

## **How to address current threats to journalism?**

Sub-theme intervention outline  
Ministry of Culture of the Republic of Croatia

„Current threats to journalism“ are globally most visible in the form of physical and legal threats to journalists which are happening everywhere – from war zones to “stable” societies. Intimidation of journalist on the basis of defamation as well as high profile cases of national security infringement are for sure restricting press freedom while placing journalism in a „secure“ area where any politically subversive or simply investigative actions are forbidden.

While most of the EU states have adopted provisions from European Convention on Human Rights (Article 10) into national legislation, there are still few which are treating defamation, libel and slander as parts of criminal code.

By analyzing Croatian media practice in the last 20 years (after liberalization of media space), it is evident that penalties for defamation always served only as intimidation of journalist and cover up for corruption and authoritarian rule. Mostly due to pressure from international organizations, Croatia has decriminalized defamation in 2006.

Defamation has been again criminalized at the end of the mandate of former government; higher penalties for defamation have been introduced together with the journalist's responsibility to prove that she/he has no intent to defame. These provisions of new Criminal Act (in force as of 1<sup>st</sup> of January 2013) were treated in public and especially among journalist as a sort of political scandal. Current Minister of Culture supported the initiative to decriminalize the defamation but also called for better responsibility of the media outlets, especially in terms of implementation of the right to correction and commentary, aiming to ensure that fair balance is struck between the right to freedom of expression and the protection of reputation.

We strongly support the view under which criminalization of defamation violets freedom of expression and it's inconsistent with article 10. The issue of defamation, libel and slander should be in the area of civil code while regulation measures in the form of professional standard and ethics should come before the court proceedings. These internal regulation measures should come from journalists themselves or their truly independent professional

bodies while possibility of creating regulating body similar to existing Agency for Electronic Media in Croatia, is also open.

Important prerequisite of internal regulation done by journalists themselves is existence of strong and independent journalist organizations. Journalist's freedoms and responsibilities at their workplace, including journalist vote in the selection of editor, are also important element in their ability to respect and pursue professional standards. New VAT Act in Croatia has introduced lower tax rate for newspapers which fulfill the criteria of newsroom statutes. The existence of statutes was already an obligation contained in Law on Media, but publishers avoided granting those rights and responsibilities to their employees. With the new VAT Act most of the newsrooms have passed the statutes, while some irregularities and pressures were observed in the process.

Nevertheless, current threats to journalism cannot be summed up to intimidation based on legal threats or restriction of journalist votes in selection of editors. There are parallel processes going on in newsrooms today which are threatening journalism on less visible but structural level.

Loss of jobs in media industry is in front of that process, while it's reverse is best pictured with the army of those working in „atypical“ or even illegal working relations. Short time or part time work; growing precarity among young men and woman, disguised employment (problem that specifically occurs in Croatia); deprivation of collective rights, deprivation of the right to unionize or to strike (in some newsrooms/publishers) are processes that have strong impact on press freedom. They threaten economic independence of journalists and consequently undermine their ability to respect standards of press freedom and pluralism.

We strongly believe that workplace relations are central to the subject of media survival and prerequisite for expression of public interest in media. In the age of austerity which comes hand in hand with commercialization of journalism, it is the State's responsibility to promote journalism as public good and introduce measures to protect and support employment in the sector. Possible measures include: better monitoring and stricter penalties for violation of labor rights as well as legislative and financial support for new organizational forms (such are co-operatives), independent media organizations and research centers. Last but not least,

stronger and more agile journalist associations and unions are irreplaceable partner in politicizing the issue of work in the media.

If we desire truly pluralist media ecosystem, if we desire media that build, inform and educate our communities, we need to protect journalism from intimidation that is happening on systematic level, at everyday work place. Independence from economic and political power will come only after media workers achieve the rights that are already being fought for in other sectors.