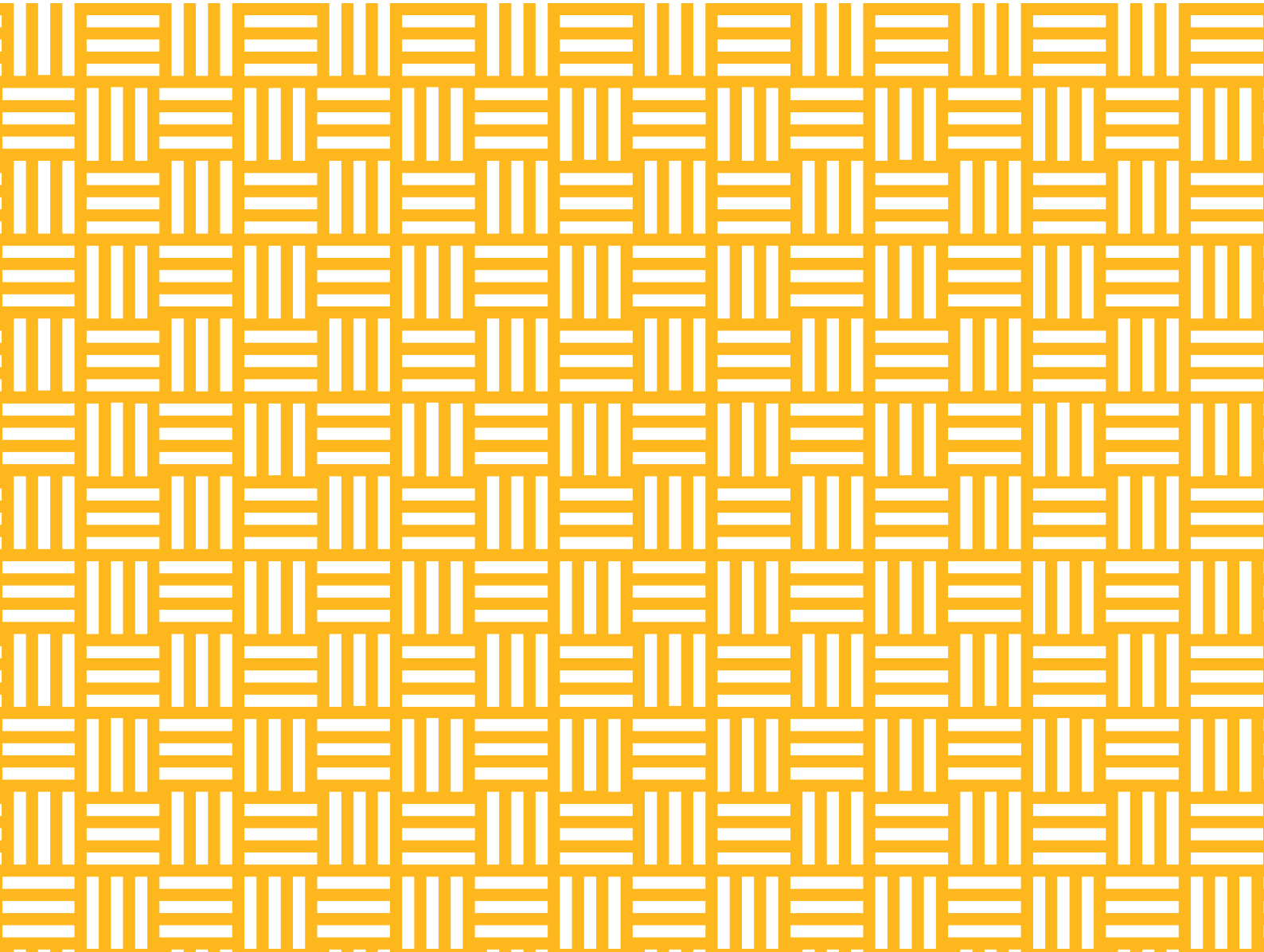




**safejournalists.net**

# **MONTENEGRO Indicators of the level of media freedom and journalists' safety 2020**





**MONTENEGRO**  
**Indicators of the**  
**level of media**  
**freedom and**  
**journalists'**  
**safety 2020**

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# Project Overview and Scope

For the fifth year in a row, the journalists' organizations from the Western Balkans region (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo, and Serbia), with the support of the European Commission<sup>1</sup>, have been monitoring the development of media freedoms and safety of journalists in their countries. In 2020, the additional two countries made such an assessment – Albania and Croatia. The research methodology developed in 2016<sup>2</sup> has been refined over the years to standardize the data collection and analysis process, and to adjust the research focus to developments in the traditional and digital media environment in the Western Balkans. Based on these standardized research tools, journalists' associations and trade unions assessed the latest developments in their countries and engaged in various advocacy activities to improve the political, legislative, and institutional environment in which journalists and media work.

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- 1 In December 2019, the European Commission approved a three-year [Safejournalists.net](#) project, aimed at strengthening national journalism organizations in the Western Balkans to become effective, responsible, and independent actors in advocating for the EU standards in the field of media freedom, with the long-term goal of improving the right of citizens to informed choice. This action represents an improvement of the previous project (Regional Platform for Advocacy for Media Freedom and Safety of Journalists in the Western Balkans) and is based on the knowledge and experience gained in the period 2016-2018. The project is supported through the Civil Society and Media Assistance Program 2018-2019, Support to regional thematic networks of civil society organizations, support to a regional network for women's rights and gender equality and support to small scale projects promoting cooperation between communities and citizens from Serbia and Kosovo.*
  - 2 The fifth edition of the research methodology, which was adopted for this advocacy research project, was developed by Snezana Trpevska and Igor Micevski, researchers from the RESIS Institute for Social Development Research in Northern Macedonia ([www.resis.mk](http://www.resis.mk)).*

# Methodological Note

The research methodology is composed of three groups of indicators structured on the basis of a systematic analysis of various guidelines produced by relevant international organizations<sup>3</sup>. In the course of the past four years, the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in seven countries.

A range of various research methods was applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies, and other documents;
- Qualitative analysis of legal documents;
- Collection and analysis of information published on the websites of public institutions and other organizations and bodies;
- Collection and analysis of press releases, notices, and other information published by professional organizations;
- Secondary data collected by journalists' associations and trade union;
- In-depth-interviews with experts, journalists, and policy makers;
- Focus groups with journalists;
- Surveys with journalists (in some countries).

At the national level, journalists' associations and trade union nominated national researchers to carry out the data collection and to draft the narrative reports, which were then reviewed by the national experts and lead researcher. In Montenegro, the Trade Union of Media of Montenegro (SMCG) appointed Marijana Camovic-Velickovic and Bojana Lakovic-Konatar as national researchers, while Assistant Professor Vuk Vukovic as a media expert was chosen to review the report.

Three groups of indicators used in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

*Table 1: Indicators of the level of media freedom and journalists' safety*

A. Legal protection	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Legal guarantees for media freedom and their implementation in practice	B.1 Economic restrictions on journalists' work	C.1 Statistics on the attacks on journalists and impunity
A.2 The effect of defamation law on journalists	B.2 Independence of the journalists in the private media	C.2 State institutions' and political actors' behaviour concerning journalists' protection
A.3 Protection of political pluralism in the media	B.3 Independence of the journalists in the public broadcasting service	C.3 Judicial system's efficiency concerning journalists' protection
A.4 Freedom of work and association of journalists	B.4 Independence of the journalists in the non-profit sector	
A.5 Protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Right to access to information	B.6 Position of women in journalism	

<sup>3</sup> The following documents were taken into consideration while developing the specific research approach for the Western Balkans countries: Council of Europe: *Indicators for Media in a Democracy*; UNESCO: *Media Development Indicators (MDI) and Journalists' Safety Indicators: National level*; USAID – IREX: *Media Sustainability Index*; Freedom House: *Freedom of the Press Survey*; BBC World Service Trust: *African Media Development Initiative*; Committee to Protect Journalists: *Violence against journalists*; Reporters without Borders: *World Press Freedom Index*.





According to the Constitutional system, Montenegro is an independent and sovereign state, with a republican form of government. The Constitution specifies that Montenegro is a civil, democratic, ecological and state of social justice, based on the rule of law. About 620,000 citizens are still most often divided on a national basis. According to the 2011 Census of Population, Households and Dwellings, in the structure of the population, in relation to the national or ethnic affiliation, Montenegrins account for 44.98%, Serbs 28.73%, Bosnians 8.65%, Albanians 4.9%, Muslims 3.31%, Croats 0.97%. Some of the previous researches indicate that the type of political culture in Montenegro is a mixture of subservient and parochial, with a rather low percentage of elements of participatory culture. Over the past years, reports from international organizations highlighted the existence of corruption, especially at a high level, as a special problem.

After being the ruling party for three decades, the Democratic Party of Socialists (DPS) lost power in the 2020 parliamentary elections. The new government consists of three coalitions, which have been in opposition so far: "For the future of Montenegro" (ZBCG), "Peace is our nation" (MNN) and "In Black and White" (CnB). The novelty they introduced is that the Government is composed of experts, who are not at the same time members or representatives of the parties that won the elections. Changes on the political scene have led to a deeper polarization of the media, which are now, following the example of the rest of society, divided into those who defend the state and those who attack it, or who want to "affiliate" it to Serbia. The huge polarization between the media leads to competition between the media, but also to the increasing number of mutual lawsuits due to the violation of honor and reputation, claiming significant amounts of money.

Following the example of other countries in the world, the Montenegrin economy suffered great losses during 2020 and the outbreak of the Covid-19 pandemic. Revenues from tourism, as the main economic branch, almost did not exist, while other branches of the economy, such as hospitality, due to the closure of the entire country on several occasions, suffered losses. A large number of media outlets have suffered heavy losses because, according to some estimates, advertising revenues have been reduced by up to 30%. The Government has repeatedly assisted the media in Montenegro, so the direct and indirect assistance of the state to the media was about 2.5 million Euro. This type of assistance is certainly good, but it was provided only to certain media and it is not yet known how much media received assistance and in what amount. Unfortunately, the media outlets that have allowed their employees, primarily journalists, to receive a part of that assistance are rare.

There are currently 193 active media in Montenegro, out of which 188 are electronic media and five are print media. Following the amendments to the Law on Media, the Agency for Electronic Media (AEM) is no longer responsible for keeping records of electronic publications. Now, the Ministry of Public Administration, Digital Society and Media is in charge of that. According to the data on the portal registrations, 101 portals were registered by the beginning of December 2020. In addition, the AEM register also records six media owned by the Radio-Television of Montenegro, five local public television broadcasters, as well as 16 local public radio broadcasters. 35 commercial radio broadcasters and 24 AVM operators were registered as well. There are also two non-profit radio broadcasters in Montenegro. There is no accurate data on the number of employees in the media in Montenegro, as well as on the structure of employees (number of journalists or other media workers). The latest available data shows that 800 journalists work in the media. According to the available data from the Statistical Office of Montenegro – Monstat for 2019, 1,432 people work in the Montenegrin media sector.

### **A1 Legal guarantees for media freedom and their application in practice**

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Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet? Are the legal guarantees implemented in practice? Was media legislation developed in a transparent and inclusive process in consultation with the relevant professional associations?

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In Montenegro, there have been no changes when it comes to the legal definition of the freedom of expression and information, so these freedoms are guaranteed and they include access to the Internet. In 2020, the Law on the National Public Broadcaster Radio-Television of Montenegro was amended as well as a new Law on Media was adopted, after two years of work on it. These legal solutions provide some additional freedoms,<sup>4</sup> but also impose obligations on journalists and the media, which is why they have been the target of criticism from the media community.<sup>5</sup> The process of amending

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4 "Unfortunately, proposals to legally bound the media owners to use the internal acts to ensure the influence of journalists during the election of the editor-in-chief, as well as proposals to leave journalists a greater opportunity to protect the identity of the source, were not accepted.", Dusko Vukovic, interviewed by Bajana Lakovic-Konatar, 17.02.2021

5 M.M.L.J, "Apsolutna zaštita nemoguća, strah zbog zloupotreba", [Absolute protection impossible, fear of abuse], RTCG.me, 30.08.2020, accessed: 22.12.2020, <http://www.rtcg.me/vijesti/drustvo/291047/apsolutna-zastita-nemoguca-strah-od-zloupotreba.html>

these laws was accompanied by great transparency and involvement of representatives of the media and organizations dealing with the protection of freedom of expression, as well as trade union and journalists' associations. However, it was assessed as "one step forward, two steps back."<sup>6</sup> The adoption of the Law on Media was accompanied by a strong negative campaign of the Working Group participants who claimed that the solutions agreed at the meetings were not adopted, and that journalists and the media do not benefit from the proposed solutions,<sup>7</sup> which was supported by representatives of the international organizations.<sup>8</sup> The Law on Audio-Visual Media Services (Law on Electronic Media) is expected to be adopted in 2021).

*"One step forward is that the new laws have been amended with more modern provisions, unlike the previous laws that were outdated. Two steps back mean that certain solutions are disputable precisely because of the possible consequences for the freedom of journalists." Statement of Dragana Zaric, Media Expert.*

Were there any attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and online media?

In 2020, the manner of establishing the electronic and print media did not change, however, there were changes in the manner of registration of the online media or internet publications. Besides the fact that the definition of internet publications or portals is very broad, the Law on Media prescribes the obligation of these media to register with the Ministry of Culture (i.e. the Ministry of Public Administration, Digital Society and Media). Until 2020, the register of these media was kept by the Agency for Electronic Media (AEM) and now the Ministry of Media is in charge of that. What is not yet completely clear is whether the Ministry's register will be public, like the AEM's register, because otherwise, it would reflect an insufficiently clear vision and understanding of media ownership issues, primarily digital media.

Have there been attempts by the state authorities to restrict the right to Internet access or seek to block or filter Internet content?

There have been no attempts by the state to impose any additional obligations for the media registration, nor to block or filter the online content. However, during the election day, but also during the election campaign, almost all online media, as well as some state organizations' websites,<sup>9</sup> were targeted by hackers<sup>10</sup> and other attacks.<sup>11</sup>

Is the regulatory authority performing its functions in an independent and non-discriminatory manner? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?

Some NGOs and representatives of the media community have criticized the AEM for political influence on that body by the now-former government<sup>12</sup>. Namely, 2020 was marked by protests against the adoption of the basic Law on Freedom of Religion<sup>13</sup>, and this regulator was accused of restricting the broadcasting of Happy and Pink M television programs because

6 Dragana Zaric, interviewed by Bojana Lakovic-Konatar, 26.01.2021

7 Milos Rudovic, Tina Popovic, "Dvije godine buke ni oko čega" [Two years of fuss with no reason], *Vijesti.me*, 29.07.2020, accessed: 20.12.2020, <https://www.vijesti.me/vijesti/drustvo/455577/dvije-godine-buke-ni-oko-cega>

8 Aneta Durovic, Lela Scepanovic, "Reporteri bez granica pozivaju Đukanovića da ne potpiše Zakon o medijima Reporters" [Without Borders calls on Djukanovic not to sign the Law on Media], *Radio Slobodna Evropa*, 28.07.2020, accessed: 20.12.2020, <https://www.slobodnaevropa.org/a/reporteri-bez-granica-pozivaju-%C4%91ukanovi%C4%87a-da-ne-potpisi%C5%A1e-zakon-o-medijima/30753698.html>

9 NN, "Sajt Portala Analitika bio meta ozbiljnih hakerskih DDoS napada", [Website of the Portal Analitika was the target of serious hacker DDoS attacks], *Portal Analitika*, 30.08.2020, accessed: 17.12.2020, <https://www.portalanalitika.me/clanak/sajt-portala-analitika-bio-meta-ozbiljnih-hakerskih-ddos-napada>

10 *Vijesti online*, "Portal Vijesti opet meta hakerskih napada", [Portal Vijesti again the target of hacker attacks], *Portal Vijesti*, 18.04.2020, accessed: 17.12.2020, <https://www.vijesti.me/vijesti/tehno/382358/portal-vijesti-opet-meta-hacker-attacks>

11 Mirjana Dragas, "MUP: Portal biraci.me meta hakerskih napada", [Ministry of the Interior: Portal Birači.me target of hacker attacks], *Portal Antena M*, 30.08.2020, accessed: 17.12.2020, <https://www.antenam.net/izbori2020/169781-mup-portal-biraci-me-meta-hakerskih-napada?fbclid=IwAR04OqGODApGZ8nEZBc q3d8m3HcJtaBKV9PeTv50UjQMp03bOVdGSINQTFo>

12 Center for Civic Education, "Mediji u Crnoj Gori: Između zagrljaja vlasti i borbe za profesiju", [Media in Montenegro: Between the Embrace of Power and the Struggle for the Profession], Podgorica: 2020, accessed: 27.12.2020, <http://cqa-ccc.org/2020/04/20/mediji-u-crnoj-gori-izmedu-zagrljaja-vlasti-i-borbe-za-profesiju/#YAtup3ZKJIU>

13 *The Law on Freedom of Religion or Belief and the Legal Status of Religious Communities in Montenegro*, which caused the dissatisfaction of the Serbian Orthodox Church (SPC) and the opposition led by the Democratic Front (DF), entered into force on 08.01.2020. The Law determines the property rights of the state over religious buildings that represent the cultural heritage of Montenegro, which has been built over the centuries and acquired from public revenues of the state. It is stipulated that all religious buildings that represent cultural heritage and were the property of the state of Montenegro before the loss of its independence in 1918 and which later did not become the property of a religious community, will be recognized as state property. The new government adopted amendments to this law at the end of 2020, which caused great dissatisfaction among the other part of the public.

they sharply attacked the Montenegrin Government for passing the Law. However, the AEM criticized such allegations, emphasizing that the decision was made solely because hate speech, intolerance and discrimination against members of the Montenegrin nationality were promoted in those contents.<sup>14</sup>

**Are the legal provisions on state advertising in the media abused for political influence over their editorial policy? Is the allocation of state funds transparent, fair and non-discriminatory? Do the state institutions regularly publish the data on the amounts allocated to different media?**

The advertising of public authorities in the media continues to be a concern for both domestic and international organizations, as well as the European Commission (EC).<sup>15</sup> The EC points out that concerns about transparency and discrimination in state advertising are still present, that the marketing cake is small, that the situation is even more difficult in 2020 due to the Covid-19 pandemic “which has led to a significant drop in revenue for print, electronic and internet media faced with increased production costs due to the health crisis.”<sup>16</sup> The Law on Media introduces innovation meaning that the public sector, at the local and national level, submits evidence of executive payments for advertising in the media to the Ministry of Public Administration, Digital Society and Media and publishes them on the Internet. All these reports should be published by the Ministry in its annual report, which, although a positive step forward in theory, still depends on practical applications, so that advertising would not continue to be a political way of putting pressure on the media.<sup>17</sup>

**Are there any types of media subsidies or funds for production of media content of public interest and how are they implemented in practice? What are the mechanisms for financing media in the languages of national minorities?**

As the coronavirus pandemic also affected the media industry, the Government of Montenegro assisted

the media with more than 600,000 Euro in 2020. Data released in June show that the Government’s direct financial assistance to the media amounted to more than 310,000 Euro with an additional 300,000 Euro in relief or deferrals.<sup>18</sup> On this occasion, subsidies for salaries of media employees were provided, as well as a special credit line with the Investment Development Fund in the amount of 600,000 Euro. However, the decision to help the media with the largest audience, which have an informative program every day, is somewhat problematic, thus excluding some smaller media. As part of its regular activities, the Government supports local print media through the Ministry of Finance, while it supports projects related to the promotion and protection of minority interests through the Fund for the Protection and Exercise of Minority Rights of Montenegro. During 2020, 196 projects were supported through this Fund, with more than 1.1 million Euro.<sup>19</sup>

One of the most important novelties for the media brought by the Law on Media is the establishment of the Fund for Encouraging Media Pluralism and Diversity. The Law prescribes that the state finances projects in the field of information from the budget, by providing financial resources through this Fund<sup>20</sup>, as well as that the Fund is financed in the amount of at least 0.09% of the current budget. The law specifies that 60% of the funds of the Regulatory Council for AVN services are shared between commercial and non-profit media, and 40% go to the sub-fund for daily and weekly print media and online publications, and these funds are granted by an independent commission of the Ministry<sup>21</sup>. Those provisions are already the target of criticism because fewer funds will be allocated for all media in Montenegro than for the RTCG.<sup>22</sup> For the operational costs of various self-regulatory mechanisms, the Law on Media envisages that, from each of the sub-funds, 5% of funds will be allocated annually, while self-regulatory bodies will submit a request once a year to cover the operational costs necessary for their activities.

14 NN, “Agencija za elektronske medije: Odgovor na ocjene iz analize CGO”, [Agency for Electronic Media: Response to the CCE Analysis Ratings], Ul-Info Portal, 27.04.2020, accessed: 27.12.2020, <http://mne.ul-info.com/agencija-za-elektronske-medije-odgovor-na-ocjene-iz-analize-cgo/>

15 European Commission, “Izveštaj Evropske komisije o Crnoj Gori za 2020”, [European Commission Report on Montenegro for 2020], Brussels: 2020, p. 35, accessed: 27.12.2020, <https://www.eu.me/mn/pregovori-o-pristupanju/dokumenti-pregovori/category/57-izvijestaji-o-napretku>

16 Ibid.

17 Ibid.

18 Safejournalists.net, “Direktna pomoć medijima 310.000 eura”, [EUR 310,000 of direct assistance to the media], safejournalists.net, 14.06.2020, <https://safejournalists.net/me/direktna-pomoc-medijima-310-000-eura/>

19 Fund for the Protection and Exercise of Minority Rights, “Odluka o raspodjeli sredstava za finansiranje projekata za podršku aktivnostima iz člana 36 stav 1 Zakona o manjinskim pravima i slobodama za 2020. godinu”, [Decision on the Allocation of Funds for Financing Projects for Sub-Activities under Article 36, Paragraph 1 of the Law on Minority Rights and Freedoms for 2020], (Podgorica: 2020), <http://www.fzm.me/v/Odluke/Odluka%20raspodjeli%20sredstava%20Fonda%20za%202020.god.pdf>

20 Law on Media, Article 17, <https://me.propisi.net/zakon-o-medijima/>

21 Law on Media, Article 18, <https://me.propisi.net/zakon-o-medijima/>

22 Milos Rudovic, “RTCG-u milioni, mrvice za više od 125 medija”, [Millions for the RTCG, crumbs for more than 125 media], Portal Vijesti, 29.06.2020, accessed: 27.12.2020, <https://www.vijesti.me/vijesti/drustvo/446823/rtcg-u-milioni-mrvice-za-vise-od-125-medija>

However, the Ombudsman of the independent daily Vijesti and the weekly Monitor, Paula Petricevic, does not have high expectations from this Fund. She points out that even before the adoption of the Law, she expected the media to show that they are ready to support self-regulation, by financing it and committing themselves to publishing decisions upholding the appeals “as well as possible recommendations and self-initiated interventions of self-regulatory bodies.”<sup>23</sup> She believes that this is the minimum, and that “self-regulation is effective when it is independent, consistent and visible in the media.”<sup>24</sup> Her colleague, the Ombudsman of the daily Dan, Ilija Jovicevic, points out that the introduction of the Fund is good, but that it is necessary to amend the Law on Media in order to regulate the Fund’s role, especially the part related to “favoring the media with external self-regulatory bodies.”<sup>25</sup>

*“Specifically, when it comes to self-regulation, it is unsustainable that during the allocation of funds, which should come from the Fund, media founders who have external self-regulatory bodies are favored, when it is known that both external and internal self-regulatory bodies (ombudsmen) have the same, equal status and that they are recognized in such a way by all European organizations that deal with this issue.” Statement of Ilija Jovicevic, Ombudsmen of daily newspaper Dan.*

**Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independence and stability? Is the supervisory body representative of society at large?**

The amendments of the Law on the National Public Broadcaster Radio-Television of Montenegro, adopted in summer 2020, were supposed to strengthen the independence of that media, which will, among other things, get an Ombudsman, strengthen the Council and ban advertising and teleshopping in the most-watched term (from 8 to 10 p.m.). However, that did not help change the attitude of the public regarding the influence that, until recently the ruling Democratic Party of Socialists has on the public broadcaster, especially on the work of television.<sup>26</sup> The work of the RTCG was marked by several omissions and violations of professional standards in the authors’ show, and in one of them, journal-

ist and editor attacked the representatives of the US Embassy in Podgorica for interfering in the internal affairs of Montenegro.<sup>27</sup> The RTCG is still financed in the same way, but the opinion of the professional public is that it still does not represent society as a whole, so it is necessary to amend the Law.<sup>28</sup> All these problems were recognized by the European Commission in its report for 2020.<sup>29</sup> That is why some NGOs proposed initiating urgent amendments to the Law on the RTCG before the election of the new Council, which did not happen.<sup>30</sup>

## A2 The effect of defamation laws on journalists

**Are the provisions in the defamation laws severe and protective of state officials? What are the main shortcomings of these laws? How many lawsuits have been initiated against journalists by state officials and politicians in the past year?**

The provisions of the Law on Media and the Law on Obligations relating to the protection of personality rights (defamation and insult) in the media, which were not amended during 2020, in theory, provide space for the media to work freely. However, the number of lawsuits on this basis is still very large, so 37 lawsuits were filed for compensation of material damage due to the violation of personality rights in 2019, and 22 in 2020.<sup>31</sup>

23 Paula Petricevic, interviewed by Bojana Lakovic-Konatar, 28.02.2021

24 Ibid.

25 Ilija Jovicevic, interviewed by Bojana Lakovic-Konatar, 25.02.2021

26 “This media, under the pretext of protecting state interests, was uncritically placed in the service of the long-standing ruling party and all those who are affiliated to it in a clientelistic sense.”, Dusko Vukovic, interviewed by Bojana Lakovic-Konatar, 17.02.2021

27 Dusan Cicmil, “Nikčević napala ambasadorku SAD: Je li moguće da takva zemlja pošalje nekog takvog”, [Nikčević attacked the US ambassador: Is it possible for such a country to send someone like that], Portal Vijesti, 08.12.2020, accessed: 27.12.2020, <https://www.vijesti.me/vijesti/politika/493183/nikcevic-napala-ambasadorku-sad-je-li-moguće-da-takva-zemlja-posalje-nekog-takvog>

28 Tina Popovic, “Ako želimo profesionalni Javni servis, mora se mijenjati Zakon”, [If we want a professional Public Service, the Law must be amended], Portal Vijesti, 25.12.2020, accessed: 27.12.2020, <https://www.vijesti.me/vijesti/drustvo/498059/ako-želimo-profesionalni-javni-servis-mora-se-mijenjati-zakon>

29 «U RTCG-u treba obnoviti uređivačku nezavisnost i profesionalne standarde, a i dalje ostaje da se pravni lijek za razrješenje članova Savjeta od strane Skupštine predvidi zakonom», [Editorial independence and professional standards need to be restored in the RTCG and the legal remedy for the dismissal of Council members by the Assembly still remains to be provided by law.], European Commission, «European Commission Report on Montenegro for 2020», Brussels: 2020, p. 34, accessed: 27.12.2020, <https://www.eu.me/mn/pregovori-o-pristupanju/dokumenti-pregovori/category/57-izvjestaji-o-napretku>

30 Dusko Vukovic, interviewed by Bojana Lakovic-Konatar, 17.02.2021

31 Trade Union of Media of Montenegro, “Činjenicama protiv tužbi – Deset godina dekriminalizacije klevete u Crnoj Gori”, [Facts v. lawsuits – Ten years since decriminalization of defamation in Montenegro], Podgorica: 2021, p. 13, accessed: 20.02.2021, <https://safejournalists.net/wp-content/uploads/2021/02/MNE-final-compressed.pdf>

Although the number of lawsuits remains high, final judgments indicate that the amount awarded is much lower than requested, that the media are mostly sued by citizens, and that the courts take care of penalties so as not to influence the spread of censorship and self-censorship among journalists.

*“According to the new legal solutions, the national public media service remained in the possession of the political power, because that government still has the exclusive right to determine who will ultimately be in the RTCG Council, which decides upon the issue of independence or dependence of the national public broadcaster.”*  
*Statement of Dusko Vukovic, Media Expert.*

Do the courts recognize the established self-regulation mechanism? Do they accept the validity of the published denial, correction or apology?

The case – law has shown that courts do not have a clear position on self-regulatory mechanisms, as in some cases the correction was interpreted as a guilty plea, while in others the aggravating circumstance for the media was that they did not publish a correction or denial.

To what extent are court decisions against some journalists politically motivated? What kinds of penalties have been imposed?

The analysis of judgments showed that private print media were most often sued, while the RTCG had one lawsuit in 10 years, and other public services were not sued at all for violating the personality rights. The first-instance courts are still considered more progressive courts, which apply international standards.<sup>32</sup> Journalists generally feel discouraged by the possibility of a lawsuit for breach of honor and reputation, but still see it as a major problem in the media community.<sup>33</sup>

### **A3 Protection of political pluralism in the media**

Is political pluralism in the media regulated by media legislation outside the election processes? What are the obligations of the PSB and what of the private broadcasters concerning political pluralism outside election processes? Is the regulatory authority obliged to monitor and protect political pluralism outside election processes?

Political pluralism in the media is normatively guaranteed, in part by the Law on National Public Broadcaster RTCG, but mostly by the Law on Election of Councilors and Deputies and the Law on Financing of Political Entities and Election Campaigns. The regulator is not obliged to monitor media coverage and promote the pluralism of political ideas except during the election campaign. Therefore, it can be said that political pluralism does not exist in practice, but only on “paper” or in laws. Almost all media have their favorites on the political scene, and regardless of the justification of ideas, political ideas are promoted following the original views. No media in Montenegro is deprived of that, regardless of the ownership structure or type of media, which further leads to covert censorship and self-censorship of journalists who report in accordance with media policy. Of particular concern is the lack of pluralism in the Public Service, which remains loyal to the recent ruling party, the DPS.

The importance of legal solutions, which define the work of the media during the elections, was especially emphasized during 2020, which was an election year when, after three decades, a change of government in Montenegro occurred. However, there are objections that key media laws were adopted late and thus provided legal uncertainty because the media did not have enough time to familiarize themselves with their obligations during the pre-election period.<sup>34</sup> Apart from the media laws, the other two laws were also criticized because they were inconsistent, which further complicates the work of the media.

<sup>32</sup> “The first instance courts were the first to improve the practice, they started to apply international standards, especially the case-law of the European Court of Human Rights, but the conservative higher and Supreme courts mostly revoked those progressive verdicts.” Tea Gorjanc-Prelevic, interviewed by Bojana Lakovic-Konatar, 20.01. 2021

<sup>33</sup> Focus group with journalists on media freedom and safety of journalists, number III, 22.02.2021

<sup>34</sup> “The Parliament of Montenegro adopted the umbrella Law on Media and the Law on Radio and Television of Montenegro (RTCG) after the elections were announced, at the end of July 2020. Thus, legal uncertainty was created and not enough time was left for both media and political entities to get acquainted with the solutions of the newly adopted laws.” Monitoring and Research Center, «Građansko nadgledanje izbora: Parlamentarni i lokalni izbori Crna Gora 2020 – Privremeni izvještaj», [Civic Monitoring of Elections: Parliamentary and Local Elections in Montenegro 2020 – Interim Report], (Podgorica: 2020), p. 36, accessed: 05.01.2021, <https://cemi.org.me/wp-content/uploads/2020/08/Privremeni-izvjestaj-2020-Parlamentarni-izbori-CeMI.pdf>

## What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

The pre-election campaign was significantly different from all previous ones because, due to Covid-19, the traditional guest appearances of political entities in the media and election rallies were reduced, so the campaign moved to online and social media. The RTCG Council adopted the Rulebook on Reporting in the Political Campaign,<sup>35</sup> which envisages the manner of monitoring pre-election activities. Similarly, the AEM, on behalf of other broadcasters, adopted the Rulebook on the Rights and Obligations of Broadcasters for the 2020 Local<sup>36</sup> and Parliamentary<sup>37</sup> Elections.

## Do political parties and candidates have fair and equal access to media during election campaigns?

According to the provisions of the Law on Election of Councilors and Deputies, the RTCG, regional and local public broadcasters are obliged to, during the election campaign, within the political information program, as well as in precisely defined blocks of political marketing, daily, in equal duration and at the same time, provide free and equal representation of submitters of confirmed electoral lists, as well as presentation and explanation of their electoral programs. This Law also regulates that commercial broadcasters are obliged to provide paid advertising to the submitters of confirmed

electoral lists, under equal conditions. Although the Law prescribes this obligation, during 2020, the Parliament of Montenegro did not establish a Committee for monitoring the implementation of the Law on Election of Councilors and Deputies, whose task should be to consider complaints about the media during the election campaign.

In August, the International Election Observation Mission (ODIHR OMPI) monitored media coverage, which showed that there was a “polarization of broadcasters and a lack of independence.”<sup>38</sup> According to the preliminary report, the analyzed media lacked analytical and impartial information<sup>39</sup> in their reporting, the RTCG followed the legal obligations, while the commercial TV stations showed bias, except in the informative part of the program.

## A4 Freedom of journalists' work and association – legal guarantees and practice

### Do journalists have to be licensed by the state to work? Were there any attempts in the past year to introduce licenses by the state? Have journalists been refused the right to report from certain events on the ground of not having an accreditation?

There have been no new initiatives to introduce licenses for journalists, but the idea continues to permeate a part of the media community that believes it would protect the profession. It is not known whether some media or news crews were banned from reporting on some events because they did not have accreditation.

### Are journalists organised in professional associations and if yes how? Are there pressures on their organisation or on individual members?

Journalists in Montenegro have the opportunity to get organized within three associations of journalists. Two associations continue to act sporadically, especially around important dates such as the Day of Journalists

35 The Council of Radio-Television of Montenegro, “Pravila o izvještavanju RTCG o predizbornoj kampanji za parlamentarne izbore, koji će se održati 30. avgusta 2020. godine”, [Rules on the RTCG's reporting on the election campaign for the parliamentary elections, which will be held on August 30, 2020], (Podgorica: 2020), accessed: 05.01.2021, <http://www.rtcg.me/rtcg/dokumenti/regulativa.html>

36 The Council of the Agency for Electronic Media, “Pravilnik o pravima i obavezama emitera tokom kampanje za izbore za odbornike u Skupštini Opštine Andrijevica, Skupštini Opštine Budva, Skupštini Opštine Gusinje, Skupštini Opštine Kotor i Skupštini Opštine Tivat, koji će biti održani 30. avgusta 2020. godine”, [Rulebook on the rights and obligations of broadcasters during the election campaign for councilors in the Municipal Assembly of Andrijevica, the Municipal Assembly of Budva, the Municipal Assembly of Gusinje, the Municipal Assembly of Kotor and the Municipal Assembly of Tivat, which will be held on August 30, 2020], (Podgorica: 2020), accessed: 05.01.2021, <https://aemcg.org/wp-content/uploads/2020/06/Pravilnik-o-pravima-i-obavezama-emitera-%E2%80%93-lokalni-izbori-avgust-2020.pdf>

37 The Council of the Agency for Electronic Media, “Pravilnik o pravima i obavezama emitera tokom izbora za poslanike u Skupštini Crne Gore, koji će biti održani 30. avgusta 2020. godine”, [Rulebook on the rights and obligations of broadcasters during the election of members of the Parliament of Montenegro, which will be held on August 30, 2020], (Podgorica: 2020), accessed: 05.01.2021, <https://aemcg.org/wp-content/uploads/2020/06/Pravilnik-o-pravima-i-obavezama-emitera-%E2%80%93-Parlamentarni-izbori-avgust-2020.pdf>

38 OSCE ODIHR International Election Observation Mission, “Parlamentarni izbori, 30. avgust 2020. Izjava o preliminarnim nalazima i zaključcima”, [Parliamentary Elections, 30 August 2020, Statement on Preliminary Findings and Conclusions] (Podgorica: 2020), p. 11, accessed: 05.01.2020, (Podgorica: 2020), <https://www.osce.org/files/f/documents/a/3/462283.pdf>

39 Ibid.



of Montenegro, when they traditionally award prizes to their members. The Association of Professional Journalists of Montenegro is the youngest association of journalists with a large number of activities. No pressure was recorded on the leaders of these associations.

**Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions?**

More than half of the media community is gathered in the Trade Union of Media of Montenegro. There was no pressure on union leaders, but there was pressure on individual union members<sup>40</sup> or the entire trade union organization that turned to the Trade Union of Media for help.

**Is there a Press Council and how is it organised? Are there pressures on the representatives of the Press Council?**

After a break in work, due to lack of finances, the Media Council for Self-Regulation continued its work. In addition to the Council, several media, one of which will be the RTCG in the future, have their own ombudsmen (Vijesti, TV Vijesti, Dan and Monitor), and all of them will have the opportunity to be financed through the Fund for Encouraging Media Pluralism. No pressure was recorded on the representatives of these bodies either, but some ombudsmen pointed out insufficient cooperation with newsrooms and journalists whose internal regulators they are.<sup>41</sup>

## **A5 Legal protection of journalists' sources**

**How is confidentiality of journalists' sources guaranteed by the legislation? Under what circumstances, the right to protect their sources may be subject to limitations? Is confidentiality of journalists' sources respected by authorities?**

Not even two years of discussion and campaign on amendments to the Law on Media were enough for the representatives of the seventh force to agree on provisions concerning the protection of journalistic sources. This right is partially limited by the new legal solution, which defines that a journalist is not obliged to disclose the source of information, except when requested by the state prosecutor to protect the interests of national security, territorial integrity and health protection.<sup>42</sup> This provision has been the subject of strong criticism from both the domestic<sup>43</sup> and international<sup>44</sup> public, as it is seen as an encroachment on the freedom of expression and one of the ways to discourage investigative journalism, which is essentially based on sources, as Reporters Without Borders points out in their letter to the president Milo Djukanovic.

**Were there examples of ordering journalists to disclose their sources and was that justified to protect the public interest? Were there any sanctions against journalists who refused to disclose the identity of a source? Do journalists feel free to seek access to and maintain contacts with sources of information?**

The journalists did not report that during the previous year there were cases in which they were asked to disclose sources of information, nor did they point out any major problems when it comes to establishing contacts with sources of information.

<sup>40</sup> Antena M, "Disciplinski postupak povodom Svjedoka božje ljubavi", [Disciplinary proceedings against Witnesses of God's love], Portal Antena M, 30.04.2020, accessed: 05.01.2021, <https://www.antenam.net/drustvo/157014-disciplinski-postupak-povodom-svjedoka-bozje-ljubavi>

<sup>41</sup> Paula Petricevic, interviewed by Bojana Lakovic-Konatar, 28.02.2021

<sup>42</sup> Law on Media, Article 30, <https://me.propisi.net/zakon-o-medijima/>

<sup>43</sup> Katarina Jankovic, "Apsolutna zaštita nemoguća, ali se strahuje od zloupotreba", [Absolute protection is impossible, but there is a fear of abuse], Pobjeda.me, 30.08.2020, accessed: 05.01.2021, <https://www.pobjeda.me/clanak/apsolutna-zastita-nemoguca-ali-se-strahuje-od-zloupotreba>

<sup>44</sup> Ana Pisonero, "The protection of journalistic sources is crucial for the press freedom. Disclosure of journalistic sources is a serious interference with the freedom of expression, which should be limited to strictly exceptional circumstances", EC spokeswoman wrote on Twitter, 27.07.2020; N.N., "EK o zakonima Crne Gore: Zaštita novinarskih izvora je presudna za slobodu štampe.", [EC on Montenegrin Laws: Protection of Journalistic Sources is Crucial to the Press Freedom], Radio Slobodna Evropa, 28.07.2020, accessed: 15.01.2021, <https://www.slobodnaevropa.org/a/30753652.html>

## A6 Protection of the right to access to information

What are the legal rules on access to official documents and information which are relevant for journalists?

After the Law on Free Access to Information was adopted in 2017, which significantly limits the possibility of the media and journalistic procedures to obtain important information, the previous government tried to adopt new amendments to this Law in 2020. However, that did not happen, because the Ministry of Public Administration gave up on the public debates that will await for the new Government, mostly due to the coronavirus pandemic and appeals of international and domestic organizations and media.<sup>45</sup> The proposed amendments are the target of criticism because they imply that information about a very important security sector can no longer be obtained through requests for free access to information, as well as propose “making the role of the Agency for Personal Data Protection and Free Access to Information meaningless.”<sup>46</sup> As in all other situations, a great degree of media bias is shown here which, depending on the closeness to certain structures, more easily access to information that is unattainable for others.

Do the journalists use these rules? Do the authorities follow the rules without delays?

The Agency for Personal Data Protection and Free Access to Information announced that during 2020, journalists submitted a total of 29 requests for free access to information.<sup>47</sup> Out of that number, four were rejected, while two requests were submitted to the Agency.

Are state authorities in general transparent? Do they employ open, non-discriminatory and fair media relations or tend to work in secrecy? Do state institutions treat preferentially politically friendly media?

The work of state bodies during 2020 was largely changed due to the Covid-19 pandemic, so the possibility of monitoring their work by the media was somewhat limited. The change of power has not had much of an impact on the way the Government and ministries communicate with the media, except that the once opposition media has become a media close to the government. According to experts, the question is whether the transparency of state bodies is understood in the right way.<sup>48</sup> A mini-survey with journalists showed that the Government, the Parliament, the Police and the Army generally show partial transparency, while the courts and prosecutor’s offices are rated the worst.

Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?

The courts were closed to the public for a period and later, after opening, the number of people who could have monitored the trials was controlled. However, the media were not denied information.

Is public access to parliamentary sessions provided? Are there restrictions for the journalists to follow parliamentary work?

Monitoring of the parliamentary sessions was difficult earlier, because, among other things, the authorities did not allow photo reporters and cameramen to enter the Plenary Hall and make recordings, while a policeman was in the press booth. There are some announcements and promises that this will change.<sup>49</sup> The Parliament is the best rated of all state bodies in terms of transparency, although there has been criticism that it does not provide information to journalists.

45 Network for Affirmation of the Non-Governmental Sector (MANS), „Upozorenja Vladi Crne Gore povodom rasprave o SPI zakonu: Javnost ima pravo da zna, sve ostalo je jednostavno kriminalno i nedemokratski“, [Warnings to the Government of Montenegro regarding the debate on the Law on Free Access to Information: The public has the right to know, everything else is simply criminal and undemocratic], MANS.co.me, 03.04.2020, <https://bit.ly/3e7F1Mq>

46 Milos Rudovic, “Dobro što ovakav zakon o SPI nije usvojen”, [It is good that such a Law on Free Access to Information has not been adopted], Portal Vijesti, 10.08.2020, accessed: 10.01.2021, <https://bit.ly/3e7FDhU>

47 Agency for Personal Data Protection and Free Access to Information, letter number 07-43-6576-2/20 dated 19.10.2020

48 Dragana Zaric, interviewed by Bojana Lakovic-Konatar, 26.01.2021

49 Parliament of Montenegro, “Bečić – DPNCG: Skupština će raditi na unapređenju saradnje sa medijima”, [Bečić – DPNCG: The Parliament will work on the improvement of cooperation with the media], 07.12.2020, accessed: 20.12.2020, <http://www.skupstina.me/index.php/me/predsjednik/item/4938-becic-dpncg-skupstina-ce-raditi-na-unapređenju-saradnje-sa-medijima>

How open to the public are the Government and the respective ministries?

*“I believe that the term ‘transparency’ is increasingly identified with regular PR activities. I consider this identification harmful because transparency implies a greater degree of cooperation with the media and a greater degree of public accountability. It is noticeable that institutions are modernizing and improving in the field of media relations, but they do not always reach the level of cooperation that can be called transparent.”<sup>50</sup>*  
*Statement of Dragana Zaric, Media Expert.*

The second half of the year was marked by a large number of guest appearances of representatives of the new Government in certain shows in which it was not possible to host the Government representatives before. The new Government mainly communicates with the media via Twitter accounts, where they publish all the news. Although there have been some requests to make Government sessions public, there are no announcements that this will happen.

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<sup>50</sup> Dragana Zaric, interviewed by Bojana Lakovic-Konatar, 26.01.2021.

# B

## Journalists' Position in the Newsrooms

### **B1 Economic restrictions on journalists' freedom**

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How many journalists have signed employment contracts?  
Do they have adequate social security? How high are the journalists' salaries? Are they paid regularly?

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According to the data of the Statistical Office – Monstat for 2019, 1,432 people work in the Montenegrin media sector, which is a slight decrease compared to 2018, considering that two more people worked in the media at that time. The media still do not provide data on the number of employees, and therefore it is not possible to follow the trends in the media market. The data obtained by the Trade Union of Media of Montenegro from its membership indicate that during 2020, which was marked by the Covid-19 virus pandemic, there was a layoff and a reduction in income, especially in the private print media. There have been no new surveys on the level of wages in the media sector, and the latest data of the Trade Union of Media indicate that there have been no positive developments in this regard, but that journalists and other media workers still receive less than the average wage in Montenegro, or below 500 Euro.

*"In the daily race for financial survival, journalists do not have the will, time, and conditions to investigate more deeply. Thus, we came to the situation that journalists deal with daily political topics in a superficial manner and with the huge influence of PR and pseudo-events. In such an atmosphere, writing serious analytical and research texts, for which the right to free access to information*

*needs to be exercised, seems like too far a goal.”*  
*Statement of Dragana Zaric, Media Expert.*

### In what state are journalists’ working conditions?

In 2020, in addition to the standard poor working conditions, followed by undeclared work, unpaid overtime or work during the holidays, pressure, self-censorship and fear of possible attacks, Montenegrin journalists had an additional fear for life because they worked during the pandemic. All this leads to the abandonment of the profession by a large number of journalists. According to some experts, those who remain in journalism are modern superheroes. The lack of employees leads to the overload of journalists to satisfy the “daily tape” and publish a large number of texts/reports every day, which ultimately affects the decline in the quality of journalism and the almost extinction of investigative endeavors in newsrooms.<sup>51</sup> Due to the coronavirus pandemic, there was an increase in the volume of work in some media.<sup>52</sup> The data we came to in 2020 indicate that, due to changes in working conditions during the Covid-19 pandemic, journalists are spending their own resources (e.g. Internet, telephone, electricity ...) doing editorial work, and these are not costs that are reimbursed in any way or, due to such circumstances, their salary is increased. The big problem of the media scene is still the completely unregulated status of freelancers and part-time employees, i.e. journalists and other media workers who are hired on a project or copyright contract basis. Apart from the fact that the law does not recognize them, neither the media community nor researches conducted in the media do not offer some data that reflect their specific position: there is no data on the number, earnings and/or insurance of freelancers, and the same refers to the part-time employees.

The Protector of Human Rights and Freedoms, Sinisa Bjekovic, pointed out that he “gets the impression that the status of journalists still does not reflect the importance of the role they play in society”.<sup>53</sup> He assessed that not much had been done during the last year to improve that picture. Numerous factors, he adds, influence the improvement of the situation in the field of media freedom, but this requires greater

cooperation within the media community itself, as well as the commitment and perseverance of the competent public authorities.<sup>54</sup> During the last year, the journalists mainly addressed the Ombudsman because of the attitude of the police towards journalists on their work assignments, denial of the opportunity to attend events, comments they were exposed on social networks and portals, public figures statements about them, relations among colleagues...

The way of working during 2020 was completely changed, considering that the media enabled work from home.<sup>55</sup>

*“We have been working from home since March. We do everything via social networks – we reach interlocutors, stories... The worst thing is that we are used to this new normality, but it is definitely harder for us like this.”*  
*Statement of the journalist from the Focus group number II with journalists on media freedom and safety of journalists.*

### What are the biggest problems they face in the workplace

In addition, as there was such a decision at the state level, employers had to provide the right to paid leave to parents of children under the age of 11. Given the very small number of people in the newsrooms, this posed a major problem for those who worked.<sup>56</sup> Although it was an opportunity to protect journalists and other media employees and to prevent the spread of the virus among them, it still had a bad effect on employees. The SMCG research<sup>57</sup> showed that working from home affected the increase of working hours, made it difficult to reach the stories and interlocutors, but at the same time had a bad effect on the private lives of employees. There is no information on whether any new employment contracts have been signed or whether there have been changes when it comes to wages. According to the statements of some colleagues, in some local public broadcasters,

51 Dragana Zaric, interviewed by Bojana Lakovic-Konatar, 26.01.2021

52 “Now we work all day – from 8 am to 6 pm. We have two or three days off, so it’s not bad but it’s burdensome. We have to make reports, prepare them for the website, download press releases and yet to suffer a lot of pressure.” Focus group with journalists on media freedom and safety of journalists, number III, 22.02.2021

53 Sinisa Bjekovic, interviewed by Bojana Lakovic-Konatar, 26.02.2021

54 “The Ombudsman sees an obligation of commitment and perseverance of the competent public authorities, primarily in providing security assumptions as well as employment and economic status, as an important precondition for the progress and improvement of the position of journalists in society.” Interview, Sinisa Bjekovic, interviewed by Bojana Lakovic-Konatar, 26.02.2021

55 Focus group with journalists on media freedom and safety of journalists, number II, 22.02.2021

56 “Most of the female colleagues used that right for half a year. At the same time, part of us was working from home. All this, with such a challenging year in terms of events, made us ending this year frustrated. The dissatisfaction was huge, and at some point, there were verbal confrontations between colleagues.” Focus group with journalists on media freedom and safety of journalists, number II, 22.02.2021

57 Trade Union of Media of Montenegro, “Novi mediji stari problemi 2019”, [New media old problems 2019], accessed: 01.02.2021, <https://safejournalists.net/wp-content/uploads/2020/12/Mne-final.pdf>

all plans to improve the status of employees have been postponed. Colleagues also point out that there were no salary increases, given the huge workload that had to be done with a small number of people who worked from newsrooms.<sup>58</sup> The SMCG's research on digital media, however, showed that employers could turn to pay cuts or even layoffs if the state did not provide additional assistance for them.<sup>59</sup> The SMCG's interlocutors point out the problems of young journalists, who do not have the opportunity to try their hand at this profession because there are no open job vacancy announcements.<sup>60</sup> Journalists also point out the problem of the non-existence of working hours and suggest the introduction of shift work in order to reduce the pressure on employees to always be available.<sup>61</sup> One of the problems is still the fact that journalists do not have the opportunity to specialize in certain areas.<sup>62</sup>

*“Journalism has also changed. The conditions have changed from the time when journalism was created to the present day so that the working conditions should also change in order to know the working hours of journalists and then in accordance with that the editorial office and everyone else regulate their business and activities.”* Statement of the journalist from the Focus group number I with journalists on media freedom and safety of journalists.

## **B2 Independence of journalists in private media**

**Have private media outlets adopted organisational documents according to which the newsrooms are kept separate and independent from managers and marketing departments?**

It seems that the Montenegrin private media still see in the media only business ventures, and, therefore, they are without any major desire to regulate the internal functioning and separate the newsrooms from other services. Thus, there is still only a negligible number of media that have organizational documents prescribing the separation of newsrooms and journalists from marketing and managers. Although, in principle, all journalists distinguish public from private interest, covert advertising and writing in favor of advertisers can be found in almost all media on a daily basis. There were examples in which some journalists were forced to engage in marketing, in order to earn more.<sup>63</sup>

*“The rules that separate the marketing sector from the newsrooms are not respected in practice. At the request of the management, I was forced to use my contacts to do the work of the marketing sector, and thus provide myself with a higher salary. The separation of the editorial board from the managers is also an illusion, the impact is immeasurable.”* Statement of the journalist from the Focus group number III with journalists on media freedom and safety of journalists.

**Do private media outlets have other rules adopted to safeguard editorial independence from media owners and managing bodies? Are those rules respected? Do private media outlets' newsrooms have internal codes of ethics or they comply to a general code of ethics?**

In addition, a very small number of media outlets have internal codes of ethics, and one of them is the News Agency Mina.<sup>64</sup> The document states that, among other things, journalists have the right to reject a task that violates professional standards, but that they are

58 Focus group with journalists on media freedom and safety of journalists, number II, 22.02.2021

59 Trade Union of Media of Montenegro, “Novi mediji stari problemi 2019”, [New media old problems 2019], accessed: 01.02.2021, <https://safejournalists.net/wp-content/uploads/2020/12/Mne-final.pdf>

60 “On the other hand, even when they manage to start working for a media outlet, they are provided with the payments in the amounts that are not enough for a normal life. That is why young people are forced to write for several newsrooms and, in the end, they have no security because their normal functioning depends on the will of the editors to publish their stories.” Focus group with journalists on media freedom and safety of journalists, number I, 27.01.2021

61 Focus group with journalists on media freedom and safety of journalists, number I, 27.01.2021

62 “Journalists are not given enough space to specialize in specific areas after spending several years in newsrooms, but even after several years of experience, they are often journalists for everything.” Damira Kalac, interviewed by Bojana Lakovic-Konatar, 26.01.2021

63 Anonymous, interviewed by Bojana Lakovic-Konatar, 20.02.2021

64 “Accurate, balanced, impartial and timely reporting, subject to rigorous verification of data and sources, is the primary responsibility of the MINA journalists.” Mina News Agency, “Code of Ethics of the Mina News Agency”, (Podgorica: 2020), accessed: 15.02.2021, <https://mina.news/wp-content/uploads/2020/07/Eticki-kodeks-agencije-MINA.pdf>

expected to provide accurate, balanced and impartial reporting on events, and to correct mistakes quickly and transparently. The Code of Ethics of the Mina Agency, in addition to being a pioneering endeavor when it comes to this type of regulation of private media, is also a comprehensive rulebook that defines the way of working and acting in all potentially controversial circumstances. However, it seems that in one part, concerning the behavior of journalists on social networks, it goes a step further, prescribing that, for example, they should be aware that relations on social networks can raise questions about their impartiality. Thus, for example, they are suggested to be careful whom they accept as a friend, but also which pages they follow.<sup>65</sup> Unfortunately, this is not the only example of intrusion into the private lives of journalists, because there have been attempts by some media to adopt similar regulations before. However, after pressure from the trade union and employees, this idea was abandoned.

**What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?**

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The analyzed year was marked by an increased volume of work,<sup>66</sup> especially in the private media, which usually deal with the lack of employees, because a large number of employees decided to use the right to leave due to the care of children under the age of 11. According to the employees, there were also cases when employees in private media received 13 salaries for the first time, in the amount of 80% of the regular salary, as a reward due to the increased volume of work.

**What was the most illustrative example of the pressure exerted by media owners or managers on an entire newsroom or individual journalist in the past year?**

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No extreme cases have been reported in which managers or media owners have exerted undue pressure on journalists. However, this does not mean that journalists of all Montenegrin newsrooms are still

unaware of the fact that every newsroom has people close to it, both in politics and in business, and that they adapt their reporting to that.<sup>67</sup> That is why there is still a strong polarization of the media scene, which is reflected in the increasingly frequent lawsuits filed by the media and journalists against colleagues from other media and against the competition, all for violating personality rights (defamation and insult).

*"In certain periods, we also have people who are undesirable interlocutors on certain topics, although in my opinion, their opinion deserves to be heard because they are relevant in their fields. However, some people will comment in accordance with the editorial policy. I think we need to strike a balance." Statement of the journalist from the Focus group number III with journalists on media freedom and safety of journalists.*

### **B3 Independence of journalists in the public broadcasting service**

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**Does the PSB have an adopted code of journalists' conduct and editorial independence? Do journalists comply with this code?**

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Public broadcasting service – Radio Television of Montenegro has established standards in the formal sense for all other media because it was the first to adopt the rules and the Code of Ethics for employees. These documents formally ensure editorial and journalistic independence in relation to the government and other influential groups. However, the practice is completely different, so the national public broadcaster is still sharply criticized by both the domestic and the international community because of the increasingly obvious influence that the Democratic Party of Socialists, which has been in power for 30 years, has on it. This was also pointed out by the European Commission in the report for 2020, which, among other things, states that the transition of RTCG from the state media to a true public service is not over. But the report also states that there are still "concerns about the editorial independence and professional standards of the national public broadcaster."<sup>68</sup>

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65 "As an example, we should be careful when accepting requests for "friendship" from our contacts. If we need to "like" a Facebook page in order to follow a certain political party or candidate, then we should do the same with their opponent", Mina News Agency, "Code of Ethics of the Mina News Agency", (Podgorica: 2020), p. 16, accessed 15.02.2021, <https://mina.news/wp-content/uploads/2020/07/Eticki-kodeks-agencije-MINA.pdf>

66 "Last year was certainly historic for Montenegro and our business because we had three big events: litany, the coronavirus, and the elections in which the government was replaced after 30 years. Of course, we all had to report and work much more." Focus group with journalists on media freedom and safety of journalists, number III, 22.02.2021

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67 Focus group with journalists on media freedom and safety of journalists, number III, 22.02.2021

68 European Commission, "Izveštaj Evropske komisije o Crnoj Gori za 2020", [European Commission Report on Montenegro for 2020], Brussels: 2020, p. 7, accessed: 27.12.2020, <https://www.eu.me/mn/pregovori-o-pristupanju/dokumenti-pregovori/category/57-izvijestaji-o-napretku>

Do the PSBs bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?

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The work of the RTCG Council is always under public scrutiny, especially after the illegal dismissal of some members during 2018, which was later confirmed by court decisions. What is particularly worrying is the fact that, although they have adopted the Collective Agreement, the employees in this media still have numerous problems concerning the socio-economic position, which was also pointed out by the European Commission. During 2020, there were attempts by management to introduce job systematization, which would provide for about 860 jobs, or almost 150 more jobs than there are currently.

However, that attempt was abandoned, and the workers were dissatisfied with the proposal because it would mean uncertain wages for employees.<sup>69</sup>

What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS? What was the most illustrative example of the pressure exerted by the government over the work of the entire newsrooms or individual journalists in the past year?

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*The pressures suffered by journalists and editors in this media by the former government and the DPS are rarely talked about from the inside, but it is evidenced by numerous monitoring reports that show bias and disproportion in reporting. According to some employees, there is no pressure in all segments of the program, but it is certainly visible in "striking news programs". Statement of the journalist from the Focus group number III with journalists on media freedom and safety of journalists.*

The situation in local public broadcasters is even worse. In some of them, salaries are more than five months late, and there have been cases of pressure and open censorship.<sup>70</sup> Interviews with journalists showed that it is rare for the ruling parties at the municipal level to put

direct pressure on journalists, but that in any case it is known how they are expected to report.<sup>71</sup>

*"In one case, the director forbade me to do a report of public interest. The Council supported her in that, and with the systematization they removed me from the responsible position that I was doing then, my salary was reduced and I am in a lower-ranked position now. During the lithiums, such problems happened all the time. My texts wereshortened, pictures were changed, titles were changed. In the end, they prevented me from posting texts on the website." Statement of the journalist from the Focus group number I with journalists on media freedom and safety of journalists.*

#### **B4 Independence of journalists in the non-profit sector**

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Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do journalists comply with this code?

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The non-profit media sector in Montenegro is still very poorly developed, and only three media still fall under this categorization. Namely, there are two non-profit radio stations in the register of the Electronic Media Agency (Radio Homer and Radio Fatih). The document "Information on compliance with the conditions from the issued approval for non-profit media", published by the Electronic Media Agency at the end of 2020, showed that the monitoring of broadcast content for both non-profit broadcasters revealed deviations from the program structure from the approval.<sup>72</sup> Although the monitoring covered only seven days, it still indicates a lack of understanding of their importance and role by these media themselves.

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69 Focus group with journalists on media freedom and safety of journalists, number III, 22.02.2021

70 Ibid.

71 "There were also local elections, so the editorial office was hesitant, because it was not known who would be in charge in the end. So we tried to balance the reporting. I experienced open censorship when choosing guests. Eventually, I realized that my superior was choosing them, so I came to terms with that. They appoint them, and I finish my part of the job properly." Focus Group with journalists on Media Freedom and Journalist Safety, No. III, 22.02.2021

72 Electronic Media Agency, "Informacija o poštovanju uslova iz izdatog odobrenja – neprofitni mediji", [Information on compliance with the conditions from the issued approval – non-profit broadcasters], (Podgorica:2020), accessed: 20.01.2021, <https://aemcg.org/wp-content/uploads/2020/11/Informacija-o-postovanju-uslova-iz-izdatog-odobrenja-Neprofitni-mediji-19.11.2020.pdf>



## B5 Freedom of journalists in the news production process

How much freedom do journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?

During previous research, and this year as well, some colleagues with whom we spoke pointed out the restriction of freedom in choosing stories or interlocutors. What is still being confirmed is the list of potential interlocutors who correspond to the interests and editorial policy of the media, which all employees should implement. But, apart from the newsrooms, the pressure sometimes comes from outside as well.<sup>73</sup>

Journalists in the fight against imposed interlocutors or stories may be somewhat encouraged by the new solution contained in the Law on Media, which allows them not to sign the text if they do not agree with the content. The Law stipulates that a journalist has the right to refuse to “prepare, write or participate in shaping media content that is contrary to the law and the Code, with a written explanation to the editor-in-chief,”<sup>74</sup> and cannot be fired or punished for that. The provision that journalists will have to disclose the source of information to the competent authorities in certain situations caused the most controversy in the public. While for some this provision is in line with European practice, others see it as a blow to media freedom and a direct cause of the weakening of investigative journalism.<sup>75</sup>

How often do journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?

Some journalists participate in editorial colleges, but this does not affect the decision-making process of the editorial team. What marked 2020 is certainly reporting on the Covid-19 pandemic when there were perhaps the fewest research and authorial texts, and the media

content was mostly based on announcements and reports from press conferences of state bodies.<sup>76</sup>

*“Unlike the state leadership, I would not praise the media coverage of the pandemic, because it was superficial and there were no critical texts, although there were reasons for that. Everyone continues to criticize and praise what is in line with editorial policy. After the shift of the government, there was an overturn of the media, now the opposition is those media that were previously close to the government. However, none of them is finding their way with the new roles for now.”* Statement of the journalist from the Focus group number II with journalists on media freedom and safety of journalists.

What are journalists’ attitudes with regard to the journalists’ ethics?

When it comes to ethical principles, journalists are at least declaratively committed to respecting the Code of Journalists of Montenegro. However, numerous deviations from both ethical and professional standards are noticeable. Even in some verdicts for violation of personal rights, which SMCG had access to,<sup>77</sup> journalists justified the violations of the Code and professional standards by not having the injured party’s phone number, so they did not reach the other side. In one case, publishing inaccurate and unverified information was justified by the fact that it was necessary for them to be the first to publish that information, because, allegedly, contacting the other party would lead to other media coming into possession of that information. Particularly problematic is the reporting of the portal, which is full of sensationalism and violation of ethical principles.<sup>78</sup> All this, along with the obvious strong polarization of the media scene, also indicates weak mechanisms of self-regulation.

The Ombudswoman of the daily newspaper Vijesti and the weekly Monitor, Paula Petricevic, said that nine complaints were submitted to articles in Vijesti last year, which is many times less than the year before when there were 27. According to her, the ones that complained most often were representatives of institutions (3), citizens (3) and their lawyers (2). Out of the nine complaints, three were partially accepted, two were accepted in full, two were dismissed, one was resolved through mediation,

73 “Censors can be media owners and editors, and most often they do it together. That’s what I know from experience and I sense. There are various reasons for self-censorship, but the worst is when it is a consequence of the feeling that journalists have no protection either in the newsroom or in society.” Dusko Vukovic, interviewed by Bojana Lakovic-Konatar, 17.02.2021

74 Law on Media, Article 28, <https://me.propisi.net/zakon-o-medijima/>

75 “I think this provision will affect journalists in a way that sources will decide a little more cautiously whether to disclose any important information at all.” Focus Group with Journalists on Media Freedom and Journalist Safety, No. II, 22.02.2021

76 Focus group with journalists on media freedom and safety of journalists, number II, 22.02.2021

77 Trade Union of Media of Montenegro, “Činjenicama protiv tužbi – Deset godina od dekriminalizacije klevete”, [Facts v. lawsuits – Ten years since decriminalization of defamation] (Podgorica: 2021), p. 13, accessed: 20.02.2021, <https://safejournalists.net/wp-content/uploads/2021/02/MNE-final-compressed.pdf>

78 Anonymous, interviewed by Bojana Lakovic-Konatar, 22.02.2021

and one was rejected. She adds that the most frequently reported and adopted violation is the one of Principle I of the Code of Journalists of Montenegro, namely the guidelines relating to accuracy.<sup>79</sup> The situation is similar in the daily Dan, and the Ombudsman of that newspaper, Ilija Jovicevic, points out that during 2020, three complaints were filed. The Ombudsman of Dan publishes monthly work reports on the website of that media, and according to him, a principle I of the Code is generally violated. According to Jovicevic, a small number of complaints come either due to respect for the Code or due to the elimination of violations through the process of self-regulation.<sup>80</sup>

*“You can also see it by the editors: what topics they want, whose comments they want, whose opinions they don’t want... It is enough for you to suggest an interlocutor to the editor two or three times and he/she refuses, you immediately enter self-censorship and you will not try anything like that again.” Statement of the journalist from the Focus group number I with journalists on media freedom and safety of journalists.*

**What are the journalists’ self-perceptions on the extent to which they have been influenced by different risks and sources of influence? How many journalists report censorship by the editors? How many journalists report they succumbed to self-censorship due to fear or losing their job or other risks?**

The daily routine and a large number of obligations during the day distance journalists from their basic role of researching and influencing public opinion. The opinions of journalists also show that there is censorship. They claim that by the media content “it is known exactly which journalist is for whom”, and that the media are polarized.<sup>81</sup>

Editors are considered a key factor that influences and directs the work of journalists, and which should actually profile and encourage, primarily young journalists to engage in this work. Experts believe that self-censorship is worse than censorship, because it creates

a “conquered journalist”.<sup>82</sup> Journalism students have been avoiding working in the media for years, and those who choose to pursue this job have a difficult choice of “which side to take.”<sup>83</sup> However, some experiences of the interviewed journalists show that maybe not everything is lost and that there are cases in which journalists have complete freedom in their work and the opportunity to consult with colleagues, and that if disagreements arise, they decide for themselves.<sup>84</sup>

*“In one case, I refused to go out on the field and ask the given questions and I explained my reaction stating that I could not ask questions on a topic that was unfamiliar to me and where I would ask questions on a topic where I would not even know whether in fact my question was answered.” Statement of Damira Kalac, journalist.*

## **B6 The position of women in journalism**

**Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men? How high are their salaries in comparison to men’s?**

When it comes to the working conditions of journalists in the Montenegrin media, they seem to work in just as bad conditions as their male colleagues. However, discrimination occurs when female journalists decide to start a family.

“If the editor of a show goes on pregnancy or maternity leave, her show will surely be either canceled or assigned to another person. When she returns, the question is whether she will have a job, and it is almost certain that the show will not be returned to her.”<sup>85</sup>

79 “I must mention that this guideline refers to both the accuracy and completeness of information, and that it is often incomplete information in question.” Paula Petričević, interviewed by Bojana Lakovic-Konatar, 28.02.2021

80 “I am thinking primarily of consistent publishing answers or corrections. To this, of course, should be added the so-called advanced protection, which the Ombudsman, without interfering in editorial policy, has carefully implemented in his work so far, and which is promoted by the ‘Guide for Self-Regulation’ published by the OSCE.” Ilija Jovicevic, interviewed by Bojana Lakovic-Konatar, 25.02.2021

81 Focus group with journalists on media freedom and safety of journalists, number I, 27.01.2021

82 Dragana Zaric, interviewed by Bojana Lakovic-Konatar, 26.01.2021

83 “It is equally bad for all of us. That is why we should not be divided into ours and theirs, because these are common problems that we have to solve in order for these young people to understand that everyone has to enter and work in the editorial office according to journalistic rules that were defined long before all of us.” Focus group with journalists on media freedom and safety of journalists, number I, 27.01.2021

84 Damira Kalac, interviewed by Bojana Lakovic-Konatar, 26.01.2021

85 Focus group with journalists on media freedom and safety of journalists, number I, 27.01.2021

Do women tend to hold leading editorial positions in the newsrooms, as much as men?

In fact, journalism is still a female profession in our country, but female journalists mostly report from the field, while key political and social shows are still hosted and edited by men.<sup>86</sup> Some media are completely arranged so that women are in the main positions, but the management part of the media is still in the hands of men. Salaries are equally low for both men and women in the media. There were no reported cases in which female journalists were exposed to gender-based pressures.

Are they subject to specific gender-based pressures?

Starting a family is also considered one of the reasons why more and more journalists are leaving this profession in search of an easier job, with working hours and better working conditions.

“I was one of those journalists. After the pregnancy and maternity leave, I asked to work the morning shift because my husband also works in the media. It’s just that it suited me better.”<sup>87</sup>

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<sup>86</sup> *Ibid.*

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<sup>87</sup> *Ibid.*



## **C1 Statistics on security and impunity**

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During 2020, as many as 16 cases of attacks and threats were registered in the database of the Media Union of Montenegro on the website [www.safejournalists.net](http://www.safejournalists.net). Unfortunately, the year behind us was marked by four arrests of journalists, two attacks on journalists, six threats to journalists and four threats to the media.

The registers of [www.safejournalists.net](http://www.safejournalists.net) and the Police Administration (UP) recorded threats to journalists mostly made via the social network Facebook. In January, such threats were reported by the correspondent of the independent daily Vijesti, Samir Adrovic, who received threats in Albanian because of the content of which he felt “endangered for personal and family safety.” The Prosecutor from ODT Ulcinj assessed that this is a criminal offense under Article 168 of the Criminal Code of Montenegro – endangering security. Nova Pobjeda journalist Ivana Komnenic reported in February that she had received several offensive messages via the social network Facebook. She supplemented the report by stating that she noticed an unknown man with a hood on her head several times in her vicinity after she had received the messages, “which caused her to feel threatened, afraid and panicked.”<sup>88</sup> UP identified I.T. who is the user of the profile from when the message was sent, and criminal charges were filed against him for the criminal offense of persecution (Article 168a of the Criminal Code of Montenegro). Natalija Mrdak, a journalist of the daily Dan, reported in March that

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<sup>88</sup> Police Administration of Montenegro, Letter no. 215/21-1204/2, of January 2021, p. 2

Table 2: Number of registered threats and attacks on journalists in 2020

Categories	Number	Description
<p><b>Non-physical threats and harassment</b>  Non-physical threats and harassment include:</p> <ul style="list-style-type: none"> <li>– supervision or monitoring</li> <li>– disturbing phone calls;</li> <li>– arbitrary judicial or administrative harassment;</li> <li>– aggressive statements by public officials;</li> <li>– other forms of pressure that may jeopardize the safety of journalists in the performance of their work.</li> </ul> <p>These types of threats do not include mobbing and harassment in the workplace.</p>	8	<ul style="list-style-type: none"> <li>– Večernjenovosti journalist Velisa Kadic was arrested in Nikšić and pepper spray was sprayed into his eyes while reporting on protests against the adoption of the Law on Freedom of Religion.</li> <li>– Nova Pobjeda journalist Ivana Komnencic reported to the Kotor Security Department that she had received several offensive messages via her Facebook profile, and subsequently reported that she had repeatedly noticed an unidentified male face with a hood near her, which made her feel insecure.</li> <li>– Journalist of the daily Vijesti Jadranka Cetkovic filed a complaint with the Security Center Bijelo Polje because insulting comments were sent to her and on the account of the journalist house Vijesti on her Facebook profile.</li> <li>– Dan journalist Natalija Mrdak received threats via social media. The case was reported to the police who identified D.P. and filed a criminal complaint due to the existence of a well-founded suspicion that this person had committed the criminal offense of endangering security.</li> <li>– Journalist of Radio Television of Montenegro, Zoran Lekovic, filed a complaint with the Police Administration of Montenegro for endangering security, insults and exposing to lynching via social networks.</li> <li>– Journalist Gojko Raicevic was arrested and detained because he published the news that there was an explosion in the official state residential villa “Gorica” in Podgorica.</li> <li>– Journalist Drazen Zivkovic was arrested and detained because he published the news that there was an explosion in the official state residential villa “Gorica” in Podgorica.</li> <li>– Andjela Djikanovic was arrested and later detained for up to 72 hours as ordered by the prosecutor’s office on suspicion of committing the crime of causing panic and riots after announcing that 250 members of the ROSU – Kosovo Special Unit – would be available to the Montenegrin police on Christmas Day. The news was soon denied by the Montenegrin government.</li> </ul>
<p><b>Threats to the life and physical safety of journalists</b>  These may include:</p> <ul style="list-style-type: none"> <li>– Calling for the murder of a journalist, their family, friends or a source;</li> <li>– Calling for physical harm to journalists, friends, family or sources.</li> </ul> <p>These threats can be:</p> <ul style="list-style-type: none"> <li>– committed directly or through third parties;</li> <li>– performed by electronic or face-to-face communication;</li> <li>– can be implicit as well as explicit.</li> </ul>	2	<ul style="list-style-type: none"> <li>– Vijesti correspondent Samir Adrovic reported to the Ulcinj Security Department that A. C. had sent a message-comment in Albanian from his Facebook profile to another profile, the contents because of which Adrovic felt threatened for personal as well as family safety.</li> <li>– The Editor of TV Vijesti Sead Sadikovic submitted a report to Security Center Bijelo Polje because he received messages of offensive and threatening content on his Facebook profile via messenger in the period from 20-22.03.2021. The reason for that was his report in the magazine “Without Borders” which referred to the Roma population.</li> </ul>
<p><b>Actual attacks on journalists</b>  This type of attack can include actual physical or mental injuries, kidnapping, breaking into a house/office, confiscation of equipment, arbitrary detention, failed assassination attempts, and so on.</p>	2	<ul style="list-style-type: none"> <li>– TV Vijesti cameraman Drago Matovic filed a report with the Budva Security Center against an unknown security guard of the Municipality of Budva for being thrown out of the premises.</li> <li>– Pobjeda journalist Djurdjica Coric filed a report at the Budva Security Center because she was roughly kicked out of the Budva Municipality building by members of the security.</li> </ul>
<p><b>Homicides of journalists</b>  (in the last 15-20 years)  Types of homicide can include crossfire deaths, murders, bomb blast deaths, beatings to death, and so on.</p>	1	<ul style="list-style-type: none"> <li>– Editor-in-Chief of Dan Dusko Jovanovic was killed and so far only a co-perpetrator has been found who is in prison. Nothing has been done to uncover those who ordered the murder.</li> </ul>
<p><b>Threats and attacks on media institutions, organizations, media and journalist associations</b>  Actual attacks on the property of the media and organizations, their staff, confiscated equipment, aggressive statements by public officials, etc. Also, threats and attacks may include some of the above categories.</p>	4	<ul style="list-style-type: none"> <li>– Tiodor Jovanovic (45) from Mojkovac was arrested on suspicion of committing the criminal offense of endangering safety to the detriment of employees of the editorial office and the Vijesti portal. In several phone calls, he harassed, threatened and insulted the employees of the Vijesti editorial office.</li> <li>– During the celebration of the results of the parliamentary elections in Podgorica, the vehicle of the Public Broadcasting Service Radio Television of Montenegro was stoned. There was a driver in the vehicle, who was not injured.</li> <li>– Journalists of the Antena M portal received threats via the social network Facebook from a certain R. K. from Niksic. The case was reported to the police.</li> <li>– The editorial staff of Radio Dux received insulting messages via e-mail with elements of national and religious hatred. After the report, the police identified the perpetrator.</li> </ul>

an unknown person had sent threatening messages to her via Facebook. In this case, too, the perpetrator was identified, a certain D.P., against whom criminal charges were filed for endangering the safety of the journalist. Namely, it is suspected that she sent a message to the journalist with the content “A journalist has not been executed for a long time”.<sup>89</sup> In March, the editor of TV Vijesti, Sead Sadikovic, also filed a report due to threats he received via Facebook. The reason for these threats was an article in his show “Without Borders”, which referred to the population of Roma living in Rakonje in Bijelo Polje. The perpetrator (A.H. residing in Bar) was identified, and the competent ODT did not recognize in this case the elements of the criminal offense that is being prosecuted ex officio. The ODT in Bijelo Polje had the same assessment in the case of threats against the journalist of the daily Vijesti, Jadranka Cetkovic. She filed the complaint in May because she received insulting comments on her Facebook profile that referred to her and the media outlet where she works, regarding the published text of which she is the author. Namely, according to UP, the journalist reported on a fight between two groups of young people in Bijelo Polje, and the mother of one of the participants was not satisfied with the text, so she sent controversial comments. The latest case concerns RTCG journalist Zoran Lekovic, who received threats and insults in November via the social networks Facebook and Instagram. He reported a certain V.M. that he uttered those threats, from whom statements were taken. The ODT did not recognize the elements of the criminal offense that is being prosecuted ex officio, and the police officers of the Cetinje Security Department filed a request for misdemeanor proceedings against V.M. for insolent behavior and threats to the detriment of Lekovic.

January 2020 was marked by the arrests of three journalists: former journalist and editor of the FOS Media portal, Andjela Djukanovic, editor of the IN4S portal; Gojko Raicevic and the editor of the Borba portal, Drazen Zivkovic, all because they allegedly caused panic and disorder by publishing fake news. Djikanovic was arrested and later detained by the prosecutor's office for up to 72 hours due to suspicion that she committed the crime of causing panic and riots after she announced that 250 members of ROSU – Kosovo's special unit – would be available to the Montenegrin police on Christmas Day. The news was soon denied by the Montenegrin government. FOS Media, the portal whose Editor-in-Chief is Djikanovic, withdrew the information about an hour after the controversial news was published and apologized for its publication, and a day later she was released from custody pending trial. On the same day, the FOS issued a statement

that Djikanovic had been fired as Editor-in-Chief of the portal due to a “serious professional error”. In January 2021, the Basic State Prosecutor's Office in Podgorica rejected the report of the Police Administration filed on 05.01.2020 against Andjela Djikanovic. In the same way, but a month earlier (December 2020), the cases against Zivkovic and Raicevic were completed. They were arrested and detained because they published the news that there was an explosion in the official state residential villa “Gorica” in Podgorica. The police later denied that, emphasizing that there was no explosion, but that there was a certain malfunction in the electrical installations. The Montenegrin police and the Prosecution claim that Raicevic and Zivkovic, who were released after the hearing, caused panic and disorder with that text. The portals on which the editors they are (In4S and Borba) immediately transmitted police denials of the disputed news. In December 2020, the Prosecution rejected the criminal charges against Drazen Zivkovic and Gojko Raicevic, because there is no doubt that they committed the criminal offense they were charged with. The fourth case of arrest refers to the correspondent of Večernji novosti, Velisa Kadic. During a protest over the adoption of the Law on Freedom of Religion, which at one point became violent, Kadic, who was reporting from Niksic, was arrested and sprayed with pepper spray in his face. He was released after three hours. The release came after local journalists asked for clarification on the reason for his detention, and he was questioned urgently. Kadic said police officers did not use force against him. Later, the police announced that there was a misunderstanding and he was provided with medical care.

Two cases of physical assault were reported. In June, while reporting on riots in the local Parliament of the Municipality of Budva, private security brutally expelled Pobjeda journalist Djurdjica Coric from the municipal premises. Coric's arm was injured on that occasion. According to the report, the police officers identified the security workers and took statements from them. According to the allegations in the UP letter,<sup>90</sup> the Prosecutor in the Basic State Prosecutor's Office in Kotor was informed about the content of the report and the case file, and she assessed that there were no elements of a criminal offense in this case. The report for an attack of the security officer was also submitted by the cameraman of Vijesti Television, Drago Matovic.<sup>91</sup> He filed a report against an unknown security worker in the building of the Municipality of Budva due to a rough eviction from the premises of the Municipality. The

<sup>89</sup> Ibid.

<sup>90</sup> Police Administration of Montenegro, Letter no. 215/21-1204/2, of January 20, 2021

<sup>91</sup> Safejournalists.net, “SMCG osudio postupanje prema kameramanu Vijesti”, [SMCG condemns the treatment of the Vijesti cameraman], 24.06.2020, <https://safejournalists.net/me/smcg-condemns-treatment-of-vijesti-cameraman/>

police officers identified the security guards, collected statements and submitted all the files to the prosecutor in ODT Kotor, who did not recognize the criminal offense being prosecuted ex officio in this case either.

The murder of the Director and Editor-in-Chief of Dan, Dusko Jovanovic, which took place in 2004, has not yet been resolved. In that case, only the accomplice, Damir Mandic, was sentenced to 19 years in prison. Mandic requested parole in 2020, but that request was rejected because the legal conditions were not met, and that was the security assessment of the Police Directorate.<sup>92</sup> In the meantime, the former Deputy Prime Minister and Minister of Justice, Zoran Pazin, assessed that “not everyone was up to the task”<sup>93</sup> in the investigation of this murder. The case of the murder of Dusko Jovanovic is in the fourth place of the oldest crimes against journalists in Europe, which have not been solved until today.<sup>94</sup>

Three threats to the media were registered, and they mainly related to threats via social networks. In September, after the results of the parliamentary elections were announced, T.J. from Mojkovac in several phone calls harassed, threatened, and insulted the employees of the Vijesti editorial office. He was arrested on suspicion of committing the criminal offense of endangering safety to the detriment of employees of the editorial office and the Vijesti portal, and the Prosecutor ordered his detention for up to 72 hours. To the editorial office of radio Dux, a message of offensive content with elements of national and religious hatred was sent via the official e-mail address, on 15.05.2021. Radio officials reported the case to the Police Directorate, which identified the person who sent the message. The defendant was brought before the prosecutor, who said that there were no elements of a criminal offense, so the defendant was taken to the Misdemeanor Court for insults on national and religious grounds. He can be fined 250 to 1,500 Euros or up to 60 days in prison for the offense. In August, threats received by the editorial staff of the Antena M portal were also reported. Namely, a message from R.K. from Niksic arrived on the portal's Facebook account with the content: “You will pay a lot for this”. According to the Police Administration, the message refers to the published text of the portal “Uniformed group in the

middle of Podgorica. Who are they?”, while the photo shows 14 people with camouflage uniforms without visible markings with firearms in their hands. They add that the text mentions R.K. as one of the persons in the photo, as well as a comment that he participated at lithium and that he had a conflict with the police. The officers of the Police Administration identified him, took a statement from him and introduced the case to the competent prosecutor, who assessed that in that case there were no elements of a criminal offense prosecuted ex officio.

When it comes to actual attacks on the media, one was registered, and that was when during the celebration of the results of the parliamentary elections in Podgorica, the vehicle of the Public Broadcasting Service Radio Television of Montenegro was damaged after being stoned. The driver was alone in the car and was not injured. This case has not been reported to the police, and it is recorded at the attack database of the SMCG.

## **C2 Behavior of state institutions and political actors in relation to the protection of journalists**

### **Are there specific provisions in the laws or other mechanisms aimed at supporting journalists' safety, offline and online?**

According to available data, no laws or other mechanisms were passed in 2020 that would additionally support the safety of journalists. However, the work on cases of attacks on journalists and media property since 2019, according to the decision of the UP, is carried out by one person who is appointed to coordinate all police-prosecutorial activities on the territory of Montenegro, while in every security centers two police inspectors are appointed who are exclusively in charge of it on their territory.

### **Are there any mechanisms for monitoring and reporting on threats, harassment and violence towards journalists? Do state institutions publish data about attacks on journalists and impunity?**

According to the data of the Ministry of Internal Affairs, the territorially competent security centers acted on reports in 18 cases in 2020.

“All 4 reported criminal offenses were resolved, 5 cases were processed by filing a report for misdemeanor proceedings for committing violations of the Law on

92 *Safejournalists.net*, “Odbijena molba Damira Mandića za uslovni otpust”, [Damir Mandic's request for parole was rejected], 10.06.2020, <https://safejournalists.net/me/odbijena-molba-damira-mandica-za-uslovni-otpust/>

93 *Safejournalists.net*, “Pažin: Prilikom istrage ubistva Jovanovića nisu svi bili na visini zadatka”, [Pazin: In the investigation of Jovanovic's murder, not everyone was up to the task], 23.07.2020, <https://safejournalists.net/me/pazin-prilikom-istrage-ubistva-jovanovica-nisu-svi-bili-na-visini-zadatka/>

94 *Council of Europe*, “The murder of Dusko Jovanovic is among the oldest unsolved cases”, 01.05.2020, <https://safejournalists.net/me/savjet-evrope-ubistvo-duska-jovanovica-medu-najstarijim-nerijesenim-slucajevima/>

Public Peace and Order, while in 9 reported events, after police measures and actions were taken, the competent state prosecutor assessed that these specific events do not contain elements of a criminal offense that are prosecuted *ex officio*.”<sup>95</sup>

State authorities continue to issue data on attacks on journalists upon request, while the records they have are based on the occupation of the victim of the attack, and therefore the attack they register does not have to be related to journalistic work. The only online database available on attacks on journalists and the media is kept by the Trade Union of Media of Montenegro on the website [www.safejournalists.net](http://www.safejournalists.net).

#### Are there documents (protocols, rules of procedure etc.) adopted by state institutions that give additional guidelines to military and police how to conduct with journalists?

In 2020, a workshop “European standards in the field of media freedom and protection of journalists” was held for representatives of the Police Directorate who directly deal with issues of attacks on journalists and media property. This was part of the “Jufrex 2” project, and the goal of this workshop was to harmonize the media legislative framework with the standards of the Council of Europe and the EU, and compliance with the professional integrity and safety of journalists and guarantee media freedom. UP announced the continuation of cooperation in that project, and work on the draft text “Register of journalists exposed to risk”. The harmonization and application of this document will, as they add, depend on the epidemiological situation due to Covid-19.<sup>96</sup>

#### Are the attacks on the safety of journalists recognized by the state institutions as a breach of freedom of expression and criminal law? Do government officials make clear statements condemning attacks upon journalists?

After all more serious attacks on journalists, representatives of state bodies, political parties and the civil sector condemned such events, assessing them as an attack on freedom of expression. However, public officials should go a step further than these declarative condemnations and investigate attacks on journalists, which unfortunately is not the case. The report of the European Commission also states that investigations of cases of attacks on journalists should be a priority in the work of state bodies. The EC expects the authorities to

show “zero tolerance for threats or attacks on the media and should refrain from making statements that do not affect freedom of expression.”<sup>97</sup>

#### Do state institutions cooperate with journalists’ organisations on journalists’ safety issues?

At the request of civil society organizations, state institutions and bodies in charge of this issue hold meetings and exchange ideas on the safety of journalists. During 2020, the Ombudsman, Sinisa Bjekovic, pointed out that the detention of journalists “can be only an extremely necessary measure in the suppression of illegal actions and it should last as short as possible.”<sup>98</sup> He also pointed out that unsolved cases of murder, attempted murder and attacks from the previous period, among other things, slow down the “expected progress” in the field of media freedom in Montenegro.

#### In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?

Journalists and the media did not report cases of electronic surveillance. However, the new Government in Montenegro, after the dismissal of the leading staff of the National Security Agency, announced that during the rule of the Democratic Party of Socialists (DPS), illegal measures of secret surveillance of journalists, politicians and public figures were carried out.<sup>99</sup> The information was submitted to the Special Prosecutor’s Office, which formed a case that is still in the phase of investigation. According to available data, during 2020, two journalists were illegally monitored.<sup>100</sup>

95 Police Administration of Montenegro, Letter no. 215/21-1204/2, of 20.01.2021

96 Ibid.

97 European Commission, “Izveštaj Evropske komisije o Crnoj Gori za 2020”, [European Commission Report on Montenegro for 2020], Brussels: 2020, p. 33, accessed: 27.12.2020, <https://www.eu.me/mn/pregovori-o-pristupanju/dokumenti-pregovori/category/57-izvijestaji-o-napretku>

98 Siniša Bjekovic, interviewed by Bojana Laković-Konatar, 26.02.2021

99 Srdjan Jankovic, “Tajna služba Crne Gore pod istragom Specijalnog tužilaštva”, [Secret Service of Montenegro under investigation by the Special Prosecutor’s Office], Radio Slobodna Evropa, 08.02.2021, accessed: 08.02.2021, <https://www.slobodnaevropa.org/a/crna-gora-specijalno-tuzilastvo-istraga-pracenje-tajna-sluzba/31092088.html>

100 Safejournalists.net, “Pod mjerama nezakonitog tajnog nadzora bili i novinari”, [Journalist were also under the measures of illegal secret surveillance], 26.02.2021, <https://bit.ly/3e1Qw5a>



### C3 The attitude of the judiciary towards threats and violence against journalists

Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists?

In addition to special police teams, the Commission for Monitoring the Actions of Competent Authorities in Investigations of Cases of Threats and Violence against Journalists, Murders of Journalists and Attacks on Media Property also investigates attacks on journalists. The Commission also published reports on its work in 2020, and the last report was published in June 2020 and actually includes four reports of that body. The main problem remains that the recommendations of the Commission are not implemented by the competent authorities, so in the conclusions of the Report they recommend the Government to report on the degree of implemented recommendations.<sup>101</sup> The Commission recommends that “the competent authorities provide conditions for the work of the media, in which journalists should be treated with dignity.”<sup>102</sup>

A member of the Commission, lawyer Dalibor Tomovic, points out that the body has not yet received feedback “on how the Commission’s recommendations were used in the work of the prosecution and whether they had concrete effects in the investigations.”<sup>103</sup> The European Commission has also recognized the problems in the work of the Commission, especially the fact that the state authorities still do not submit timely and complete information.<sup>104</sup>

Do the Public Prosecutor’s office and Ministry of Interior Affairs provide adequate resources to cover investigations into threats and acts of violence against journalists?

Although the Prosecutor’s Office and the Police have formed teams to investigate attacks on journalists, progress in this area remains weak and limited, as recognized by the European Commission. Investigations have been going on for a long time, and old cases, such as the murder of Dusko Jovanovic, Editor-in-Chief of Dan, or the attempted murder of journalist Olivera Lakic, are still unresolved. A major threat remains the possibility of obsolescence of individual cases.

Are there measures of protection provided to journalists when required in response to credible threats to their physical safety?

According to available data, two journalists received police protection. There are no special documents in the form of regulations or instructions in cases of attacks on journalists.

In cases of final verdicts, are the sanctions imposed only to perpetrators or to instigators/masterminds also?

During 2020, not a single case of an attack on journalists had a final court epilogue. Lawyer Dalibor Tomovic, who is a member of the Commission for Investigation of Attacks on Journalists, pointed out that there has been no progress in the cases of the murder of Dusko Jovanovic, the attempted murder of Tufik Softic, the wounding and conspiracy of the murder of Olivera Lakic. However, he adds that “it is also discouraging that the former Minister of Justice Zoran Pažin said that there is less and less hope that the perpetrator of the murder of Dusko Jovanovic and the attempted murder of Tufik Softic will be discovered, and that the crimes are obsolete if it is to be established that one of the civil servants committed them in connection with the work on these cases.”<sup>105</sup> Tomovic points out that the case law is such that so far only perpetrators of attacks on journalists and/or their property have been punished, while those who ordered them have rarely been prosecuted.<sup>106</sup>

101 Government of Montenegro, „Izveštaj o radu Komisije za praćenje postupanja nadležnih organa u istragama slučajeva prijetnji i nasilja nad novinarima, ubistava novinara i napada na imovinu medija, za period od 23.02.2019“, [Report on the work of the Commission for Monitoring the Conduct of Competent Authorities in Investigations of Cases of Threats and Violence against Journalists, Murders of Journalists and Attacks on Media Property, for the period from 23.02.2019], 31.07.2020, <https://www.gov.me/biblioteka/izvjestaji?query=nasilja&sortDirection=desc>

102 Ibid.

103 Dalibor Tomovic, interviewed by Bojana Lakovic-Konatar, 28.01.2021.

104 European Commission, „Izveštaj Evropske komisije o Crnoj Gori za 2020“, [European Commission Report on Montenegro for 2020], Brussels: 2020, p. 33, accessed: 27.12.2020, <https://www.eu.me/mn/pregovori-o-pristupanju/dokumenti-pregovori/category/57-izvjestaji-o-napretku>

105 Dalibor Tomovic, interviewed by Bojana Lakovic-Konatar, 28.01.2021

106 „Posebno je nekažnjivost nalogodavaca izražena u slučajevima napada na život i tijelo novinara, [The impunity of the perpetrators is especially present in cases of attacks on the life and body of journalists.], Dalibor Tomovic, interviewed by Bojana Lakovic-Konatar, 28.01.2021.

According to the Director of the non-governmental organization Human Rights Action (HRA), Tea Gorjanc Prelevic, the case of Olivera Lakic shows a particularly worrying level of frivolity and informality regarding the protection of the safety of endangered journalists. Namely, she believes that although the Special State Prosecutor's Office (SDT) believed a witness who testified that there was a bid for the assassination of Olivera in prison last year and this testimony was included in the indictment, Olivera Lakic herself was not officially informed about it nor was her safety assessed. After the HRA alarmed the public, Lakic received a "semi-official" notification that the police had that in mind, that they were "somehow" taking care of her safety and that they were working on her safety assessment. Gorjanc Prelevic notes that a serious state should not act in this way, but should, above all, resolve all previous cases of attacks on journalists, including the case of Olivera Lakic's injury in 2018, as well as take a serious approach to protect the safety of vulnerable journalists from further attacks.

**Do the institutions organize appropriate trainings for police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists? Do they organise these trainings in cooperation with journalists' associations?**

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„All of that has failed in Montenegro to such an extent, and there is so much lack of trust in the competent institutions, that after all, only heroes might dare to point a finger at a wasp's nest, knowing that after that they will never be able to rely neither on the prosecution, nor on the court, nor on the police. The biggest problem is that if you really want to solve the attack on the journalist, you have to reveal the whole background, including those responsible for the affair that the journalist wrote about. To date, neither the police nor the prosecutor's office in Montenegro showed the willingness to do that.“<sup>107</sup>

The training of police officers and prosecutors is mainly carried out through the Jufrex project, in which organizations dealing with the protection of the rights of media workers also participate.

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<sup>107</sup> Tea Gorjanc-Prelevic, interviewed by Bojana Lakovic-Konatar, 20.01.2021.

Table 3: Chronicle of court cases against journalists

Case	Year 2016	2017	2018	2019	2020
1. Jovo Martinovic – arrested on 23.10.2015 and has been in custody for 15 months, on suspicion of being part of an international drug trafficking group.	Despite several requests from lawyers for Martinovic to be released and defend himself pending trial, he is still in custody. He was detained for half a year without being charged. The trial began in late September.	Martinovic was released from custody on 04.01, and after 15 months in custody, he was allowed to defend released pending trial.	The trial is ongoing.	In January, the High Court in Podgorica sentenced Martinovic to 18 months in prison. This is the verdict of the first instance court and there is a right to appeal. In October 2019, the Court of Appeals of Montenegro quashed the judgment. According to the Court, the verdict was quashed for the co-accused Branka Stanisic, who was sentenced to one year and three months in prison, so they will be tried again before the High Court.	In September, after 10 months, the retrial against the journalist Jovo Martinovic in the High Court in Podgorica was completed. The panel of judges of the High Court, headed by Judge Vesna Pean, again rendered a judgment of conviction and sentenced Martinovic to one year in prison for participating in drug trafficking, but he was acquitted of charges of being part of a criminal organization.
2. Gojko Raicevic – was attacked twice by the police in the period from 17 to 24.10.2015, when the protests of the opposition party Democratic Front took place, which he reported about.	Raicevic filed a lawsuit against the Ministry of Internal Affairs, requesting to be paid 75,000 euros for non-pecuniary damages for the torture he had suffered on three occasions by a police officer. The trial began in April.	– The Basic Court rendered a judgment in favor of Raicevic in which it is established that he was subjected to actions that are prohibited by Article 3 of the Convention on Human Rights. According to the judgment, the state, i.e. the Ministry of Internal Affairs, should pay Raicevic the amount of 6,000 euros on the basis of compensation for non-pecuniary damage.			The Basic Court in Podgorica ruled in favor of journalist Raicevic, and the state of Montenegro will be obliged to pay him 5,000 euros in non-pecuniary damage caused by the ineffective investigation of the attack. The High Court in Bijelo Polje also issued a decision rejecting the appeal of the state of Montenegro, i.e. the representative of property and legal interests, as unfounded, and upheld the decision of the Basic Court in Podgorica.
3. Vladimir Otasevic – received death threats during a conversation with the interlocutor – the brother of Prime Minister Dusko Markovic – Velizar Markovic, on 11.09.2017.		– Brat predsjednika Vlade Crne Gore Duška Markovića, Velizar Marković, uputio je novinaru dnevnog lista Dan Vladimiru Otaševiću prijetnje smrću u telefonskom razgovoru, 11.09.2017. godine. – Osnovno državno tužilaštvo u Podgorici odbaci-lo je krivičnu pri-javu protiv Velizara Markovića, jer je nakon is-tražnih radnji utvrdilo da pri-jetnje koje je Marković uputio Otaševiću ne predstavljaju ni-jedno krivično djelo.			

Year	2016	2017	2018	2019	2020
<b>Case</b>					
	4. Sead Sadikovic – on 01.04.2018, an explosive device was activated in front of his house in Bijelo Polje.		<p>In front of the house of journalist Sead Sadikovic, in Bijelo Polje, an explosive device was activated on 01.04. The explosion damaged a car that does not belong to Sadikovic and his family.</p> <p>Already on Monday, 02.04, the police identified and arrested the suspects, Ilhan and Hilmo Pepic from Rozaje.</p> <p>Twenty days later, the judge of the Basic Court in Bijelo Polje Dragan Mrdak rendered a verdict to both Pepics for committing the criminal offense of “illegal possession of weapons and explosives” in conjunction with endangering security. Ilhan was sentenced to seven and Hilmi to four months in prison.</p> <p>It is suspected that the motive for this attack was to damage the reputation of a member of their family, Husnija Pepić, with whom Sadiković previously had an interview in his show “Without Borders”.</p>		

Year	2016	2017	2018	2019	2020
<b>Case</b>					
5. Olivera Lakic – was wounded on 08.05.2018, around 9 pm in front of the building in which she lives, on the boulevard of St. Peter of Cetinje in Podgorica.		– Journalist Olivera Lakic was wounded on 08.05. at around 9 pm in front of the building in which she lives, on the boulevard Sveti Petar Cetinjski in Podgorica. Lakic was waylaid by a man who shot her in the leg at the same location where she was beaten six years ago. When the wounded woman fell to the sidewalk, she saw at least two other men fleeing.	Nine months after the attempted murder of Olivera Lakic, the Montenegrin Police Administration announced that they had resolved the case, but it is still not clear on the basis of which it was determined that Filip Besovic from Podgorica followed and shot the journalist. It was not announced either for what motives she was the target of the criminal group to which Basovic allegedly belongs.		In December, the public learned that a new assassination of journalist Olivera Lakic was planned. According to the testimony of an associate witness in the case against the criminal group, which consists of 23 people accused of planning and committing several serious crimes, everything took place behind the walls of the Spuz prison, and 150,000 to 200,000 Euros were offered for “taking care” of Lakic. Special state prosecutor Sasa Cadjenovic announced that two suspects for planning the murder of journalist Olivera Lakic have been arrested, while the others are in prison. He confirmed that the group is also suspected of the attempted murder of Olivera Lakic in May 2018.
6. Vladimir Otasevic – was physically attacked in December 2019, when he tried to photograph a controversial businessman in the company of the basic state prosecutor in a shopping center in Podgorica.			Dan journalist Vladimir Otasevic tried to photograph businessman Zoran Becirovic in the company of senior state prosecutor Milos Soskic in the Delta shopping center, when he was attacked by Bećirovic’s bodyguard – he hit him, threatened him and insulted him. The journalist claims that the Prosecutor watched the attack on him calmly all the time. -The Basic State Prosecutor’s Office in Podgorica rejected the criminal report because Mijatovic’s actions “do not contain essential elements of the nature of that criminal act or any other criminal offense that is prosecuted ex officio”.		The attorney of businessman Zoran Coco Becirovic and his bodyguard Mladen Mijatovic, lawyer Branko Colovic, filed a criminal complaint against Otasevic, who is charged with the criminal offenses of falsely reporting and giving false testimony. On 23.10. 2020, the Basic Court in Podgorica rejected the motion for indictment filed on 01.10.2020, against Otasevic for the criminal offense of false reporting under Article 388 Paragraph 1 of the Criminal Code and the criminal offense of giving false testimony under Article 389 Paragraph 1 of the CCM. In the opinion of the first instance court, there is no evidence that Otasevic is reasonably suspected of having committed the criminal offenses charged against him.

# Conclusions and Recommendations

Freedom of expression is still limited in practice and the process of passing media laws takes a long time. After the umbrella media laws (Law on Media and Law on RTCG) were adopted in August, at the end of the year the new Government announced that it would enter the process of consulting the public on these laws, but also the Law on Audiovisual Media Services, which has yet to be adopted. Hacker attacks, as a form of restricting freedom of expression on the Internet, were especially present on election day. During 2020, the Government helped the media with about 2.5 million Euros, in order to eliminate the consequences of the Covid-19 pandemic, which is commendable, but it is necessary to control the way that money is spent. It is necessary to release the Agency for Electronic Media (AEM) and the Public Service from political interference in their work. The SMCG research showed that there are still a large number of lawsuits for violation of personal rights, but that, contrary to many previous allegations, the media are mostly sued by citizens and other media/journalists. In these lawsuits, over three million euros have been claimed from the media in 10 years. Political pluralism in the media can be said to exist on paper, because in practice every media has its favorites on the political scene. The elections once again showed a lack of authorial and investigative journalism. The protection of sources of information was the main topic for which the new Law on Media was criticized, because the new provisions, according to the media community, creates the restriction of freedom of expression. There are great expectations from the Fund for Encouraging Media Pluralism and Diversity, but it is necessary to regulate the allocation of money from this Fund by bylaws. The Law on Free Access to Information is expected to be amended, which would limit the arbitrariness of state bodies which, according to the current legal solution, have great freedom to determine what can be considered secret.

There are still no precise data on the number of journalists, so outdated data are still being used according to which about 800 journalists work in Montenegro. The latest MONSTAT data show that there has been no change in the number of employees in the media sector, while at the same time there has been a significant increase in the number of registered media, now 193. The economic position of journalists and other media workers did not change significantly in 2020, they work in a very insecure environment, with wage arrears, pressures, unpaid overtime and work during the holidays, while covering more jobs. This was especially evident during the work during the Covid-19 pandemic, when almost all media allowed employees to work from home. Those who worked from home also worked for more than eight hours, their family and private life suffered the consequences because they constantly had to be available. On the other hand, a small number of those who worked from newsrooms were overloaded and worked often and without days off. Freedom of work in the media has not changed significantly: all media still have desirable interlocutors depending on the preferences and editorial policy of the media, which affects the increasingly pronounced self-censorship of journalists. The Public Broadcasting Service-RTCG also showed a high degree of bias in the central news programs, and the interlocutors reveal that there is also pressure on employees to report in a “desirable” way. Non-profit media in Montenegro are not sufficiently developed. Although there is no open censorship, or no talk of it, self-censorship is becoming more pronounced and journalists in an uncertain economic environment are forced to report in a desirable way so as not to lose their jobs. The interlocutors also pointed out the more pronounced pressures and influence on the choice of interlocutors and topics during the election campaign. Although the media and journalists declaratively respect the ethical principles and the Code of Journalists of Montenegro, citizens still most often complain about the violation of principle I of the Code, which refers to accuracy. Although the Fund for Promoting Media Pluralism and Diversity should strengthen self-regulatory mechanisms, there are fears that external self-regulatory bodies will still be favored. Although journalism is still perceived as a “women’s profession”, female journalists are still those who report from the field, while according to the interlocutors, the key shows are still edited and hosted by men. The female interlocutors also pointed out that they are especially limited by the harmonization of professional and family obligations.

There have been no major changes in relation to the security of journalists: key cases of attacks on journalists are still unresolved, the only case of the murder of a journalist has not been fully clarified and attacks on journalists are considered almost normal. After a small number of attacks in 2019, there was a multiple increase in the number of attacks in 2020, when 16

cases of threats, attacks and arrests of journalists were registered. The largest number of these cases occurred in the first half of the year, at a time of heated atmosphere due to the adoption of the Law on Freedom of Religion. Of the total number of registered attacks, the largest number of them happened online – via the social network Facebook, and some of them moved to real life. Unfortunately, the year 2020 was also marked by the trend of arresting journalists for “spreading panic and disorder.” The state authorities, primarily the Prosecutor’s office, still do not submit the requested documents to the Commission for Investigation of Attacks on Journalists, which complicates the work of this body. State officials declaratively condemn the attacks on journalists and media workers, but nothing significant has happened regarding the investigation of existing cases. No special documents have been adopted that prescribe the manner of work of the police and the prosecutor’s office in cases of attacks on journalists, and it is not known what special police teams, formed during 2019, have achieved in cases of investigations of attacks on journalists.

Declarative support for freedom of expression and freedom of the media is not enough and it is necessary for the media community itself, but also the state as a whole, to make additional efforts to improve the situation. Existing legal solutions offer a number of positive provisions that could improve the position of journalists in Montenegro, but consistent implementation is necessary. It is necessary to strengthen the position of journalists and media in society, through strengthening solidarity in the media community, as opposed to the existing polarization and intolerance, which is reflected in the economic exhaustion of media and journalists with lawsuits for violation of personal rights filed by colleagues from other media. Improving the economic position of journalists and other media workers must be a priority for the media, which, despite extensive state aid, have decided to keep the same salaries for employees despite the increased workload. Journalists point out that 2020 was one of the most difficult years to work. The safety of journalists is again endangered, as evidenced by the growing number of attacks on journalists, which is four times higher than the previous year. The freedom of citizens to threaten journalists through social networks is one of the concerns. The lack of cooperation between state authorities and the Commission for Investigation of Attacks on Journalists shows a weak political will to address some of the most serious attacks on journalists.

## Recommendations

- Given the new distribution of power in the Parliament, lobbying for amendments to the Law on Media should begin in order to include in the new text everything that was not included in the Law in 2020, and for which there are arguments that it should and would lead to increasing the level of media freedom in Montenegro and the freedom and quality of work of media employees. In parallel with this activity, an effort should be made to monitor the application of the provisions of the Law on Media, but also the presentation of innovations and benefits that it guarantees to employees.
- It is necessary to monitor the adoption of bylaws that will more precisely regulate the manner of distribution and spending of money from the newly established Fund for Media Pluralism, as well as later competitions and the way in which the money will be distributed. This is a job that will be realized for the first time and involves the distribution of a significant amount of state money that will be distributed to private media, so monitoring this process is extremely important.
- The new Law on National Public Broadcaster is also new and its implementation and effects should be monitored.
- Salaries of media employees as well as freedoms within newsrooms remain at the same low level from year to year. One of the ways to overcome such a situation is the adoption of a new branch collective agreement. Therefore, it is recommended to start activities in that direction in order to re-actualize this topic with the employers' association that represents the interests of media owners.
- Amendments to the Law on Media could improve both the reduction of censorship and self-censorship and relieve journalists of pressure from media owners, which is now one of the biggest causes of this phenomenon among Montenegrin journalists. If quality solutions were found during the work on amendments to the Law that would reduce the pressure on the media, the overall atmosphere in the media would improve.
- It is also necessary to work on the promotion of ethical principles in order to increase the level of professionalism in the media and reduce the number of lawsuits for violation of the honor and reputation in which journalists are sued.
- In 2020, the state, without treating it as state aid, repeatedly helped the media with several million euros. It is necessary to insist on increasing the transparency of spending that money and to repeat the initiative that the employees in the media who are also the most exposed and do most of the work do not become forgotten in the distribution of aid due to the pandemic.
- The shift of government at the national level is an opportunity to change the attitude of the police, but also the Prosecutor's office and the courts, towards cases of attacks on journalists and media. A sign of the good will of the new ruling majority in the Parliament could be the amendments to the Criminal Code of Montenegro and the introduction of new criminal offenses that would severely punish the attackers on journalists. Such punishments are to be expected to discourage attackers on journalists. This would be especially good for all future acts that will eventually happen, and especially because there are no indications that some of the older crimes will be solved, which the governing structures are aware of, so it is an opportunity to do something for the future so the same situations again never happen again. It is recommended to start lobbying for amendments to the Criminal Code and to actualize earlier proposals that would protect employees in the media, based on the example of the protection of officials.









