

HUMAN RIGHTS BRIEF

FREEDOM OF THE PRESS

Zagreb, April 25th, 2016



KUĆA LJUDSKIH PRAVA ZAGREB

Članica Human Rights House Network

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INTRODUCTION

Human Rights House Zagreb is a non-governmental organization established in 2008 by six civil society organizations [B.a.B.e. (Be Active, Be Emancipated), Center for Peace Studies, Documenta – Center for Dealing with the Past, Civic Committee for Human Rights, UPIM (Association for the Promotion of Equal Opportunities) and Svi-tanje], with the aim of contributing to the development of an open, pluralistic, democratic, equal and inclusive society based on full protection and promotion of the highest norms of human rights and fundamental freedoms. Through research, monitoring, advocacy and civic education, Human Rights House Zagreb builds local capacity and strongly advocates for full implementation of all global and regional human rights instruments, *inter alia*, the International Covenant on Civil and Political Rights; the International Covenant on Economical, Social and Cultural Rights; the European Convention on Human Rights and Fundamental Freedoms; and the European Social Charter (Revised).

POLITICAL CONTEXT

On January 22, 2016, more than three months after national parliamentary elections, the Croatian Parliament confirmed the 13th Croatian Government with Mr. Tihomir Orešković as Prime Minister. The Government was formed as a result of a coalition between the Patriotic Coalition (Domoljubna koalicija) led by HDZ, and MOST. Despite both coalition partners - HDZ and MOST- having promised the implementation of much needed structural reforms to curb corruption and increase competitiveness of the Croatian economy, the new conservative government has instead focused on undertaking a political and cultural “lustration”. As part of the “lustration”, the first moves of the government have been directed at cracking down on press freedoms, which they have undertaken with concerning zeal and efficacy.

GOVERNMENT’S CRAKDOWN ON NON-PROFIT MEDIA

- On January 27, 2016, the newly appointed Minister of Culture, Mr. Zlatko Hasanbegović enacted a Decision on the Dismissal of the Expert Committee for Non-profit Media, the government body responsible for awarding and monitoring funds allocated for the development of the non-profit media sector.¹ The controversial Decision was made only a few days after Mr. Hasanbegović assumed office, and was not based upon any evaluation or public discussion over the work of the Expert Committee, thus being arbitrary. Moreover, the Minister did not consult the Committee’s members at any point, nor was any official explanation offered in the written copy of the Decision for the reason of the dismissal. The dismissal of the Expert Committee was justified with the principal statement by the Minister Hasanbegović that there is no need for funding non-profit media by the Ministry of Culture anymore, and that the other functions of the Expert Committee, such as monitoring funds allocation and spending, will be performed by the Minister himself personally. As a result, ongoing projects are currently jeopardized by lack of implementation supervision by the qualified body, thus creating uncertainty over the validation of the project’s results.
- Following the Decision on the Dismissal, the Ministry of Culture continued with antagonistic actions and comments toward the non-profit media sector. The proposed State Budget for 2016 substantially cut down the budget line for non-profit media from 3.5 million HRK in 2014, and 3.2 million HRK in 2015 to only 0,613 million HRK

¹ <http://www.kulturpunkt.hr/content/politike-bez-programa>

for 2016.² This dramatic cut will have significant and long-lasting negative consequences on media freedoms, and in particular on the non-profit media sector in Croatia.

Human Rights House Zagreb is deeply concerned with the Government's crackdown on non-profit media. *The dismissal of the Expert Committee and the significant budget cuts to State financial support for non-profit media are a step backwards in the promotion of human rights, which is a legal obligation under international human rights law. Media are a vital pillar of a functional democracy that, inter alia performs the function of a "watchdog" on government, informs the general public about political and social processes, investigates cases of corruption and hence, promotes and facilitates the accountability of public office holders to citizens. Furthermore, the non-profit media are additionally tasked with reporting on marginalized social groups and issues, thus significantly contributing to the promotion of human rights of excluded and rights-deprived social groups, e.g. national minorities, LGBT, homeless persons, etc.*

CROATIAN RADIOTELEVISION

— On March 4, 2016, the Parliament dismissed the Director of Croatian Radiotelevision (HRT), Mr. Goran Radman, and appointed Mr. Siniša Kovačić as Acting Director. The Parliament's decision on dismissal was carried out after the proposal of HRT's Supervisory Board, and approval of the Parliament's Committee on Information, Computerization and the Media.³

— The Parliament was within its legal powers to remove the Director of HRT; however, both the reasons for dismissal as well as the process were not transparent, and the dismissal was carried out before the Parliament had a chance to review and discuss HRT's Annual Report, which if not adopted, would have given a legitimate reason for the Director's dismissal. Moreover, the appointment of the Acting Director was also carried out in a non-transparent way; without a public call for nominations that would enable media professionals to apply for this important position and with no room for professional competition. Instead, Mr. Kovačević was proposed at the same session of the Committee on Media at which Mr. Radman was de facto dismissed.

— Following the dismissal of the Director, the new Acting Director was swift to continue the "lustration" of HRT, swiftly removing more of HRT's personnel. So far, Mr. Kovačić has removed, without clear and transparent criteria, HRT employees directing and leading the program, chief editors of the television and radio programs, editors of the news program, and anchors of the Central News (Dnevnik).⁴

Human Rights House Zagreb is deeply concerned with the unacceptable political influence over the independence, and the autonomy of Croatian Radiotelevision. *The Government has continued the practice of politicizing the national public broadcaster to ensure it functions as a service of the currently governing political majority, and not as an independent media accountable to the citizenry. The politicization of Croatian Radiotelevision is nothing new and indeed such sudden managerial changes at HRT occurring after changes of government are more the rule than the exception in Croatia. Such practice was heavily criticized in the past by human rights NGOs, including Human Rights House. Nevertheless, Croatia as a young democracy must build on the foundations of free press, human rights, and pluralism, not move backwards.*

² <http://faktograf.hr/2016/03/10/mediji-opet-na-meti-ministra-kulture/>

³ <http://www.nacional.hr/radman-smijenjen-sabor-imenovao-sinisu-kovacica-vrsitelj-em-duznosti-glavnog-ravnatelja-hrt-a/>

⁴ <http://www.vecernji.hr/hrvatska/smjene-na-hrt-u-razrijesen-sasa-runjic-jozo-barisic-imenovan-za-ravnatelja-programa-1066859>

- On March 16, 2016 the HRT’s new editorial management decided to cancel broadcasting of the satirical show “Montirani proces” (akin to the U.S. Daily Show) scheduled for March 20th, and to terminate the contract for all remaining episodes of the show. In the public statement sent to the media, the editorial management justified its decision by concluding that the show promoted intolerance of religion and nationalism.⁵
- Asked to comment the cancelation of the show, the first Vice-president of Government Mr. Tomislav Karmarko welcomed the termination of the show, stating the authors mocked the state where they live.⁶ Later on, the Acting Director of Business Unit of the HRT’s Program, Mr. Jozo Barišić further expanded reasons for cancelation of the show. In his words, the HRT had to act because one sketch was titled “Židovi će srušiti cijeli svijet” (Jews will Destroy the Whole World).⁷
- “Montirani proces”, as a satire show, was solely based on using sketches and humor for commenting the current social and political issues. The justification given by Mr. Barišić was almost immediately refuted by the President of the Zagreb Jewish Community, Mr. Ognjen Kraus, who stated that the cancelation is a witch-hunt, and not founded in combating anti-Semitism. Mr. Kraus participated in the mentioned sketch as a guest, and had given his authorization to broadcast.⁸

Human Rights House Zagreb is deeply concerned with censorship at HRT, and abuse of the legitimate fight against anti-Semitism and related intolerances as a justification to infringe on the right to free expression. *The cancelation of “Montirani proces” can only be seen as politically motivated censorship, due to the perceived usage of satire against the state, which is unacceptable in a democratic society. We recall the well established principle of the European Court of Human Rights: “Freedom of expression constitutes one of the essential foundations of a democratic society, one of the basic conditions for its progress and for the development of every man. (...) It is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society.’”⁹*

COUNCIL OF ELECTRONIC MEDIA

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- On January 22nd, 2016 the Council of Electronic Media (the national broadcasting regulator) temporarily suspended the broadcasting license of the Z1 televizija d.o.o., a Zagreb based television channel. The suspension decision was unanimously sanctioned by the Council due to violation of Article 12 (2) of the Electronic Media Act that prohibits, *inter alia*, incitement and spreading of hatred, and discrimination based on religion. The Council found that the anchor of TV show “Markov trg” violated the Act by warning the citizens of Zagreb not to pass by the Serbian Orthodox Church at Cvijetni Square because “their children could become victims of Četnik slaughter”.¹⁰

⁵ <http://net.hr/danas/hrvatska/hrt-ukida-montirani-proces-uz-suludo-obrazlozenje-emisija-raspiruje-vjersku-i-nacionalnu-netrpeljivost/>

⁶ <http://www.tportal.hr/vijesti/hrvatska/421294/Snimili-su-me-za-sporni-Montirani-proces-nema-tu-antisemitizma.html>

⁷ <http://www.jutarnji.hr/tek-sam-poceo-raditi--a-zatecen-sam-onime-sto-svaki-dan-nalazim--samo-na-jednom-projektu-ne-moze-se-utvrditi-gdje-je-utorseno-18-milijuna-kuna-/1544909/>

⁸ <http://www.tportal.hr/vijesti/hrvatska/421294/Snimili-su-me-za-sporni-Montirani-proces-nema-tu-antisemitizma.html>

⁹ *Handyside v. the United Kingdom* judgment of 7 December 1976, § 49.

¹⁰ <http://www.e-mediji.hr/en/news/incitement-to-hatred-at-zagreb-local-tv-resulted-in-three-days-license-suspension/>

— As a reaction to the Council's suspension decision, around 5000 citizens organized a march and protest in front of the Council on January 26th, 2016. Although the protesters had a right to organize a peaceful protest against an otherwise legal decision, they abused their rights to freedom of assembly and expression by publicly inciting hatred against the Council's president, Mrs. Mirjana Rakić, based on her actual or perceived Serbian ethnicity. The protesters were carrying cardboard cutout of Mrs. Rakić dressed in a traditional Serbian hat with Četnik's coat-of-arms (šajkača s kokardom), and publicly shouting "Rakić go to Serbia". Additionally, the protesters were publicly chanting the Croatian version of the fascist salute "Za dom spremni". The protest was legitimized by the ruling coalition as it was led, among others, by the Vice President of the Croatian Parliament, Mr. Ivan Tepeš. The police present at the protest neither ended the public assembly after the above described events happened, nor were any of the protesters charged, either for criminal or misdemeanor offences, both being prescribed by law.¹¹

Human Rights House Zagreb is deeply concerned with the unacceptable attempt to overthrow the Council of the Electronic Media by intimidating its President, Mrs. Rakić with incitement to hatred and fascist chanting. *We find particularly worrying the lack of any appropriate reaction by the police to the fascist chanting and promotion of hate, and the Government's failure to publicly condemn the attempt, and to appropriately support the work of a legitimate, Parliamentary appointed institution. The holders of democratic offices do not restrain themselves from participating in manifestations promoting hate and discrimination. Hence, it is no surprise that incidents of hate speech in public spaces have increased in the last several months as the general public and radical rightwing ideologues feel emboldened by the new government's tolerance and promotion of discrimination and hate speech. Worryingly, recent violent attack on a journalist Mr. Ante Tomić¹² have not been properly condemned by the government, and are no doubt related to the new environment of tolerance for hate speech. Indeed, terms like "hate speech", "freedom of expression", and "revisionism" are themselves being relativized and misinterpreted to justify hate speech against national minorities and historical revisionism of WWII. Instead of openly and out rightly condemning hate speech the Government has not put sufficient and genuine efforts in securing conditions for further development of an open and free society where freedom of the press is respected, and hate speech discouraged.*

— Following the protest, during the 7th session held on March 9th, 2016, the Government adopted a decision recommending to the Parliament to not accept the regular Annual Report on the work of the Council of the Electronic Media for 2014. Moreover, the Government also proposed to the Parliament to dismiss the President, and all the members of the Council before the end of their term. Pressures on the Council resulted with Mr. Rakić resigning on March 18th, 2016 from the position of Council President, and consequently, Agency Director¹³.

Human Rights House Zagreb is deeply concerned with the Government's political pressure on the independence of the Council of the Electronic Media and the crackdown on its autonomy. *We join in the concern to the OSCE Representative on Freedom of Media, Mrs. Dunja Mijatović. In the statement from March 10th, 2016, Mrs. Mijatović stated that the independence of the national regulator is an essential element for pluralism of media, and that any interference, including pressure to remove the members of the Council of the Electronic Media represents a form of unacceptable political pressure. The OSCE Representative also stated that these actions of the authorities raise serious concerns about media freedoms in Croatia.¹⁴*

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<http://www.tportal.hr/vijesti/hrvatska/413664/Prosvjednici-blokirali-srediste-Zagreba-traze-pomilovanje-za-Marka-Jurica.html>

12
<http://www.jutarnji.hr/sramotna-reakcija-ministarstva-kulture-nakon-napada-na-kolumnista-jutarnjeg--ante-tomic-neka-pazi-sto-pise--/1553930/>

13
<http://www.e-mediji.hr/hr/aem/sjednice-vijeca/zapisnik-s-11-16-sjednice-vijeca-za-elektronicke-medije-odrzane-dana-18-ozujka-2016/>

14
<http://www.osce.org/fom/226861>

CONCLUSION

Human Rights House Zagreb condemns the actions of the Croatian Government and calls for immediate improvement of the conditions for freedom of the press. Independence of the public broadcasting company, regulating bodies and annulment of the political influence should be secured. Institutional decisions regarding the media should be adopted in a transparent manner, and changes in media policies should be adopted only through quality consultations with all the relevant stakeholders, and based on the highest norms and standards of human rights law. The media, public broadcasting companies and regulatory bodies should be safeguarded from arbitrariness.



Kuća ljudskih prava Zagreb djeluje kao Centar znanja za društveni razvoj u području zaštite i promicanja ljudskih prava.



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