 2 million kuna (approx. €250,000) in Croatian public funds.

Hasanbegović publicly justified the decision by stating that the funding of minority-language media was not the province of the Culture Ministry, but of public bodies with the mandate to protect minority-language rights. In an interview with Al Jazeera Balkans,[16] Hasanbegović called the current funding arrangement a "racket" concocted by former HDZ Prime Minister Ivo Sanader by which Sanader promised to fund Italian-language media in return for political support from the Italian minority.

[16] "Hrvatsko ministarstvo kulture ograničava budžet," Al Jazeera Balkans, 8 May 2016, available at http://goo.gl/Y9izIl (last accessed 4 August 2016).

The decision was vehemently criticised by representatives of the Italian minority, including Furio Radin, the group's representative in the Croatian Parliament, who accused Hasanbegović of being "averse to anything different from his worldview".[17]

Edit was already facing financial difficulties, and reports suggest that the funding withdrawal may lead to the closure of La voce del popolo.

*HINA news agency merger*

Reports over the past year had suggested that the government was considering to merge HINA, Croatia's well-regarded national news agency, with the public broadcaster HRT. The merger, when first floated in 2015 on cost grounds, was strongly opposed by HND, HRT and HINA itself. The European Alliance of News Agencies also expressed support for maintaining HINA's independence, writing in a letter to the Croatian government[18] that it was "alarmed" by media policy discussions in Croatia and emphasised the "utmost importance" of "safeguarding the editorial, managerial and economic independence of Hina".

The delegation did not find indications that the Croatian government was planning to move ahead with the proposed merger. Nevertheless, members of the delegation stated their clear support for the independence of HINA, which is estimated to provide around 50 percent of daily news content in the Croatian press.

*Transparency of media ownership*

While not a core topic of the mission, transparency of media ownership clearly remains a challenge in Croatia. Journalists and civil society representatives, including HND and the Trade Union of Croatian Journalists, indicated that although the legal situation had improved, there was no "efficient oversight" of transparency requirements.

These observations dovetail with the results of a study conducted by the NGO Access Info in 2013.[19] That study noted positive amendments to the Media Law (2011) and the Electronic Media Law (2012) that toughened disclosure requirements in an effort to prevent indirect ownership, "secret" ownership or otherwise obscure ownership structures that prevented members of the public from discerning which persons were actually behind a particular media outlet. However, it also highlighted "serious omissions in the monitoring and enforcement side to the law".

These omissions include, according to Access Info's study:

- the lack of an "institution authorised by the Media Act to monitor compliance and to apply sanctions";
- the fact that a media outlet "cannot be certain that a person formally entered into its company shareholder register is the actual shareholder"; and
- a supervisory body, the Croatian Chamber of Economy (CCE), that lacks "sufficient resources to adequately monitor compliance or check information".

The study concluded despite legal improvements, there had since been "no legal proceedings and the questionable ownership structure remain".

[17] Fabrizio Boschi, "La Croazia taglia i fondi al giornale italiano," Il Giornale, 6 May 2016, available at http://goo.gl/0KLPfy (last accessed 4 August 2016).
[18] See "EANA calls Croatian authorities to discuss independence of Hina news agency," AGERPRESS, 6 February 2016, available at http://goo.gl/0hntKz (last accessed 4 August 2016).
[19] See http://goo.gl/QNF1tM.

## CONCLUSION

Culture Minister Hasanbegović told the delegation that there were "absolutely no limits on freedom of expression" in Croatia. These sorts of statements, when delivered by politicians, are nearly always ripe for scrutiny, and this one is no exception.

On the one hand, incidents of physical violence and – worse still – impunity for those who commit such acts continue in Croatia, an unacceptable situation for an EU member state. On the other, legal provisions such as the country's criminal defamation and shaming laws have been abused to punish investigative journalists for doing their jobs. Such trends can and must be reversed.

But it is also clear that 'informal' limits to free expression, which can be more easily disguised and hence denied, are at work in Croatia. These limits include excessive political influence in the media as well as politically motivated discourse that seeks to undercut critical journalism by singling out its practitioners as "activists" or even "traitors". These patterns have an impact both on the production of content, through direct pressure or self-censorship, and on the reception of content by the public.

The most glaring example of recent political influence is the recent government's obvious interference at the public broadcaster HRT. Despite whatever technical justifications can be put forward, the firing of HRT's director general, the reassignment of nearly 70 staff members and paradigmatic shifts in programming content and tone – in the span of just a few months – add up to an attempt by the HDZ-Most coalition to assert control over HRT for its own means. This is all the more troubling in the run-up to Croatia's September 2016 parliamentary elections, during which HRT must strive to produce balanced coverage.

The delegation is sensitive to the need for HRT, as a public broadcaster, to provide content that is ideologically balanced and that answers the needs of the Croatian public as a whole. But this cannot and will not be accomplished via a cyclical invasion of party politics. Instead, the next government needs to establish a pluralist, depoliticised system for appointing the station's management that will give HRT, in addition to independence and public trust, the financial stability and room for innovation to compete with private channels.

Overall, it was worrying to learn the extent to which leading public figures have contributed to societal polarisation by trafficking in an "us-vs.-them" discourse when referring to the media. This is, at best, a cynical attempt to undermine unwanted criticism. At worst, it puts journalists at risk of verbal and even physical attack and distorts the role of media in society.

The next Croatian government will have an opportunity to greatly improve the situation of media freedom and to set a new standard for the respect of media independence and pluralism in the country. That opportunity should not be wasted.

## RECOMMENDATIONS

### To the Croatian government and Croatian political parties:

- Political parties of all stripes should refrain from interfering with the editorial affairs of the public broadcaster HRT.
- The next government should reform the legislation governing HRT so as to guarantee the station's independence. Notably, this process should include changing the method of appointing the HRT director general and other HRT governing structures in line with European standards on public broadcasting.

- Lawmakers should include HRT's own journalists in debates around a new HRT law, and should increase the role of those journalists, civil society and consumers in the selection of HRT's management.
- The next government should take steps to guarantee the independence of the electronic media regulator EMC, including by amending the appointment process of EMC's members.
- Politicians from all parties must refrain from participating in, supporting or being perceived as supporting smear campaigns or hateful rhetoric against journalists and media regulatory bodies; Politicians must condemn such campaigns and rhetoric when they occur.
- Authorities must conduct comprehensive investigations into all physical attacks on journalists as well as threats made against journalists online or offline and hold those responsible accountable.
- Politicians from all parties must publicly condemn acts or threats of violence against journalists as unacceptable in a free and democratic society.
- The Croatian Parliament should fully repeal Article 148 of the Criminal Code on 'shaming', and should also repeal Arts. 147, 149, 349 and 356.
- In the interests of media pluralism and the promotion of quality, independent media, the next Croatian government should resume the work on its media strategy through the "Fund for the Promotion of Pluralism and Diversity of Electronic Media" and consider reinstating funding schemes for non-profit media. It should also reinstate any funding for minority-language media that has been cut.
- Legal provisions providing for transparency of media ownership should be updated to ensure a sufficient framework for monitoring and compliance.

**To the public broadcaster HRT:**

- HRT management and journalists should strive to produce fair and balanced coverage of the September 2016 parliamentary elections.
- HRT management and journalists should act in the long-term best interest of the broadcaster and show solidarity in rejecting interference by political parties of all stripes.
- HRT should consider the creation of an internal council to serve as a watchdog over HRT's independence, along the model of the Reporters' Council (Consejo de informativos) at the Spanish broadcaster RTVE.

**To Croatian journalist organisations:**

- Journalist organisations (associations and unions) should refrain from political activism and should uphold standards of professionalism and collegiality in their public activities.
- Journalist organisations should seek to forge solidarity in the profession, maintaining a common front on issues affecting media freedom and independence and rejecting all forms of political interference in editorial affairs.
- Journalist organisations should continue to systematically monitor threats to media freedom and media independence.
- Journalist organisations should stress the importance of professionalism in the media and support journalism training programmes as well as media literacy programmes for the public.

**Annex I: List of HRT editors and journalists reassigned in Spring 2016** *(source: HND)*

**KEY**: NAME OF PERSON REASSIGNED, title (*title in Croatian*)

1. GORAN RADMAN, director general (*Glavni ravnatelj*) – removed by Parliament
2. SAŠA RUNJIĆ, acting programme director (*v.d. ravnatelja Poslovne jedinice Program*)
3. MARIJA NEMČIĆ, acting production director (*v.d ravnatelja Poslovne jedinice Produkcija*)
4. DUŠAN ZIMONJA, acting director, Technology Department (*v.d ravnatelja Poslovne jedinice Tehnologije*)
5. BORIS SRUK, acting director, Business Department (*v.d ravnatelja Poslovne jedinice Poslovanja*)
6. IGOR TOMLJANOVIĆ, acting editor-in-chief, HRT1 (*v.d. glavnog urednika HTV1*)
7. VESNA KARUZA, acting editor-in-chief, HRT2 (*v.d. glavnog urednika HTV2*)
8. DEAN ŠOŠA, acting editor-in-chief, HRT3 (*v.d. glavnog urednika HTV3*)
9. SANJA GVOZDANOVIĆ, acting editor-in-chief, HRT4 (*v.d. glavnog urednika HTV1*)
10. LAMIJA ALEČKOVIĆ, acting director. News Media Service (*v.d rukovoditelja IMS-a*)
11. DRAGAN NIKOLIĆ, media content editor (*urednik medijskih sadržaja*)
12. IVA REPAČ, acting head of news planning and gathering (*v.d rukovoditelja deska planiranja i prikupljanja*)
13. ELIANA ČANDRLIĆ, economy editor, News Media Service (*urednica gospodarske redakcije IMS-a*)
14. SAŠA PAVKOVIĆ, Zagreb bureau editor (*urednik Zagrebačke redakcije*)
15. TAMARA DŽEBIĆ ŠALJAN, culture editor (*urednica redakcije kulture*)
16. PETRA PAJDAKOVIĆ ŠEBEK, head of web and teletext (*voditelj redakcije WEB i teletekst*)
17. HRVOJE ZOVKO, national affairs editor (*urednik redakcije Unutarnje politike*)
18. PETRA NEUNER, editor, "Dnevnik" news programme (*urednica Dnevnika*)
19. TATJANA MUNIŽABA, editor, "Dnevnik" news programme (*urednica Dnevnika*)
20. SANJA MIKLEUŠEVIĆ PAVIĆ, editor and anchor,"Dnevnik" news programme (*urednica i voditeljica Dnevnika*)
21. ĐURICA DROBAC, editor and anchor, "Dnevnik" news programme (*urednik i voditelj Dnevnika*)
22. TINA ŠIMURINA, editor and anchor, "Dnevnik" news programme (*urednica i voditeljica Dnevnika*)
23. STIPE ALFIER, editor and anchor, "Dnevnik" news programme (*urednik i voditelj Dnevnika*)
24. ZDRAVKO KLEVA, editor and anchor, "Dnevnik" news programme
25. OLIVER DRAŽIĆ, executive editor, "Dnevnik" news programme (*Izvršni urednik Dnevnika*)
26. MAJA KUBIK, head of news (*urednica Deska*)
27. VESNA KOLMANIĆ, head of news (*urednica Deska*)
28. SUZANA WOLF PENDIĆ, head of news (*urednica Deska*)
29. ANDREA OREČ, head of üperational planning (*voditeljica operativnog planiranja*)

30. MAJA SEVER/PETAR VLAHOV, editor, Croatia Live programme (*urednica redakcije Hrvatska uživo*)
31. TOMISLAV ŠPOLJAR, head of Super Desk project (*voditelj projekta Super Desk*)
32. ANDRIJANA ŠEŠO, editor, morning programme "Good Morning Croatia" (*urednik redakcije "Dobro Jutro, Hrvatska"*)
33. ROBERT FERLIN, host, morning programme "Good Morning Croatia" (*voditelj "Dobro Jutro, Hrvatska*")
34. FRANO RIDJAN, host, morning programme "Good Morning Croatia" (*voditelj "Dobro Jutro, Hrvatska*")
35. SANJA DOLEŽAL, host, morning programme "Good Morning Croatia" (*voditelj "Dobro Jutro, Hrvatska*")
36. IVANKA LUČEV, acting director, HTV Bureau Network (*v.d rukovoditelja Radne jedinice HRT-ovi centri*)
37. KORALJKA PLAŠĆAR, acting director, Human Resources Unit (*v.d rukovoditelja Radne jedinice Ljudski potencijali*)
38. MARTINA NOVAK VUKUŠA, acting director, Legal Affairs Unit (*v.d rukovoditelja Radne jedinice Pravni poslovi*)
39. EDI ŠKOVRLJ, head, Zadar RTV Bureau (*rukovoditelj RTV Centra Zadar*)
40. RENATA OSTOVIĆ, head, Osijek RTV Bureau (*rukovoditelj RTV Centra Osijek*)
41. EDI KIŠIĆ, head, Rijeka RTV Bureau (*rukovoditelj RTV Centra Rijeka*)
42. SANJIN BERC, head, Pula RTV Bureau (rukovoditelj RTV Centra Pula
43. DAVOR MARIĆ, head, Split RTV Bureau (*rukovoditelj RTV Centra Split*)
44. RAHELA ŠTEFANOVIĆ, assistant to the editor-in-chief, HTV2 (*pomoćnica glavne urednice HTV 2*)
45. MIRNA ZIDARIĆ, sports editor and anchor, "Dnevnik" news programme (*urednica i voditeljica sporta, Dnevnik*)
46. DANIELA DRAŠTATA, Department for National Minorities, Civil Society and Diaspora (*Odsjek za nacionalne manjine, civilno društvo i iseljeništvo*)
47. RAJKA RUSAN, acting editor-in-chief, HR3 (*v.d glavnog urednika HR3*)
48. IVANKA ZORIĆ, acting editor-in-chief, Radio Sljeme (*v.d.glavnog urednika Radio Sljeme*)
49. IVICA RUŽIČIĆ, deputy national affairs editor, radio programme (*zamjenik urednika unutarnje politike na radiju)*
50. SINIŠA GALAR, head, Recording and Editing Department (*voditelj Odjela snimatelji i montažeri*)
51. MILE BOBAN, assistant to acting director, Technology Unit (*pomoćnik v.d ravnatelja PJ Tehnologija*)

52. VEDRAN VUKAŠINOVIĆ, acting director, Design and Set Unit (*v.d rukovoditelja RJ Dizajn i scenografija*)

53. ŽELJKO ROGOŠIĆ, assistant to the acting director, Programme Unit (*pomoćnik v.d ravnatelja Poslovne jedinice Program*)

54. ZORAN MIHAJLOVIĆ, production assistant, Production Unit (*pomoćnik za produkcijske službe, PJ Produkcija*)

55. JULIJA FILAKOVITCS, programme assistant, Production Unit (*Pomoćnica za program Hrvatske televizije, PJ Produkcija*)

56. JASMINA BOŽINOVSKI ŽIVALJ, acting head, Production Unit (*v.d. rukovoditelja RJ Produkcijski odjeli Radne jedinice Produkcijski odjeli*)

57. DARIO ŠPELIĆ, head, Education and Science Department (*rukovoditelj Odjela obrazovanje i znanost*)

58. JELENA MILOŠEVIĆ, head, Youth and Children Department (*rukovoditeljica Odjela Djeca i mladi*)

59. VLATKA KOLAROVIĆ, head, Culture, Art and Religion Department (*rukovoditeljica odjela Kultura, umjetnost i religija*)

60. ŽELJKO MESAR, head, Music Production Department (*rukovoditelj Odjela Glazbena produkcija*)

61. NANA ŠOJLEV, head, Entertainment Department (*rukovoditeljica Odjela Zabava*)

62. PETAR KREŠIMIR PERAS, executive producer, Music Production Department (*Izvršni producent odjela Glazbena produkcija*)

63. MARIJA KOSOR, executive producer, Documentary Production Department (*Izvršna producentica odjela Dokumentarna produkcija*)

64. MILJENKO BUKOVČAN, head, Directing, Producing and Video Editing Department (*Odjela redatelji, realizatori i mikseri slike*)

65. DANKO VOLARIĆ, acting head, production team (*v.d rukovoditelja RJ Produkcijsko osoblje*)

66. NIKOLINA BUJIĆ, acting head, Business Logistics (*v.d rukovoditelja RJ Poslovna logistika*)

67. DARIJA MARJANOVIĆ, acting editor-in-chief, "Voice of Croatia" (*v. d. glavnoga urednika Glas Hrvatske*)

68. BRANIMIRA VOLF MILUNOVIĆ, news editor, HRT4 (*urednica Vijesti na HRT4)*

69.* SAŠA KOSANOVIĆ, fired (*oktaz*)

70.* IVICA ŠTORIĆ, freelance cooperation terminated (*otkaz vanjske suradnje*)

71.* SILVANA MENĐUŠIĆ, freelance cooperation terminated (*otkaz vanjske suradnje*)

72.* IVAN ŽAKNIĆ, executive editor, news programme, HRT1 – requested release due to inability to work (*izvršni urednik informativnih sadržaja HR1, zatražio razrješenje zbog nemogućnosti rada*)

* other outcome than reassignment

**Annex II: List of meetings**

The international mission to Croatia included meetings with representatives of the following media and civil society organisations (list not exhaustive):

Association of Croatian Journalists and Publishers (HNiP)
Croatian Journalists' Association (HND)
Croatian Radiotelevision (HRT)
Direktno.hr
Electronic Media Council (EMC)
GONG
H-Alter(native).org
HINA, Croatian news agency
Index.hr
Jutarnji list
Nacional
Novi list
RTL Croatia
Serb National Council
Trade Union of Croatian Journalists (TUCJ)

The mission delegation also met with:

Kolinda Grabar-Kitarović, President of the Republic
Zlatko Hasanbegović, Minister of Culture (Acting)
Andreas Wiedenhoff, Ambassador of the Republic of Austria to the Republic of Croatia