

## **PAINSTAKING CONQUERING OF MEDIA FREEDOMS**

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Towards the end of last year the Croatian public was unpleasantly surprised by an annual report published by the well-known French association Reporters Without Frontiers (Reporters sans frontières), which monitors and assesses the state of media freedoms in the world. According to the renowned media institution's assessments, Croatia fell from the relatively good 33<sup>rd</sup> place held in 2002 to as low as 69<sup>th</sup> in 2003 among 166 ranked countries of the world. Of countries in the region also experiencing transition problems, among which media freedom is a continuing neuralgic point, behind Croatia is only Serbia and Montenegro in the 85<sup>th</sup> place, and before it are Macedonia (51<sup>st</sup>), Bosnia-Herzegovina (37<sup>th</sup>) and Albania (34<sup>th</sup>), not to speak about Slovenia in the high 20<sup>th</sup> place.

In their report, Reporters Without Frontiers, recognizing significant progress in media freedom made under post-Tudjman authorities after the political changes in 2000, very precisely listed almost all of the lingering crucial ailments of the current media situation in Croatia, from prolongation of political control over the most influential media outlet in the country – national television, which is finding it very hard to transform into a public service – through major legal and economic obstacles to development of private broadcasters, to continuation of court persecution of certain outlets and journalists, as well as other forms of pressure. Among them, without doubt, are attacks on media owners (the case of bombs planted under the cars of co-owner of the largest Croatian newspaper publisher Europapress, Nino Pavic, and co-owner of the only private television station with a national concession, Ivan Caleta, which happened last year), although effort was made to present them in a relative light by explaining them with “business” causes rather than media causes.

One can only guess what the key factor was in the drastic fall of Croatian media ratings, but most representatives of the media profession rejected the Reporters Without Frontiers' assessments as unrealistic and unfounded. But despite this, it is evident that any serious analysis of the media situation in Croatia warns that progress in media

freedom is neither linear nor unequivocal, that media are burdened with a number of internal, structural problems and that the authorities are trying, almost as if obsessed, to maintain some control over media in this or that way. Whether these problems were twice as big last year as the year before, as one would conclude from the Reporters' report, is not as important as the fact that these problems still strongly and deeply characterize the Croatian media scene and demand solutions.

### **“Hot-Cold” With Media Legislation**

Last year a whole set of laws was passed in Croatia regulating or potentially determining the media situation – from the famous Law on Croatian Radio Television (HRT) to the new Penal Code. But although the authorities were constantly pointing out that these laws were passed to harmonize solutions in the media space with European standards and international requirements and thus raise media freedoms to a higher level, criticism of the media legislation is extremely harsh.

The new Law on Croatian Radio Television – which was supposed to be a new step towards transforming the most influential media outlet into a public service in its most important aspect, the election of the HRT Programming Council due to have the final say in the outlet's policy – has turned out to be a step back and a big failure. Instead of the civil sector, crucial say in election of the body was again given to parliament, i.e. politics. Among 11 elected council members, of whom six were picked by the authorities and five by the opposition (which is very fluid and subject to rapid permutations after the change in government at the end of 2003), there is not a single well-known journalist or media expert. The profession is completely eliminated and it seems that right were those who warned that the passing of the law in an election year essentially proves the authorities' intention to maintain political control over the most influential media outlet rather than create conditions for development of public television. International experts warned that “political” election of the public television main management body is not unknown in European practice, but that in countries with lack of democratic traditions, such as Croatia, such election can be used for political control more than it can serve public television. Full implementation of the law with the Programming Council choosing the editorial structure is yet to follow, but there is little doubt that politics will not influence it.

An avalanche of criticism was provoked by the passing of a new Penal Code which envisioned prison sentences for journalists for what are called criminal acts of libel and defamation, something that was rejected long ago in contemporary European practice. After strong criticism by international institutions and organizations and the domestic journalistic profession, the authorities withdrew and showed readiness for slackening and compromise provisions.

Laws regulating private broadcasters such as the Law on Electronic Media and Law on Telecommunications, according to the opinion of journalists working for such media, will not contribute to regulating the situation in this media sphere and its development. Instead, due to interwoven jurisdiction, it will additionally complicate matters. Logically, this creates room for further political influence.

The Law on Media, which was meant to regulate comprehensively some important issues related to the position of media and journalists in society, was passed only last year, but due to a procedural error made in its passing, it has already fallen in the Constitutional Court.

Thus, with an inflation of “media laws”, a legal void will continue in relation to the creation of media monopolies and the relationship between the ownership structure and the journalistic profession. This is becoming a dominant problem in Croatian media.

The best-known Croatian newspaper publisher Europapress holding (Jutarnji List, Globus, a number of highest circulation reviews and currently a new business daily being prepared), which has WAZ capital in it, has become “too heavy” for Croatia’s media space and is able, through major concentration of its editions, to create “contents” which become dominant in relation to other information. Smaller domestic newspaper companies such as Novi List, Glas Slavonije or the still unprivatized “Slobodna Dalmacija,” are frantically looking for ways to successfully survive in the market and maintain media plurality.

That this crisis is alarmingly knocking on Croatia’s media doors was shown by the case of perhaps the best-known Croatian media outlet, the Split weekly “Feral Tribune.” The paper which acquired international fame thanks to its quality and image of the sharpest

critic of Croatian nationalistic totalitarianism, succeeding at the same time in resisting and surviving the cruel media repression of the Tadjman regime, has found itself in the gravest financial situation since its creation in early 1993. Unable, in addition to circulation, to add to its financial sources through the monopolized advertising space, the paper, along with some other problems among which a major role is still played by large fines from court cases aimed at destroying it even back in the time of the Tadjman regime, has come to the verge of shutting down, which would deal an irreparable blow to Croatian media pluralism.

### **Least Freedom in Very Newsrooms?**

The current situation in Croatian media is additionally reflected by research carried out recently by the Syndicate of Journalists of Croatia on freedom of journalists motivated by increasingly frequent complaints related to different methods of internal censorship, pressure, dominant influence of owners on editorial policy, etc. Although the publication of initial “raw” results, which directly emphasize in a negative context certain reputable media such as “Feral Tribune” and “Globus,” caused a scandal and accusations that some of the data was rigged and falsified, in any case the research indicated that one of the biggest problems in Croatian media is – lack of journalistic freedom. Lack of freedom conditioned by relations within media outlets themselves, nor by direct pressure. More than one-half of the surveyed journalists in 23 newsrooms do not feel free in their work, and a large part of them have no possibility of influencing editorial policy. The result should not be too surprising if one knows that the chronic diseases of transition journalism, naturally including Croatian journalism, are unsolved status issues, low journalistic labor security and their rights.

At the moment, this is perhaps becoming a problem more significant than the constant pressure of the political “embrace” over the media, to which no authorities are immune despite differences in style and intensity. The journalistic profession will have to deal with this intensively in the future. Up until now the “alibi” for avoiding and suppressing such issues was often the danger that threatens media freedom from the political sphere. However, internal problems in the media may soon become an even more dominant and important factor in development of media freedoms than so-called political influence. Indeed, some kind of an alliance between media ownership structures and

political ones may, in the transition conditions that are still present, become a crucial problem in further development of media freedoms.

When it comes to the authorities, it seems important to warn that the broad coalition reform government led by the Social-Democratic Party, which took the political helm in January 2000, despite all positive changes did not fully succeed in ensuring some key conditions for more liberal media development. It is enough to recall that in the four years of their mandate, they did not manage to organize public television or that two dailies, still majority owned by the state, have not been privatized. As the authorities' mandate was coming to an end, it seemed more and more evident that their appetites for political control over media were growing. The least that can be said about these appetites is that it seems these authorities had also fallen for the political delusion that they can make up for their bad moves towards the end through the media.

It remains to be seen how the new HDZ authorities that won last year's November elections will behave in the media sphere. The minister of foreign affairs in the new HDZ government has already shown a tendency to intervene in state media. But it is encouraging that he met with resistance in the media themselves.

However, one should not cherish the illusion that the new authorities will be more principled than the previous ones or that they will not hold onto all those levers through which they can exercise their influence through the media. But what became evident even during the previous authorities' mandate is that the media public can oppose this, and even change some things.