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Western Balkans Journalists' Safety Index

Montenegro 2020 Narrative Report

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Introduction

The Western Balkans' Journalists' Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries, that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The WB-JSI relies primarily on the research evidence collected and analysed by the partners of the [Safejournalists.net](https://www.safejournalists.net) Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country¹ assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) **Legal and organisational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists;
- (2) **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute² and partners of the [Safejournalists.net](https://www.safejournalists.net) Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade

¹ In Montenegro the Advisory Panel consisted of: Radomir Krackovic, Milena Bujanja Obradovic, Predrag Nikolic, Danijel Celecki, Dragana Zaric, Jelena Mijanovic, Bojana Milicevic, Zeljka Vucinic and Milorad Markovic.

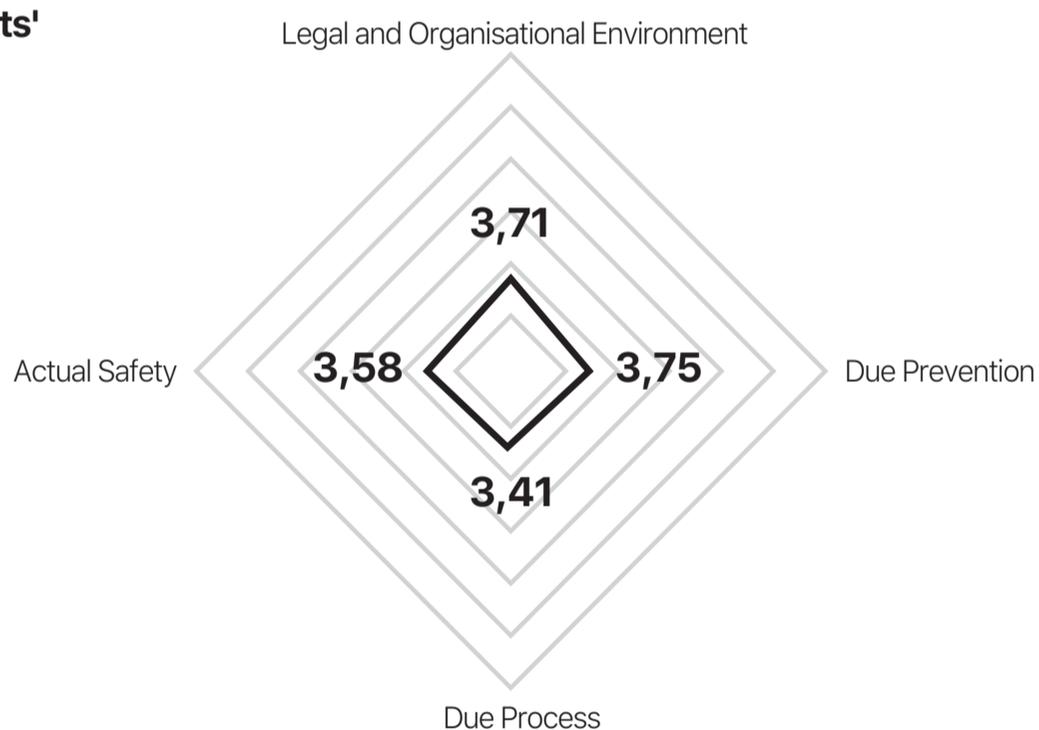
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Union of Media od Montenegro, Association of Journalists of Macedonia, Association of Journalist of Kosovo, Croatian Journalists' Association, Association of Professional Journalists of Albania and independent researcher in Albania³. As such, the Index is a result of a joint effort of the Platform Safejournalists.net and covers all the specific issues that local partners identified as relevant for their country contexts.

This report refers to the situation in Montenegro in 2020 which was designated as the first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. In the upcoming years, the improvement or deterioration of the situation in all countries will be measured by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found on the [Platform SJ](#).

— SUMMARY

**Journalists'
Safety
Index
3.59**



I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- Defamation is decriminalized, but the large number of lawsuits can have a chilling effect on journalists, as well as the length of proceedings (2-3 years on average). The general public still only knows about the most high-profile cases in which large sums of money are claimed from the media and journalists, as well as cases in which media and journalists are sued by public officials/politicians and the other media. There were no high-profile cases recorded during 2020, but 22 lawsuits were initiated.

³ Blerjana Bino as independent researcher in Albania for Safejournalists.net platform.

- The protection of journalists is well regulated by the Media Law, but there is a danger of state authorities to misuse the envisaged restrictions and seek disclosure of sources even when it is not necessary. The case of Jovo Martinovic – an investigative journalist who ended up in prison due to contact with a source of information, causes a certain degree of self-censorship among journalists.
- Unfounded arrests of journalists and intimidation due to the spread of panic and riots, as well as fear of SLAPP lawsuits, are the cause of low results in this field. Directly and indirectly, public authorities continue to restrict media freedom. Three journalists from three different media were arrested in January 2020. Although the court acquitted the journalists of all charges, it is clear that the chilling effect was spread.
- No licenses were imposed and there were no new initiatives to introduce licenses for journalists. Journalists do have the freedom to organize themselves in various professional organizations. However, there has been pressure on some individual union members or the entire trade union organization which affect the atmosphere in which membership in the trade union is still undesirable. More than a half of the media workers in Montenegro is affiliated with the Trade Union of Media of Montenegro.
- The economic position of journalists is worsening from year to year. Labor rights are not fully respected, particularly in private media, local media, online media, and salaries are below the state average. The Corona crisis has not helped employers realize that they need to provide economic support to journalists to be able to do their job smoothly. Although the state was very to the media, employees generally did not receive any salary increase during 2020, despite the multiplied volume of work.

II. DUE PREVENTION

- The police have set up special teams to help solve cases of attacks on journalists, but so far they have not had much success. There is still no special registry of attacks on journalists committed in connection with their work. During the 2020, 18 cases of attacks and threats to media and journalists were registered. The problem is that a large number of cases of assaults and threats, prosecutors still label as misdemeanors.
- There are general mechanisms that provide protection of journalists and their physical integrity, but still, journalists do not have special protection mechanisms. The state conducts a security risk assessment in certain cases when there is an assessment after the attack that the safety of journalists may be endangered and that the attack may be repeated. Police protection

was granted to two journalists during 2020. Only CSO's offer legal and psychological assistance to journalists who are victims of attack and pressures.

- There are state-level mechanisms that protect women and women journalists. There is still much room for improvement when it comes to the position of women victims of violence, especially when it comes to women journalists. In 2020, an increase in threats and attacks against journalists was registered, so the records of Police Administration contained six such cases. The increase of online threats against women journalists is registered. The Ombudsman found in one case that a women journalist from PBS has been discriminated against on the ground of religion.
- Almost all relevant institutions react in cases of some serious attacks on journalists and condemn such attacks. There are cases in which some state authorities did not condemn the attack, due to the political connotation of that attack. Despite the reactions, state authorities and relevant institutions didn't do much in order to solve some of the most severe cases of attacks on journalists.
- Police authorities are partially meeting their obligations. Formally, they are always willing to improve the safety and security of journalists, but essentially this commitment is not always noticeable in the actions of representatives of the Police Directorate or the Ministry of Interior. In 2020, four journalists were arrested. There is still a worrying degree of misunderstanding of journalistic work, which is especially evident when reporting from larger gatherings or protests.

III. DUE PROCESS

- The government has previously established a special unit – the Commission to Investigate Attacks on Journalists and Media Property, but its success is only partial, due to poor cooperation with state bodies in charge of investigations. There have been no other attempts to establish better protection for journalists. Attacks and threats against journalists are still not recognized as special crimes.
- No serious case of an attack on journalists has been fully investigated, even the murder of Dusko Jovanovic after so many years has not been resolved. Those who ordered the attack still remain unknown. Although there is no recorded case of someone involved in the investigation of attacks on journalists having anything to do with the attack, investigations in these cases are slow, lengthy and often without real result. Some most serious cases become obsolete.

- Although the area of online harassment is not fully regulated by law, the authorities responded quickly in all reported cases and identified the perpetrators. A trend of serious increase in the number of online threats and harassment of journalists and media was noticed and registered, and during 2020, 9 such cases were registered. Two cases have been classified as endangering safety while others were classified as misdemeanors. Public prosecution doesn't always recognize the seriousness of online threats and do not classify these cases as criminal offences.
- Courts are still mainly open to the public, but due to the pandemic, most courtrooms were closed during 2020. Sometimes even basic information about the case is not available, with the explanation of the police and the prosecution "not to jeopardize the investigation". General information about all cases can be obtained from the PR services of courts. Courts do not proactively publish information about proceedings where journalists are included. Transparency is limited, there are no data about the number of court proceedings where journalists are victims.
- Police Administration records provide an overview of all attacks on journalists, but there are often private cases that are not necessarily related to that person's work. Courts also do not have special records, but they are done on request. Almost no state body has relevant statistical registers, with the exception of the Ombudsman. Although information from other institutions can be obtained on request, it also involves a long wait while data is collected.

IV. ACTUAL SAFETY

- Past year was specific and extremely difficult for journalist, especially bearing in mind that they worked at a time of corona crisis, parliamentary elections and change of government, as well as great gatherings due to the adoption of the law on freedom of religion. There has been a large increase in the number of threats and harassment (9 in total), especially through social networks. There were also cases in which journalists were wiretapped and those information became public after the elections. Three of the 4 registered attacks in this category relate to women journalists. Also worrying is the fact that in one case the threats moved to a real environment, when the journalist was stalked.
- It turned out that the same journalists or journalists of the same media were victims of threats (2 registered cases). Not all types of threats have been registered. In both registered cases related to threats to the lives of journalists, the threats were sent via social networks. The novelty that this way of dealing with journalists brings is insecurity even on their private profiles on social networks.

- In 2020, 2 physical attacks were registered, but there was no situation in which journalists suffered more serious injuries. Unfortunately, the beginning of last year showed that the authorities can find a way to deal with the work of journalists that do not suit them, even if it means arresting them. Three cases in this category refer to arbitrary detention of journalists by state authorities in order to “prevent the spread of panic and riots”.
- In previous years, a lot of these cases have been registered, but probably due to the pandemic the threats have moved to social networks. During 2020, 4 cases were registered. Unfortunately, it turned out that during larger gatherings, especially political ones, there is still a risk of attacks on media organizations and their property. All this indicates a trend of complete misunderstanding of the nature of journalistic work, both by the police and the prosecution, and by citizens.

Legal and Organisational Environment

3,71



Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

Score (3.55) – Defamation is decriminalized, but the large number of lawsuits can have a chilling effect on journalists, as well as the length of proceedings (2-3 years on average). The general public still only knows about the most high-profile cases in which large sums of money are claimed from the media and journalists, as well as cases in which media and journalists are sued by public officials/politicians and the other media. There were no high-profile cases recorded during 2020, but 22 lawsuits were initiated.

Defamation was decriminalized in 2011, so the exercise of rights in the case of a violation of a person's rights can be obtained on the basis of the Law on Obligations. Certain forms of criminal offenses that incriminate the disclosure or transmission of information from personal or family life are still retained, with the exception in the journalism practice, so that in everyday work these charges are rare. Formally, the provisions of the Law on Media and the Law on Obligations related to the protection of personal rights (defamation and insult) in the media, which were not amended during 2020, provide space for the media and journalists to work freely. But in everyday work, obstructions can occur. It turned out that the courts are very careful when it comes to rendering decisions on penalties for violating the rights of the person, and the penalties are ten times less than the claims. The biggest problem remains the fact that journalists and the media are suing each other for violation of personal rights, thus weakening each other financially and pointing to poor self-regulatory mechanisms. In earlier research with journalists, they indicated that they were careful while doing their job, in order not to be sued for violating personal rights. In 2020, there were no cases in which journalists were accused of violating the honor and reputation of politicians, and recently there have been no verdicts on this basis that would cause a chilling effect among journalists. The number of lawsuits on these grounds is still very large, so 37 lawsuits were filed for compensation for material damage due to the

— INDICATOR 1.1

violation of personal rights in 2019, and 22 in 2020. Although the number of lawsuits remains high, final judgments indicate that the amount awarded is much lower than the claimed one, that the media are mostly sued by citizens, and that the courts are considerate when it comes to penalties in order not to influence the spread of censorship and self-censorship among journalists. In 2020, there were no cases in which state officials abused their procedural rights during lawsuits against journalists. No new “significant” verdicts have been registered in cases of violation of personal rights that could cause a chilling effect. Public and media mostly are mostly informed about “significant” cases, in which the plaintiffs are public officials, politicians and the media/journalists, or cases in which the claim is high. No such cases were reported during the previous year. The right to sue on this basis is a European standard, but a large number of lawsuits do not always speak about the merits of the request. Therefore, this information should not affect the strengthening of the “chilling effect” among journalists but should encourage them to strengthen professional standards in reporting.

Confidentiality of journalists' sources is guaranteed in the legislation and the authorities comply with it

Score (4.57) – The protection of journalists is well regulated by the Media Law, but there is a danger of state authorities to misuse the envisaged restrictions and seek disclosure of sources even when it is not necessary. The case of Jovo Martinovic – an investigative journalist who ended up in prison due to contact with a source of information, causes a certain degree of self-censorship among journalists.

Although formally the confidentiality of sources is guaranteed by law, this right is partially limited by the new legal provision, which defines that a journalist is not obliged to disclose the source of information except when requested to do so by the state prosecutor to protect the interests of national security, territorial integrity and health protection. 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 provision has been the subject of strong criticism from both the domestic and international public, as it is seen as a violation of the freedom of expression and one of the ways to discourage investigative journalism, which is essentially based on sources. Although the new legal solution partially limits the confidentiality of sources, in the practice of the relevant authorities, no abuse of the given legal solutions has been noticed to the extent that the confidentiality of sources would be endangered. 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. Although there is generally no data on the extent to which all this affects investigative journalists, the case of Jovo Martinovic – an investigative journalist who ended up in prison due to contact with a source of information, causes certain self-censorship among them. Investigative journalist Jovo Martinovic was found guilty on March 29, 2021, because the judges of the Appellate Court concluded that he was connected with drug smugglers in 2014, thus confirming the verdict by which Martinovic was sentenced to one year in prison for mediation in drug trafficking, and acquitted of charges of creating a criminal organization. Many international journalists' organizations condemned this decision. Another problem is that the Law on Free Access to Information allows state bodies to keep numerous pieces of information of public interest secret, which weakens opportunities for investigative journalism.

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

Score (2.90) – Unfounded arrests of journalists and intimidation due to the spread of panic and riots, as well as fear of SLAPP lawsuits, are the cause of low results in this field. Directly and indirectly, public authorities continue to restrict media freedom. Three journalists from three different media were arrested in January 2020. Although the court acquitted the journalists of all charges, it is clear that the chilling effect was spread.

The year that is behind us can serve as an example of a year in which public authorities used certain laws to put pressure on journalists and the media. This primarily refers to the Criminal Code of Montenegro and the criminal offense of “spreading panic and riots” while performing journalistic work. Indirectly, other laws have also affected journalists’ freedom of work, such as the Law on Free Access to Information, which currently allows authorities to keep a large amount of information secret and thus prevents journalists from doing their job. The beginning of 2020 was marked by the attempt of the state authorities to deal with what they called “fake news”, i.e. spreading panic and riots, by arresting journalists. Three journalists from three different media were arrested in January 2020. Although the journalists were acquitted of all charges the journalists of all charges by the end of the year, it is clear that by initiating such cases, the chilling effect was spread. In previous years, there were cases of SLAPP lawsuits, in which the state leadership (including President Milo Djukanovic himself) sued the critical media, claiming hundreds of thousands of euros from them. The research of the Trade Union of Media of Montenegro (SMCG) showed that the biggest problem for the media is the lawsuits for violation of honor and reputation that were filed by citizens against the media and journalists. In 10 years, since the decriminalization of defamation, citizens have filed 103 lawsuits for violation of personal rights. All this indicates poor respect for professional

— INDICATOR 1.3

standards. Also, big problem is that journalists and the media initiate those lawsuits against the competition (other media and journalists). The previous year showed that journalists are still endangered when reporting from protests or other gatherings, such as lithium (religious gatherings of Orthodox believers and clergy) due to the adoption of the Law on Freedom of Religion, and that it is necessary to additionally protect them.

Journalists are free to pursue their profession and to establish, join and participate in the work of journalists' associations

Score (4.21) – No licenses were imposed and there were no new initiatives to introduce licenses for journalists. Journalists do have the freedom to organize themselves in various professional organizations. However, there has been pressure on some individual union members or the entire trade union organization which affect the atmosphere in which membership in the trade union is still undesirable. More than a half of the media workers in Montenegro is affiliated with the Trade Union of Media of Montenegro.

There have been no new initiatives to introduce licenses for journalists, but the idea continues to spread among 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, but some state institutions introduce the practice of annual accreditations in order to report from their events. No new cases have been registered in which it was difficult for journalists to prove what kind of work they were doing. However, the big problem is that there is still a general lack of understanding of the nature of journalistic work. Journalists in Montenegro do have the freedom to organize themselves in various professional organizations, but often they do not see what benefits they can derive from it. For example, they have the opportunity to get organized within three associations of journalists. Two associations still act sporadically, especially around important dates such as the Day of Journalists 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. More than half of the media community is affiliated with the Trade Union of Media of Montenegro. There has been no pressure on union leaders, but there has been pressure on some individual union members or the entire trade union organization that

— INDICATOR 1.4

turned to the Trade Union of Media for some help. These pressures do not occur continuously, but from time to time, and do not jeopardize the work of newsrooms or individual journalists as a whole, but they do affect the atmosphere in which membership in the trade union is still undesirable. For example, some newsrooms still do not allow union organizing of their employees, so individual members of those newsrooms, because of the fear of being fired, still have to keep their membership secret. There are some organizations that, under the veil of the fight for media freedom, represent the interests of employers, i.e. media owners, which weakens the public's trust in organizations, but also makes the fight for media freedom meaningless because it is closely related to the interests of employers. It is not known whether the Government established such associations.

Journalists' job position is stable and protected at the workplace

Score (3.35) – The economic position of journalists is worsening from year to year. Labor rights are not fully respected, particularly in private media, local media, online media, and salaries are below the state average. The Corona crisis has not helped employers realize that they need to provide economic support to journalists to be able to do their job smoothly. Although the state was very to the media, employees generally did not receive any salary increase during 2020, despite the multiplied volume of work.

Most media employees have fixed-term employment contracts. There is still a significant number of employees in the media who work under temporary employment contracts, and more and more often they are engaged in projects, which makes working conditions very precarious. 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 working in journalism are modern superheroes. The lack of employees leads to the working overload of journalists in order to do everything that is demanded from them, and publish a large number of texts/reports every day, which ultimately affects the decline in the quality of journalism and almost the extinction of investigative endeavors in newsrooms. Due to the coronavirus pandemic, there was an increase in the volume of work in some media. The data we collected 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, etc.) while teleworking, and these are not costs that are reimbursed in any way or their salary due to such circumstances 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 service contract basis. Apart from the fact that neither law recognizes them, not the media community, there is no research conducted in the media that offer some data that reflect their specific position: there is no data on the number, salaries, and/or insurance of

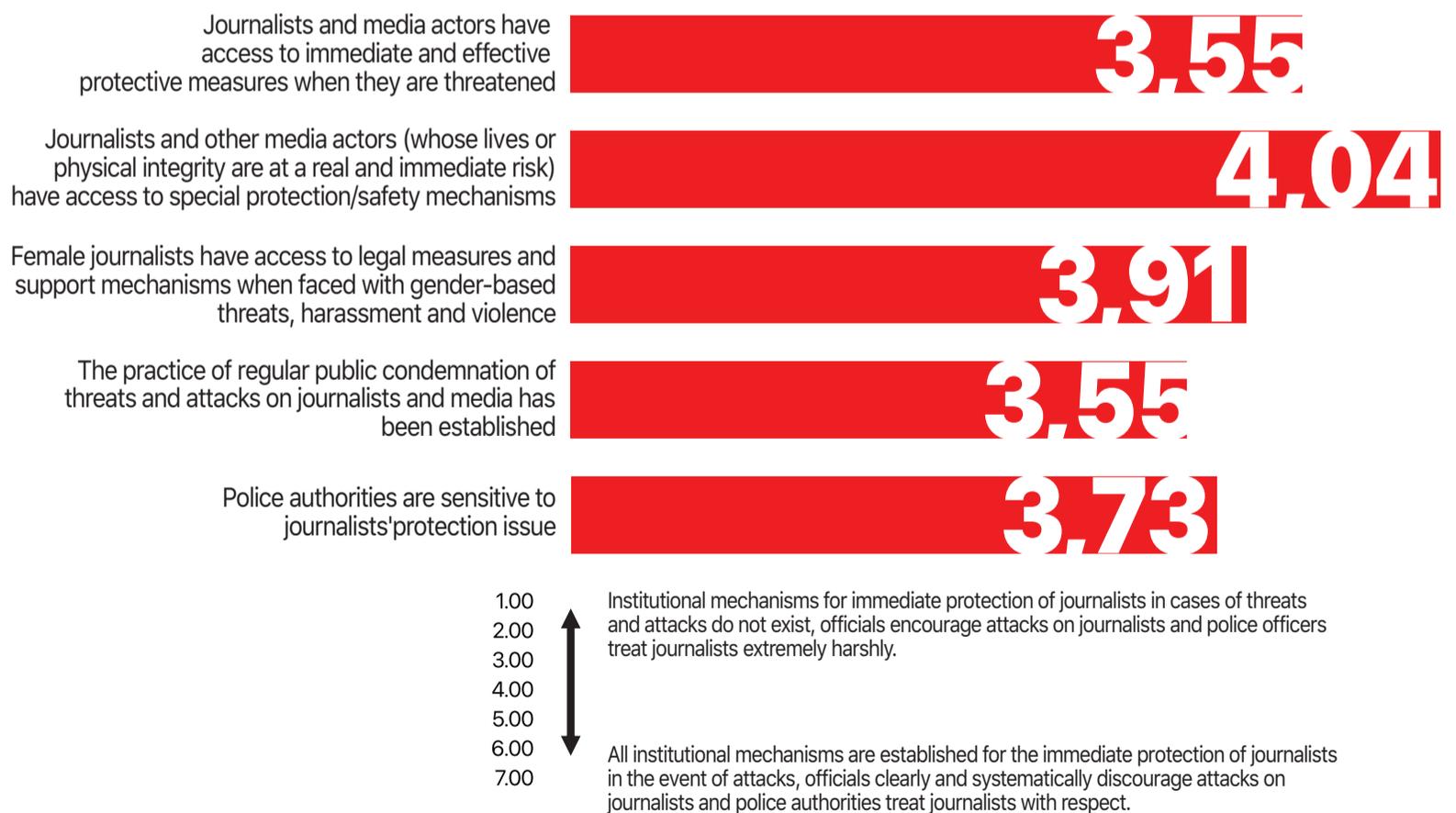
— INDICATOR 1.5

freelancers, and the same refers to the part-time employees. Montenegro is partly an exception when it comes to trade unions because employees in private media are united in trade unions. However, there is still great fear among employees in the private media when it comes to membership in such organizations, given that some employers are openly against it. Free legal aid exists in a small number of media that offer this assistance only in certain cases and without clear criteria, so journalists often decide to hire a lawyer themselves.



Due Prevention

3,75



Journalists and media actors have access to immediate and effective protective measures when they are threatened

Score (3.55) - The police have set up special teams to help solve cases of attacks on journalists, but so far they have not had much success. There is still no special registry of attacks on journalists committed in connection with their work. During the 2020, 18 cases of attacks and threats to media and journalists were registered. The problem is that a large number of cases of assaults and threats, prosecutors still label as misdemeanors.

Apart from the contact telephone number of the Police Administration, there are no special telephone lines for journalists to report cases of hate speech or serious threats to life. Some extra effort should be made to establish more effective mechanisms for the protection of journalists from hate speech because all previous measures are mainly related to the safety of journalists. The work on cases of attacks on journalists and media property since 2019, according to the decision of the Police Administration, is carried out by one person who is appointed to coordinate all activities of police and prosecution on the territory of Montenegro, while in every security center two police inspectors are exclusively in charge of this on their territory. There is still no special registry of attacks on journalists committed in connection with their work, but the registry contains all cases related to any case in which journalists are involved, whether it relates to their profession or is otherwise related to them (because Police takes data on the victim's occupation). Within this general register, there are also cases in which journalists have been threatened, but there is no special register of cases of hate speech against journalists. There were no cases in which the authorities refused to register any of the attacks. The work of other state bodies, such as labor inspections, remains rather non-transparent and information can be obtained on request. 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 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 did not contain elements of a criminal offense that were prosecuted ex officio. The problem is that a large number of cases of assaults and threats, prosecutors still label as misdemeanors.

Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

Score (4.04) – There are general mechanisms that provide protection of journalists and their physical integrity, but still, journalists do not have special protection mechanisms. The state conducts a security risk assessment in certain cases when there is an assessment after the attack that the safety of journalists may be endangered and that the attack may be repeated. Police protection was granted to two journalists during 2020. Only CSO's offer legal and psychological assistance to journalists who are victims of attack and pressures

The laws prescribe the possibility of providing police protection to persons who have been exposed or are in danger of being exposed to attacks. To ensure this, the competent authorities must carry out a safety assessment. The general protection measure has been implemented in some cases of attacks on journalists. The state conducts security assessments in certain cases when, after an attack, it is assessed that the safety of that journalist may be endangered and that the attack may be repeated. According to the available data, police protection was granted to two journalists. Montenegrin legislation still does not prescribe special protection for journalists in the form of qualified criminal offenses (for example, aggravated murder and grievous bodily harm) which would provide additional protection but, at the same time, discourage perpetrators of these criminal offenses against journalists. Attacks on journalists are treated like other attacks, with the victim's occupation influencing the assessment of the sentence. The newsrooms themselves often do not conduct this kind of risk assessment when scheduling tasks for journalists, so in some cases, it happens that journalists are exposed to discomfort in the workplace

– INDICATOR 2.2

that could have been prevented. Special forms of support and assistance to journalists who are victims of attacks are not offered by the state, but mainly by the civil sector. The Trade Union of Media of Montenegro, the Action for Human Rights and the Association of Professional Journalists offer legal and psychological assistance to journalists who are victims of attacks and pressures.

Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence

Score (3.91) – There are state-level mechanisms that protect women and women journalists. There is still much room for improvement when it comes to the position of women victims of violence, especially when it comes to women journalists. In 2020, an increase in threats and attacks against journalists was registered, so the records of Police Administration contained six such cases. The increase of online threats against women journalists is registered. The Ombudsman found in one case that a women journalist from PBS has been discriminated against on the ground of religion.

Although Montenegro is one of the first countries to sign and ratify the Council of Europe Convention on the Suppression of Domestic Violence and Violence against Women (Istanbul Convention), which entered into force on August 1, 2014, there is still much to be done for its implementation. General protection mechanisms, available to all women, such as free legal aid, protection against discrimination and gender-based violence, are also available to female journalists. Research shows that the last year, marked by the COVID - 19 pandemic, was largely influenced by the increase in violence and pointed out the unequal position of women in Montenegro, and thus women journalists. Women journalists, who have been victims of attacks, threats or gender-based violence, have had the opportunity to address institutions, such as the Ombudsman, and proceedings initiated during 2020 are still ongoing. In addition, journalists can contact the Police Administration, which is in charge of cases of attacks against journalists. In 2020, an increase in threats and attacks against journalists was registered, so the records of the Police Administration contained six such cases, out of which four threats were made online. In cases of discrimination in the workplace, journalists can also contact the Administration for Inspection Affairs, the Agency for Peaceful Settlement of Labor Disputes, the Ombudsman and the courts and initiate proceedings to determine the

— INDICATOR 2.3

violation of rights. However, the problem arises because the courts, but also most other state bodies, do not have statistical data stratified by occupation and often by gender as well. According to available data, the Ombudsman found in one case that a Public Service journalist had been discriminated against on the grounds of religion.

The practice of regular public condemnation of threats and attacks against journalists and media has been established

Score (3.55) – Almost all relevant institutions react in cases of some serious attacks on journalists and condemn such attacks. There are cases in which some state authorities did not condemn the attack, due to the political connotation of that attack. Despite the reactions, state authorities and relevant institutions didn't do much in order to solve some of the most severe cases of attacks on journalists.

After all the serious attacks against journalists, representatives of the state bodies, political parties and civil sector condemned such cases, assessing them as attacks on freedom of expression. However, public officials should go a step further from 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 to refrain from making statements that do not affect the freedom of expression".

Police authorities are sensitive to journalists' protection issues

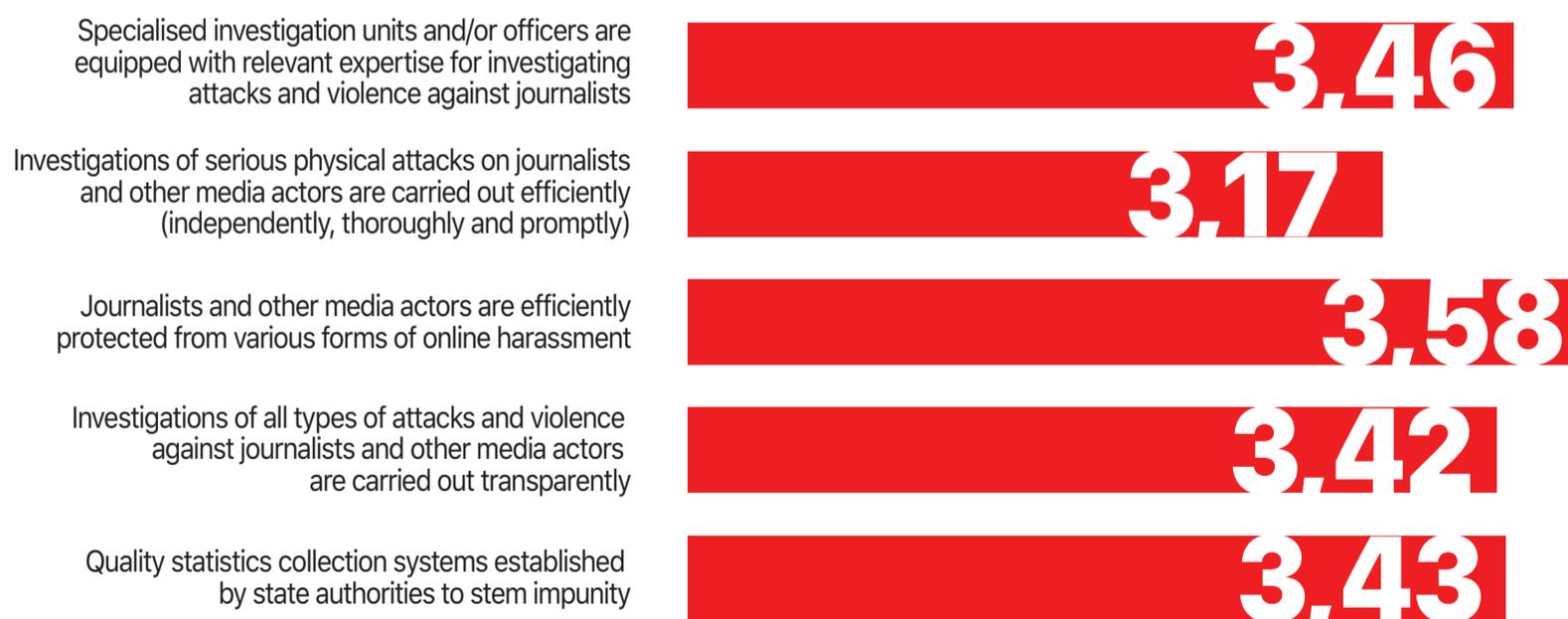
Score (3.73) – Police authorities are partially meeting their obligations. Formally, they are always willing to improve the safety and security of journalists, but essentially this commitment is not always noticeable in the actions of representatives of the Police Directorate or the Ministry of Interior. In 2020, four journalists were arrested. There is still a worrying degree of misunderstanding of journalistic work, which is especially evident when reporting from larger gatherings or protests.

According to the Ministry of the Interior's information, the training of the members of the Police Administration is conducted continuously and, formally, they are educated about the basic international standards related to human rights and the role of journalists in a democratic society. It is not known whether the Police Administration has special protocols or guides prohibiting harassment, intimidation or physical attacks on journalists or whether the Police act as in other cases when journalists are not involved. However, practices that do not comply with these standards still occur in everyday work, but also during attacks or threats against journalists. Formally, good cooperation has been established with the Police Administration as well as the Ministry of the Interior, but it is still necessary to work on substantial cooperation to better protect journalists and other media workers. Journalist Andjela Djikanovic was arrested in January last year and held in custody for more than 24 hours, on suspicion of spreading panic and disorder by publishing an article on the FosMedia portal. The charges were dropped at the end of last year. January 2020 was marked by the arrests of the 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 false news. In December 2020, the Prosecutor's Office dismissed the criminal charges against Zivkovic and Raicevic, because they were not suspected of having committed the criminal offense they were charged with.



Due Process

3,41



1.00
2.00
3.00
4.00
5.00
6.00
7.00



Institutions do not investigate and do not sanction attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.

Institutions are fully effective and transparent in investigating and sanctioning attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.

26

Specialised investigation units and/or officers have the relevant expertise for investigating attacks and violence against journalists

Score (3.46) – The government has previously established a special unit – the Commission to Investigate Attacks on Journalists and Media Property, but its success is only partial, due to poor cooperation with state bodies in charge of investigations. There have been no other attempts to establish better protection for journalists. Attacks and threats against journalists are still not recognized as special crimes.

In 2019, in order to improve the safety of journalists, the Police Administration appointed one officer to coordinate all police and prosecutorial activities in this area in Montenegro, while in all security centers two police inspectors were appointed to deal exclusively with these issues in their territories. Their task is to follow all reports in which journalists are marked as victims. It is still noticeable that most attacks and threats are not treated as a criminal offense, but as a misdemeanor prosecuted by a private lawsuit and not ex officio. Previous experience has shown that key institutions, such as the police and the prosecution, still lack an understanding of the nature of journalism. Attacks and threats against journalists are still not recognized as special crimes, and therefore these institutions do not have special guides or other documents that would enable them to adequately protect journalists from violence. In addition to special police teams, the Commission for Monitoring the Actions of the Competent Authorities in the Investigation of Cases of Threats and Violence against Journalists, Assassinations of Journalists and Attacks on Media Property also investigates attacks against journalists. The Commission published reports on its work in 2020. The last report was published in June 2020 and included four reports of that body. The main problem remains that the competent authorities do not implement the recommendations of the Commission, so in the conclusions of its reports, the Commission always requests from the Government to report on the degree

– INDICATOR 3.1

of implemented recommendations. The Commission recommends that “the competent authorities provide conditions for the work of the media, in which journalists should be treated with dignity”. Complete solutions in the appointment and establishment of specialized officers/prosecutors/units to investigate attacks and violence against journalists and strengthen their capacities are lacking. The Commission is not an investigative body that has the authority to detect and prosecute the perpetrators of these crimes but has exclusively a monitoring function.

Investigations of serious physical attacks against journalists and other media actors are conducted efficiently (independently, thoroughly and promptly)

Score (3.17) – No serious case of an attack on journalists has been fully investigated, even the murder of Dusko Jovanovic after so many years has not been resolved. Those who ordered the attack still remain unknown. Although there is no recorded case of someone involved in the investigation of attacks on journalists having anything to do with the attack, investigations in these cases are slow, lengthy and often without real result. Some most serious cases become obsolete.

Investigations of the attacks against journalists are independent and, so far, there is no recorded case of someone involved in the investigation having anything to do with the attack. However, investigations in cases of attacks against journalists are slow, lengthy and often without real results. Some of the most serious cases of physical attacks against journalists, such as the case of beating of Mladen Stojovic, have become obsolete because the state authorities failed to find the perpetrators, all due to numerous omissions in the investigation, which the Commission itself pointed out. In one of the most serious attacks on journalists, the murder of Dusko Jovanovic, the investigative bodies didn't reveal who the mastermind was. It is often not even known who the perpetrators of the crimes are. Formally, the competent authorities mark certain cases of attacks against journalists as "the highest priority in their work", but in essence the situation is different. A large number of less serious attacks and threats are marked as misdemeanors, so victims are encouraged to file private lawsuits, which they often do not do. During 2020, journalism was particularly exposed to criticism, especially for allegedly spreading false news and disturbing public peace and order, which resulted in the arrest of three journalists. However, various forms of harassment on the Internet are often an excuse for systemic

— INDICATOR 3.2

threats to freedom of speech, when some citizens are arrested and questioned for commenting officials, which generally creates an atmosphere of fear under the guise of protection from online harassment. This is one of the reasons why it is necessary to adopt special regulations.

Journalists and other media actors are efficiently protected from various forms of online harassment

Score (3.58) – Although the area of online harassment is not fully regulated by law, the authorities responded quickly in all reported cases and identified the perpetrators. A trend of serious increase in the number of online threats and harassment of journalists and media was noticed and registered, and during 2020, 9 such cases were registered. Two cases have been classified as endangering safety while others were classified as misdemeanors. Public prosecution doesn't always recognize the seriousness of online threats and do not classify these cases as criminal offences.

The Criminal Code of Montenegro does not recognize acts related to endangering security in the online sphere, however, acts committed online are assessed in relation to what they were aimed at and what are the consequences of such acts. For instance, although the Criminal Code does not explicitly recognize offenses related to online security, in cases where prosecutors find that there has been online harassment, they refer to the criminal offense of 'endangering security'. Some of the crimes committed in the past to the detriment of journalists were coercion, persecution, threats of use of force, unauthorized wiretapping and recording. All these offenses may be committed online. Neither for these acts, nor those related to violence, journalists were recognized as a special category in the Criminal Code. During 2020, nine cases of online threats and attacks were registered online, and it is noticeable that threats and attacks have moved into the online sphere. Two cases have been classified as endangering safety as they pose a serious threat to journalists and their families. Other cases are classified as misdemeanors. No special measures were taken to protect journalists in the online sphere, but the Police Administration conducted investigations in all reported cases.

Investigations of all types of attacks and violence against journalists and other media actors are conducted transparently

Score (3.42) – Courts are still mainly open to the public, but due to the pandemic, most courtrooms were closed during 2020. Sometimes even basic information about the case is not available, with the explanation of the police and the prosecution “not to jeopardize the investigation”. General information about all cases can be obtained from the PR services of courts. Courts do not proactively publish information about proceedings where journalists are included. Transparency is limited, there are no data about the number of court proceedings where journalists are victims.

In principle, victims of threats and attacks have an effective approach to the investigation process. They are generally, directly or indirectly, familiar with the investigation procedure, evidence and/or case file. However, there were earlier cases in which journalists did not have indictments even for several months, and one of such cases is the arrest of Jovo Martinovic, an investigative journalist, for the work he performed. The previous year brought numerous novelties in terms of trial monitoring, given that, for a period, courtrooms were closed to the public due to the Covid-19 pandemic. However, information on all cases can mostly be obtained from PR services.

State authorities established quality statistical data collection systems to prevent impunity

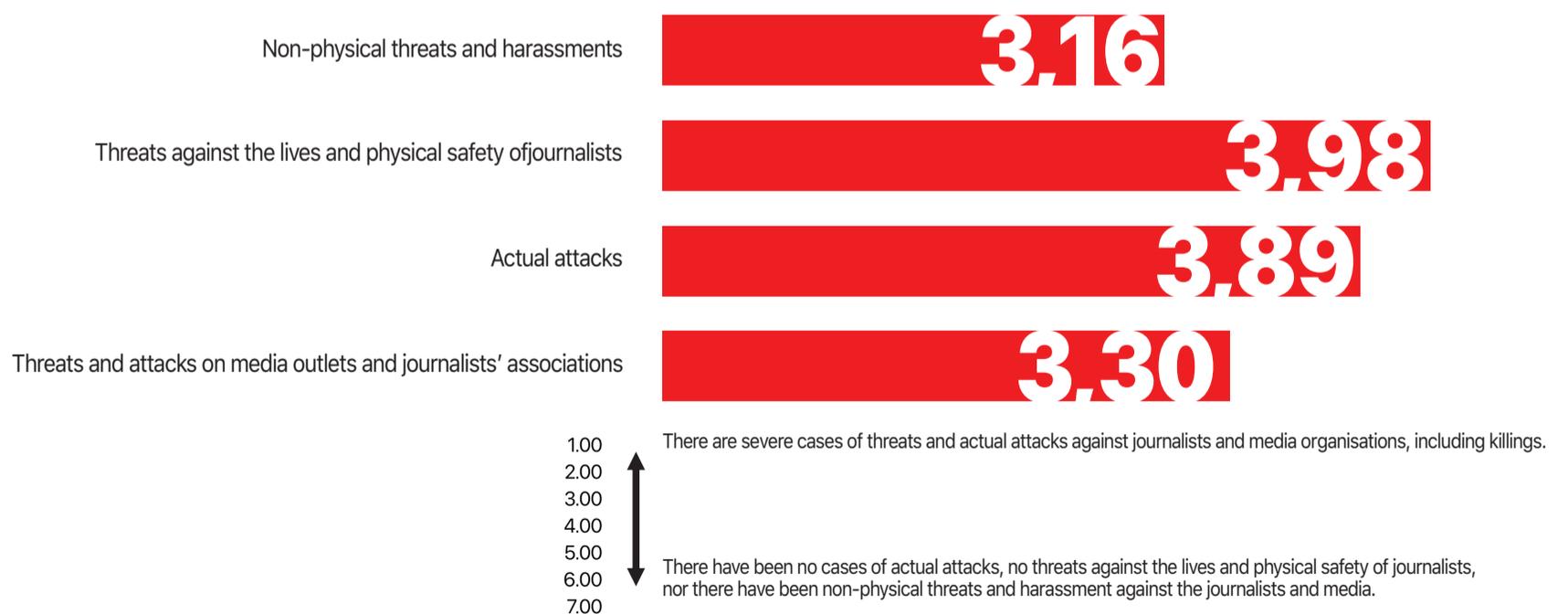
Score (3.43) – Police Administration records provide an overview of all attacks on journalists, but there are often private cases that are not necessarily related to that person's work. Courts also do not have special records, but they are done on request. Almost no state body has relevant statistical registers, with the exception of the Ombudsman. Although information from other institutions can be obtained on request, it also involves a long wait while data is collected.

There are no precise statistics on the number of attacks on journalists related to the work they do. The statistics kept by the Police Administration refer to all attacks in which journalists are involved because it takes data on the victim's occupation when registering the attack. Other state bodies, such as prosecutor's offices and courts, do not keep special registers and data can be obtained on request. Public authorities do not have the practice of proactively publishing statistics or other information related to attacks against journalists, however, all these data could be obtained at the request of the interested public and are not always published. Almost no state body has data stratified by gender, ethnicity or other socio-demographic criteria. The only progress is made by the Ombudsman Institution, which has special registers of cases filed before that institution and monitors individual cases before other bodies.

IV

Actual Safety

3,58



Non-physical threats and harassments

These may include: surveillance or trailing; harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure that can jeopardize the safety of journalists while performing their job. These types of threats do not include mobbing and bullying in the workplace.

Score (3.16) – Past year was specific and extremely difficult for journalist, especially bearing in mind that they worked at a time of corona crisis, parliamentary elections and change of government, as well as great gatherings due to the adoption of the law on freedom of religion. There has been a large increase in the number of threats and harassment (9 in total), especially through social networks. There were also cases in which journalists were wiretapped and those information became public after the elections. Three of the 4 registered attacks in this category relate to women journalists. Also worrying is the fact that in one case the threats moved to a real environment, when the journalist was stalked.

- Journalist of the Nova Pobjeda, Ivana Komnencic, reported to the Security Center Kotor that she had received several offensive messages via her Facebook profile. Later, she also reported that she had noticed an unidentified man with a hood near her several times, which made her feel insecure.
- Journalist of the daily Vijesti, Jadranka Cetkovic, filed a complaint with the Security Center Bijelo Polje because offensive comments at her and Vijesti media outlet's expense were sent via her Facebook profile.
- Journalist of the Dan, 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.
- Journalist of the Radio Television of Montenegro, Zoran Lekovic, filed a complaint with the Police Administration of Montenegro for endangering security, insults and exposure to lynching via social networks

Threats against the lives and physical safety of journalists

These may include: incitement to murder of journalists, journalists' friends, family or sources; incitement to inflicting physical injuries to journalists, journalists' friends, family or sources. These threats may be: made directly or via third parties; conveyed via electronic or in-person communications; implicit as well as explicit.

Score (3.98) – It turned out that the same journalists or journalists of the same media were victims of threats (2 registered cases). Not all types of threats have been registered. In both registered cases related to threats to the lives of journalists, the threats were sent via social networks. The novelty that this way of dealing with journalists brings is insecurity even on their private profiles on social networks.

- Reporter of the Vijesti, Samir Adrovic, reported to the Security Department Ulcinj that A.C. had sent a message-comment in Albanian from his Facebook profile to another profile and because of the content of that message, Adrovic felt threatened for personal as well as family safety.
- The Editor of TV Vijesti, Sead Sadikovic, filed a criminal complaint to the Security Center Bijelo Polje because he was receiving messages of offensive and threatening content on his Facebook profile via Messenger in the period from 20 to 22 March 2020. The reason for that was his report in the TV show "Bez granica" which referred to the Roma population.

Real attacks

These may include: actual physical or mental harm, kidnapping, home/office burglary, equipment confiscation, arbitrary detention, failed assassination attempts, etc.

Score (3.89) – In 2020, 2 physical attacks were registered, but there was no situation in which journalists suffered more serious injuries. Unfortunately, the beginning of last year showed that the authorities can find a way to deal with the work of journalists that do not suit them, even if it means arresting them. Three cases in this category refer to arbitrary detention of journalists by state authorities in order to “prevent the spread of panic and riots”.

- TV Vijesti cameraman, Drago Matovic, filed a criminal complaint to the Security Center Budva against an unknown security guard of the Municipality of Budva for being kicked out of the premises.
- Pobjeda journalist, Djurdjica Coric, filed a criminal complaint to the Security Center Budva because she was roughly kicked out of the Budva Municipality building by members of the security team.
- Vecernje novosti journalist, Velisa Kadic, was arrested in Niksic and he was pepper-sprayed into his eyes while reporting on protests against the adoption of the Law on Freedom of Religion.
- Journalist and editor of news portal IN4S, 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.
- Journalist and editor of news portal Borba, 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.
- Journalist and former editor in chief of news portal FosMedia, 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 Police Special Unit – would be available to the Montenegrin police on Christmas Day. The news was soon denied by the Montenegrin government.

Threats and attacks on media outlets and journalists' associations

Threats may refer to the following: harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure (inscriptions, threatening posts, etc.). Real attacks may include: offices burglary, equipment confiscation, broken equipment, vehicles, etc.

Score (3.30) – In previous years, a lot of these cases have been registered, but probably due to the pandemic the threats have moved to social networks. During 2020, 4 cases were registered. Unfortunately, it turned out that during larger gatherings, especially political ones, there is still a risk of attacks on media organizations and their property. All this indicates a trend of complete misunderstanding of the nature of journalistic work, both by the police and the prosecution, and by citizens.

- Tiodor Jovanovic (45) from Mojkovac was arrested on suspicion of committing the criminal offense of endangering safety to the detriment of employees of the Vijesti editorial office and portal. In several phone calls, he harassed, threatened and insulted the employees of the Vijesti editorial office.
- 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.
- 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.
- The editorial staff of the Dux Radio received insulting messages via e-mail with elements of national and religious hatred. After the case was reported to the police, the police identified the perpetrator.

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