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The Representative on Freedom of the Media**

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Additional comments on the draft Law on the media of the Republic of Croatia

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by

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and

Mr Gavin Millar QC

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of the Republic of Croatia**

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and

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1. The experts have received a revised draft of Law on the Media further to the 2nd working version on which comment have been prepared on 13 August 2003.³ The experts also received some remarks by the Human Rights Office of the Government of the Republic of Croatia and by Mr Albino Crnobori.
2. Art 6: The experts' suggestion that there should be a general public interest entitlement to disclosure (even for protected categories of information) does not seem to have been accepted in the further draft, though the remarks from Croatia suggest it has been accepted. The experts refer to paragraph 6 of their last comments.
3. As a pure matter of drafting, at least in English, the adding "in writing" in article 6 (6) does not seem compatible with keeping "in writing or verbally".
4. Old Article 9 (now Article 10): The repeated concerns about the imposition of additional registration requirements on foreign publishers do not appear to have been accepted. There is no explanation in the remarks.
5. Article 11: The experts suggested deletion of the reference to "*competent ministry*". This has not been done in the draft although Mr Albino Crnobori's remarks suggest that the proposed change has been "accepted".
6. In addition the detailed Article 11 requirements for registration of the press appear to have become heavier not lighter in the current draft. In Art.11(2) a requirement for registration of "programme basis" is now included. There is also a far-reaching new requirement for distributors to be registered. These requirements would have to be justified as infringement of freedom of expression. At present the experts are unable to see any justification. The experts are particularly concerned that registration may be refused on political or other objectionable grounds, on the pretext that insufficient data has been provided under Art.11(2).
7. Old Article 16 (now 15?): Despite past comments the legal regulation of journalistic activity does not appear to have been deleted. The remarks do not explain why.
8. Old Art 17 (now 20): The experts wonder whether the point made in their past comments has been understood. The experts' concern is that the types/amounts of "damage" (and therefore compensation) are not defined or otherwise identified in this law. This concern remains. The recent draft does not provide such a definition/identification.
9. Arts 12(1) and 13(1): The experts' last comments do not appear to have affected the draft. The remarks do not deal with these comments about requirements in relations to "programme basis".
10. The experts are very reluctant to accept the two new items (10 and 11) on new Article 39 § 4, on the exceptions to publish a correction, especially when the same are incorporated in new article 53 (3) on the right of response. These situations cannot justify the refusal to publish corrections or responses.

³ See Doc. ATCM(2003)18, Comments on the draft Law on the media of the Republic of Croatia – 2nd working version 30 July 2003, by Dr Jorge Pegado Liz & Mr Gavin Millar, QC.