

ASSESSMENT OF MEDIA DEVELOPMENT IN CROATIA

BASED ON UNESCO'S MEDIA DEVELOPMENT INDICATORS

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Preface

The present report is based on the findings of the comprehensive analysis carried out in 2008 and 2009 to assess the state of development of the media in Croatia, using UNESCO's Media Development Indicators (MDIs). This study was one of the first applications of the MDIs, which were endorsed by the Intergovernmental Council of UNESCO's International Programme for the Development of Communication (IPDC) in 2008 as an important diagnostic tool for analyzing the media landscape at national level and determining the areas in which assistance is most needed.

In line with the Media Development Indicators, the study looks at the extent to which the media both contribute to, and benefit from, good governance and democratic development in Croatia. Focusing on the issues of freedom, independence and pluralism of the media, the analysis covers all areas of the media landscape, including: the legal and regulatory framework; the diversity of the media; their role as a platform for democratic discourse; the professional capacities of media workers; and infrastructural capacity.

The assessment was carried out by the Centre for Media and Communication Research of the University of Zagreb, under the leadership of Prof. Zrinjka Peruško and in close consultation with UNESCO's Communication and Information Sector. Partnering with a local research institution was important for UNESCO in order to ensure national ownership of the process and pave the way for a process of regular evaluation of the Croatian media landscape using the MDIs. The project involved multi-stakeholder consultations with media professionals, parliamentarians, civil society, academics and policy makers. A national conference was held on 25 September 2009 under the auspices of the President of the Republic of Croatia, Mr. Stjepan Mesić, and with the support of UNESCO, to discuss the findings of the study and finalize the recommendations stemming from it.

The full report of the study, which includes a more detailed analysis of each aspect of the media sector, was produced in Croatian. It is my hope that the conclusions and recommendations included in it will contribute to enabling informed public policies in the area of media development in Croatia.

Jānis Kārklīņš

INTRODUCTION

Croatia is a parliamentary democracy with a unicameral legislative body (the Croatian Parliament) set up in 2000. Croatia introduced multi-party democracy in 1990 and throughout the 1990s, a semi-presidential system was established. The country separated from the former Socialist Federal Republic of Yugoslavia and declared independence in 1991.

The population in Croatia in 2008 was 4,436,000 living on a total area of 56 594 km². With nominal GDP in 2009 estimated at 14 242\$ (DSZ 2010:7, while the GDP in adjusted prices was estimated to be approx. 1/3rd lower) – Croatia is almost placed at the threshold of high income countries (World Development Indicators 2009). According to the Human Development Index, Croatia is a developing country with a high HDI.

Croatia is a member of the Council of Europe, the World Trade Organization (WTO) and NATO, and signatory to the European Convention on Human Rights. Croatia has been an EU candidate country since June 2004 and expects to conclude negotiations for membership in 2011. In the course of its accession to the EU, Croatia met media and information society requirements, which attests to the adequate development of the media system in relation to EU norms. This, however, does not mean that a number of areas cannot be further developed, and that problems cannot be identified in the media policy framework and its implementation.

The development of a democratic media system in Croatia was slow in the 1990s.¹ The position of the public service broadcaster was among the main areas of contention between Croatia and European institutions. Government pressures on Croatian Radio-Television (HRT) and the independent media, and the atmosphere of intolerance and arbitrariness in dealing with the media, were among the major reasons for the delay in the pace of Croatia's integration in the EU.

The Croatian media regulatory framework was changed after 2000 due to the further harmonization of media legislation with European standards. The new package of media regulations, adopted between 2000 and 2004, revised the regulatory framework for broadcasting put in place in the mid 1990s. The main rationale for these changes was the need to further align legislation with democratic standards and EU requirements. The new Law on Croatian Radio and Television (Official Gazette, no 17/ 01, no. 25/03) made another step towards ensuring institutional independence for the state-owned public service broadcaster. The new Law on Electronic Media (Official Gazette, no. 122/03)

¹ For the development of the Croatian media system and policy in the 90's, see Peruško Čulek, Zrinjka (1999) *Demokracija i mediji*, Barbat: Zagreb, and Peruško, Z. 2003. "Croatia: The first ten years. In Paletz & Jakubowicz, eds., *Business as Usual*, Hampton Press, p. 111-145. For a detailed account of the television policy and sector in contemporary Croatia, see Peruško, Z. 2005. "Croatia". In *Television Across Europe: Regulation, policy and independence*. EUMAP & NMP: Budapest, and in relation to market developments in CEE see Peruško, Z., Popović, H. «Media Concentration Trends in Central and Eastern Europe». *Finding the Right Place on the Map: Central and Eastern European Media Change in Global Perspective*, Edited by Karol Jakubowicz and Miklos Sukosd, ECREA Book Series, Intellect Books, 2009. I use here parts of my prior texts.

created a new media regulatory authority --the Council for Electronic Media -- and abolished some of the ownership restrictions on broadcast media while introducing cross-media concentration controls. The new Law on the Media (Official Gazette, no 163/03) pertains to freedom of expression in general, journalists' rights and the right of reply, and print media anti-concentration provisions.

Notwithstanding significant progress in this regard, in the most recent 2008-2010 period, the main media legislation is once again being amended for the purpose of further harmonization with the European Union, in particular as regards the new Audiovisual Directive, and the rules on public subsidies. Accordingly, in 2010 a new Law on the Croatian Radio-Television was debated in Parliament, and is supposed to enable continuation of financing of the public television via subscription and advertising pursuant to the EU standards for public subsidies. The Law on Electronic Media was changed in 2009 to include the new Audiovisual Media Services Directive (AVMS Directive, or Audiovisual Directive).

The present government is a coalition of conservative parties led by the Croatian Democratic Union (HDZ), which was in government also during the 1990s, and again after 2003 with the support of several smaller parties. Only in 2000-2003 did Croatia have a government led by the Social Democrats, which headed the centre-left coalition government that instituted the most important democratic reforms in the past decade. The current government is further harmonizing the media landscape with the EU. The predominant thrust is not democratization, but market liberalization. The consequences of their present policy will be analyzed in times to come.

* * *

UNESCO's Media Development Indicators were endorsed in 2008 by UNESCO's International Programme for the Development of Communication (IPDC), a special programme designed "to contribute to sustainable development, democracy and good governance by fostering universal access to and distribution of information and knowledge through strengthening the capacities of developing countries and countries in transition in the field of electronic media and print" (Media development 2008:7). The aims of the IPDC are developing technical and human resources, promoting the transfer of technology, strengthening pluralism and independence of media, democratization and human rights. In the last decade, promoting media pluralism and diversity has become one of the three main priorities of projects supported by the IPDC, alongside the building of human resources and community media development.

UNESCO's indicators include five categories of media development, which are constituent parts of each media system and capture its level of development:

- 1) a system of regulation conducive to freedom of expression, pluralism and diversity of the media;
- 2) plurality and diversity of media, a level economic playing field and transparency of ownership;

- 3) media as a platform for democratic discourse;
- 4) professional development of journalism and the role of professional nongovernmental institutions;
- 5) infrastructural capacity which includes new communication technologies, sufficient to support pluralist media and media access.

The research into the state of development of the Croatian media system was conducted in 2008 and 2009 by the Centre for Media and Communication Research, Faculty of Political Science at the University of Zagreb. This was funded by UNESCO's Participation Programme and the Croatian Ministry of Science, Education and Sport through their support of the long term scientific project "Media Culture in Croatia: Media Pluralism and Diversity", with the support of the Croatian Commission for UNESCO and in cooperation with UNESCO's Communication Development Division, Paris, which provided additional funds for the organization of the national conference.

The Centre for Media and Communication Research (www.cim.fpzg.hr) is the only scientific research centre in Croatia dedicated to scientific and applied research in media and communication. The Centre was established in 2007 as a scientific research centre of the Faculty of Political Science, University of Zagreb. It aims to develop into a reference centre in Croatia, focusing on the collection, analysis and evaluation of data and processes relating to media and communication in social, political, economic, cultural, scientific and technical aspects. With innovative research, lectures, publications and networking with other similar institutions, the Centre is dedicated to excellence in research and to contributing to the development of media studies in Croatia.

The research on the status of pluralism, diversity and freedom in the Croatian media system, using the UNESCO Media Development Indicators as a methodological template, was conducted by a team of researchers at the Centre for Media and Communication Research, Faculty of Political Science, University of Zagreb. These researchers include: Zrinjka Peruško (project leader); Tena Perišin; Martina Topić; Gordana Vilović; and Nada Zgrabljic Rotar. A book entitled *Hrvatski medijski sustav prema UNESCO-ovim indikatorima medijskog razvoja*, Peruško, Z., Perišin, T., Topić, M., Vilović, G., Zgrabljic Rotar, N., in print, Zagreb: Biblioteka hrvatska politologija) (*Croatian media system seen through the UNESCO Media Development Indicators*) is in print in Croatia in 2010 with the comprehensive results of the research.

This study demonstrates the capacity of the Croatian media to work in a democratic regulatory environment and in a free but concentrated market, and reveals that the infrastructure available is technologically developed and increasingly digitalized. However, it also highlights that problems remain with regard to the democratic contribution of the media and transparency and accessibility of data regarding the media system, precarious position of journalists, as well as still existing issues of independence of the media from economic or political power hubs.

The present report draws largely on these findings.

1. REGULATORY SYSTEM

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

A) LEGAL AND POLICY FRAMEWORK

1.1. Freedom of expression is guaranteed in law and respected in practice

Freedom of expression is guaranteed in all the relevant legal documents: the Constitution (in article 38); the Law on Public information (1992, 1996), which later became the Law on the Media (2003, 2004); the Law on the Electronic Media (2003, 2004, 2009); and the Law on the Croatian Radio and Television (1992-2003). As a member of the Council of Europe, Croatia is signatory to the European Convention for the Protection of Human Rights (since 1997) and to the European convention on Trans-Border Television (since 2001). As a member of the United Nations, Croatia also adopted the Universal Declaration of Human Rights. The Penal code includes the possibility of criminal prosecution for those who "limit freedom of expression or public appearance, (...) of public information, of the press or other means of communication" (article 107, in Topić in print). To the best of our knowledge, this possibility has never been pursued. Limits to freedom of expression include libel (more below), hate speech, and, in relation to broadcasting, content potentially harmful to children or minors.

In 2005 and 2006, a study evaluated the openness of Croatian society across different sectors, including the media. The "Index of Openness of Society" included an expert survey on the state of democratic development of the media system which was complemented with a public opinion survey (Peruško 2005, Peruško 2006). The results of the public opinion survey showed that about 30 percent of the population still did not accept democratic debate and freedom of the media as the norm: they were of the view that freedom of expression in Croatia was too great, would support the closure of certain media outlets and the establishment of a state censorship body, and believed that with respect to some important topics, it was better to limit the possibility of everyone freely expressing their opinions in the media. Younger respondents, however, differed and in a much higher percent accepted the democratic media framework. Openness of the media system was evaluated on the basis of six criteria:

- (1) autonomy and independence;
- (2) professionalism and rationality of the news media;
- (3) diversity in ownership and equal economic opportunities for all media;
- (4) openness and pluralism of media content;
- (5) quality of the legal framework; and
- (6) effectiveness of civil society organizations.

Two criteria showed improvement between 2005 and 2006: the pluralism and openness of media content, and the ownership diversity and economic opportunities for media. All the other criteria pointed towards a decline in the openness of the media system. The experts' opinions were summarized as follows: "In spite of the increased pressures of the government on the media, the decreased effectiveness of civil society in media control and the significant decline in the professionalism and rationality of the media (which is one of the basic indicators of the quality of a media system), diversity in life views presented in the media and the sensitivity of media to minority groups has increased significantly" (Peruško 2006: 80).

According to Freedom House's Freedom of the Press index, which measures the level of press freedom of countries on a scale from 1 (most free) to 100 (least free), Croatia has since 2000 had a partly free media system: freedom of the press improved from the 1990s to 33 index points in 2002-2004, almost reaching the threshold of a free press (30 points). This positive trend was reversed when Croatia again rose to 37 points, and then to 38 points in 2008, the year of assassination of the prominent publisher and journalist Ivo Pukanić and Niko Franjić (their assassins were convicted in November 2010 to prison sentences ranging from 15 to 40 years), to end up at 40 points in the 2010 evaluation (Freedom House 2009, Freedom House 2010).

1.2. The right to information is guaranteed in law and respected in practice

The right to information is also guaranteed in the Constitution, in the Law on the Media, and since 2003 in the Law on the Right of Access to Information (Official Gazette 172/03). The law on the Media also includes fines for those persons or institutions who deny information to journalists. The Law on the Right of Access to Information gives 15 days to the public authority to provide the information or, in case information is not available, to require it from the body that does have it. The application of the law is monitored both by the Parliament (a report is submitted to the Parliamentary committee on information, computerization and the media) and by the Civil Society Organizations (CSOs). In their report on the implementation of the law in 2009, Organized Citizens Monitor the Elections (GONG), a civil society organization best known for election monitoring, found that only 69 of 177 requests (39 percent) were answered in the required 15 days, which represented a decline when compared with the 49 percent noted in the previous year (GONG, in Topić in print).

1.3. Editorial independence is guaranteed in law and respected in practice

The Constitution, the Law on the Media and the Law on Electronic Media guarantee freedom of expression, freedom to form media companies, and the editorial independence of broadcasters from the state. The Law on the Croatian Radio-Television defines HRT's legal status, and guarantees its editorial independence.

In particular, the Law on the Media guarantees the freedom of journalists and their protection vis à vis media owners. This includes the right of journalists to be consulted over the appointment of editors, the right of editors to compensation

in the event of a change of ownership or editorial policy, and the right of journalists to express their opinions and not to comply with orders contrary to professional ethics. Unfortunately, media statutes which would allow the application of this aspect of the law do not exist in most media. The Croatian Journalists' Association (HND) has started a negotiation process with media owners to create appropriate media statutes in cases where they are missing (Topić in print).

There is general agreement that in commercial media, the undue influence of owners is a far greater risk for the independence and freedom of reporting than state influence. The general trend of "tabloidisation" is evident in the press and in broadcasting, a result of market pressures and increased commercialisation. HND has promoted the idea of a national journalists' collective agreement, which would protect the professional and economic rights of journalists in those outlets that have not yet established such an agreement. HND succeeded in the late 1990s in organizing collective agreements at the level of eight news organizations (HRT, *Večernji list*, *Jutarnji list*, *Novi List*, *Glas Istre*, *Slobodna Dalmacija*, *Glas Slavonije* and HINA). There are strong complaints by the Croatian Journalists' Association that the position of journalists and other employees in foreign-owned commercial media is not satisfactory because, for instance, social benefits are not included in their income. Negotiations regarding a national collective contract have been in hand with the Croatian Association of Newspaper Publishers for years now, without any results yet visible in 2010.

While the legal framework is designed to enable editorial independence, there are often problems with its implementation, especially in terms of the possibility of a comprehensive articulation of opposition politics in the media. The party-press parallelism (Hallin & Mancini 2004) is informal (political parties cannot own electronic media, and do not own print media), yet clearly present.

It is generally believed that there is little or no state influence on national commercial broadcasters, both of which are foreign-owned. The situation is different in local communities where the influence of local political structures can have a negative impact on journalistic freedom and editorial independence in small, privately owned outlets. On the other hand, it is also generally believed that the licensing of radio and television in the 1990s was far from impartial: the main concessions were granted to clients or outlets enjoying the special favour of the government. As most of these licensees still hold the same concessions, it is not too difficult to imagine that they would be willing to privilege their political friends in their programmes.

The institutional independence of HRT improved after 2000. The transition towards public service broadcasting began in the 1990s, but serious evidence of progress in terms of political independence could be seen only after 2000. This is largely due to the fact that the coalition government, established in 2000, refrained from pressuring the media, thus enabling the development of their professional standards. News and current affairs reporting has become increasingly impartial and balanced, in comparison to the 1990s (Stantić et al

2003). However, the position of the public service broadcaster has been precarious for the past few years in terms of management and financial positions, and the situation which has potential impact on its editorial independence has not been resolved. PBS will be discussed in further detail in the next sections of this report.

1.4. Journalists' right to protect their sources is guaranteed in law and respected in practice

The right of the journalists to protect their sources was included in the first law dealing with media freedom after Croatia's transition to democracy. The Law on Public Information (1992), revised in 1996, expands the scope of this protection (also continued in the present Law on the Media) by including information not yet published, and extending it to editors, publisher, authors of books and other non-journalist authors. However, the Law on Criminal Procedure includes a possibility to obligate the journalist to give up the source in closed court, if the information is needed for the prevention of crime or in relation to a felony (Topić in print).

1.5. The public and civil society organizations (CSOs) participate in shaping public policy towards the media

While the government and the political realm predominantly influenced the character of media legislation in the first part of the 1990s, after 1996 the push for media democratization and pluralism came from civil society. Round tables on media freedom and independence were organized by Forum 21 (a group of prominent television journalists within the Croatian Journalists' Association) with huge public attendance. The trigger of public concern was the revoking of the broadcasting license of Zagreb-based Radio 101, which led to a mass demonstration with some 100,000 citizens in the main city square in Zagreb in November 1996.

In 1999 a research study (Peruško Čulek et al 1999b) comprehensively analyzed the Croatian media system and called for a coherent media reform, including the need to re-examine the balance between commercial and public service broadcasting and to find ways of ensuring more self-regulation in the press and in journalism in general. It identified problems in the Penal Code (eg. criminalization of libel) and other laws that needed to be changed to ensure better protection of freedom of expression. It also drew attention to the role of new media. The media policy debate within civil society succeeded in putting these issues on the public agenda, as well as on the political agenda of the new, SDP-led government in 2000. The political climate changed and along with it changed the understanding of the role of media in a democracy. A consensus was reached on freedom of expression and the independence of the media as common positive values. Media became part of a policy document for the first time, as part of the cultural development strategy for Croatia.

The involvement of civil society and professional organizations in the preparation of new media legislative proposals, via public debates, has become the norm.

The Ministry of Culture organized in 2008 a debate on the nature of the involvement of civil society in the Program Council of the public service Croatian Radio-Television. CSOs were also invited to participate in the preparation of the revision of the Law on Electronic Media (in 2009) and the Law on the Croatian Radio and Television (in 2010). Several round tables were organized in 2010 by various professional organizations or CSOs regarding the proposed new Law on the Croatian Radio and Television. However, opinions are divided regarding the integration of CSOs' ideas in the formulated proposals. Especially active in this regard is NEMEZA, an organization promoting community media.

B) REGULATORY SYSTEM FOR BROADCASTING

1.6. Independence of the regulatory system is guaranteed by law and respected in practice

The present regulatory framework for broadcasting (i.e. "audiovisual media services" in the present European terminology), which extends some of the rules previously reserved only for broadcasting onto non-linear audiovisual services (i.e. video on demand, or other non-flow television and new media services) was finalized with the most recent Law on Electronic Media in December 2009 (Official Gazette 153/09). This Law fully transposed the EU Audiovisual Media Services Directive (AVMS) into the Croatian regulatory system for the media and created a regulatory framework which enables independent regulatory activity in the sector of audiovisual media services. A six-month period is given to the market players to comply with the new legal provisions.

The Law on Electronic Media applies to commercial and non-profit outlets and to HRT, unless differently defined in the separate Law on the HRT - the public service broadcaster Croatian radio-television (Hrvatska radiotelevizija). It regulates the obligations of all broadcasters regarding program requirements (including HRT) in line with the AVMS, details the procedures for obtaining broadcasting licenses (concessions) for private radio and television, outlines procedures in case of breach of the Law, and defines mono media and cross media concentration thresholds. It creates the Agency for Electronic Media (AEM) and its governing and decision-making Council for Electronic Media (VEM) as the regulatory body for television and radio broadcasting.

The AEM is in charge of linear and non linear audiovisual media services, but not of other spectrum or telecommunications services, which are in the remit of the Croatian Agency for Post and Telecommunication. Croatia had a converged regulator prior to 2000, when both broadcasting and telecommunications were under the auspices of the Ministry of telecommunications. Since 2000, broadcasting and print media have resided in the portfolio of the Ministry of Culture. Other bodies with roles in media regulation or supervision are the Ministry of the Sea, Transport and Infrastructure (for the area of telecommunications), the Croatian Agency for Post and Electronic Communications (HAKOM), and the Agency for the Protection of Market Competition.

The 2009 Law builds on the 2007 edition of the law, which had already created the Agency for Electronic Media as the host institution for the Council for Electronic Media, and the 2003 law, the first law to separately regulate radio and television broadcasting. It was also this law which by removing ownership restrictions (in the 1990s no one could own more than 25 percent of any electronic media), enabled private and foreign investment in television (Official Gazette, no. 122/03)², which followed soon after.

The present legal framework assures the organizational and financial independence of the regulator. The remaining *caveat* rests with the personnel and the members of the Council. The latest Law on Electronic Media did not increase the qualifications required (in the previous laws) in terms of education, and kept only the requirement that members should have “professional knowledge, ability and experience in radio and television, or publishing, cultural or similar activity”, and be “publicly renowned for support of democratic principles, rule of law, constitutional values, development of civil society, support for human rights, and freedom of expression” (article 68, paragraphs 5 and 6). This is not sufficient to guarantee that the Council members will be qualified to undertake complex regulatory activity.

Monitoring of the compliance of broadcasters with the terms of the concession, as well as the AVMS Directive requirements regarding European and independent producers programming quotas, has in the past been a sore point, and only ad hoc monitoring was performed without comprehensive public insight into its procedures or arguments for the findings. The Council is said to have in 2010 obtained the technology necessary for regular in-house program monitoring, which would finally prepare it to fully undertake its role in monitoring program compliance both in terms of concession contracts, as well as in terms of the AVMS Directive obligations.

Political/ruling party influence on radio and television spectrum allocation by the Council for Radio and Television (1996-1999) was prevalent in the 1990s. Distribution of frequencies for radio and television broadcasting was at that time criticized by the opposition and the critical public as politically motivated and clientelistic. After 2000, when the democratic coalition of parties came into government, the conduct of the Council improved on this point and charges of political clientelism stopped³. The most prominent case in favour of the transparency and independence of the Council in this period were the public presentation, hearings and meetings organized by the Council when taking the decision of the national level commercial television concession in 2003. The concession was given to RTL TV.

² *Medijsko zakonodavstvo Republike Hrvatske. Biblioteka kulturni razvitak, knjiga 6*, Ministarstvo kulture Republike Hrvatske, Zagreb, 2003. (Media Legislation of the Republic of Croatia, 2003) All laws adopted in Croatia are available in Croatian at the web site of the Official Gazette www.nn.hr.

³ Author of this study was a member in Council for radio and television in the 2000-2003.

1.7. Regulatory system works to ensure media pluralism and freedom of expression and information

The Council for Electronic Media (VEM) is also in charge of protecting diversity of ownership in the electronic media. The Council cannot give a concession to prospective concessionaires if that would conflict with the legal ownership restrictions. The Council and the Agency for the Protection of Market Competition are both legally involved in the event of the change of ownership or breach of the ownership restrictions, but the law does not define the modalities of their cooperation, which does not facilitate their work.

In terms of the promotion of pluralism and diversity in media programs, the Fund for the Promotion of Diversity and Pluralism of Electronic Media was first created in the 2003 Law on Electronic Media, with its *modus operandi* adjusted in 2009. The Fund promotes the production and broadcasting of electronic media content of public interest on local and regional levels, especially programs important for the right of the citizens to public information, national minorities, in the areas of special state care (i.e. war-affected areas), promotion of cultural creativity, development of education, science and art. The Fund can also support the employment of skilled personnel in radio and television at the local and regional levels, but cannot be used to support independent production. Experience to date is that all media who apply receive some funds, and no comprehensive analysis has been put forward on the impact of the support or the programs financed. While the creation of such a Fund seems like an excellent idea, so far it exhibits faulty definition and implementation.

C) DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

1.8. The state does not place unwarranted legal restrictions on the media

Croatia does not regulate entry into the journalistic profession, and anyone working as journalist can join, if they wish, the Croatian Journalists' Association. The founding of media organizations is also not regulated, except with regard to obtaining broadcasting frequencies.

1.9. Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

The 2007 revision of the Criminal code has removed the possibility of a jail sentence for defamation. Even though such jail sentences were never carried out in the past 20 years, several suspended ones were passed down. As the possibility of a jail sentence for defamation is considered to have a chilling effect on media freedom, CSOs and professional organizations have for many years encouraged this outcome. Truth is a defense against libel, but if it was not performed with malicious intent, the perpetrator – journalist, author, etc. -- will not be found guilty of insult as he is allowed to express his opinion (articles 200-202).

The Law on the Media, which is the basis for a civil suit where both material and non-material damages can be sought, includes truth, good faith and public interest as defenses in case of a libel suit. The same law defines the right of reply,

which is not in many cases observed by the media. The media should correct any incorrect information included in their programs in the same slot or page the mistake was made in (both in print and in electronic media). However, the media almost never comply with this, sometimes publishing corrections in the "letters to the editor" (Vilović 2010). Issues of privacy protection are also increasingly noticeable, primarily in relation to children, but also to private and explicit photographs or films of celebrities.

The number of adjudications of criminal defamation fell in the late 2000s to some 170 a year, from some 5000 in the 1960s (Obad 2008). The difference can be explained not only by the changed political system in which freedom of expression is given greater importance than offended sensibility, but also by the changed social environment in which people only become willing to sue in cases of libel.

1.10. Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

The Law on the Media (2004) defines the conditions for restrictions on freedom of expression: "national security, territorial integrity, public order, prevention of crime, protection of health and morals, protection of reputation and rights of others, prevention of divulging of confidential information, protecting the authority and impartiality of the courts and only in a way defined in the law" (article 3, para 3, Official Gazette 59/04).

The Law on the Media forbids hate speech in all media, including promotion or encouragement of national, racial, religious, gender, sexual orientation-related or any other inequality, ideological or state formations based on such inequalities, inciting hatred or animosity, violence or war on the same basis (article 3, para 4, Official Gazette 59/04). The Law on Electronic Media also in a similar way defines and forbids hate speech in electronic media programs.

Divulging of state secrets is defined as espionage, and covered in the Criminal code. Croatia still retains from its socialist past the criminal offense (punishable by up to one year in prison) for spreading false rumors with the aim of causing unrest (Topić in print).

D) CENSORSHIP

1.11. The media is not subject to prior censorship as a matter of both law and practice

Censorship is prohibited by all the relevant legislation, as well as the Constitution. No censorship as prior restraint practices exist in present day Croatia. However, many disputes have existed and still exist about certain editorial practices, when prepared stories were pulled at the last moment from the television news of the PSB, or when already written newspaper stories were changed at the last minute or thrown out. While these practices cannot strictly speaking be called censorship, they have in Croatia created a debate about the professionalism

and independence of media, and about the influence of media owners on the protection or promotion of their clients (from the ruling political or business community) in media content, or on the closing of media space to the opponents of their clients.

There is no government censorship and the media are increasingly critical towards the former's work, but government members still receive more air time and print space than members of the opposition or independent experts (Ward 2006). All of this can be viewed in terms of low professionalism, but it can also be seen to be a result of self-censorship by the editors who attempt to please the powerful.

Recent debates show, however, a growing concern for the pressures on investigative journalists, especially in relation to corruption topics, including loss of jobs and status, as well as threats and physical attack, all of which can be understood as censorship⁴ (Zgrabljic Rotar in print, Topić in print).

1.12. The state does not seek to block or filter Internet content deemed sensitive or detrimental

There are no attempts by the state to control Internet in any way. Electronic publications defined as "editorially shaped internet pages or portals with electronic versions of printed press or information from other media irrespectively of their size, in such a way to make them available to a wide public" (article 2, para 2, Official Gazette 153/09) are covered by the Law on electronic media.

The most recent change of the Criminal process law (Official Gazette 152/08) allows the police to wiretap those citizens who are suspected of breaking copyright on the Internet, i.e. downloading protected audiovisual material. In this way, copyright infringement is treated the same as child pornography or terrorism, and is seen by some to be a potential threat to free expression on the Internet (Topić in print).

RECOMMENDATIONS

- Continue ensuring that public interest of the citizens remains the main goal of media policy (as opposed to commercial and private interest of media companies), paying particular attention to electronic media.
- Improve the implementation of the Law on the Right of Access to Information, especially in terms of the timeliness of response.

⁴ In June 2009 a thematic parliamentary debate was held on Media and corruption, organized by the National Council for the Prevention of Corruption, and later in the same month a conference was organized on Censorship and the media by the Open Society Institute: «Cenzura, mediji, Hrvatska», <http://manjgura.hr/mediji/cenzura-mediji-hrvatska/>.

- The changes to the Law on the HRT (discussed in Parliament in 2010) should not derogate the economic and editorial independence and stability of the public service broadcaster.

The Ministry of Culture should enforce legal requirements from the Law on the Media on the establishment of media statutes.

2. MEDIA DIVERSITY

Plurality and diversity of media, a level economic playing field and transparency of ownership

A) MEDIA CONCENTRATION

2.1. State takes positive measures to promote pluralist media

The international standards relevant for the treatment of media pluralism and diversity in Croatian media policy are developed in the Council of Europe, which defines pluralism and diversity in terms of structural (ownership) diversity in the media market and in terms of political pluralism of ideas and cultural diversity. Croatian media policy values media pluralism and diversity well within the best European intentions, but its implementation practices sometimes fall short of expectations.

The laws regulating market position and relations in the media landscape have been in constant flux in the past five years: the Law on Electronic Media (passed in 2003) was changed in 2007, 2008, and finally twice in 2009, to complete the transposition of the EU Audiovisual Directive⁵. This law defines concentration thresholds for the electronic media, as well as measures for promoting pluralism and diversity of programs through the Pluralism fund. The Fund for the promotion of pluralism in electronic media (Pluralism fund) was created in the Law on Electronic Media as a support measure for content diversity and pluralism (see more in 2.2 below). The Law on the Media (2003, 2004) controls concentration in the print media. The protection of pluralism and diversity is achieved through several interlinked mechanisms: by preventing ownership concentration in the media, cross-media concentration (press and electronic media), by ensuring transparency of data concerning media and their owners, and by advancing pluralism and diversity in media programs of electronic media at local and regional levels.

The Law on Electronic Media (Official Gazette, no. 153/09, but the same provisions were already included in the 2003 law) regulates commercial television and radio broadcasting, as well as electronic publications. The law

⁵ The «Audiovisual Directive» is Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (Text with EEA relevance), OJ L 332, 18.12.2007, p. 27–45.

defines the following forms of horizontal and cross-media concentration as impermissible:

- a broadcaster with a concession at state [i.e. national] level, and shares exceeding 25 percent in another broadcasting organization which has the same kind of concession, and vice versa;
- a broadcaster with a concession at state level, and shares exceeding 10 percent in another broadcasting organization, who publishes daily newspapers with a print-run of over 3,000 copies, and vice versa;
- a broadcaster with a concession at state level, and shares exceeding 10 percent in a legal person who performs the activity of a newspaper agency, and vice versa;
- a broadcaster with a concession at state level who simultaneously publishes daily newspapers with a print-run of over 3,000 copies;
- a broadcaster with a concession at the local or regional level, and with shares exceeding 30 percent in another such broadcasting organization with a local or regional concession in the same area; and
- a broadcaster with a concession at the local or regional level who simultaneously publishes daily newspapers of local importance in the same or in the neighbouring area (Article 46).

The 2009 Law on Electronic Media extended the anti-concentration measures also to the Internet and other distributors/providers as well as to non-linear services (i.e. on-demand TV).

The Council for Electronic Media and the Agency for the Protection of Market Competition must be notified of every change in the ownership structure. If the Agency finds that a sale produces improper concentration, the broadcaster will be given a period of grace in which to bring the structure within legal limits. In case of non-compliance, the Council for Electronic Media can revoke the concession.

The Law on Media defines prohibited forms of concentration in the press. A publisher is barred from acquiring shares or ownership of political daily or weekly newspapers if this acquisition means that the publisher's share in all the sold copies of daily/ weekly newspapers in the country would exceed 40 percent. Even though the law, in its wording, seems clear to imply a relevant share in either daily or weekly newspapers – as they can hardly be considered substitutes, the relevant Agency for the protection of market competition in a controversial decision to allow the merger of Europa Press Holding (50 percent owned by WAZ) and Slobodna Dalmacija, a failing daily, looked at the combined markets. This lowered the total market share of EPH and enabled the merger.⁶

⁶ Judgment on the concentration of EPH and Slobodna Dalmacija (Ocjena o koncentraciji Europapress holdinga d.d. i Slobodne Dalmacije od 27.07.2004. UP/I 030-02/2004-01/ 33 <http://www.aztn.hr/slike/EPH-Slobodna.pdf>.) All judgments of the Agency for the protection of market competition are available on the web page http://www.aztn.hr/arhiva_n.asp?krit=1&id=162&page=10. Explanations of the Agency's decision on Slobodna

The general Law for the Protection of Market Competition applies to the media sector as well. For example, the Agency for the Protection of Market Competition can act even in cases which are not specified in the particular media laws, and in accordance with the general competition principles and thresholds.

In spite of all the anti-concentration measures, the media market in Croatia is highly concentrated.

Ownership transparency

Broadcasters are obliged by the Law on the Media to forward by the end of each year to the Croatian Chamber of Commerce, as the designated organization which runs the Newspaper register, a statement on all legal and natural persons who directly or indirectly possess stocks or a share in their enterprise. The media also have to publish the same data in the Official Gazette. Data on the percentage of ownership must be made public too. Electronic media ownership is overseen by the Council for Electronic Media, according to the Law on Electronic Media, and the list is available on their web page.⁷ All media companies are obliged to provide information on their income, sources of income, and audience figures, and publish them in the Official Gazette before the 30th of April each year. The obligation to publish audience figures and income was introduced for the first time in 2003.

Although the obligation to inform the relevant public authority of any ownership change greater than 10 percent has been in place since the 1992 Law on Public Information, measures to increase the transparency of ownership in the media industry were only broadened in 2003. The Court register includes information on the directors and members of the board, basic capital and statutes, and is available on the Internet.⁸

Structural diversity of the Croatian media system

Television is the most used medium in Croatia: 97 percent of the population between 10 and 74 years of age watch television programs on a daily basis. A dual broadcasting system was introduced in the 1990s even though the state-owned public broadcaster HRT remained the dominant outlet during that decade, with three (now two) terrestrial television channels. The advertising market grew rapidly in the 2000s, although a decline has been recorded in 2009, with television still holding the biggest share. HRT has lost the leading role in the advertising market, being pushed aside by the pressure of the two commercial television broadcasters with national coverage. The local television sector is also losing the battle on the growingly competitive media market. Since 2004, both

Dalmacija and EPH are available at http://www.aztn.hr/arhiva_n.asp?krit=1&id=163&page=10, showing explicitly that they consider dailies and weeklies one relevant market.

⁷ The website of the Agency and the Council for electronic media lists television http://www.e-mediji.hr/nakladnici/televizijski_nakladnici.php, and radio broadcasters http://www.e-mediji.hr/nakladnici/radijski_nakladnici.php.

⁸ Croatian Court Register. <https://sudreg.pravosudje.hr/SUDREG3/SudregController?act=start>

commercial television broadcasters with national coverage have been owned by two powerful international media companies – RTL and CME. In September 2010, both RTL Televizija and NOVA TV were granted broadcasting licenses for new “specialized” general entertainment digital television channels. In the press sector, there is also a significant share of foreign ownership, the major ones being WAZ (Westdeutsche Allgemeine Zeitung) and Styria.

In 2008, there were 155 radio stations and 23 television centers broadcasting in Croatia (an additional television was licensed in 2009). Fifteen of the local radio stations were fully owned and 49 partially owned by local public authorities (cities or counties), while 91 were privately owned. Five of the local televisions are partly owned by public authorities. Hence, 38 percent of local radio and televisions are still owned by the state/local communities (Peruško & Jurlin, 2006).

The first national level commercial television concession was given to NOVA TV in 1999, and it started broadcasting in 2000. Its success was not great until 2003, when they produced a reality talent show “Story Super Nova”, followed by the “Croatian Idol”. The station was bought for 24 million euros in 2004 by CME (Central European Media Enterprises), which is registered in the Netherlands. CME owns television stations in several other Central and Eastern European countries.

Table 1. Share of Croatian national televisions in the audiences market (%)

(share)

Television \ Year	2002*	2003	2004	2005	2006	2007	2008
HTV 1	54,6	42,79	39,09	38,18	34,61	33,16	32,62
HTV 2	21,2	18,96	17,79	15,79	17,74	16,07	14,00
HTV 3**	11,3	9,52	1,86	-	-	-	-
Nova TV	-	15,58	14,26	13,48	15,08	17,56	19,48
RTL***	-	-	16,69	24,77	24,61	23,79	22,88
Total		86,85	89,69	92,22	92,04	90,58	88,98

Source: 2003 – 2008 AGB Nielsen, 2009. Population over 4 years.

* 10-74 years. Source: Yearbook 2005, Volume 2, p 90., European Audiovisual Observatory.

**HTV3 – stopped broadcasting on 1/3/2009.

***RTL – started broadcasting on HTV3 frequency in April 2004.

Croatian RTL Televizija is 74 percent-owned by the RTL Group and by the following major Croatian companies: Agrokor (13 percent) and Atlantic grupa (13 percent). The RTL Group, one of the world's largest media companies, operates television stations in several other West and East European countries. The RTL Group is 89 percent-owned by the German global media conglomerate Bertelsmann, and 7 percent by WAZ (AP-MD 2004).

With the advent of two powerful commercial competitors in 2004, the position of HRT became seriously challenged. The position of local and regional television stations is even more precarious, as their chief source of income is advertising. With the growth of the number of multi-channel households (IPTV, cable, satellite), the competition for the public service broadcaster and local stations is becoming even bigger.

Croatia has only two film production companies. However, the number of produced short feature films increased since 2006 from 19 to 51 (only two long feature films were made in 2008), and an even larger number was made on TV – 11 long feature films in 2008 (up from 9), and 101 (up from 67) short films. In the last three years, only one film was produced by a commercial television with national concession (RTL Television, in 2006), while most films were produced by the Croatian Radio Television – HRT (in 2008, the Croatian Radio-Television produced 73 films, TV Varaždin 16 films, TV Čakovec 7 films, Independent Istrian Television 12 films and TV Plus Jastrebarsko 4 films).

In the same year, 53 percent of households had a PC and 45 percent Internet access; 81 percent of households had a mobile phone, and 35 percent of citizens use the Internet every day. Internet access via mobile phone providers and cable network, though still low, was on the rise in 2008 (Central Bureau of Statistics 2009)⁹. The use of news portals on the Internet is on the rise, as is advertising. The Internet portal concentration is low (C3 is 38,6).

Three radio stations broadcast on the national level: *Narodni radio*, *Otvoreni radio*, and *Hrvatski katolički radio*. Analysis of the radio market in 2005 showed audience fragmentation and a tendency to favour local and regional radio stations. At the national level, audiences are dispersed, but concentrated in local and regional markets (Peruško & Jurlin 2006). Some 60 percent of the citizens listen to the radio every day. An important presence on the radio market is the company "Media servis", related to *Obiteljski radio* (now *Radio Antena*, the second most popular radio station at the national level, after *Narodni radio*), which since 2002 produces news programs broadcast by many local radio stations. While this is certainly useful for the local stations, especially for national news, it directly reduces the editorial pluralism and diversity expected from local media. The regulatory authorities in the media do not seem to object to this practice.

⁹ Central Bureau of Statistics is available at http://www.dzs.hr/Hrv_Eng/StatInfo/pdf/StatInfo2009.pdf.

While radio is domestically owned, foreign owners occupy a significant place in the print media sector. Europa Press Holding (EPH), owned 50 percent by WAZ, is the largest domestic print media company. It publishes two daily papers (*Jutarnji list* and *Slobodna Dalmacija*), the political weekly *Globus*, and is the leader in the magazine sector. Tisak, the press distribution company, is also partly owned by EPH.

Austrian Styria owns the mass circulation daily *Večernji list* and *24 sata*. German Burda and Finish Sanoma Magazines International also own press outlets in Croatia. Styria had a 46 percent share in the daily press market, and EPH a 44 percent share (Naprta 2008). NCL Grupa (the publisher of the weekly *Nacional*) was also sold to foreign owners in 2008. In the press sector, there is effectively a duopoly of the two largest foreign media companies.

Out of 15 daily papers, six newspapers have national reach. In 2009, *24 sata* had 31 percent of the audience market, *Jutarnji list* had 13.6 percent, *Večernji list* had 13.4 percent, *Slobodna Dalmacija* acknowledged a 6.8 percent share, and *Novi list* was recognized at 4 percent. Croatia has one national daily paper per 660,000 inhabitants, which places the country in the top part of European newspaper readership data (Raić 2004).¹⁰ According to the data of the Croatian Chamber of Commerce, the yearly growth in newsprint was 10 percent until 2008 (Naprta 2008), when the printed press in Croatia started to feel the global crunch.

Table 2 Concentration of the media audience at national level (2009)

Media	C 3 – sum of first 3 channels
Television	75
Radio	25
Daily newspapers	58
Internet portals	39

¹⁰

Own calculation on the basis on data from MEDIApuls and AGB Nielsen, 2010
(C3¹¹ 0-100: 0-35 low concentration, 35-55 medium concentration, over 56 high concentration)

2.2. The state ensures compliance with measures to promote pluralist media

This indicator is mostly geared towards analyzing the implementation of the regulatory framework for media pluralism and transparency, including the use of anti-concentration legislation to refuse a concession for broadcasting, the role of civil society and citizens in general in the promotion and implementation of measures to promote media pluralism, and in the diverse distribution of the new digital airwaves.

As was already explained above, Croatian media legislation includes anti-concentration measures, which are implemented in the field of broadcasting by the Council of Electronic Media (VEM) in the procedure of allocating licenses/concessions for radio and television broadcasting. Ownership of prospective operators is checked against the existing database of owners, held by the Council, and potential forbidden links are detected in advance. The role of the Agency in the protection of market competition was also described above.

The main media policy measure to promote pluralism and diversity in media programs is the Fund for the Protection of Pluralism and Diversity of Electronic Media.

VEM is responsible for awarding money from the Fund, which is funded by 3 percent of the license fee collected by the public service broadcaster HRT (Article 54 Law on HRT). Originally, it had been envisaged that the Fund would be financed also from the residue of the Agency for Electronic Media (AEM) funds (which come from 0.5 percent of the commercial broadcasters and electronic media revenues), but this part was left out of the 2009 law. In effect, the Fund redistributes the money earmarked for the public service radio and television to local commercial radio and televisions.

There have been many criticisms regarding the implementation of the Fund, including the non-transparency of decision-making processes, the lack of clear criteria for awarding support, and no follow-up evaluation of the results of the support. Following these criticisms, a certain number of criteria describing the type of program to be supported were adopted in 2008. The programs are to be chosen on the basis of their quality and innovation, the fulfillment of the public interest in broadcasting as defined in the Law on Electronic Media, including informing the general public, informing the national minorities in Croatia, promotion of special programs in the regions of special state support

¹¹ C3 a measure of horizontal market concentration showing the sum of the three first media shares (in audiences or advertising).

(war-devastated areas), support for cultural creativity, development of education, science and art, and employment of educated professionals, war veterans and members of their families in the media.¹² These last aims are not part of the legal framework, and were obviously added by the Council itself. We do not know if and how many of the supported projects met these last criteria.

The report on the implementation of the Fund in 2008 shows that the only input into the Fund were the 150 million euros from the HRT (corresponding to the legally defined 3 percent of their license fee), which was distributed to every local and regional television and radio station which requested support.¹³ No report was published on the implementation of these funds.

B) A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

2.3. The state actively promotes a diverse mix of public, private and community media

This indicator is described by the relationship of the state towards different media in their access to government and official information, in the support for public radio and television in its transition to digital broadcasting, especially in terms of providing it the necessary digital frequencies, and in the open entry to the media market, where the state does not impose any fees or other limitations on founding new media companies.

All media have legally guaranteed equal access to information (Law on the Electronic Media 2004, Law on the Right to Public Information 2004), and there have been no problems regarding discrimination of journalists or media organizations in the past ten years (although this was a common practice in the 1990s).

HRT was the first to start experimental digital broadcasting, as well as to develop a digital newsroom. The transfer of the existing programs to the digital multiplex is assured, as well as the establishment of new digital channels (MUX 1). Even though the present law includes the possibility of digital expansion for the public service broadcaster, the government and the Council for Electronic Media chose not to support recent HRT plans in digital expansions. This is another point supporting the conclusion reached regarding the strengthening neo-liberal trend in Croatian media policy, where the further existence of public service will come into question (presently the new Law on the Croatian Radio and Television is in parliament, including many limits to the position of the public service broadcaster, some of which are related to the wish to please the EU in terms of the state subsidies, some which are giving in to the pressure of

¹² Odluka o načinu vrednovanja prijava na natječaj za raspodjelu sredstava Fonda za poticanje pluralizma i raznovrsnosti elektroničkih medija, Official Gazette 16/08

¹³ Council for Electronic Media (VEM) (2009) Izvješće Hrvatskomu Saboru o radu Vijeća za elektroničke medije i Agencije za elektroničke medije u razdoblju od 01. siječnja 2008. do 31. prosinca 2008. (Report to the Croatian Parliament on the work of the Council for Electronic Media and the Agency for Electronic Media from 1 January 2008 to 31 December 2008).

commercial televisions, and some of which are related to the government's wish to have better control of the public service broadcaster).

2.4. Independent and transparent regulatory system

This indicator was already described in detail in the preceding chapter (under indicator 1.6.).

2.5. The state and CSOs actively promote development of community media

The role of community media is highlighted in UNESCO's Media Development Indicators, while in Croatia, as in many European countries, they are often not understood in the same way. In AMARC's definition, community media work is referred to as "not for profit but for social gain and community benefit; it should be owned by and accountable to the community that it seeks to serve; and it should provide for participation by the community in program making and in management" (UNESCO 2006). In Croatia, community media are most often understood as non-profit media, and their role in building or sustaining community (in any form) is seldom understood. In Croatia there exists a great number of local media of all kinds and their programs relate to the local communities and thus fulfill some of the aims linked with community media. Only one non-profit radio broadcasts in Croatia – Radio Student at the Faculty of Political Science, University of Zagreb, a student radio station which is also part of the faculty's journalism curriculum. Although there have been applications for other non-profit radio stations in the past, none were granted¹⁴ (Peruško in print).

The new Law on Electronic Media (2009) gives more attention to non-profit media (although they existed in the previous laws), but also greater responsibilities. They should broadcast at least 50 percent of own production of news and current affairs, cultural, educational or entertainment, of which at least 25 percent must be other than entertainment. Only CSOs can be the owners of non-profit media. Advertising is limited to three minutes per hour, and the concession fee is 20 percent of the relevant profit fee in relation to the level of broadcasting.

In 2003, Croatia established a National Foundation for the Development of Civil Society, which also funds non-profit media projects for the development of democracy and civil society. Their report for 2008 shows that in the 2005-2008 period, seven 3 year projects were funded to the tune of 320 000 Euro.¹⁵

¹⁴ A non-profit concession was given previously to a Catholic radio station with national reach, but that was soon changed to the regular commercial concession.

¹⁵ Nacionalna zaklada za razvoj civilnog društva. Godišnji izvještaj za 2008. godinu. (National Foundation for the Development of Civil Society. Yearly Report 2008)
http://zaklada.civilnodrustvo.hr/upload/File/hr/o_nama/godisnji_izvjestaj_o_radu/godisnji_izvjestaj_08.pdf

C) LICENSING AND SPECTRUM ALLOCATION

2.6. State plan for spectrum allocation ensures optimal use for the public interest

Broadcasting is seen as a type of public service even in relation to commercial broadcasters (Peruško Čulek at al 1999a, Peruško Čulek 1999a), and they are required to broadcast certain types of programs seen to be in the public interest (Peruško 2009).

The Law on Electronic Media defines the basic criteria and procedures for awarding concessions. The Council for Electronic Media awards licenses to private radio and television broadcasters. HRT does not compete for licenses, as its structure and remit are defined in a separate law (as that law is being changed at the time of writing, it is not clear what powers the VEM will have over the PSB).

The public tender for radio and TV broadcasting is issued when there are available frequencies. The updated frequency plan is presented to the Council every six months by the Croatian Agency for Post and Electronic Communications and published on line.

2.7. State plan for spectrum allocation promotes diversity of ownership and content

Concessions are awarded on the basis of the program proposal, together with an assessment of the economic, technical and personnel viability of the project. The program proposal must specify the share of information, entertainment, cultural and other program groups in the total schedule, the expected maximum of advertising content, the expected share of own production and Croatian and European audiovisual content. The program proposal is part of the licensing contract. Any change of more than 10 percent of the program content must be approved by the Council for Electronic Media.

In practice, the public is not aware whether or not the broadcasters honor their program guidelines, as no consistent monitoring of this aspect was performed in the past. Recent research shows that commercial television stations at the national level do not fully perform their public service obligations in their broadcasts (Peruško 2009).

2.8. Independent and transparent regulatory system

This indicator has already been described (under indicator 1.6).

D) TAXATION AND BUSINESS REGULATION

2.9. State uses taxation and business regulation to encourage media development in a non-discriminatory manner

The VAT on the printed press was reduced in 2007 from 22 to 10 percent, while books and imports of books and newspapers have a 0 rate.

After 2000, practices of economic coercion of media (by special tax and customs duties on the newsprint) ceased. Some think, however, that recent

pressure on the HRT to pay VAT on their license fee and the current proposal by the government to reduce the license fee by 30 per cent is actually governmental pressure on the public service broadcaster.

E) ADVERTISING

2.10. State does not discriminate through advertising policy

Local authorities have to spend 15 percent of their yearly advertising budget in the local electronic media, and the media should report to the Council of Electronic Media on their shares in advertising. The first ever information on this was included in its 2009 report, with rather disappointing insight: only 8 television and 18 radio stations had any government advertising. In the future the government bodies have to report their advertising expenditures to the VEM, and not the media.

In 2009 a corruption case involving state bodies, media advertising and the company FIMI MEDIA was being investigated, whereby the company ostensibly pressured media to lower prices of advertising in return for business. This was not only a case of discrimination, but of a potential effective concentration of advertising as state leverage on editorial policies. The Croatian public is closely following the developments in this case.

2.11. Effective regulation governing advertising in the media

Advertising in electronic media is regulated in accordance with European standards (European Convention on Trans-Frontier Television, EU Audiovisual Directive), which limit or forbid advertisement of alcoholic beverages, arms, tobacco, and medicines. Clear delimitation of advertising and editorial content is also obligatory.

VEM oversees the implementation of the advertising rules in electronic media, and issues warnings in cases of non-compliance.

The Association of Agencies for Market Communication (HURA) includes 35 organizations. Another professional association is Hrvatski oglasni zbor (Croatian Advertising Group). These two associations established in 2009 a Self-Regulatory Committee with the aim to stop possible misuse of children in advertising. Civil society organizations, including consumer organizations, also pay attention to this matter.

Low transparency of data on media owners and markets results in the fact that one can only estimate the size of the advertising market in Croatia. Based on the funding of the AEM and VEM (0.5 percent of revenues of electronic media), the advertising revenue of the HRT, and the estimate of the AGB Nielsen that the radio and TV advertising amounted to 57 percent of the total advertising in 2008 (print 30 percent, billboards 9 percent, and Internet 3 percent), one can estimate that the total advertising market in 2008 was around 630 mil euro (Peruško in print). The estimate provided by HURA is around 280 mil euro, but no basis is provided for that calculation. Either is above the magic 1 percent of advertising in GDP, the sign of a developed economy.

RECOMMENDATIONS

- Adjust the implementation of anti-concentration regulation to conform to accepted understandings of media market composition.
- Enforce implementation of legal obligations about transparency of media ownership, advertising and audience data on the part of the media and improved accessibility of this data from the registers of the Chamber of Commerce and the Agency for Electronic Media.
- Improve the transparency of implementation of the Fund for the Protection of Pluralism and Diversity of Electronic Media, as well as the public interest focus of its operation, in order to stop the current practice of supporting all local and regional electronic media that apply.
- Ensure the continued development of the public service broadcaster Croatian Radio and Television (HRT), including continued funding from license fees and advertising, and maintaining its editorial independence.
- Ensure increased diversity of program genres and world-views on public service broadcaster HRT, especially in terms of news and current affairs programs and political debate programs, cultural and art programs and original drama fiction.
- The Agency for Electronic Media (AEM) should improve its activities on monitoring program compliance of radio and television broadcasters with their individual concession agreements, public service obligations and the EU Audiovisual Media Services Directive (AVMS).
- Establish a regular venue for the publication of accurate information on advertising.

3. PLATFORM FOR DEMOCRATIC DISCOURSE - Media as a platform for democratic discourse

A) MEDIA REFLECTS DIVERSITY OF SOCIETY

3.1. The media – public, private and community based – serve the needs of all groups in society

Twenty-two national minorities share 7.5 per cent (331,383 members) of the Croatian population. The media legislation includes rights to information and media participation for national minorities. Constitutional law on the rights of national minorities (Official Gazette 155/02) also applies. The public service television, HRT, reports on a yearly basis to the Parliament and its Committee for national minorities. The Committee was critical of the public service television's programs on national minorities, and thought that there were not enough programs in the languages of the minorities. As journalists were being trained in this regard, it is expected that the situation will improve (Zgrabljic Rotar in print).

According to the data provided by the Newsroom for Minorities and Civil Society of the Croatian Radio and Television, Croatian public radio on its first program broadcasts weekly programs (Agora and Multikultura) for national minorities, which constitute a share of 1 percent in the total talk part of the radio program. The regional stations of the Croatian radio also broadcast daily news programs for national minorities in their languages, for example Italian on Radio Rijeka and Radio Pula, Slovak and Hungarian on Radio Osijek, a weekly religious program for the orthodox Christians on Radio Knin, and a monthly program for the Bosniak minority on Radio Dubrovnik (Zgrabljic Rotar in print).

Croatian television includes information regarding national minorities in its usual news and current affairs programs, and has one weekly program, Prizma, devoted especially to national minorities.

The Council for National Minorities of the Croatian government financed in 2009 a research study on the participation of national minorities in media programs, which was discussed also at the Parliamentary committee for National minorities, but is not publicly available.

There are 47 newspapers in languages of national minorities in Croatia, funded by the government through the Council for National Minorities. Minority participation in majority newspapers is deemed satisfactory (Kanižaj 2006).

3.2. Media organizations reflect social diversity through their employment practices

Data is not available regarding participation of national minorities among media professionals, as nationality, as a private affair, is not a matter of employment records.

Data on gender representation exists only for the public service broadcaster HRT, as part of their regular yearly reports to Parliament.¹⁶ In 2007 the total number of employees was 3 629, of which 1 470 were women (40 percent) and 2 159 or 60 percent were men. Interestingly, radio employs a higher share of women than television (47 and 37 percent, respectively) and women are overrepresented in programs, as opposed to technology or management (Zgrabljic Rotar in print). The share of women in high management positions in media and cultural professions, including higher education, is much lower (Peruško Čulek & Uzelac 2000).

B) PUBLIC SERVICE BROADCASTING MODEL

3.3. The goals of public service broadcasting are legally defined and guaranteed

The Law on Croatian Radio-Television (HRT) (Official Gazette, no. 25/03) regulates the status of the public institution. Croatian Radio-Television consists of Croatian television (HTV) with two terrestrial and one digital satellite channel, Croatian Radio (HR) with three terrestrial channels with national coverage and eight regional ones, including music production.

HRT is funded by license fees and allowed nine minutes of advertising per hour (this funding model is now being revised in the new legislative proposal in parliament, which might reduce the advertising allowed to only 4 minutes, according to some recent information). Films and religious programs must not be interrupted by commercials, nor may information programs, documentaries, and children's programs if they are shorter than 30 minutes. Political parties can only broadcast advertisements during the pre-election campaign.

Its public service remit includes the obligation to broadcast information, educational, cultural and entertainment programs. News and current affairs programs must be produced in accordance with professional standards of independent journalism. The HRT Program Council appoints the HRT management while at the same time it should protect the interest of the public.

HRT must provide different programs for specific regions of the country. It must meet the interest of the public at the national and local levels, and broadcast "adequate" shares of information, cultural, educational and entertainment programming. HRT is obliged to produce programs for Croatians abroad, and for national minorities in Croatia, with direct funding from the government for this purpose.

HTV today broadcasts two terrestrial television channels (HTV 1 and HTV 2), and one digital satellite channel (HTV Plus). Croatian radio broadcasts on three terrestrial channels at the national level: HR 1 (information), HR 2 (entertainment, music), and HR 3 (art, culture and science). HR also broadcasts on eight regional stations, and one international programme on short wave and satellite, Glas

¹⁶ All the documents which are on the parliamentary agenda are available on-line at www.sabor.hr.

Hrvatske (Voice of Croatia). HRT also has a music production company, and operates a web page (www.hrt.hr). Its role in film production is also important, as it co-produces the majority of Croatian feature films.

The Law on HRT defines its sources of income. The license fee is levied on every owner of a radio or television set in the amount of 1.5 percent of the average net salary in Croatia. Income is also gained from production or broadcasting of advertisements, production and sale of audiovisual programs, production of other program services, production and sale of image and sound carriers, organization of concerts and other events, and by other activities in accordance with the HRT Statute. The organization of license fee funding is subject to change in the new Law currently in Parliament, where the now automatic funding will be subject to post-evaluation on a yearly basis, determining next year's funding. This may very well reduce editorial independence of the public service broadcaster.

The total revenue of HRT in 2008 was 140 million euro (a fall from some €170 million in 2002).

3.4. The operations of public service broadcasters do not experience discrimination in any field

The HRT is not discriminated against in matters of access to information, but the future of the public service broadcaster is not secure, as the new Law on HRT, which is in the Parliament in 2010, introduces financial and programming controls, which could adversely affect its independence and development capacity. Pressure from a newly formed Coordination of Commercial Media is mounting to completely ban advertising on HRT, which would cripple this public service broadcaster. The new law will also finally define the digital multiplex awarded to the PSB (the digital strategy awarded it MUX 1, but rumors are afloat to the contrary). If they are awarded the MUX B with smaller footprint and signal quality, this will be a sign that the public interest and universal service has not been protected as the heart of the media policy in Croatia.

3.5. Independent and transparent system of governance

Although the legal framework for the management and governance of the public service broadcaster does not diverge in any important way from other European examples, the Croatian praxis seems not to be able to rise to the challenge of professional management of the public service broadcaster.

The legal framework for the PSB was changed almost on a yearly basis in the 1990s, and again in 2001, 2003. In 2010 a totally new framework is being proposed. The 2001 change to the Law on HRT introduced a democratic procedure for direct appointments of HRT Council members, based on the recommendations of European experts and organizations in charge of monitoring the development of the media system (mainly the Council of Europe and the OSCE¹⁷). Twenty-five members of the Council were appointed directly

¹⁷ All the media-related legislative expertise in Croatia and other countries is available on the website of the Council of Europe Media Division:

by civil society associations and organizations, bypassing the parliament or government. Each organization chose one representative in the Council in accordance with its own selection procedure. The list of organizations invited to appoint members to the Council was defined in the Law. It consisted of the Croatian Writers' Union, the Association of Actors, the Association of Music Performers, the Croatian Academy of Science, national minority organizations, the Catholic Church and other religious communities. At the same time, it introduced an impossible division of authority between program production and management in which HRT management had no authority over program production or content, and the program production unit had no control over the finances. This resulted in a stalemate and precluded the much needed streamlining of the company. The Council also had great difficulty in functioning, due in part to the large number of members, and in part to the growing political affiliations of some members. The 2003 change to the Law changed the management structure of HRT and gave full authority to the management. As part of the change, program production was integrated into the management structure. The appointment of the Council became part of the parliamentary procedure. The Council is now appointed by Parliament from a list of candidates proposed by civil society institutions and organizations.

HRT is governed by the Programming Council (HRT Council), the Management Board, and the General Director (CEO). The HRT Council appoints the director of HRT after a public tender, and appoints the directors of HTV, HR, HTV's Director of Programming, and the HR Director of Programming, and the editors-in-chief for information programming at HTV and HR, for a four year period.

The HRT Programming Council has 11 members, appointed and recalled by Parliament. Members are proposed by civil society organizations after a public tender. Its remit is to protect the public interest by monitoring and approving radio and television programming plans.

Presently it is the source of problems for the HRT: several of its members have resigned in protest of the stalemate in the election of the Director general, which has been going on for almost a year. The HRT now has a temporary management, and the new director cannot be elected before the Program Council's full membership is ensured. However, the parliamentary (government) majority has for the past six months refused to elect one member of the Council, proposed by the opposition. They will in all probability adopt the new law, which envisages a reduced role for the Council.

3.6. PSBs engage with the public and CSOs

The relationship of the public service television with civil society is institutionalized in the HRT Program Council, which is composed of representatives of civil society. The appointment process begins with a public tender, where the CSOs are invited to propose members in the Program Council.

<http://www.coe.int/t/e/human%5Frights/media/3%5FAssistance%5FProgrammes/3%5FLegislative%5Fexpertises/>. See also a report on media development by OSCE missions, including the Mission to Croatia, prepared by a Dutch NGO called Press Now. *Media Development by OSCE Field Missions* is available at http://www.xs4all.nl/~pressnow/news/30_06_04_uk.html

HRT also has a complaints telephone, and viewers and listeners complaints are discussed also in the Program council meetings. Audience participation as call-in is present in many programs of both radio and television.

In Croatia, the information agency HINA also has public status (and is financed and governed as a public institution).

C) MEDIA SELF-REGULATION

3.7. Print and broadcast media have effective mechanisms of self-regulation

The Croatian Journalists' Association (HND, founded in 1910) has four main goals in self-regulation and protection of interests of the journalistic profession:

- (1) accomplishment of professional interest, ethics and freedom of public expression;
- (2) promotion of the constitutionally guaranteed rights of the public to be informed on all developments in society, and the rights of every person to freedom of expression, opinion, and access to media;
- (3) protection of journalists against the self-will of the publishers and preventing monopoly; and
- (4) material and social protection of journalists (Zgrabljic Rotar in print).

The Association adopted the Ethics code, and formed a Journalists Honor Council which acts according to the Statutes of the association.¹⁸ In 2008 the Council received 86 cases; of these cases 71 were accepted, there was one ruling for expulsion from the membership of HND, 13 involved serious reprimands, 22 simple reprimands, and in 23 cases the Council decided there was no breach of the Code¹⁹ (Zgrabljic Rotar in print).

The Trade Union of Croatian Journalists also acts as a self-regulatory body, especially in its attempts to facilitate collective employment agreements. Only eight large and two local media have collective employment agreements, and in most media the rights of journalists are not protected.

3.8. Media displays culture of self-regulation

The Council for Electronic Media has also started to implement self-regulation and co-regulation practices, but the results of this and independent self-regulation in the media are not impressive.

Zgrabljic Rotar (in print) describes also the practice of the daily *Večernji list* which appointed in 2006 one of its journalists as a representative of the public to hear complaints; however, her presence in the paper is barely visible. *Večernji*

¹⁸ The website of the Croatian Journalists' Association holds this and other documents: www.hnd.hr.

¹⁹ Information from the report of the Journalists Honors Council to the Assembly of the Croatian Journalists Association, 2009.

list is, however, a bit more responsible in publishing corrections and disclaimers, in comparison with its main competitor *Jutarnji list* (Vilović 2010).

Media quality is generally perceived to be low, especially in terms of social responsibility and accountability.

D) REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

3.9. Effective broadcasting code setting out requirements for fairness and impartiality

Both media legislation and broadcasting and journalist codes include comprehensive standards for fair and impartial reporting. Special election legislation also regulates broadcasting codes for elections campaigns.

3.10. Effective enforcement of broadcasting code

Research shows that impartiality of television news in general has improved in the past years (Stantić et al 2003), and that television news was impartial in covering the parliamentary election in 2007. Impartiality is defined as media representing political parties according to the share of their distribution in the preferences of the population, i.e. election results (Peruško 2008).

Since the issue of impartiality is often contentious as it relates to one's understanding of news values and the public interest, this issue will no doubt remain controversial. Opposition parties are generally unsatisfied with the media coverage of their policy proposals.

E) LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

3.11. The public displays high levels of trust and confidence in the media

The relationship between trust in the media and the frequency of media use shows that the heaviest media users (those who use them every day) have less trust in the media than those who use them only "several times a week". Trust in the Parliament, while still very low, is a bit higher for the regular media user, as is approval of democracy as the best political system (Mataušić and Rimac 2000).

The most recent study of citizens' trust in the media (Media Metar 2009) shows that the overall audience trusts most in the radio, then TV, and then the printed press (Čuvalo 2010). Overall trust in institutions is low: in 2008 only 21 percent of Croatian citizens trust the government and parliament (Eurobarometer²⁰). Only 35 percent of citizens trust the quality of the media, while 54 percent do not trust the media (Gallup 2007²¹). The issue of trust and opinions about the desired and acquired openness of the Croatian media system were analyzed in 2005 and 2006 within the "Index of Openness of Society", where the expert survey on the state of the democratic development of the media system was complemented

²⁰ Eurobarometer and other public opinion research undertaken by the European Commission is available at http://ec.europa.eu/public_opinion/index_en.htm

²¹ The website of the global public opinion research agency Gallup is <http://www.gallup.com/home.aspx>.

with a public opinion survey (Peruško 2005, Peruško 2006). The results showed that about 30 percent of the population still do not accept democratic debate and freedom of the media as the norm, and would support the closure of some media. The perceived low quality of the media might be the reason for this result - the expert survey saw a decline in the objectivity and reliability of the information media (Peruško 2006). Younger respondents, however, differ and in a much higher percent accept the democratic media framework.

3.12. Media organizations are responsive to public perceptions of their work

This area of media development is rather lacking in Croatia, as the only responsiveness shown by the media relates to the ratings of their programs, i.e. their wish to improve their audience share. Only the HRT as the public service broadcaster has a regular response to citizens built into its structure through the Program Council and its management and program responsibilities.

F) SAFETY OF JOURNALISTS

3.13. Journalists, associated media personnel and media organizations can practice their profession in safety

The Croatian Journalists' Association and the Group of Investigative Reporters published in 2008 the "White Book" on violence against journalists in Croatia 1992-2008.²² The book includes 40 cases of documented threats or physical violence against journalists, including two most drastic cases: the murder by car bomb of the publisher of *Nacional* Ivo Pukanić and his colleague Niko Franić, and the beating of an investigative journalist who covers crime and corruption stories, Dušan Miljuš. (Zgrabljčić Rotar in print). While the contract killers of Pukanić and Franić were sentenced in November 2010 to long-term prison sentences, no perpetrators were ever apprehended in the case of Miljuš who was awarded the medal of Stjepan Radic for his contribution in combating corruption by the President of the Republic of Croatia Mr. Ivo Josipović.

3.14. Media practice is not harmed by a climate of insecurity

The general opinion is that the police could do more in apprehending and prosecuting the perpetrators of these crimes against journalists. Croatia is not an insecure country in general, thus the threats to reporters are a very serious matter which journalists find is not treated seriously enough by the police.

RECOMMENDATIONS

- Ensure increase in the public service programming of the HRT, especially in news, current affairs and political debate programs.

²² The text of the book is available in Croatian on the HND web www.hnd.hr "Bijela knjiga".

- Improve the implementation of self-regulation provisions for editorial and journalistic independence in newsrooms.
- The government and media owners should work together with the Croatian Journalists' Association and Union to ensure the safety of journalists, as well as their improved social security.

4. PROFESSIONAL CAPACITY BUILDING

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A) AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

4. 1. Media professionals can access training appropriate to their needs

Of 3038 regular members of the Croatian Journalists' Association in 2008, 60 percent have university education (not necessarily in journalism). Training and life-long learning is thus of great importance (Vilović in print). Although we would wish for an even higher share of university-educated journalists, and despite the fact that in common opinion Croatian journalists are thought to be uneducated, their education much exceeds that of the general population (11 percent of population with university education).

The first series of professional journalists' workshops (after 1990s) started in 1997/98 and lasted until 2002, within the Croatian Journalists Association. One hundred and fifty journalists were enrolled in programs covering professional skills as well as topics like ethics, media freedom, legal regulation and journalists rights (Vilović in print). The International Centre for the Education of Journalists (ICEJ) was established in 1998, and until 2008 held the largest number of professional training sessions in journalism. As with the first series of workshops, ICEJ relied heavily on foreign donations. When these stopped, the trainings also ceased, as it became evident that Croatian media owners have no interest in paying for the continued education of their journalists within this type of format. ICEJ established extensive international cooperation, as well as cooperation with international organizations in Croatia, including the OSCE. Until 2009 8200 journalists participated in ICEJ's training programs. Croatian journalists take part in international training programs as well, including those of SEENPM (South East European Network for Professionalization of Media), International Journalists Centre in Maastricht and Deutsche Welle (Vilović in print).

4.2. Media managers, including business managers can access training appropriate to their needs

Media-related training has focused more on the journalistic profession and not on its business side. This area needs to be developed.

4.3. Training equips media professionals to understand democracy and development

The role of media in democracy, freedom of expression and the rights and social responsibilities of journalists were common topics in various training workshops and conferences organized in Croatia in the past 20 years. Any lack in reporting on these topics is most often not related to lack of knowledge on the part of the journalists.

B) AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

4.4. Academic courses accessible to wide range of students

There are four university level degrees in journalism or communication available in Croatia. The oldest and the most comprehensive is the journalism program at the Faculty of Political Science, University of Zagreb (www.fpzg.hr), which started as a full four year B.A. program in 1980, and before that was a two-year supplemental diploma program. As of 2009, 1640 students had graduated from the full-time program and 400 from the part-time program (Vilović in print). In 2005 the program began its reform in line with the Bologna process, and also added a Public Relations major. In 2007 the first generation of Journalism Master's students were enrolled, to graduate in 2009 as the first generation of Croatian journalists with a Master degree.

At the University of Zagreb, the Croatian studies program (www.hrvatskestudije.hr) also includes a Communications major, from which 326 students had graduated prior to 2009.

The University of Dubrovnik (www.unidu.hr) established in 2004 the program in Media and the Culture of Society, which has graduated 80 students. The University of Dubrovnik has also offered a Master's degree since 2007.

The University of Zadar (www.unizd.hr) has a program in Culture and Tourism, and while they have some journalism courses they do not offer a journalism degree (Vilović in print).

The most difficult problem, especially for the newer programs, is their lack of qualified personnel, which jeopardizes the quality of the teaching offered.

A private Media university was announced with much media attention in 2009 by the EPH media company as an international comprehensive media school with international lecturers. It had received the necessary accreditation from the responsible government agency, but in 2010 they announced they would postpone its launching to 2011.

There are also several private journalism schools which are not within the university fold, which focus mainly on practical professional training. A Higher journalism school was founded in 2007 by the NCL media group in Zagreb (www.nclstudij.com). The Intermedia school offers a diploma after one year of training and Kairos is the newest addition, offering a three-year diploma in public relations (Vilović in print).

4.5. Academic courses equip students with skills and knowledge related to democratic development

Journalistic ethics is a course offered in most of the journalism or communication programs, but only the program at the Faculty of political science, University of Zagreb, includes comprehensive curricula relating to political system and media system development. The combination in this program of subjects from sociology and political science, as well as media studies, gives it a solid rounding off in addition to professional journalistic knowledge and skills.

C) PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

4.6. Media workers have the right to join independent trade unions and exercise this right

Croatia has a tradition of union organization inherited from its socialist past and the majority of journalists are members in the Union of Croatian Journalists, founded in 1900. In 2009 the Union had 2,547 registered members. In addition to negotiating the collective employment contracts with media companies, the Union is active in attempting to improve the position of freelance journalists, as well as the those employed on temporary contracts, who do not have health or pension benefits. They also give legal aid to journalists, cooperate with the Croatian Journalists' Association, and are active in freedom of expression issues (Vilović in print). The Union has a very active role in trying to improve the precarious economic position of Croatian journalists, but in the environment of crisis, the fear of journalists for their jobs is even greater.

4.7. Trade unions and professional associations provide advocacy on behalf of the profession

The Union of Croatian Journalists is very active in conferences, workshops, and in public appearances regarding the social and economic aspects of the journalist profession, and cooperates with the Croatian Journalists Association, which has a more pronounced role in relation to professional issues.

D) PRESENCE OF CIVIL SOCIETY ORGANISATIONS

4.8. CSOs monitor the media systematically

There are only a few CSOs actively involved in monitoring the media, and these include Organized Citizens Monitor the Elections (GONG), the Centre for Peace Studies, B.a.b.e., the Croatian Law Centre, the Center for Human Rights, and the Croatian Helsinki Committee. Most of them were more active in the 1990s. In recent years B.a.b.e. (a group for female emancipation) is perhaps the most active one, carrying out analyses of female representation in the media. They have also become involved in issues relating to minorities in the media.

The Centre for Media and Communication Research at the Faculty of Political Science, University of Zagreb (www.cim.fpzg.hr) monitors media development at the policy, structural and content level, depending on funding possibilities.

4.9. CSOs provide direct advocacy on issues of freedom of expression

The Croatian Law Centre was, especially in the 1990s, very much involved both in advocacy and in legal aid in protection of freedom of expression. GONG is also very much present, and especially in relation to media coverage of elections and related issues.

In the 1990s, the Croatian Helsinki Committee was also a very positive force in the protection and advocacy of freedom of expression and other human rights, but has lost its role in recent years in management changes and loss of direction.

4.10. CSOs help communities access information and get their voices heard

In the age of the Internet and diversity in local radio, there does not seem to be a need for intermediaries between the citizens and the media.

RECOMMENDATIONS

- Improve professionalism and objectivity in news reporting, media accountability and enforce the right of reply.
- Improve cooperation between university training programs and media organizations in order to adapt journalism curricula to the needs of the workplace.
- Create programs for life-long learning in journalism and media professions, suited for practicing professionals.
- Develop media management programs as joint programs between journalism and media and economic faculties.

5. INFRASTRUCTURE

Infrastructural capacity is sufficient to support independent and pluralistic media

A) AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

5.1. Media organizations have access to modern technical facilities for news gathering, production and distribution

Fourty-three percent of the population uses the Internet (www.gfk.hr), and more than 25 percent of those have broadband access. Fifty-five percent of homes have satellite or cable TV. In this kind of technology-rich environment, access to

all kinds of information is easy and open (Perišin in print). Data is not available on the use of Internet by journalists, but editorial rooms are generally equipped with the available technology.

Croatian televisions are technically well-equipped, and although they do not yet broadcast in high definition (HD), they are able to produce complex and HD programs, as RTL Televizija did during the World Handball Championship and HTV during the World Ski Cup with 18 cameras. Local and regional televisions are not up-to-date in modern broadcasting technology, and some of them have developed a kind of Internet television (Perišin in print).

HRT broadcasts their programs through a terrestrial analogue network, satellite, as well as through an experimental DVB-T network. By the end of 2005, the HTV had finished digitalizing its equipment, while the digitalization of full production is an ongoing process. Its archives have yet to be digitalized. HRT is the only existing terrestrial television that had announced plans for new digital thematic channels before the recent analog switch off, which were never materialized (see above in the PSB section). In both technology and public service content, the Croatian public service television HTV is the leader in the process of digitalization. The first multiplex (MUX 1) has been reserved for the public service broadcaster in the digitalization strategy, including present and future channels it will develop. The new legislative proposal foresees that new thematic digital channels for the HRT will have to be a part of the "public service" contract proposed by the new law, which will further hold back the possible program diversity offered by the PSB.

In the last couple of years, the public and two commercial television stations with national coverage broadcast their experimental digital program, and the last region of Croatia finished with the analog switch off at the end of 2010, after which Croatian televisions broadcast only in the digital format.

The multi-channel environment is quickly developing in Croatia. Digital television is present as IPTV (Max TV by T-Com) and all four television channels at the national level were available in some regions in experimental digital transmission DTT prior to the full digitalization of transmission.

IPTV has been present in Croatia since 2004 when MAXtv was introduced by T-com, followed by Iskon and Bnet. Internet is also used to widen the area of coverage for local or regional televisions with a broadcasting concession. For a small country like Croatia, the Internet-based television offer is rather large (Perišin in print). Video on demand (VOD) is offered by TV Jadran and STV (Televizija Slavonije i Baranje). Youtube is used by STV (Splitska televizija), Kanal Ri, RiTV, NIT, Gradska TV Zadar, TV 4 Rijeke, TV Plus, VTV Vinkovci and Vox Zadar. Live streaming is offered by OTV, TV Jadran, STV (Televizija Slavonije i Baranje), SBTv, NIT and Gradska TV Zadar (Perišin in print).

Internet television also developed by several daily papers (*Jutarnji list* <http://www.jutarnji.hr/> and <http://tv.jutarnji.hr/>; *Večernji list* www.vecernji.hr and *24 sata* www.24sata.hr) and portals (Index.hr, Javno.hr.), and press companies are becoming multimedia companies. The *Večernji list* is available on B.net as

well as their radio *večernji.fm. 24 sata* also has an IPTV news channel (Perišin in print).

Perišin (in print) describes the development of cross-media content in Croatian media, the largest of which is NOVA TV, whose broadcast news is only a fraction of what they publish (and the popularity they have) for their on-line edition (www.dnevnik.hr). They also own www.blog.hr, as well as a video-on-demand site www.webtv.novatv.hr. Nova TV also has a portal where children can watch cartoons (mojamini.tv).

All of the three big national televisions have internet portals, with interactive content. HRT (www.hrt.hr) has, in addition to a video archive, also a radio one. RTL televizija (<http://www.rtl.hr/>) enables file sharing for users, as well as some video content. RTL televizija is the only Croatian television with established citizen journalism, and broadcasts User Generated Content – UGC (Perišin in print).

B) PRESS, BROADCASTING AND ICT PENETRATION

5.2. Marginalized groups have access to forms of communication they can use

Information and communication is available to all citizens, and special translations are used in some television programs to accommodate audience members with impaired hearing.

There are no marginalized groups which would need special forms of communication, although there are differences between urban and rural areas in the use of the Internet. Public radio and television are available in all areas of Croatia (Perišin in print).

The share of population under the poverty line has risen in recent years, and this might cause concern for the possibility of their access to new media.

5.3. The country has a coherent ICT policy which aims to meet the information needs of marginalized communities

The government's "Strategy for the Development of Information and Communication Technologies" was launched in 2000, and upgraded in 2003 with the program "e-Croatia" as a multi-faceted program for the development of different aspects of the Information Society. The program focuses on Internet and computer technology, and does not include other media technologies and services. Croatia has no public policy regarding satellite broadcasting.

Public policy for digital television²³ arrived late to Croatia (first public debates were pushed by academia, in 2005²⁴), and without much consideration of

²³ In this chapter I use parts of my text published in Peruško, Z., Popović, H. «From Transmission to the Public Good: Media Policy for the Digital Age in Croatia». in Miklós SÜKÖSD & Adla Isanović (eds.). Public Service Television in the Digital Age: Strategies and Opportunities in Five South- East European Countries. Mediacentar Sarajevo, 2008.

²⁴ A roundtable on "Media and Digital Convergence: Policy and Developments in Europe and Croatia" was organized by the author of this paper, then working at the Department for Culture and Communication of the Institute for International Relations (IMO) in cooperation with the Media Division of the Council of Europe.

public service content. The predominant policy thrust concerns "transmission", i.e. the government does not seem to understand (or want to tackle) the issues of content in future digital media and new platforms. The result will probably be that economic and technological interests will dominate future policy decisions, and the interest of society in obtaining balanced, impartial and diverse public service content will take second place. Policy has since developed mostly in the area of digital television and radio broadcasting, while in the area of telecommunications, policies are still very much oriented toward transmission, without much understanding of the media.

The government adopted the Strategy for the switch from the analog to the digital broadcasting of television programs in 2008²⁵ (Perišin 2009). The strategy includes government subsidies for set top boxes, as well as advertising and information campaigns.

The company Transmitters and links (OIV) was awarded the contract to manage the digital television network (MUX A i MUX B), and the first digital television channel – Kapital TV received concession in 2009 (Perišin in print), only for it to be taken away in 2010 (in a poorly defended decision), and two new digital channels awarded to RTL Televizija and NOVA TV for "specialized entertainment".

The main concern for the future digital environment is that digitally-driven audience fragmentation is bringing lesser profits to individual media institutions even if total advertising spending is growing. Future quality program productions in commercially-based media are uncertain with diminished advertising revenues. Public service content is already rare within analog Croatian television (Peruško 2009), and unless public policy firmly requires such content of commercial television networks as well, its future in the digital world is precarious.

IPTV, which will, according to industry estimates, be the main delivery platform for digital television, is in competition with cable for viewers. Curiously, this is not acknowledged in Croatia, showing again the emphasis on «transmission» in understanding new media platforms and relevant policies in the country. The mobile market is also promising: three commercial mobile network operators have 4,655,290 registered users.

Competition is also fierce from foreign IPTV channels broadcasting in Croatian (Sport Klub and Sport Klub+) (Perišin in print).

RECOMMENDATIONS

<http://www.imo.hr/culture/conf/medconf03/index.html>. In the same year the DVB forum was initiated by the Croatian Telecommunication Agency (later renamed into Croatian Agency for Post and Electronic Communication).

²⁵ More information on the digital strategy is available at the web page of the Croatian Agency for Post and Electronic Communications:

<http://www.hakom.hr/UserDocsImages/dokumenti/Strategija%20prelaska%20s%20analognog%20na%20digitalno%20emitiranje%20televizijskih%20programa%20u%20RH.pdf>

- Develop enabling policies to take advantage of the converging transmission platforms, taking into account the need for public policy to ensure the continued public interest in the digital media age.

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ANNEX

RECOMMENDATIONS FOR THE NEW MEDIA AGENDA FOR CROATIA 2009, adopted at the Conference on the implementation of UNESCO's Media Development Indicators in Croatia, on 25 September 2009.

PUBLIC AGENDA

1. Presentation of timely and accurate information is one of the key freedoms necessary for the democratic life of Croatia and this fundamental freedom must be respected at all times. Any pressures on journalists or editorial practices which limit this freedom could broadly be understood to constitute censorship and are unacceptable in a democratic society.
2. The right to information, although protected by law, is still insufficiently precise and therefore subject to free interpretation without sanctions. The implementation of this important law should be improved.
3. It is recommended that the Electronic Media Council and Agency promote transparency of the media landscape. It is further recommended that data sources and information on the work of the Croatian media be made publicly available. It is necessary to ensure transparency of ownership and to prevent monopoly in the media market which can significantly affect freedom of information.
4. The Labor Act should be better implemented in order to increase the protection of the rights of journalists in their work environment.
5. It is necessary to adequately enforce the provisions on the protection of the rights of children in the media. Minors are frequently exposed to inappropriate television content and little has been done to protect their rights. Current enforcement remains on the level of empty threats to withdraw concessions and, occasionally, mild penalties are imposed.
6. All media outlets should be encouraged to adopt the statutes that will guarantee the right of journalists to participate in newsroom decision-making and this should also be implemented in practice.
7. The level of risk journalists investigating crime and corruption are exposed to in Croatia is alarming for a democratic country. The issue of safety of journalists should become a top priority for law enforcers and policy makers alike.
8. It is important to define the distinction between public and commercial television. This should be done by taking into consideration the recommendations of the Council of Europe for ensuring expansion of public television to digital channels.

10. The Electronic Media Council should monitor the compliance of radio and television stations with their license contracts and other content related legal requirements, and make this information publicly available. This information should include details on the use they make of the funds allocated to them from the Electronic Media Pluralism and Diversity Promotion Fund.
12. It is necessary to ensure the implementation of the legal provisions on transparency of data on media owners, programmes, audiences and advertising, and to make such data publicly available (publication on the Internet).
13. It is necessary to ensure the publicity and transparency of the work of regulatory bodies and other public institutions operating in this area (Electronic Media Agency and Electronic Media Council, the Croatian Post and Electronic Communication Agency and Council and the Print Media Register of the Croatian Chamber of Economy) and their decisions and activities with associated publications made available on the Internet.
14. It is necessary to establish a joint body or an agreement between publishers of print and electronic media on the joint publication of data on actual amounts and shares in advertising as well as on their audience, as is customary in established democracies.
15. It is necessary to ensure that the Electronic Media Council takes into account the need to foster non-profit community media in future allocations of radio frequencies, including analogue and digital media.
16. It is necessary to ensure smooth access to digital channels for the public radio-television broadcaster, in accordance with the recommendations of the Council of Europe for public service broadcasting in the digital age and for the protection of media pluralism and diversity.
17. It is necessary to ensure the unrestricted development and stable public funding (through the already adopted public subscription model) of public television and to further foster its contribution to social cohesion.
18. In a small and highly concentrated media market such as Croatia, it is necessary to maintain and improve incentives and measures of media policy for the protection and development of pluralism and diversity of media and media programmes, to continue fostering the positive role of the media in democratic society.

CIVIC AGENDA

1. Civil society must be involved in formulating media legislation. It is recommended that the role of the public in controlling public television be strengthened through existing mechanisms provided by law, by specifying and respecting the authority of the Croatian Radio-television Council, and by strengthening activities and initiatives of the civil sector.
2. Non-governmental organizations should be encouraged to monitor media content systematically and to be critical of all the content showing disregard to the public as a whole or evidently discriminating against certain minority groups. Since in Croatia there is no media council that would serve the public and media users, it is recommended that non-governmental organizations continue to respond immediately to ethical violations and errors jeopardizing the development of a democratic society.
3. Representation of ethnic minorities on public television and radio in Croatia should correspond to their share in the total population, and linguistic diversity should be ensured in public television programmes and regional centres in accordance with the EU requirements for stimulating multiculturalism and diversity of programme content.
4. National newspapers must cover all areas of life and interests of ethnic minorities and, thus, contribute to multiculturalism and content diversity. They should thus contribute to breaking social stereotypes that are based on ethnic differences. Newspapers should not deal with minorities (and other nationalities) only at the level of political party communication or by resorting to sensationalism and scandal, because this does not contribute to the affirmation of the democratic role of the media in society.
5. Some fifty publications in the languages of ethnic minorities, which are financed from the national budget, represent an important political contribution to the idea of protecting culture and language, and meet EU standards and requirements. These publications should continue to be supported from the national budget.
6. Employment records of the public television and public radio should be transparent and available in terms of gender-based distribution of jobs and income. It is recommended that this be included in the Annual Report of the Croatian Radio-television, which is regularly submitted to the Parliament and the relevant parliamentary committees.

7. It is recommended that self-regulation of journalists be strengthened by intensifying the role of existing bodies as well as through the establishment of media ombudspersons in each media organization and the creation of a media council.
8. Publishers and media owners can contribute to improving the status of journalists in the Croatian media in several ways: first of all, by encouraging the adoption of normative acts (newsroom statutes, collective agreements, etc.) and mechanisms that ensure fair treatment of all employees in the newsroom, including those with management contracts, journalists who are regular taxpayers and young journalists whose faith in journalism as a noble profession is often shattered.
9. Publishers should strictly divide editorial work from media ownership and obvious affiliations within the marketing departments with privileged advertisers. They should also reach an agreement on the joint publication of data on circulation, advertising, media audiences and revenues, as is common in developed countries.
10. It is recommended that the Union of Croatian Journalists and the Croatian Journalists' Association, as the two key professional journalist organizations, act jointly towards protecting the rights of media workers. Unified joint public responses by the leaders of the Union of Croatian Journalists and the Croatian Journalists' Association could have a much stronger impact.

EDUCATIONAL AGENDA

1. The possibilities for advanced training of Croatian journalists are not satisfactory despite the existence of a large number of university studies in journalism and communication sciences. The establishment of a life-long learning programme for journalists at the university level is recommended.
2. Prominent journalists with university degrees should be involved as teachers in the professional skills courses in the education process in journalism studies programmes because a combination of academic knowledge and practical journalism makes the best profile in developing professional journalists. Universities should adopt flexible models for the employment of such journalists.
3. It is recommended that the Croatian Journalists' Association work intensively on additional training and courses for journalists and editors of all profiles and join one of the existing European professional networks and European and international non-governmental organizations for promoting quality journalism.

4. It is recommended that universities with journalism programs should discuss the needs of the media for different types of media professionals and develop their journalist programs and other educational programs accordingly .

SCIENTIFIC RESEARCH AGENDA

1. It is necessary to initiate a public and professional debate on the development of the Croatian media system, especially regarding ramifications of the digitalized media world, which would include inputs from journalists, media researchers, and sociologists.
2. It is necessary to promote media research and monitoring of the structural diversity of the media and the pluralism of media content, in order to monitor systematically the impact of ownership changes on content diversity and the ability of the media to provide a platform for democratic discourse.
3. It is necessary to conduct regular analysis of the extent of media freedom in Croatia and make the results publicly available, to contribute to the evaluation of the media system and inform the wider public about the state of the media system.
4. Research and analysis of the media market and industry, audiences, advertising, diversity of programmes and content should be conducted on regular basis.
5. Independent research on the reception, readership and actual cultural role of the media is recommended. It is also necessary to conduct research on the cultural and multicultural contribution of newspapers to minority groups and the extent to which their need for social participation is met, and, in this sense, to evaluate this practice and open a dialogue for possible new strategies.
6. It is recommended that all research on the Croatian media system be made publicly available.