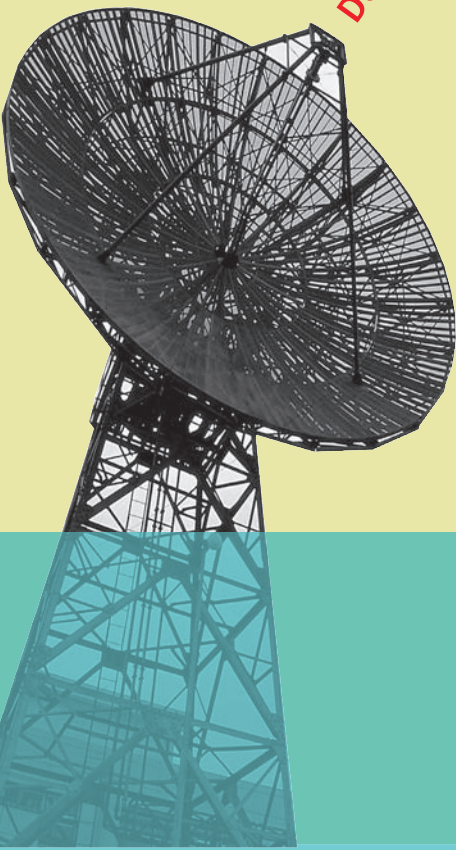


MEDIA SUSTAINABILITY INDEX

2003

Development of Sustainable Independent Media in Europe and Eurasia





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Introduction

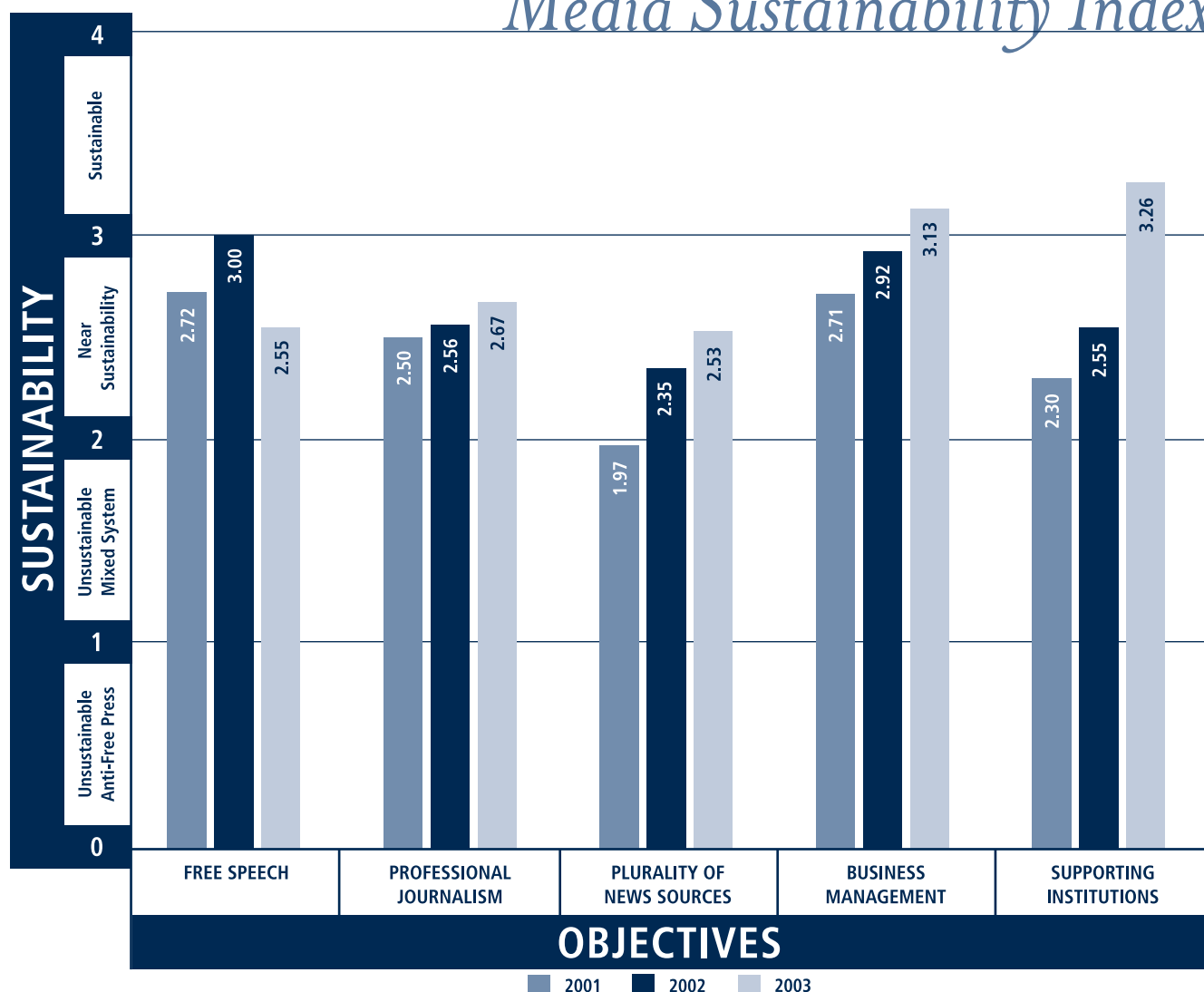
The media landscape in Croatia has changed profoundly since the 1999–2000 elections, as Croatia has built democratic standards and improved its image within the international community. There now is little evidence of the direct pressure, harassment, extortions, and arbitrary prosecutions of the media that characterized the 1990s. Overall, media freedom was better protected in 2003 than at any time during the 12 years since Croatia was internationally recognized as an independent state in January 1992.

In the November 2003 general elections, parties that formed the center-left coalition government were defeated by a resurgent Croatian Democratic Union (HDZ), the center-right party that was dominant in the 1990s under the leadership of then-President Franjo Tuđman. Although some feared that the HDZ's return to power could result in increased control over the media, there has been no immediate evidence of this happening. The new party leadership at HDZ is presenting a new image of the party to the international community—one that is more democratic and more respectful of human rights and media freedoms. HDZ has stated its ambition to bring Croatia closer to the European Union (EU), which in return should be a strong guarantee that it will not repeat the mistakes of the past.

However, the start of the new government's mandate was not without incident for the media. The Minister of Foreign Affairs intervened with the Croatian news agency (HINA), accusing a journalist of not reporting objectively about his visit to the EU in Brussels. There were also physical attacks on Croatian newspaper editors and media owners. Although none were killed, the assaults were severe enough to raise concern, especially because the police failed to make any arrests and there was no indication when—or if—the cases would be resolved. In addition, there remains controversy surrounding the major new media statutes passed by the Croatian Sabor, or parliament, after thorough discussion by media professionals and the wider community. Among the laws passed were those on media, electronic media, Croatian Radio Television, and access to information.

Croatia

Media Sustainability Index



Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

The most significant change in the media landscape has been initiated by the privatization of the third channel of Croatian Television, HTV 3. The competition for the privatization of HTV 3, which took the form of reallocation of the frequencies it used to a new concessionaire, was extremely intense. The Council on Radio and Television ultimately awarded the frequencies to HRTL, a Croatian-based company with German commercial television channel RTL as its principal individual owner. The new television station shook up the broadcast media scene by creating a market for new skills and services. It remains to be seen if the new channel will become a serious competitor to HTV, as the state broadcaster has now been reduced to two channels.

In the print media sector, no new dailies or weeklies launched. In November 2003, the Catholic publishing house started a monthly news magazine, *Puls*, but the publisher closed it after only three editions. The editors cited disagreement with the publisher on editorial policy as the main reason.

Internet in Croatia is playing an increasingly significant role as an information source, with an estimated four-fold increase in users since 2000—to about 800,000 subscribers¹ of online services in a country of approximately 1 million households. The first Internet news service (www.index.hr) was founded in July, providing news taken from about 100 Croatian websites. Opening the portal, the creator, Matija Babić, said: “We are challenging the traditional media, because we started with a service that promotes new and almost unlimited possibilities.”

Objective 1: Free Speech

Croatia Objective Score: 2.55/4.00

Most Media Sustainability Index (MSI) panelists agreed that there is a detailed legal framework for freedom of speech in Croatia. Still, certain obstacles remain. These include continuing attempts from political parties to influence the media, although not in as open or systematic a fashion as during the 1990s. Journalists remain reluctant to speak openly in many situations, a remnant of the former system. “Despite the legal framework, which is quite good, the atmosphere in society makes it sometimes seem like the freedom of speech is blocked,” observed one panelist. “Before, in the 1990s, we had polarization of opinions. We had two sides, one of which tried to get through with liberal ideas and exposing the

facts. The other official side was trying to prevent and control it. But in the last four years, yesterday’s liberals started to prevent free speech.”

Libel persists as one of the crucial legal problems facing media; more than 800 cases against Croatian journalists are still pending in the courts. Libel also remains a serious issue because of low ethical standards and blatant privacy violations on the part of the media. Libel falls under the penal code in Croatia, although there have been efforts to transfer it to the civil code. An initiative by local nongovernmental organizations (NGOs), international media watchdog institutions, and the Croatian Journalists’ Association (CJA) have made no progress. However, no journalist has been convicted of libel to date. As one panelist quipped, “Why should

“Why should we have a journalist in prison when we have no criminals in prison?”

Legal and social norms protect and promote free speech and access to public information

FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

¹ From the National Statistics Bureau Annual Statistics Manual.

“Unlimited access to vital public information is something that still doesn’t exist in Croatia.”

give civil society more of a role in electing members of regulatory bodies. Currently, appointments are made by parliament and the government, making the bodies potentially susceptible to external political influence.

Licensing of the broadcast media is considered to be fair, competitive, and apolitical. But at the regional and local level, media still are vulnerable to political pressure. One panelist commented: “It is very hard to judge if the local broadcast media are independent or not even after the new Law on Electronic Media has been passed. The new law stipulates that 3 percent of license fees go to the fund for the pluralism and diversity of the local and regional media to stimulate news and other quality production on the local level. At the same time, there is no council or body appointed to decide who would get those funds and what the criteria are for the media to deserve that fee.”

MSI panelists disagreed about whether market entry rules and the tax structure for media are fair and comparable with other industries. The value-added tax (VAT) of 22 percent for newspaper publishers is the highest in Europe. Most panelists believed that there should be no VAT at all for newspapers, noting that there is none on books. The Association of Newspaper Publishers has started an initiative to reduce the VAT for newspapers. By contrast, some panelists commented that market entry should be the same for all industries, including media, but generally they agreed that it is relatively fair. As one panelist stated, “I don’t believe that domestic or foreign investors would buy or invest in media here if they brought only losses. Regarding the profit that media enterprises make and the salaries of the journalists in Croatia, the situation is positive.”

Attacks against journalists, editors, and media owners increased during 2003, but no assailants were captured. On March 2, 2003, a bomb exploded under the

we have a journalist in prison when we have no criminals in prison?”² Panelists also stressed the need to change provisions in the Law on Electronic Media and the Law on Croatian Radio Television to

car of Ninoslav Pavić, owner of the biggest private Croatian publishing company, Europa Press Holding (EPH). He was not in the car, and there were no other victims. In September 2003, unknown persons assaulted Andrej Maksimović, a former journalist at the weekly *Nacional* and former editor of the local television station OTV in Zagreb. A month later, Maksimović was beaten again. Only 10 days later, Zdravko Jurak, one of the founders of EPH, was attacked near his house. Jurak has not actively practiced journalism since 1996 and currently runs his own non-media business. One of the best-known Croatian journalists, Denis Kuljiš, currently editor-in-chief of the Croatian edition of *Playboy*, was assaulted at his home. On December 17, 2003, Ivan Čaleta, a member of the managing board and co-owner of private national television channel Nova TV, was shot in the legs while he drove his car in Zagreb. No suspects have been identified in these cases.

Kuljiš accuses the police of not investigating the incidents: “They have not done anything. I have talked with different people in the police hierarchy, including high-ranking officers. They told me that in such crimes, their hands were tied. But when talking to politicians about these attacks, they described these crimes as police cases, or something that government or politicians shouldn’t deal with.” Another panelist agreed that prosecution of such attacks is not efficient, but referred to other cases in which the police had prevented crimes against journalists.

State media can now generally be considered “public” because they no longer receive preferential legal or financial treatment. Only one newspaper, *Vjesnik*, has gotten financial support from the government, but there was no interference in the editorial policy. Another state-owned newspaper, *Slobodna Dalmacija*, is close to privatization. The public television channel HTV earns about half of its revenues from advertising and the other half from a tax the government collects from citizens who own televisions and radios. There are no direct government subsidies to HTV. However, one panelist warned that the law giving political parties the ability to appoint members to the Council on Radio and Television does not have sufficient safeguards to prevent the exercise of that power. “I am not saying that it happens, but it is possible,” the panelist said.

One panelist noted that the two last media research projects conducted by the Croatian Helsinki Committee were quite positive regarding the objectivity and impartiality of public media. Just four years ago, Puls, an independent market-research agency, found that 73 percent

² The Constitutional Court invalidated amendments to the penal code that criminalized defamation. As of January 2004, defamation is treated under the civil code again.

“If you take daily or weekly newspapers, there is such a large amount of all kinds of different news—show business, entertainment, sports, all types of marginal events—that it is difficult anymore to realize what is the real and relevant news.”

difficult to get material from the ministries and other government sources, except during press conferences. Most of the important information is still available only through private sources. “Unlimited access to vital public information is something that still doesn’t exist in Croatia,” one panelist said. Cited as an example was information relating to the privatizing of former state- or publicly owned companies, a critically important process during the 1990s about which full information still is not available. “In communicating with government or ministries, journalists always have to face that famous PR situation,” said a panel member. “In this country, the spokesperson usually doesn’t know or doesn’t want to answer the question. Furthermore, answering questions is not always what a spokesperson is supposed to do. It is my feeling that spokespeople are hired by the institutions only as a firewall against journalists and the public.”

There are no restrictions on access to international news and foreign news sources. CNN, BBC, Radio Europe, Voice of America, Deutsche Welle, and many other global news providers are available via satellite or are rebroadcast by local radio stations. International news agencies such as Reuters, The Associated Press, and others provide services on a subscription basis, but without any legal limitations.

There are no government-imposed restrictions on professional credentials and issuing licenses to journalists. The CJA issues press credentials to journalists independently of the government or any other political authority.

of media consumers did not trust the media. The last research by Puls, published at the end of 2003, showed that had reversed almost entirely, with 64 percent of people saying they believe the media. Of this group, 80 percent said they believe the electronic media more than the print media.

Access to information continues to be problematic. It is generally

Objective 2: Professional Journalism

Croatia Objective Score: 2.67/4.00

Because access to information remains difficult, many news reports are not completely accurate. Panelists said that a large number are either partially fact-based or pure fabrications and that journalists do not always verify available information or properly quote their sources. “The fact is that no media outlet can give a reader full information on relevant events in the country,” a panelist commented. “If I don’t read five newspapers in one day, I don’t know what really happened.”

The lack of professional ethics in Croatian journalism is a controversial issue. Journalists and the CJA have come up with their own code in response to pressure from government, lobbyists, and financial groups. Journalists are obliged to work under these ethics provisions, which were designed to conform to the best European practices. The CJA formed a committee to monitor ethics-related issues in the media, but it was not very active during 2003, despite many obvious breaches of ethical conduct in the print and broadcast media. The panelists also discussed one of the most crucial issues of ethical and professional standards: hate speech. One

Journalism meets professional standards of quality

PROFESSIONAL JOURNALISM INDICATORS

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

“The independent news agencies disappeared not because someone stopped them, but because there was no one to finance their work and no interest within the market to support them.”

panelist stated, “Compared to previous years, hate speech has been almost eliminated from the public discourse. But some journalists have too much interest in violating people’s privacy, including those people who are not in the public eye.” For example, one weekly maga-

zine published sexually explicit photos of a female journalist in her own bedroom, and a television broadcast revealed personal information of an HIV-positive girl. “Self-censorship is a way of survival because our media are still under the effective control of political lobbies,” one panelist contended. Another disagreed, saying that while self-censorship occurs, it results more from fear among media outlet owners than from political pressure. In any case, many journalists are still afraid to report all the facts. But compared with the 1990s and previous years, panelists agreed, the situation has improved.

Journalists cover most key political, economic, and social issues sufficiently, the panel concluded, although some members repeated concerns about the professional quality of the coverage.

Salary levels for media professionals are relatively high, but that does not necessarily preclude the possibility of corruption, panel members said. Nonetheless, it was noteworthy that even journalists working on a part-time basis can earn more than medical specialists with extensive training. “Of course, we cannot compare our salaries with European wages, but we can compare them with the salaries of other professions in Croatia—doctors or engineers, for example,” said one panel member.

Independent media outlets generally place greater emphasis on entertainment programming as compared with news and information, and some panel members expressed concern about this trend. “We are witnessing a process of the total trivialization of the public scene,” one said. “If you take daily or weekly newspapers, there is such a large amount of all kinds of different news—show business, entertainment, sports, all types of marginal events—that it is difficult anymore to realize what is the real and relevant news.” Another panel member described television news as “one or two relevant politi-

cal news items, and all the rest are unimportant features just to fill the 30-minute news format.” But other panelists countered this assessment, saying that for today’s readers, viewers, and listeners, “relevant information” does not necessarily have to be limited to political events.

In general, technical facilities and print and broadcast media equipment are modern and efficient. There are certain specific problems on the local level, with some smaller papers still struggling to obtain computer equipment. For local television channels, the lack of money and equipment is often an obstacle in producing better-quality programs. However, new television channels, especially those with a national or regional broadcasting license, do not face this dilemma.

Among the more than 900 print titles, many are specialized and provide quality niche reporting. However, panelists said specialized reporting is more limited at broadcast outlets, in part because journalists and editors have not learned how to provide it within the television news format.

Objective 3: Plurality of News Sources

Croatia Objective Score: 2.53/4.00

Multiple public and private news sources are available in Croatia. Financial resources govern how people make use of these sources, with television providing information to a substantial portion of the population due to the relatively high cost of print media. Foreign press titles are freely available, but not many can afford them. On the other hand, the Internet has begun to play an increasingly significant role as a source of information in Croatia.

Panel members said that public media still are not open enough to alternative views, with editors and journalists not seeing their role as serving the public interest in a nonpartisan manner. Public media also were criticized for not being open enough to minorities and minority issues. However, public media were seen as partially covering a gap by offering educational, children’s, and cultural programming. Independent broadcast media on both the local and regional levels are obliged to produce and broadcast their own news programs.

The Croatian media market is not large enough to support multiple news agencies. This is due partially to the success of HINA, a large, formerly government-owned news agency that provides domestic and international news stories and features for radio and television stations and newspapers. Although HINA is not com-

Multiple news sources provide citizens with reliable and objective news

PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

pletely independent, it provides a professional service that is relatively affordable. There are smaller news agencies, including STINA and AIM, but they would not be likely to survive without the support of international organizations. “The independent news agencies disappeared not because someone stopped them, but because there was no one to finance their work and no interest within the market to support them,” a panelist said.

Although ownership transparency is required by law, it remains difficult or impossible to determine the real owners of some media outlets. This applies to some of the larger and more influential outlets, such as the only private national broadcaster, Nova TV. An ongoing case before the Commercial Court in Zagreb seeks to determine who the real owners and managers of the company are. Even when the former Council for Radio and TV awarded Nova TV its national broadcasting license, there was no reported ownership structure of the company.

There are no specific regulations regarding the share of broadcast media ownership in Croatia. Antimonopoly rules are based on general competition legislation that is valid for all commercial enterprises. The Agency for the Protection of Market Competition is the official state authority regulating market monopolies, which also includes monitoring of the media sector.

Both social and human-interest stories continue to increase in volume. A weekly program on public tele-

vision features ethnic minorities in Croatia and reports on events in their communities. However, minority issues are not present at all in other programs, especially newscasts. “The minorities are driven to the ghetto,” one panelist observed. “They get some financial aid from government to do some magazines that no one reads and have zero impact. They are excluded from general public communications, sometimes by their own will.”

Objective 4: Business Management

Croatia Objective Score: 3.13/4.00

Tisak, the major national media distributor, is efficient despite the fact that it is the only large operation in the country. Tvornica Duhara Rovinj, *Večernji List* (the national daily with the highest circulation), and EPH each hold a 25 percent share in Tisak. The remaining 25 percent is held by the government and smaller shareholders. Other distribution channels such as the regional dailies *Slobodna Dalmacija*, *Novi List*, and *Glas Slavonije* also are active.

Panelists agreed that the media receive revenue from a multitude of sources. However, local radio and television stations in the regions are sometimes supported by local governments, apparently in exchange for favorable coverage of the authorities. While this is

Independent media are well-managed businesses, allowing editorial independence

BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

“We organize workshops, but there is little interest, especially among owners and editors, to send people,” one panel member said. “This is extremely surprising. It looks like there is no need for better-educated journalists, because you can always sell a lesser-quality product.”

a fairly established practice, panelists found it worrisome. According to the new Law on Electronic Media, local radio and television stations are to receive financial support in order to fulfill their public service and to maintain their independence. In regional print media and larger national dailies, by contrast, revenue is obtained from varied sources, which results in more objective coverage.

Advertising agencies and related firms that support the advertising market in Croatia are relatively well developed. The Law on Electronic Media limits advertising time for the commercial television stations to 12 minutes per hour. Advertising income does not make up more than half of an outlet’s overall income in the print sector. However, many publications are experiencing growing ad revenues. In the broadcast media, commercial outlets derive all of their income from ads, while HRT earns 60 percent from ads and the rest from the mandatory subscription fee. The total volume of the advertising market for print and broadcast is estimated at \$400 million for 2003. This number represents 100 percent growth from 1999.

While not enough market research is used by media in Croatia, it is starting to be taken more seriously. Market research on the local level is much less developed. EPH uses a variety of research tools and agencies, including Puls and Media Meter. Recently, HTV has been using People Meter technology in audience surveys, which has substantially improved the accuracy of the data.

It is very difficult to obtain the exact circulation numbers from the publishers, as the CJA has discovered. Lack of circulation data is one of the main obstacles for Croatian publishers to join international media organizations. “In the three and a half years that I’ve worked in Croatia, I could never get reliable circulation figures.

From everyone I spoke to, I got different figures,” said a panelist. Another added, “The World Association of Newspapers lists an estimated 590,000 printed copies for the daily newspapers in Croatia. After deducting about 30 percent of the returns, the number of sold copies would be 450,000. According to the statistics, each newspaper is read by almost three people, so the total number of the readers should be around 1.3 million. This number is more than 25 percent of the Croatian population. This means that politicians are lying when they say that only 7 percent of the population in Croatia reads newspapers.”

The audience data for broadcast media tend to be more transparent and reliable, especially after the introduction of People Meter technology, which shows exactly how many viewers watch a certain program. Even so, there have been concerns about the reliability, and local-level market research is much less developed.

Objective 5: Supporting Institutions

Croatia Objective Score: 3.26/4.00

Trade and professional associations support various interests within the media sector. One example is the Association of the Commercial Broadcasters, which actively lobbied for the new Law on Electronic Media. This law allocates 3 percent of the tax on television and

Supporting institutions function in the professional interests of independent media

SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

radio sets to local broadcasters, which should increase the quality of local productions and prevent regional governments from controlling media in their areas.

Both the CJA and the Journalists' Trade Union (JTU) work to protect journalists' rights. While the CJA concentrates on the Law on Access to Information, the JTU focuses on employment and the national collective labor contract. Both groups are relatively efficient and maintain good relations with counterpart organizations in the EU and other transitional countries in Central Europe. CJA has a national educational center in Opatija, which regularly organizes meetings and workshops. One of the panel members stated that Croatia has the best legal infrastructure in terms of media law in Eastern Europe. Currently, the collective labor agreement applies only to big publishing groups like EPH and *Večernji List*. However, organizations are now working with trade unions on a national labor agreement that applies to all independent media.

The CJA took part in drafting some of the most important media laws, including the Law on Media, the Law on Radio and Public Television, the Law on Electronic Media, and the Law on Access to Information. Panelists mentioned the protection that CJA is providing for journalists as one of its most important achievements. CJA also has established a pension fund for media workers.

There are numerous media-support NGOs working to ensure that freedom of speech is guaranteed. The Croatian Helsinki Committee has a special body for media monitoring, including tracking incidents of hate speech and nonprofessional behavior by the media in general.

The quality of journalism degree programs available in Croatia varies. Some panelists believed that the number of quality professional journalism programs is insufficient. Others pointed to improvements during the past two years in the Journalism Studies program at the Department of Political Science at Zagreb University. Since 2002, for example, students have been able to specialize in print, radio, or television journalism; a radio station and television studio at the journalism department give students practical training. Nonetheless, one panelist was very critical of this program, especially the theoretical instruction, which he described as "unclear" and "useless."

There are short-term training institutions and programs that allow working journalists to enhance their skills. "We organize workshops, but there is little interest, especially among owners and editors, to send people," one panel member said. "This is extremely surprising. It looks like there is no need for better-educated journalists, because you can always sell a lesser-quality product." Some panelists noted the need for more training for managers, suggesting that their reluctance to send staff to workshops signaled concern that they would be found to be less knowledgeable than their employees.

Panel Participants

Alessandro Fracassetti, OSCE Croatia

Ante Gavranovic, president, Association of Publishers

Emil Havkic, lawyer (media law specialist)

Denis Kuljis, journalist

Dragutin Lucic, president, Croatian Journalists' Association

Tena Perisin, editor, HTV; professor, Faculty of Journalism, University of Zagreb

Anja Picelj, U.S. Embassy

Omer Rak, media specialist, Croatian Helsinki Committee

Moderator

Tena Perisin, professor, Faculty of Journalism, University of Zagreb