

Executive summary of media report SIR – Croatian analyses – English version

The principle of presumption of innocence is contained in the chapter on the protection of human rights and fundamental freedoms of the Constitution of the Republic of Croatia, according to which everyone is presumed innocent and may not be held guilty of a criminal offence until such guilt is proven by a binding court judgment. This material constitutional right is reflected in all subsequent laws and subordinate acts and in the statutes of associations and other social institutions as part of the national constitutional order. Its importance is constantly to be pointed out, and the particularly sensitive area in relation to this concept is media coverage of criminal offenses where it is necessary to deal with caution so as not to violate the principle of the presumption of innocence.

Rules on reporting and media presentation of suspects and accused persons are fragmented in the provisions of several laws regulating court proceedings as well as in rules referring to the media. Therefore, there are no special provisions regarding suspects and accused persons, but rather general rules apply to those categories as well, with the exception of certain specific legal provisions relating to children.

In Croatia, guidelines for journalists on reporting about suspects or accused persons can be found in the Code of Honor of the Croatian Journalists' Association which provides general definitions of the rights and duties of Croatian journalists, as well as in the Ethical Code for Journalists and Creative Staff of Croatian Radiotelevision. However, most media platforms in Croatia have no (published) code of ethics and according to the desk research, only Croatian Radiotelevision and Večernji list newspaper published their ethical codes and have them available on their official websites.

The Croatian media landscape is characterized by "strong commercial television service providers, a declining print sector and a vibrant mix of traditional and alternative online websites". There are three media sectors: public, commercial and "third sector" (non profit, independent or community media). The Croatian media system is characterized by "a weak journalistic profession which has difficulty in attaining a satisfactory level of autonomy, a strong relationship between politics and the media (...) and a strong role for the state in the media system (...)".

For purposes of this study, random sampling of articles was conducted in: 5 national daily newspapers with the largest circulation (Večernji list, Jutarnji list, 24 sata, Novi list, Slobodna Dalmacija), 3 weekly newspapers (7 dnevno, Globus, Nacional), 3 news portals not affiliated with print (Index.hr, Net.hr, T-portal) and in TV stories broadcast during the main news bulletins in the prime time on public-broadcasting channel (HRT1 Dnevnik) and on 2 private channels (NovaTV and RTL) with a primary focus on the news and with biggest viewership to the news. In the sampling period, a total of 245 news items were collected. The presumption of innocence was not mentioned in any of the 20 most relevant articles in all the media.

According to overall results, the majority of TV news are examples of good reporting in line with standards. In a very few cases it can be argued that some ethical standards have been violated - when using the photos of the victim or violence, when using the sensationalist words in reporting about suspects or accused, or when using archive materials or played scenes without a clear indication thereof.

In newspaper articles and online portals, the title of the article is often written in a sensationalist manner, not using the correct term for accused, suspects or charged persons, while in the text of the article those terms are usually stated clearly and accurately. Headlines contain words such as "killer", "hijacker", "smuggler", while the text itself contains terms like "suspected of murder" or "suspected of stealing". Examples of this type of reporting have been recorded in more than half of the analyzed news. Daily press and internet portals often publish articles containing initials, age, origin, status, place of residence and even occupation of suspects despite the fact that they are still under investigation and that their origin and status are not relevant to the story. In relation to the allegations of journalists who on a regular basis proclaim defendants guilty in the headlines, according to the case law of the European Court of Human Rights, no state responsibility of the Republic of Croatia for the violation of the presumption of innocence has been determined so far.

It is noted that media are more careful when it comes to high profile cases and publicly exposed persons, so they are likely to use expressions such as "suspect", "defendant", "accused" and "convicted" correctly and accurately, in accordance with criminal law provisions. Also, in such cases, statements of the state attorney's press release are used by quoting their segments or transmitting them entirely.