

**Press freedom in Croatia:  
Hate speech and  
Hope for change  
Report on the January 2018 Joint  
International Mission (JIM)**

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Report by South East Europe Media Organisation (SEEMO)

Participating Organisations:

Association of European Journalists (AEJ)  
European Broadcasting Union (EBU)  
European Federation of Journalists (EFJ)  
European Centre for Press and Media Freedom (ECPMF)  
Reporters Without Borders (RSF)  
South East Europe Media Organisation (SEEMO)

Mission Observer:

Croatian Journalists' Association – CJA (Hrvatsko novinarsko društvo - HND), local partner of EFJ

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## **ABOUT THIS REPORT**

This report summarises the findings of a two-day Joint International Mission (JIM), 15-16 January 2018, to Croatia led by the South East Europe Media Organisation (SEEMO) and including representatives from the Association of European Journalists (AEJ), European Broadcasting Union (EBU), the European Federation of Journalists (EFJ), the European Centre for Press and Media Freedom (ECPMF) and the Reporters Without Borders (RSF).

The preparation and the swift implementation of this visit were supported by the Croatian Journalists' Association – CJA (Hrvatsko novinarsko društvo - HND), local partner of EFJ, that held an observer status during the JIM. For this report we used data on press freedom violations in Croatia from HND and from the SEEMO database.

Over the course of the JIM, delegates held numerous meetings with journalists, editors, media owners, government officials – including Croatian President Kolinda Grabar-Kitarović and Croatian Minister of Culture Nina Obuljen Koržinek – and representatives from journalist organisations, civil society groups, high level diplomats from several Western European embassies in Croatia as well as representatives of the Electronic Media Council (EMC) to evaluate issues related to media freedom and media independence in the European Union's newest member state. Due to illnesses in both the management of the Croatian public RTV broadcaster Hrvatska radiotelevizija (HRT) and of leadership of Hrvatski novinari i publicisti (HNiP), one of the relevant journalists' association, the delegation could not check on all concerns on the spot. However, after the visit to Croatia HRT management contacted SEEMO and invited the JIM to visit the public RTV. A meeting with the HRT management and representatives of the JIM, including a conference call with JIM members who could not visit Zagreb again, took place on 12 February 2018.

## **BACKGROUND**

This was the second visit of a JIM led by SEEMO to Croatia in less than two years. The first visit took place from 21 to 23 June, 2016. The report of the 2016 visit can be found here: <http://seemo.org/assets/pdf/seemo-report-final-2016.pdf>

Since the visit in January 2018 and the time of publishing of this report (May 2018), some matters have changed:

- the work by the government on the legal matters has started. The working group for the Law on electronic media changes was formed in March 2018 and held two meetings so far.
- the open question of the final report by the fired HRT Board, which was rejected by the Parliament, is being seriously analysed by the HRT management and already partly implemented in the internal HRT reform.

Additional, Saša Leković, HND President, resigned from his position on 10 May 2018. He did it after a dispute with the HND executive board over an award given to Nova TV reporter Ivana Petrović, who was accused by some journalists of biased coverage of the sentencing and public suicide of Bosnian-Croat military chief Slobodan Praljak, who was drinking poison while the verdict against him was read out before the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague in November 2017. Leković refused to influence or pressure the jury to revoke its decision: "Juries must have the independence prescribed to them, and it must not be distorted because we do not like the outcome, no matter how much personal discomfort this situation causes," Leković said.

## **POLITICAL SITUATION**

Croatia separated in 1991 from the former Socialist Federal Republic of Yugoslavia (SFRJ) and declared independence. Croatia is a parliamentary democracy with the Croatian Parliament (Sabor) as a unicameral legislative body.

On 8 November 2015, Croatia held a parliamentary election in which two main political parties, the Croatian Democratic Union (Hrvatska demokratska zajednica - HDZ) and the Social Democratic Party (Socijaldemokratska partija Hrvatske - SDP), fell far short of the necessary 76 seats to form a governing majority.

After several weeks of difficult negotiations, HDZ announced on 23 December 2015, that it would seek to join a governing coalition with the centrist Bridge of Independent Lists - Most nezavisnih lista (short form Most / Bridge), a party which won 19 seats in the election. HDZ and Most agreed on nominating Tihomir Orešković, a Canadian-Croatian businessman, as a compromise independent candidate for prime minister. Orešković officially assumed office on 22 January 2016.

In May 2016, Most called for the resignation of Tomislav Karamarko, First Deputy Prime Minister of Croatia and elected president of the HDZ over a conflict of interest. Karamarko refused to do so. When Orešković also requested his resignation, Karamarko stepped down on 15 June 2016 as First Deputy Prime Minister. After his resignation, HDZ started to run a revenge no-confidence motion against Prime Minister Orešković. The HDZ-Most coalition collapsed on 16 June 2016. Both the HDZ and most of the opposition voted in favour, while Most voted against (125 MPs voting for, 15 against and 2 abstaining). The government worked as a technical government until October 2016.

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 Karamarko was a paid lobbyist of a foreign oil company, which had been in arbitration proceedings with the Croatian government.

The 9th parliamentary elections since the first multi-party elections in 1990 were held on 11 September 2016. They resulted in a victory of HDZ with 61 seats in the parliament, while the People's Coalition (consisting of the SDP, Hrvatska narodna stranka- HNS, Hrvatska seljačka stranka - HSS and Hrvatska stranka umirovljenika - HSU) won 54 seats. Andrej Plenković from HDZ began talks about forming a governing majority with Most, which won 13 seats, that would also include the 8 Members of Parliament representing national minorities. SDP President Zoran Milanović announced his withdrawal from politics after the defeat. On 10 October 2016, Plenković formally presented 91 signatures of support by Members of Parliament (MPs) to President Kolinda Grabar-Kitarović, and he was named Prime Minister-designate with a 30-day mandate to form a government. On 19 October 2016, a parliamentary vote of 91 in favour, 45 against and 3 abstentions formally confirmed Croatia's 14th government cabinet. Andrej Plenković became Croatia's 12th Prime Minister.

## GENERAL MEDIA SITUATION

In the 1990s the development of a democratic media system in Croatia was slow, many media were under direct state influence. The public broadcaster was a state propaganda service, especially during the war 1991 to 1995. The Croatian media regulatory framework was changed after 2000 due to further harmonization of media legislation with European standards and the public broadcaster became one of the professional leaders in this part of Europe.

Freedom of expression is guaranteed in all the relevant legal documents: the Constitution; the Law on the Media; the Law on the Electronic Media as well as the Law on Croatian Radio and Television. The right of access to information is guaranteed by the Constitution, the Law on the Media, and the Law on the Right of Access to Information. Croatia signed the European Convention on Trans-Border Television. It also signed the European Convention for the Protection of Human Rights.

In the time of the government led by Orešković, interference with the country's public broadcaster HRT became stronger. Zlatko Hasanbegović, Minister of Culture in the Cabinet of Tihomir Orešković, who was also responsible for the media, was internationally criticised for his obvious biased agenda. Some international observers have expressed fear that Croatia could follow in the footsteps of Poland and Hungary, where nationalist governments have started to consolidate their power by dismantling various democratic institutions, including courts, the work of NGOs and the media. During the visit of the JIM to Croatia in June 2016, the President of Croatia, Kolinda Grabar-Kitarović, promised the mission members that this would not be a path Croatia would follow.

A civic initiative of 70 NGOs held a protest in front of the Parliament on the day when the new Orešković Government had to be approved, urging MPs to vote against the Cabinet because of Hasanbegović. HND issued a statement in which they criticised the nomination of Hasanbegović as Minister of Culture. "The HND is strongly opposed to the nomination of Zlatko Hasanbegović as Minister of Culture in the new government of Croatia, in charge of 'disciplining' politically unsuitable journalists, and is outraged at the fact that such a person could have been proposed as a minister in the new government at all," the statement said. It recalled that Hasanbegović had

stated in a Croatian Television (HTV) programme that antifascism, one of the basic tenets of the Croatian constitution, was "a platitude".

Following an official visit to Croatia in April 2016, Nils Muižnieks, the Council of Europe Commissioner for Human Rights, issued a statement<sup>1</sup> 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 JIM in June 2016, however, Culture Minister Hasanbegović implied that Muižnieks's criticism was politically motivated and that the Commissioner had a political agenda. Hasanbegović called the Council of Europe's position "superficial".

As in the first JIM to Croatia in 2016, and also during the January 2018 visit, one of the main topics was a perceived rise in nationalist, and even historical-revisionist, sentiment in the public discourse. This was provoked in particular by extremist factions within HDZ and also by some ultra-nationalist politicians. 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 polarise the Croatian population. According to several journalists the JIM met, hate speech is on the rise again, especially against members of minorities or diversity groups in the society.

Some "patriotic" (right-wing) journalists regularly attack liberal and critical journalists and media in Croatia verbally, describing media outlets as "leftist media". "Patriots" call critical journalists "traitors", "anti-Croats", "under Serbian influence" or "pro-Yugoslav" (as Croatia was part of former Yugoslavia until 1991). For those "patriotic" journalists the visits of the JIM were "an anti-Croatian visit by a group that has no importance". This point of view was presented in several articles and interviews in Croatia after the JIM had already left Croatia.

On the other hand, also some left-wing and liberal journalist are not always using nice and correct words to describe journalists with right-wing views.

According to mission members, some interviewees emphasised that the destructive influence of hate speech on society has actually increased since 2016. Even though there are no extremist parties in the parliament, public space seems to be poisoned by daily verbal attacks, including on journalists, most of the time by extreme right-

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<sup>1</sup> "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).

wing individuals. Especially strong forms of this extremism can be found in some online discussions as well as in the news comment section. The delegation of January 2018 urged the President of Croatia, Kolinda Grabar-Kitarović, to use her position to speak out decisively against incitement, hate speech and threats of all kinds.

The JIM also asked Grabar-Kitarović if possible not to give positive public statements about the singer Thompson, who divides the population in Croatia and has in part of the population in Croatia a negative image. Controversy regarding the alleged promotion of the fascist Ustaše regime from WW II led to a number of banned performances of Marko Perković Thompson, including several international concerts.

## **HRT (CROATIAN PUBLIC BROADCASTER)**

Shortly before the visit of the JIM in January, several cases of media freedom violations became public in connection with Croatian public RTV broadcaster, HRT.

One example was the cancellation of the “Croatia Live” show in September 2017 – despite the fact that the show was supposed to be on the HRT1 program, the budget for its production was covered until January 2018, and the journalists and editors of the show were even invited to participate in the gala presentation of the new HRT autumn program. At the same time, the show „Labirint“ (political magazine dealing with home policy) was transferred from channel HTV1 to channel HTV4 without any explanation, although it was scheduled for HTV 1 on Mondays, 20.00.

Furthermore, there was a decision to start the procedure of handing an extraordinary dismissal of HRT journalist Milorad Šikanjić. The probable reason for that was a comment Milorad Šikanjić made on the politician Ivan Vrdoljak on the HRT radio show “U mreži prvog” on 19 December 2017. Šikanjić was invited to the show as political commentator, his job position at HRT. He said that he thought that Ivan Vrdoljak’s return to be the head of HNS was a bad idea. Following the reaction of HNS Šikanjić was asked to explain himself, and his dismissal was announced. He was not given any real explanation for the move – nor was any alleged violation of an article of the HRT Ethical Code cited. The HRT Ethical Code is extremely rigid in regards to employees and has even been enforced, even though the procedure for passing the enforcement was incorrect; HND has pointed this out on several



occasions. Besides that, the HRT Ethical Code is actually not effective, as the former HRT Supervising Board (before it was dismissed) did reveal in October 2016. The new Supervisory Board has yet to discuss it. This is an attempt to dismiss a Croatian Radio commentator for doing his job.

In November 2017, HRT's management published a press release saying that "Croatian Radio Television (HRT), highly regarding the Constitution of the Republic of Croatia and the Parliament Declaration on Homeland War, distances itself from standpoints expressed in the 'Saturday at 2' (Nedeljom u 2) show on 19 November 2017". In the show, host Aleksandar Stanković, repeatedly referred to the Homeland War as a 'civil war' ".Stanković is one of the best known journalists in Croatia, and his TV show is very popular. HRT's statement was a clear attack against a member of its own staff. At the same time, Croatian war veterans (of the 1991-1995 war) demanded HRT to fire Stanković. In this campaign against Stanković, one local TV channel called him a "bad Serb".

According to HND, the transcript of Stanković's conversation with his guest Predrag Mišić clearly shows what Stanković actually said. The fact that Croatia was attacked after it had proclaimed independence was not challenged by Stanković in any way. But the dialogue with the guest was partly about specifics of the Homeland War with some civil war elements in it, inspired by the personal guest's experience and fate.

According to HND, "at the same time the HRT management is not disturbed by hosting those who defend persons accused of war crimes committed before 8 October 1991 referring to the quoted decision of the Constitution Court. They are welcome to state in the HRT program that until October 8, 1991 in Croatia there was 'civil war' going on but the HRT journalist is not allowed to utter about it without being renounced publicly by the HRT management".

What's more, in January 2018, HRT rescheduled the air time of Croatian comedy "Ministry of Love". After the premiere of the "Ministry of Love" had been announced for 9pm – the usual time for HRT premieres – it was then moved to a new day and to 11:20 pm, the adult film time slot. In January 2018, a protest in front of the HRT building was led by the Widows of Croatian Defenders of the Homeland War – the official term for the 1991-1995 war in Croatia. The War Veterans Ministry failed to deny reports that the minister had urged HRT not to show the film, which – if correct – would represent a breach of the law on HRT which states that the broadcaster must be "free of any political pressure". War widows accused HRT and the film of

“defamation of the Homeland War and Croatia” and said moving it to a late-night slot was not enough.

This was not the first interference of war veterans with the TV programme. In 2016, a group of war veterans’ organisations protested against “15 Minutes - Massacre in Dvor”, a Danish-Croatian documentary, which told the story of a war crime committed by unknown units in August 1995 in the town of Dvor in Croatia, where ten disabled Serb civilians were killed.

A major problem connected to the public broadcaster HRT is the system of election of its director-general. In 2012, the left-wing SDP-led Parliament passed an amendment to the Croatian Radio and Television Act that did clarify the responsibilities and appointment process for the position of the 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 was incongruent 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 even makes it worse, as any party holding a parliamentary majority could appoint whoever it pleased to the position, regardless of that person’s commitment to editorial independence.

The position of the director-general is very much connected to the political situation in the country. In March 2016, the Parliament fired the director-general, Goran Radman, who had been appointed by the SDP-led Parliament in 2012. Radman had been accused of accounting irregularities by HRT’s supervisory board. The 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 excluded from 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. 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. Although, staff changes following the appointment of a new director-general are not unusual at

HRT, the speed and breadth of the changes in 2016 suggest strong political motivation at odds with the mission of a public-service broadcaster.

In this light, the 2016 JIM welcomed President Grabar-Kitarović's verbal support of efforts to protect the independence of the public broadcaster given during a meeting with the delegation.

Siniša Kovačić left HRT in January 2017 and was named editor-in-chief of Hrvatske katoličke mreže (Croatian Catholic Network), responsible for three media outlets belonging to the Catholic church in Croatia: Hrvatski katolički radio, Informativna katolička agencija and Tiskovni ured HBK.

Kazimir Bačić became general director (glavni ravnatelj) of the Croatian public broadcaster Hrvatska radiotelevizija on 17 February 2017.

HRT is not only under political pressure, it's also under attack from various interest groups demanding to interfere in editorial and management decisions. This shows a fundamental misunderstanding of the role and function of public service media in the society. The Minister of Culture promised the JIM in January 2018 to improve the legislation.

One Croatian journalist said to JIM members that HRT is not serving the public, but ideology, regardless if it's a news or entertainment programme.

The HRT general manager Kazimir Bačić gave the following answers to questions by members of the JIM:

**1. HRT employees' claim that pressure is constantly increasing and that people have been censored earlier (by abolishing their programmes and changing their work places, as discussed in the first JIM report), and now programmes are censored according to party orders? Does the HRT general manager see a problem there and in what way is he planning to solve it?**

Kazimir Bačić, HRT general manager: "First of all, it is very difficult to speak in general without specific examples. Even though I am not a journalist, but an engineer by profession, I prefer to discuss facts rather than alleged information. Likewise, I'd rather not talk about the time before becoming the director general; however, the assertion that the program is censored according to the commands of the (political) party certainly does not stand. This practice ended in the 80s (eighties). Moreover, I personally wonder how today, in this digital age anything can be

censored at all. How would it be possible to prevent any information from getting out alongside all the available social networks and new forms of communication? I think that self-censorship is a growing problem and can only be reduced by increasing the level of professionalism of your employees. Thus, cancellation of certain shows in line with The Law on HRT is the right of each editor-in-chief who is governed by the law in his or her work as well as the agreement with the government on the fulfillment of the program obligations, the financial plan and the objectives that the program must accomplish from content having a relevant public value to the viewership. I also see the solution of the problem first and foremost in the communication between colleagues who feel that they are censored, endangered, dissatisfied, bearing in mind that we primarily care about the interests of HRT, not partial or individual interests. However, during the one year of my term, the representatives of the journalists and the HRT branch did not seek a meeting on this topic, which surprised me.

**2. Is it true that, according to some claims, that the director is under the influence of a "rigid and ultra-conservative government", and that this is the reason for the censorship of the programme, the change in access to news? If HRT's general manager considers this to be incorrect, could he please explain us what are the criteria by which he changes HRT programme?**

Kazimir Bačić, HRT general manager: Yes, I consider it to be untrue that I am influenced by a rigid and ultra-conservative government, since such government is currently not in power in Croatia. Namely, the Prime Minister Plenkovic's government is a coalition government composed of HDZ, right center party, HNS, left-center party, and all the national minorities. This government is pro-European, which could be clearly seen by its recent speech in Strasbourg. But the most important thing to point out is, that based on the Law on HRT, I am a person who cannot and must not change the programme. All programme issues are under the discretion and responsibility of the programme director and editor-in-chiefs of the TV and Radio Channels. However, since we're discussing censorship and bans, an example comes to mind when all of our main news shows have duly shown all the protests against HRT and even our own journalists who protested in front of the government and the parliament after 'Croatia Live' was cancelled.

**3. A number of reputable journalists, by whom HRT was recognizable, left HRT after a drastic change in editorial policy. Does the HRT general manager think**

**that this is a problem and that he should change something in his way of leading the main Croatian media?**

Kazimir Bačić, HRT general manager: When we discuss many respectable journalists who have left HRT, there were exactly four during my mandate. Mr. Novokmet, who was not happy with his position of the news editor-in-chief, left work for N1 cable news channel. Mr. Kovačić, who was the editor-in-chief of Dnevnik 3, left his job to be the editor-in-chief of the Croatian Catholic Network. Allow me one small digression; both of them held the position of acting director general and made the greatest shifts ever among the editorial staff. More than forty editors and executives were dismissed within 48 hours. During my mandate there was just a single change in the programme department when the head of TV Channel 1 was replaced at his own request and a new organizational position was introduced – head of the TV programme and head of the radio programme. Ivica Zadro left as well to work at a College and colleague Ranko Stojanac wanted to change jobs. Zadro and Stojanac asked us not to make any problems with their departures and they received a severance payment of 18,000 EUR which is the maximum amount. Otherwise, with incentive severance grants, 107 employees left in January; 10 of whom were journalists.

**4. We've learned that citizens' trust in HRT is falling. What does the HRT general manager intend to do on that matter?**

Kazimir Bačić, HRT general manager: I do not have any information on the decline of trust in HRT, but it is certainly our key task to increase the reach and the viewership, but above all the trust of our viewers and listeners. However, the decline of confidence in media in general, as well as the decline of viewership of traditional media, is a problem which all public media in Europe are facing. However, when it comes to trust, traditional radio and television are still the media most trusted by European citizens. According to the latest EBU research, Trust in Media 2016, both, our radio and television, belong to a group of countries with high trust in radio and TV and fall into the category of “positive evolution”, as opposed to the written press, internet and the social media networks.

**5. What does the HRT general manager think about the HRT Program Council and its actual impact on HRT's work?**

Kazimir Bačić, HRT general manager: The program council's position is regulated by the Law on HRT and its function is largely advisory. But their role is quite significant because they are in charge of overseeing the implementation of the Agreement between the Government and HRT and overseeing the fulfilment of all programme functions. Their annual report is an integral part of the annual report which is being discussed in Parliament. The council oversees the implementation of laws related to the procurement of independent production, warning of any possible examples of violations of the law, analyses and directs activities in each segment of the programme and activities related to the public media service.

**6. Will and can HRT resist to further calls from political groups to prevent programmes or shows from airing, like "Ministry of Love"?**

Kazimir Bačić, HRT general manager: In the case of "Ministry of Love", we resisted pressures from various groups and broadcasted the film. I do not think there are and that there should be forbidden programmes from anyone other than those who violate the law and are subject to a lawsuit due to content. The Programme Council, viewers and various institutions can discuss the program after it was aired but not prohibit it before broadcasting.

**7. What will HRT do to prevent the spread of hate speech in programmes?**

Kazimir Bačić, HRT general manager: I think that hate speech, as well as false news, are a problem we all face in European media. The Media Law, the Law on Electronic Media, the Code of Ethics all clearly prescribe sanctions for journalists who use or do not sanction hate speech. Journalists are very clear about how to react if hate speech occurs during a show, and if they do not act accordingly, they bear the responsibility. However, hate speech heard in Parliament, various institutions or football stadiums is an issue as well. I think this is a much wider and bigger problem than the problem of hate speech in the media. The presence of hate speech is largely related to social networks, and in Croatia a law which would sanction and regulate it, is being considered. As far as I know, no complaints have been filed against HRT for hate speech. But in this case, the role of the public media is to act educationally and preventatively and to warn of the negative phenomena and consequences of hate speech.

Another interview partner was Pavo Marinković, director and author of the above mentioned movie "Ministry of Love".

**Q: First, as it would be good for our readers who do not understand Croatian and who have not seen your movie "Ministry of Love", could you please describe your movie shortly?**

Marinković: I wrote the script inspired by many absurdities of the Croatian law system, so it was pretty natural for me to direct it myself. As you probably know, Croatia is the only EU-country with significant numbers of war widows. These women receive pensions for their dead husbands. But since our new family law equalises marriage and domestic partnership, it means that all widows who are living in domestic partnership with new partners could lose their pensions if the state can prove they now live in "sin". So, in my film, which is completely fictional, the government establishes a group of inspectors who are supposed to investigate the widows. The protagonist of the film is one of the inspectors, who is actually a nice guy, who is doing some bad things and in the end falls in love with one widow. Of course, there is a huge ethical problem. It is not a film about politics, it's a film about people, about the human urge to be loved and not to be lonely.

**Q: On the movie's website it says: The wrong man. The wrong job. The wrong time. Was this a wrong time for the movie?**

Marinković: I do not think so. According to reactions, it was exactly the right time for the film. The film did not want to provoke. We wanted to make a smart comedy drama, not an activist movie, but it seems that it contains just the right dose of subversion to provoke people who feel that they have been attacked or mocked.

**Q: One of the actors is a veteran and participated in the war of the 90s. What was his view of the movie?**

Marinković: More actors in the film are war veterans. All of them liked the script and accepted their roles. One of them comes from the district where the film was primarily shot and he connected us with local people. We employed lots of local people and some of them were participants of the war. During the filming, there were no complaints. Our collaboration was excellent.

**Q: Did you speak with some veterans about the movie?**

Marinković: Well, apart from some actors, some of my friends were participants of the war. They embraced the film. We also had some festival screenings before film distribution started. During the Zadar Film Festival, we had one dislocated screening in a small town near Zadar. The screening was organised by a group of veterans, who also embraced the film. I was very much relieved after these screenings

because I did not want to hurt anyone's feelings. The characters of the widows are presented as humans and likeable, and the real bad guys are from the state bureaucracy.

**Q: Can you please tell us what happened with your movie?**

Marinković: The world premiere of the film was in July 2016 at the Pula Film Festival. At this screening in the arena, most of the audience (about 5,000 viewers) were overjoyed. We had a 4,55 audience rating, the highest of all Croatian films in the competition. But after that screening, there was an open complaint from the Society of War Widows about the content of the film, although it was obvious that the people who wrote the letter had not seen the film. This open letter was published on some obscure web portals usually representing nationalistic ideas. No one cared about this. I did not even know about it, until one journalist asked me in October 2016 just before our wide cinema release. Actually, we thought it was pretty marginal. In 2016 and 2017, we had a pretty good run on festivals, got some good reviews, sold the film to three territories, had cinema distribution in some foreign countries. It is also important to say that the film is a Croatian-Czech co-production, made also with European money from Eurimages. The TV broadcast was set for the beginning of January in 2018, and HRT started to broadcast the film trailer. After this the problems started.

**Q: Why was it not broadcasted as announced in Croatian public RTV HRT?**

Marinković: On the morning of the day when the screening was announced, at the gate of HRT, the delegation of War Widows appeared, asking the Board of HRT to cancel the screening, scheduled for 21:00, and never again to screen the film, which HRT itself had co-produced. The executives decided to cancel the screening. An important Croatian filmmaker had died at that time and they immediately changed the program, with the good "in memoriam" excuse. I got the phone call from HRT and they told me the actual reason for cancelling the film was the morning visit of the delegation of war widows. At the same time, journalists started to call. The next day, several news reports appeared and War Veterans Societies did not try to hide the fact that they successfully interfered with HRT's programme, and that HRT executives obeyed. They were sort of proud. HRT gave a panicked statement which said that they had to check if the film has some content which is against the "Broadcasting Law". They could not find anything wrong and with some critical journalists reporting about the censorship, they decided to give the film a new slot, to



postpone the screening for one week, and they announced: next week, same time, 21:00...

**Q: Were you directly attacked in Croatia because of this movie? Have you ever been attacked by some today or former politicians/ministers in the government?**

Marinković: During the week, in between those announced broadcasts, some right-wing portals started a serious campaign against the film and myself; one TV show on a local station, moderated by a well-known right-wing extremist had a distasteful attack on the film, accusing me of anti-Croatian propaganda, for being a war deserter with no balls, employing actors of Serbian origin. Well, I've got nothing against employing excellent Croatian actors of Serbian origin, I think doing the opposite would be an attack on human rights. Honestly, I think it is unbelievable that this can happen in an EU country right now. During the whole campaign, I have been protected only by journalists and film making colleagues. Not a single word of any politicians. On the evening of the screening, some 100 protesters appeared in front of the HTV building, war invalids, widows, trying to ban the film, insulting me, the Croatian Film Centre and HRT, because they opted to screen the film. In their threatening speeches, they announced that their Minister (the Minister for War Veterans) had promised them that the film will never be screened on HRT. That's when HRT decided to postpone the screening again, putting the film in the "adult slot" at 23:20.

**Q: Were you informed about the changes or did you learn about it like the rest of viewers of Croatian public RTV HRT? And who, to your knowledge, decided about the changes?**

Marinković: The HRT executive board with the help of politicians. Several days after the scandal, several media outlets published the letter of the Minister for Veterans addressed to HRT executives, in which he was demanding banning the film. The whole situation was absurd because the programme commissioners approved the film script and praised the film. They were the co-producers.

**Q: Do you think this was a political decision?**

Marinković: Of course it was. Our Minister of Culture is a lady not very popular in the circles of right-wing extremists. But the protesters are represented in the government by the Minister for War Veterans, who doesn't know anything about art, but has lots of experience in organising war veterans' protests against our previous government.

I assume it was a dispute between two political options, one centre-right, pro-European, and the other one very nationalist, populist and aggressive, furiously fighting for their own privileges. But, of course, the public opinion is that these veteran societies represent the minority of people who fought in the war.

**Q: Did someone contact you from HRT after it all happened? Did someone in HRT support you?**

Marinković: Some decent people did, but they do not have any power. I got information that the ratings were excellent, and later, we broke the record with “on demand” ratings. Thanks to the scandal everybody saw the film. Two weeks later, they called me from the drama department and apologized for all the suffering. They reported that one of the programme directors is sorry for what had been written and reported about the film. But a week later, another program director in the report he gave to the programme council gave the statement that the film should have never been screened because of its quality. I was shocked again, I thought after the reviews, ratings, awards and festivals you should not give such statements – above all, it was impolite and makes my further professional life with the public broadcaster very difficult. But people in high positions should not mix with the “enemies of the state” like me, and this was the obvious path to save his job.

**Q: How was the reaction from your colleagues and media in Croatia?**

Marinković: Excellent. The Film Directors Society publicly supported me and the film and lots of colleagues supported me in separate interviews. And also intellectuals and columnists from different political positions, from centre-right to the left protected the film and my dignity.

**Q: But again about the extremist in Croatia - they attacked your movie, and according to some of them, who obviously have never seen your movie. Is it not ridiculous?**

Marinković: It is ridiculous, but it is typical for a politically very much divided country with lots of uneducated people holding many prejudices. It is also a game. This is a way to control art and culture, like in the old communist times, but this time from a nationalistic position. And in the country where most people do not have an opportunity to go to the theatre or cinema – the TV screening presents danger. They thought if someone makes a story based on war privileges, even in a fictional, comedic manner, it could be dangerous, too subversive. So, this kind of speech should be banned. The real disaster is that this has obvious support even in the

government. Although, I have to say, the Minister of Culture, in her recent interview, was very much determined in defending my film and the freedom of speech in art. Without her determination, I do not think they would have broadcasted it.

What I am pretty certain of is that “Ministry of Love” is abusive to no one. We were moving artistically on pretty slippery territory, but lots of screenings really gave me the right to be sure that we did not hurt anyone’s feelings. To make it more absurd – now we were screened on “Common Good Film Festival” in USA. This is completely opposite of what I have been accused of.

**Q: In Croatia some people coming from the conservative-right groups see the movie as "anti-Croatian propaganda". Some of the extremist attacked you as "pro-Yugoslav", a description that is, for us outside of the former Yugoslavia, not understandable, but that is used in Croatia by the right-wing extremists if someone should be presented as a “real enemy of the country”. What would be your answer?**

Marinković: Well, it is the same accusation as before. In communist times, everyone who was anti-communist was the enemy of the state, and this is typical state of mind for a country with immature democratic values. Now, if they feel you mock any “sacred cows” of the national revolution or pride – you will immediately be pronounced “pro-Yugoslav”, as the prime “enemy of the state”. This is someone who has nostalgic thoughts about the dead country. For sure, I do not have any, with several victims of terror in my family. But this is the old Stalinist method functioning very well in new democracies. But what these proud nationalists do not understand is that this type of behaviour actually harms your own country.

**Q: But why this "pro-Yugoslav" description, when we all know that the former Yugoslavia, with the borders including all six republics, has not existed since 1991. Why does Yugoslavia still play an important role for right-wing extremists in Croatia?**

Marinković: It is very simple, someone who is not patriotic enough is usually accused as being pro-Yugoslav. Of course, this is crazy, but efficient in accusing the people who think the opposite of proscribed ideology.

**Q: You movies were presented at international festivals in many countries. What is the situation with festivals in Croatia? As we know, one of your other movies was co-produced by Croatian public RTV HRT but broadcasted by TV in Czech Republic, never in Croatia public RTV HRT? Why?**

Marinković: 5 years ago, I made a documentary about our famous film director Lordan Zafranović, who was very successful in the 70s and the 80s. But because of his political views, which were communist, and because he was opposed to the idea of independent state, he never got the chance to work in Croatia again and started to be a “persona non grata”. My personal motif was not the rehabilitation of a failed soul, but the belief that real democracy should be inclusive, and no one should be banned from work because his political beliefs started to be “out of mainstream”. The two of us are very different, I come from liberal intellectual background, he comes from a communist working class background, and this encounter was interesting. The film was screened at the Karlovy Vary Film Festival, and was also shown in Sarajevo, but although Czech TV screened it several times, HRT, who was the co-producer, never broadcasted it. They did not give me an explanation. Now, the whole situation is so poisoned and politically divided that the film would be misinterpreted.

**Q: How do you see the media situation in Croatia today?**

Marinković: The public broadcaster HRT is experiencing a huge downfall. There are lots of negative decisions made, lots of quality people have left. And if you are not confident and competent, you are afraid that someone else will come and take your job. So, there is no vision and no courage there. People are afraid. There is more freedom in other media, but also lots of bad taste, and lots of hate speech. But I was impressed with our newspaper journalists and columnists – without them, the “Ministry of Love” would perhaps be the first banned Croatian film.

**Q: How do you see the role of civil society in Croatia?**

Marinković: The situation has changed a lot. Independent conservative initiatives are getting much more subsidiaries than before and are much more present in media. There has always been too much nepotism, and now, as a consequence, cultural politics and civil society have to survive the difficult blows from extreme conservatives. Some books have been burned publicly, recently.

**Q: Some people have the feeling that we have again, after all these years, a stronger right-wing extremism in Croatia today. How do you see it?**

Marinković: Yes, but not only in Croatia. In our country, it only looks wilder and more dangerous because of the recent war experience. People are more passionate about it. But this should not be a comfort for anyone. The extreme conservative initiatives, mixed with right extremism, were started as a political protest weapon against social democratic government. And now, it is everywhere. Politicians need votes. And of

course, there is the bad economic situation, people are frustrated, and this frustration, and also disappointment, is being channelled through extreme right-wing ideas.

Findings regarding HRT:

- In comparison to the visit in 2016 and the first report, the situation has improved. HRT is correcting and revising unsuitable decisions. The financial situation and sustainability of financing the public broadcaster seems to be secured – an important step forward in comparison to the period before. The threat by some political forces to reduce the license fee and thus to harm the mission of Public Service Media (PSM) and gain additional dependence of the HRT is not any more a current issue.

The managerial/editorial team is stabilised and more balanced. The internal reform (structure, modernisation) is finally under way.

- The domestic production has increased and the lost audience rates are slowly increasing. With the necessary legal support and political will/ consensus and by increasing interactive dialogue with civil society, there is a chance that the public broadcaster will return to be a respected institution within Croatian society and also in the broader Balkan region.

## **JOURNALIST SAFETY AND IMPUNITY**

The delegation praised the work of the Croatian police, as they have recently arrested more persons who physically attacked journalists, in comparison to the past. Since 2017, in cases of attacks or threats against journalists, police is reacting faster, and centres of political power are taking clear positions against endangering journalists' lives. In 2017, Croatian Prime Minister Andrej Plenković and the Parliament Media Committee condemned attacks and threats against journalists. Prime Minister Plenković stated that frequent threats against journalists through social networks are inappropriate and that he finds them being a danger to freedom of speech and media. HND welcomed the statement in 2017, but also recalled that

the Prime Minister himself behaved inappropriately in several occasions regarding journalists.

Physical attacks and threats, especially online threats, against journalists are still a big problem.

Special problems are: slow and inefficient police work and state attorney investigations prolong court cases, as well as death threats against journalists that police often considers to be “just misdemeanours”.

The international delegation is deeply troubled by the Croatian authorities’ failure to investigate some cases of physical attacks on journalists in the past and not holding the perpetrators – including the masterminds – accountable.

An emblematic case is still 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 2 June 2008. Miljuš, who was 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 nine years ago, the attack on Dušan Miljuš remains unsolved. Four suspects arrested in 2010 were later released due to lack of evidence.

Journalist Željko Peratović left Croatia for Switzerland with his family. On 28 May 2015, 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 released them shortly after, further investigation pending. In February 2016, however, prosecutors announced they would drop the murder charge and seek conviction based on grievous bodily harm and home invasion.

Also Saša Leković, former president of HND, told the delegation that he received death threats via e-mail and post. On 27 October 2016, at Zagreb–Belgrade highway in Serbia, his car started showing signs of being broken. After being examined, it was found that two screws on the front right wheel were sawed off. This kind of damage could potentially cause a fatal accident for the driver, passengers and everyone involved in a possible accident. The state attorney started an investigation and it is still ongoing. The case was widely covered by mainstream media, mostly expressing support for Saša Leković. Some media and journalists connected to the right-wing spectrum expressed doubt about an attack on Leković or cynically made fun of Leković’s case.

In December 2017, several journalists and media outlets received threats, including death threats, after reporting on the verdicts of six Croats from Bosnia and Herzegovina and the suicide of General Slobodan Praljak in the courtroom of the International Criminal Tribunal for the former Yugoslavia, ICTY. The Prime Minister condemned the threats, and the police took a person into custody who sent offences and death threat via social networks to Nataša Božić Šarić, a N1 TV journalist one among other media workers receiving death threats.

On 28 November 2017, the Croatian Journalists' Association (CJA) condemned the verbal attack of Damir Krstičević, vice-president of the Croatian Government and Defence Minister, against Nenad Jarić Dauenhauer, portal Index.hr journalist. After Index.hr had published Dauenhauer's article stating that the vice-president of the Croatian government had copied parts of his exam paper at the American Military School without properly indicating they were quotes. Minister Krstičević called a press conference. Instead of talking about the topic that apparently was the reason for the conference and trying to deny the journalist's statements with arguments, the vice-president of the government and Defence Minister verbally attacked the journalist Dauenhauer, using highly improper vocabulary and practically proclaiming him the Croatian enemy.

In November 2017, after the new season of the TV series "Uncensored" by Domagoj Margetić for Mreža TV was announced, Margetić received several threats through e-mail and social networks. His new series deals with cases of war profiteering. Most of the messages were anonymous, some asked for his deportation from Croatia, stating he was a traitor, that he should be beaten up, his bones be broken, asking him for coffee "that will be your last". One facebook message was sent which included Margetić's home address with an additional note: "If someone is close, he should visit that ridiculous person so he would be afraid when coming home." Domagoj Margetić has been threatened frequently, has experienced several physical attacks and has even survived attempted murder.

In November 2017, Croatian police filed charges against two policemen who attacked Index.hr journalist Drago Miljuš on 10 October 2017.

The head of the Split-Dalmatian police office asked for disciplinary actions to be taken. Both policemen have been removed from their duties until the investigation is completed. Also, it was found out that one of them potentially committed the crime of damaging someone else's property and the other one of injury. Following these findings, both policemen had charges filed against them, according to the Minister's answer provided to Index.hr.

In October 2017, Maja Sever of HRT published a facebook threat she had received, according to her, after a story she did on refugees, which was broadcasted on 29 October 2017. Alongside offences and other abusive expressions, the author of the message wrote: "If you want to live with niggers, go live in England, France or USA, but do not promote that freemason's multicultural politics in Croatia." The message ended by mentioning execution. Maja Sever said that the message was sent by a Croat living in Belgium.

In October 2017, during proceedings of re-trial for Tomislav Horvatinčić at Šibenik county court, who has been accused of causing an accident at sea with fatal consequence for a Salpietro married couple six years ago, judge Maja Šupe verbally attacked journalists: "Croatian justice is not a circus and this trial is not a joke as presented in media. I am not a furious judge, as some portals call me, I am not corrupted judge, this is not a corrupted court, and we do our work professionally and with responsibility. The Croatian Journalists Association (CJA) attacked me, claiming I was responsible to the people. But that is not a fact, I am not responsible to the people", the judge shouted to court reporters, and they published her words. Then judge Šupe stated that the first Horvatinčić trial was not covered objectively and that journalists did not deal with facts. "All that happens because journalists covering court procedures are not educated and do not know criminal law. Journalists and media house have no right to evaluate my final judgements. For my work I am responsible only to the county court, supreme court and to the Ministry of Justice", the judge said to the journalists present at the court in her rather long monologue without stating any example of non-professional reporting behaviour.

After the latest verbal attack of judge Šupe against journalists, again without any specific objection regarding reporting about the trial, we want to remind you about the content of the CJA reaction after her first verbal outburst on February.



“Judge Maja Šupe should know that she is responsible not only to higher courts and to the Ministry of Justice, but even to the public. Journalists are not a party in the court procedure and they are responsible to their editors, newsrooms and to the public. The CJA advocates respecting the CJA Code of Ethics and all professional standards when reporting. We constantly warn journalists about this. If judge Maja Šupe finds some journalists have reported unprofessionally, she should, like anybody else, report those misconducts to the CJA Ethical Council or to publish correction or answer to the information published. What she should not do is ‘to give a lesson’ to journalists in court about the way they should do their job”, was stated in the CJA PR.

On Saturday, 16 September 2017, in Veliki Pašijan near Garešnica, Nova TV reporter Ema Branica, cameraman Alan Novak and his assistant Goran Jaganjac were physically attacked while shooting. The brother of the person of interest to the TV crew threatened and offended them and physically attacked Ema Branica, the journalist. She fell into a ditch and nearly bumped her head against a concrete wall. The same person then attacked the cameraman, trying to break his equipment. The police had filed criminal charges against the perpetrator for attempting to cause severe injuries.

On 2 September 2017, members of A-HSP party torched some copies of *Novosti* magazine in front of its publisher’s headquarter, repeating that *Novosti* had been spreading hate and inspired fire along the Croatian coast. Members of that same party, led by its president Dražen Keleminec, on 12 September 2017 torched some copies of *Novosti* magazine again, blaming it for spreading hate and asking for the termination of financial support to the magazine through the state budget. Both incidents were followed by threats against *Novosti* journalists, expressed directly or through social networks. Police filed charges after investigation resulting in statement that Keleminec's behavior “showed all crucial characteristics of a criminal act of public encouragement of hate and violence as defined by Article 325 of the Criminal Code of Croatian Republic and against a specific group, in this case Serbian national minority”.

At the beginning of 2017, the strongest pressures against media were made by associations of war veterans and the catholic association “In the Name of the Family”. The associations insisted on blocking financial support for Serb minority weekly *Novosti* and on penalizing a State News Agency’s (HINA) editor due to

publishing information about the association's activities abroad. This campaign culminated in the events of September 2017, when the members of far right party A-HSP burned copies of *Novosti Weekly* on two occasions, followed by numerous verbal threats.

According to statistics submitted by the police to the Parliamentary Committee on Internal Affairs, in the first five months of 2017, 1348 threats have been reported, of which 30 are related to threats sent through social networks.

According to HND, in the last four years this association has documented 41 cases of threats and attacks against journalists, but only some of them have been taken to court (court procedures are still ongoing) or have been sanctioned.

One journalist presented to the JIM that after a threatening letter, he hasn't heard from the police concerning it for a year.

A representative of one TV channel told the JIM that the Croatian intelligence service showed up at the headquarters and asked TV staff about sources for a story, shortly after that the channel had a surprise visit by a labour inspection. The representative of N1 told to JIM, that last November agents of the secret police entered the TV studios at primetime asking for the names of journalists responsible for a critical documentary aired earlier.

## **SHAMING LAW**

In a welcome move, President Grabar-Kitarović told the international delegation in 2016 that she supported repealing Croatia's controversial 'shaming' law, which has been abused in order to criminally prosecute journalists since it took 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. According to this law If the information is said in front of other (person) the fine can be max. 180 "daily amounts" (meaning daily incomes). If the information is disseminated via media or in public, the fine is max. 360 "daily amounts". While the slander is proven lie, shaming can be proven truth and journalists can still be convicted if the court decides that there was no public interest. The Criminal Law was changed in 2015. (NN56/15) Shaming was renamed in

“serious shaming”, with an exclusion (Article 148.a): “There is no criminal offense referred to in Articles 147 and 148 of this Code if the perpetrator has achieved their characteristics in scientific, professional, literary, artistic or public information, in performing duties prescribed by law, political or other public or social activity, journalistic work, if this was done in the public interest or for other justified reasons.” Also, according to Ministry of Justice, in 2015 and 2016 there were only 10 final verdicts against journalists out of 73 finished criminal proceedings against journalists (Criminal Code, Articles 147.,148.,149.). In all other cases, journalists were not found guilty. In 2015. there were 726 private lawsuits against journalists. So, this shows that the law (the Criminal Code) is misused to make an extra pressure on editors, journalists and media owners. In 2014, Jutarnji list journalist Slavica Lukić was convicted of ‘shaming’ because of her investigative reporting into corruption at a medical clinic that had been receiving 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 these organisations travelled to Zagreb in November 2014 to urge Croatian lawmakers to bring the defamation law in line with international standards.<sup>2</sup> In 2015, parliament amended the ‘shaming’ law<sup>3</sup> to exempt 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). Despite reforms, the international delegation urges the Croatian parliament to fully repeal Art. 148 as well as Art. 147 on insult and Art. 149 on defamation, defined as knowingly making or disseminating false statements of fact harmful to another person’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 of a wider chilling effect. Croatia and Slovenia remain the only former Yugoslav states with criminal defamation laws, according to IPI’s legal database.<sup>4</sup>

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

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<sup>2</sup> See “Croatian MPs voice support for criminal defamation repeal,” IPI, 20 November 2014, available at <http://goo.gl/jfuPCz> (last accessed 4 August 2016).

<sup>3</sup> See <http://goo.gl/f1ErO0> (last accessed 4 August 2016).

<sup>4</sup> See [legaldatabase.freemedia.at](http://legaldatabase.freemedia.at).

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.

## **OTHER TOPICS**

No censorship practices exist in present day Croatia. However there are different forms of soft censorship and in some media companies self-censorship is present, especially in connection with advertisers.

At the beginning of her mandate (end of 2016), Minister of Culture Nina Obuljen Koržinek announced the adoption of the Media Strategy of the Republic of Croatia, that was to be followed by a new set of media acts, but the adoption has been postponed. However, the international delegation found in Minister Nina Obuljen Koržinek a person open to dialogue and the will to solve problems on the Croatian media market. Change is only possible if she will be open to all activities that will better the situation of journalists and media with the support of the Prime Minister Plenković.

A particular problem was, since the end of the former government in 2016, the transparent financing of non-profit media. One of the first steps by then new Minister of Culture Hasanbegović, was his decision to dissolve the Commission for Non-profit Media, a body in charge of the grant-making and oversight of grantees in the non-profit media sector. While part of the funds directly allocated to media have been cancelled, some media outlets received funding under a different grant scheme. The manner in which funds were distributed caused dissatisfaction, mostly with liberal-critical media outlets. The situation of financing non-profit media hasn't changed until the visit of the JIM in January 2018.

According to one representative of a minority media outlet, a ghettoisation of minority issues is taking place, instead of their integration. Some minority journalists did complain about verbal attacks by veterans, the catholic church and some "strange" civil society groups.

Although the Minister of Culture Nina Obuljen Koržinek announced that her ministry is taking care of the Law on Media, as well as the Law on Electronic Media, so far no strategy has been clearly defined.

Also, the topic of media ownership needs to be examined; In many cases media ownership is not transparent. As one journalist said, “often we don’t know the real owners”.

The delegation also visited the Agency for Electronic Media. As it was presented to the JIM members, the council works completely independent and the JIM was reminded that the council consists of seven members who had been appointed by the Croatian parliament at different times, i.e. by different political options representing the parliamentary majority. The current situation was that four members of the council had been appointed by the previous parliament while three members were appointed in 2017 by the current one. Therefore the Electronic Media Council would represent the various social groups that exist in Croatian society well.

The JIM was quite astonished to find that the Agency for Electronic Media - Electronic Media Council (EMC) reviewed a total of just 37 cases of alleged hate speech in 2017, yet no one was punished. According to one member of the EMC “you cannot take an example of two local TV shows to pass a general judgement on the presence of hate speech in Croatian media”. In cases where the Council finds that a particular situation is not within its competence, but has a suspicion of a possible violation of journalistic ethic codes or other legal provisions, the council forwards such cases to the Court of Honour of the CJA or other appropriate competent institutions, including the State Attorney's Office. According to EMC the council, by its actions, fully protects media freedom because it cannot influence the editorial policies, but acts only *post-festum*, evaluating controversial contents after they were published or aired.

According to the EMC every radicalism is “evil”, no matter what side of the political spectrum it comes from. It was pointed out that there is no representative of a radically right political party in the Croatian Parliament, unlike in the surrounding countries which clearly demonstrates that the perception of the extremely difficult political

situation in Croatia and the rise of right-wing radicalism must be wrong. Although there are some negative occurrences of incitement to hate and the situation could be improved, such acts were “individual outbreaks”. In general terms, the situation in society in this regard was neither better nor worse than in the surrounding countries. According to a statement published in connection with the visit of the international group to Croatia, the Electronic Media

Council calls for the reduction of intolerant and offensive speech in the media. One member of the EMC made a promise to the mission members that the EMC would decisively fight against any form of extremism or hate speech in the media.

One EMC member emphasises that the Council often addresses complaints alleging hate speech, but that these complaints reveal that the public often has misconceptions of what is and what is not hate speech. Although the Heads of the Monitoring and Legal Department could give more information on the issue, she wants to remind the mission of the legal difference between incitement to hatred, which is within the competence of the council, and other forms of insults and inappropriate attacks, which are not. She also pointed out that the vast majority of such negative phenomena would take place on the Internet, where the Council, at this point, cannot interfere. She believes that the situation will be more unambiguous once the new Media Act comes to pass.

The delegation's findings show that journalists' working conditions haven't improved. Trade unionists are discriminated and dismissed; collective agreements exist only in few media outlets, and they aren't negotiated collectively. Journalists are forced to not write about certain topics, and there are no trade union organisations in numerous private media.

There should be a project to support the non-profit media whose state subsidies were completely cut off by the former government. Their situation hasn't changed since then.

## RECOMMENDATIONS

- Authorities must conduct comprehensive investigations into all cases of physical attacks on journalists in the past (unsolved cases);
- Politicians and public individuals must refrain from participating in, supporting or being perceived as supporting smear campaigns or hateful rhetoric against journalists and media. Politicians must condemn such campaigns and rhetoric when it occurs and journalists should not take part in them.
- Political parties of all stripes must refrain from interfering with the editorial policy of the public broadcaster HRT;
- Both – the management and employees in HRT should establish a more interactive way of communications, instead of exclusively issuing statements, they should seek dialogue. The initiatives should come from both sides;
- Lawmakers must include HRT's own journalists in debates around a new HRT law and must increase the role of those journalists, civil society and consumers in the selection of HRT's management;
- The matter of hate speech and fake news must be taken more seriously, more comprehensive and more pro-active. The initiative of a regulation – although announced, should not wait for EU regulation. Due to specific Croatian circumstances and historical experience it must be specifically addressed within Croatia - with broad participation of relevant experts/expertise. The role of the EMC must be more pro-active. Of course, it is important that a regulation is not against press freedom and freedom of speech;
- Authorities must conduct comprehensive investigations of threats made against journalists online or offline and hold those found 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 must fully repeal Article 148 of the Criminal Code on 'shaming', and should also repeal Arts. 147, 149, 349 and 356;
- The government must 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;
- Legal provisions providing for transparency of media ownership must be updated to ensure a sufficient framework for monitoring and compliance;
  - 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. 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;
  - The Electronic Media Council should be more active in cases where electronic media are not respecting professional standards, especially in cases of use of hate language in local media (local TV channels) reparation of a media strategy for Croatia with active work and feedbacks from all media players;
  - Social dialogue (collective bargaining) in the private media must start.