



safejournalists.net

MONTENEGRO Indicators on the Level of Media Freedom and Journalists' Safety 2021



MONTENEGRO
Indicators on
the Level of
Media Freedom
and Journalists’
Safety 2021

Authors
Marijana Camovic-Velickovic
Bojana Lakovic-Konatar

Title

Montenegro – Indicators on the Level of Media
Freedom and Journalists' Safety 2021

Publisher

Trade Union of Media of Montenegro
Podgorica 2022



Authors

Marijana Camovic-Velickovic
Bojana Lakovic-Konatar

Lector

Predrag Nikolic

Reviewer

Prof. dr Vuk Vukovic

Translators

Vanja Milicic
Jelena Mitrovic

Copies

50

Design

comma.rs

This publication was prepared with the financial support of the European Union and Balkan Trust for Democracy, a project of the German Marshall Fund of the United States and the Norwegian Ministry of Foreign Affairs. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union and Norwegian Ministry of Foreign Affairs, the Balkan Trust for Democracy, the German Marshall Fund of the United States, or its partners.



9 789940 815042 >

CIP - Каталогизacija u publikaciji
Nacionalna biblioteka Crne Gore, Cetinje

ISBN 978-9940-815-04-2
COBISS.CG ID 22080260



 **Norway**

B | T | D The Balkan Trust
for Democracy

A PROJECT OF THE GERMAN MARSHALL FUND

Introduction	7	B3 Editorial independence in the public service broadcasters	20
A Legal Guarantees	9	B4 Editorial independence in the non-profit media	21
A1 Legal guarantees for the freedom of media and journalists and their implementation in practice	9	B5 Freedom of journalists in the news production process	22
A2 The effects of defamation laws on journalists	12	B6 The position of women in journalism	23
A3 Protection of political pluralism in the media	13		
A4 Freedom of journalists' work and association – legal guarantees and practice	14	C Safety of Female Journalists	25
A5 Protection of journalists' sources	15	C1 Statistics on security and impunity	25
A6 Protection of the right to access to information	16	C2 Behavior of state institutions and political actors regarding the protection of journalists	29
B Journalists' Positions in the Newsrooms	18	C3 The attitude of the judiciary towards threats and violence against journalists	31
B1 Economic restrictions on journalists' freedom	18		
B2 Editorial independence in the private media	20	Conclusions and Recommendations	36

Project Overview and Scope

Journalists' associations from the Western Balkan countries, with the support of the European Commission¹, have developed a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice and to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform monitor the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro² and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis³, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

-
- 1 In December 2019, the European Commission approved the three-year project [Safejournalists.net](https://safejournalists.net) aimed at empowering national journalists' associations in the Western Balkan's countries to become effective and accountable independent actors in advocating applications of the EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This Action represents an up-scaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The project is funded under the Civil Society Facility and Media Programme 2020-2022, Support to regional thematic networks of Civil Society Organizations.*
 - 2 This name is provided without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the Opinion of the Tribunal on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the research methodology for this advocacy research project was developed in 2016 and customized over the years to reflect the situation in the Western Balkan countries. The advocacy research is designed and coordinated by Snezana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia (www.resis.mk).*

A Note on the Methodology

The research methodology is composed of three groups of indicators developed on the basis of a systematic analysis of various guidelines published by relevant international organizations⁴. Over the past four years, the originally developed indicators have been tested and refined to address the distinctive socio-political context in the Western Balkans 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, announcements, and other information published by professional organizations;
- Secondary data collected by journalists' associations and trade unions;
- In-depth-interviews with experts, journalists, policy makers, etc.;
- Focus groups with journalists, and
- Surveys with journalists (in some of the countries).

At the national level, journalists' associations and trade unions appointed national researchers to collect data and draft narrative reports, which were then reviewed by appointed national experts and lead researcher. In Montenegro, the Trade Union of Media of Montenegro appointed Marijana Camovic-Velickovic and Bojana Lakovic-Konatar as national researchers, while prof. dr Vuk Vukovic as a media expert was appointed to review the report.

Table 1: Indicators on 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 and journalists' freedom and their implementation in practice	B.1 Economic restrictions on journalists' freedom	C.1 Safety and Impunity Statistics
A.2 The effects of defamation law on journalists	B.2 Editorial independence in the private media	C.2 State institutions and political actors' behaviour concerning journalists' protection
	B.3 Editorial independence in the public service broadcaster	C.3 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists
A.3 Legal protection of political pluralism in the media	B.4 Editorial independence in the non-profit	
A.4 Freedom of journalists' work and association	B.5 Freedom of journalists in the news production process	
A.5 Legal protection of journalists' sources	B.6 Position of women in journalism	
A.6 Right to access to information		

⁴ In developing a specific research approach for the Western Balkans, the following documents were taken into consideration: Council of Europe: Indicators for Media in Democracy; UNESCO: Media Development Indicators (MDI) and Journalist Safety Indicators; National level; USAID-IREX: Media Sustainability Index; Freedom House: Research on Freedom of the Press/Media; BBC World Service Trust: African Media Development Initiative; Committee to Protect Journalists: Violence against Journalists; Reporters Without Borders: World Press Freedom Index.

List of Abbreviations:

DPS	Democratic Party of Socialists
PSB	Public Service Broadcaster
MONSTAT	The Statistical Office of Montenegro
TUMM	Trade Union of Media of Montenegro
AEM	Agency for Electronic Media
RTCG	Public Service Broadcaster – Radio and Television of Montenegro
EC	European Commission
ANB	National Security Agency
HRA	Human Rights Action

The Constitution of Montenegro stipulates that Montenegro is an independent and sovereign state, with a republican form of government and specifies that it is a civil, democratic, ecological, and the state of social justice, based on the rule of law. Nevertheless, Montenegro is deeply divided on several bases among which the national one is the most prominent. Out of its 620,000 inhabitants, in terms of nationality and ethnicity, the share of Montenegrins is 44.98%, Serbs 28.73%, Bosniacs 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. Corruption, especially at a high level, is what is most often highlighted in foreign reports on Montenegro. In addition, the confiscation of several tons of narcotics during the year did not go unnoticed. At the beginning of 2022, there was the fall of the Government, which, after 30 years of the rule of the Democratic Party of Socialists (DPS), was formed thanks to the victory of the previous opposition in the elections in August 2020. The new government was supported by three coalitions: For the Future of Montenegro, Peace is Our Nation and In Black and White.

Changes in the political scene have also affected the media, which have been polarized before. Thus, the influence of the media from Serbia has increased in the sense that several important media houses have changed owners, and some are currently negotiating with businessmen from Serbia. When these negotiations are finished, except for the Public Service Broadcaster Radio and Television of Montenegro, which is owned by the state of Montenegro, the owners of all important media will be from Serbia. A process of amending the set of media laws and drafting a media strategy, the first document of its kind, has been started and the procedure itself is inclusive in the

sense that all stakeholders are involved in the work of working groups. However, there were no concrete results by the end of 2021. The analyzed year was the year of full implementation of the amended Media Law, but, according to the interpretation of the line ministry, it did not refer to the disclosure of data on the amounts spent for media advertising. Thus, transparency in advertising has not yet been established and there is no visible progress when it comes to responsible spending of state authorities' funds on advertising. There were also changes in the Public Service Broadcaster (PSB), the new Council and the Director-General were elected.

More than 200 media are active in the small Montenegrin market, mostly portals. Data on the number of employees remain a secret. The Statistical Office of Montenegro – MONSTAT's data for 2020 indicate that a total of 1,445 employees work in all media. However, the TUMM, through inspecting the official financial reports of the registered media, reached the number of 1,806 employees, or 360 more than the official statistics show. At the end of 2021, one of the four dailies – Dnevne novine – declared bankruptcy, the print edition was shut down and about 30 employees lost their jobs. In addition, the FOS media portal stopped broadcasting new content at the end of 2021. Employees' wages are often paid late, especially in local public broadcasters, for up to 10 months.

To mitigate the consequences of the Covid-19 pandemic on the media sector, the state has assisted the largest media on several occasions over the past year. The Government's assistance was clearly presented in the financial reports of the media, which showed that a small number of media outlets operated with losses during 2020, while total profit amounted to nearly EUR 2.7 million. The Fund for Encouraging Pluralism and Diversity in the Media was established in 2021. Electronic media will have the opportunity to apply for the funds allocated to them by this Fund at the beginning of 2022, while more than EUR 309,000 were allocated for print media and electronic publications at the end of 2021.

In 2021, the Trade Union of Media of Montenegro registered 28 cases of attacks and threats in its database published on the website www.safejournalists.net. In the same period, the Police Administration registered three cases fewer (25). At the very end of 2021, the Parliament of Montenegro adopted amendments to the Criminal Code which provided for more rigorous sanctions for attackers on media employees. The term "job of public information" has been defined, which includes journalism, and five existing criminal offenses were expanded in part, specifying the penalties for attacks committed against a person who performs the job of public information, in connection with the performance of that work.

A1 Legal guarantees for the freedom of media and journalists and their implementation in practice

Are there guarantees for the right to freedom of expression and information? Does it include access to the internet? Are legal guarantees applied in practice? Has media legislation been enacted in a transparent and inclusive process, in consultation with relevant professional associations?

The Constitution and some media laws guarantee the right to freedom of expression, including the right to access the Internet. However, there are still many problems in practice with the implementation of basic guarantees. Media laws in Montenegro are being amended since the relevant Ministry of Public Administration, Digital Society and Media has already launched a public consultation process about them at the beginning of its work. In the middle of 2021, a call for the establishment of a Working Group that will work on the amendments to the entire set of media laws was published, while interested individuals and organizations could have submitted their proposals of amendments to the existing legal solutions. In addition, for the first time, a Working Group was formed for the adoption of the Media Strategy 2020–2022. The working groups were established transparently with representatives of various organizations participating in their work. However, there were no visible results until the end of 2021, so the adoption of the laws and strategy is expected during 2022. It will also be a record fourth year during which amendments to the Law on Electronic Media (i.e. the Law on Audiovisual Media Services) are being worked on. What is still worrying is the fact that

the Directorate for Media within the Ministry is acting, after a three-month competition for the election of the Director-General. An increasing number of hacker attacks, especially on Internet publications, has been recorded. It has been announced that the Cyber Security Agency⁵ will be established in 2022.

Were there any attempts by the state authorities to impose licensing or any other strict demands for establishing printed media and online media? Do these demands go beyond the mere registration of companies and taxes?

In 2021, amendments to the Media Law entered into force, relating to the manner of registering online media, i.e. online publications. Namely, these media are obliged to register with the Ministry of Public Administration, Digital Society and Media (the Ministry), instead of the Agency for Electronic Media (AEM). The new obligation has almost halved the number of online publications, and now the Ministry's register has 65 publications – mostly media, while at the beginning of 2021 there were 104 of them, including a large number of websites of non-governmental organizations (which are not media). Data from the Trade Union of Media of Montenegro show that, at the end of 2021, there were as many as 107 online publications in Montenegro. Many of these publications were not recorded in the register. The procedure for establishing electronic and print media has not changed.

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 authorities to restrict the right to Internet access or seek to block or filter Internet content.

Is regulatory authority performing its functions in an independent and nondiscriminatory way? Are license issuing and other broadcasting regulations conducted in a fair and neutral manner?

In the opinion of the European Commission, the regulator – Agency for Electronic Media (AEM), continued

to fulfill its mandate professionally⁶. However, it should be further strengthened in order to have the power to sanction the media. The regulator has no authority over online publications and nobody is responsible for their content.

“The Agency for Electronic Media is one of the few state institutions that has been continuously positively assessed in the EU progress reports. I think that the Agency responded to the task and that it worked lawfully in the previous period.”⁷

Due to the very heated political situation in Montenegro, last year there were several initiatives for the Agency for Electronic Media (AEM) as a regulator to limit the rebroadcasting of certain programs and/or televisions from the region, primarily from Serbia. In 2020, the AEM limited the rebroadcasting of programs of the Happy and Pink M televisions from Serbia. Thus due to the fact that, in their programs, they promoted hate speech, intolerance, and discrimination against members of Montenegrin nationality, all because of the adoption of the Law on Freedom of Religion.⁸ The issue regarding the restriction of rebroadcasting the programs of these televisions was raised again in September, during the preparations for the enthronement of the Metropolitan of Montenegro and the Littoral, Joanikije, in Cetinje⁹. Although this event was assessed as a great security risk, the topic of one of the Happy TV shows was “Will there be bloodshed in Montenegro?”. As the AEM did not react in this case, the representatives of the civil society criticized the regulator again, assessing it as a “captured institution”¹⁰. However, as early as the beginning of January 2022, the Council of the Agency for Electronic Media limited the rebroadcasting of the morning programs “Dobro jutro Srbijo” [Good Morning Serbia] and “Vikend jutro” [Weekend Morning] and the contents of “Cirilica” [Cyrillic] and “Posle rucka” [After Lunch] on TV Happy to six months.

“The reason is the insulting messages that the leader of the Serbian Radical Party, Vojislav Seselj, placed on several occasions on that television at the expense of

5 Ministry of Public Administration, Digital Society and Media, “The Agency for Cyber Security in Montenegro will start working next year”, Government of Montenegro: 12.01.2022. Accessed on 12.01.2022. <https://bit.ly/3rzRqLV>

6 European Commission, “Montenegro 2021 Report”, Strasbourg, 19.10.2021. Accessed on 10.01.2022. <http://www.euic.me/wp-content/uploads/2021/12/Prevod-izvestaja-za-Crnu-Goru-za-2021-qadinu.pdf>

7 Interview, Milan Radovic, interviewed by Bojana Lakovich Konatar, 01.03.2022

8 Portal Ul-info, “Agency for Electronic Media: Response to the assessments from the CCE analysis”, 27.04.2020. Accessed on 27.12.2020. <https://bit.ly/3MutQIP>

9 The Metropolitan of Montenegro and the Littoral, Joanikije, was enthroned at a solemn liturgy in the Cetinje Monastery on September 5, 2021. The Patriarch and the Metropolitan arrived at the monastery by helicopter due to the blockade of the entrance to Cetinje. The enthronement was preceded by numerous riots, the protesters threw stones at the police, who fired teargas.

10 Dragas, Nikola, “Happy burns and AEM combs”, Vjesti.me, 04.09.2021. Accessed on 20.01.2022. <https://bit.ly/3811LJR>

Montenegrins and individually towards political figures in Montenegro.”¹¹

Are the legal provisions on state advertising in the media being misused due to political influence on their editorial policy? Is the allocation of state funds transparent, fair, and non-discriminatory? Do state institutions regularly publish data on the amounts allocated to various media?

Considering that the provisions of the Law on Media related to the transparency of advertising entered into force in February 2021, no progress has been seen yet when it comes to responsible spending of state authorities' funds on advertising. Unlike last year's report, the European Commission in its latest report did not point out concerns about the transparency of advertising but expected the results of the adopted legal provisions. According to the Law, the Ministry of Public Administration, Digital Society and Media is obliged to publish an annual report by June 2022 on the amounts spent on advertising in the media by public sector bodies. The Ministry announced that it would fulfill its obligation within the specified deadline¹².

“There is a growing influence of big regional media companies that are looking to expand to the national media market. Small local media outlets are struggling to compete with them for the limited advertising revenues.” European Commission, Montenegro 2021 Report

Are there specific types of media subsidies or funds for the production of media content for the public interest, and how are those applied in practice?

To mitigate the consequences of the Covid-19 pandemic on the media sector, the state has, directly and indirectly, assisted the media with EUR 2.5 million over the past¹³ two years. The funds were intended only for the media with the largest audience and daily informative program, which left out some smaller media. The Government's assistance was clearly presented in the financial reports of the media¹⁴, which showed that a

small number of media outlets operated with losses during 2020. The research of the Trade Union of Media of Montenegro showed that the media had a positive balance in 2020 – the year of the coronavirus epidemic and made a total profit of nearly EUR 2.7 million. According to the Revenue and Customs Administration, total revenues amounted to almost EUR 41.8 million, and expenditures to almost EUR 39.1 million. They employed 1,806 people. This is an increase of as many as 400 employees, compared to the register of the Statistical Office of Montenegro – MONSTAT. Nearly half of the revenue or EUR 20 million media generated from public sources, i.e. from the state and municipal budgets, and the rest mostly from marketing.¹⁵

The Fund for Encouraging Media Pluralism was established in 2021. Electronic media will have the opportunity to apply for the financial means allocated to them by this Fund at the beginning of 2022, while print media and electronic publications had the opportunity to compete with their ideas at the end of 2021. 39 applications were submitted upon the call of the Ministry of Public Administration, Digital Society and Media, out of which 32 were online publications, three were daily print media, one was a weekly newspaper, and three were self-regulatory bodies. Slightly more than EUR 309 thousand has been allocated for these projects¹⁶.

What are the mechanisms for financing media in the languages of national minorities?

As part of its regular activities, the Government supports local print media, through the Ministry of Finance. In addition, through the Fund for the Protection and Exercise of Minority Rights of Montenegro, the Government supports projects related to the promotion and protection of minority interests. In 2021, the Fund published only one call, to which 307 applications were received. During 2021, 185 applications were supported through this Fund, and EUR 1.066 million were allocated¹⁷.

¹¹ Radio Slobodna Evropa, “Because of Seselj's insults, TV Happy shows banned in Montenegro”, 08.01.2022. Accessed on 08.01.2022. <https://bit.ly/3HQDW3H>

¹² Letter from the Ministry of Public Administration, Digital Society and Media, Podgorica, 02.11.2022

¹³ Mirjacić, Marija, “A little from everyone, not enough from anyone”, Vjesti.me, 02.18.2021. Accessed on 08.01.2022. <https://bit.ly/371MSLJ>

¹⁴ Konatar, Bojana, “Socio-economic position of media workers in Montenegro”, Trade Union of Media of Montenegro: Podgorica, December 2021. Accessed on 20.12.2022. <https://sindikatomedia.me/publikacije/11655/>

¹⁵ Ibid.

¹⁶ Ministry of Public Administration, Digital Society and Media, “Signed agreements with beneficiaries of the Fund for Encouraging Media Pluralism and Media Diversity”, 24.12.2021. Accessed on 05.01.2022 <https://bit.ly/36mQkn9>

¹⁷ Fund for the Protection and Exercise of Minority Rights, “Decision on Allocation of Funds for Financing Projects in Support of Activities under Article 36, paragraph 1 of the Law on Minority Rights and Freedoms for 2021”, 04.10.2021. Accessed on 12.01.2022. <https://bit.ly/3uRalUx>

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?

With the election of the new Council and the removal of the management of the Public Service Broadcaster – Radio and Television of Montenegro (RTCG), the process of strengthening the autonomy and independence of that media outlet began. In June 2021, the Assembly appointed a new Council whose member is Marijana Camovic-Velickovic, President of the Trade Union of Media of Montenegro. This was followed by the appointments of the RTCG Director-General and the Director of Radio and Television. The EC report states that the appointment of the Council was without broad cross-party support¹⁸. They add that the Public Service Broadcaster RTCG “is yet to complete its transition from a state media organization to a true public service broadcaster that would comply with the highest professional standard.”¹⁹ The EC paid special attention to the dismissals of former members of the Council, emphasizing that the issue of an effective legal remedy in these cases is yet to be addressed by the Parliament, either through case law or legislation. The Freedom House report also states that “unlike the DPS government”, Krivokapic’s government did not exert pressure on journalists, nor did it control the public service broadcaster Radio and Television of Montenegro (RTCG)²⁰.

“New RTCG Council was appointed by the Parliament in June 2021. The Council appointed the new Director-General in August. After these changes, the RTCG broadcasting started to reflect a more balanced editorial policy featuring politically more inclusive and diverse content.”²¹

“Since the subsequent appointment of the RTCG’s new management and editorial team, the RTCG broadcasting started to reflect a more balanced editorial policy featuring politically more diverse content.” EC Report, page 36

At the end of 2021, the director of the NGO Media Center, Goran Durovic, published an “Analysis of the RTCG work and the application of legal regulations” which states, inter alia, that it is necessary to amend the Law on National Public Broadcaster RTCG in order

to strengthen the Council’s independence and reduce the undue influence of political parties on the election of members of this body. In addition, he specifies that an urgent amendment of the Statute is needed, to prescribe cases of conflict of interest between the members of the Council and the Director-General.

“Amendments to the RTCG Statute are needed, which should contain precise provisions regarding the obligation of management and submission of periodic reports on the implementation of program-production and financial plans so that during the calendar year we could intervene in case of serious deviations from plans.”²²

The way of financing the Public Service has not changed, but there were announcements²³ that it would be done through amendments to a set of laws by which the Government planned to gradually abolish percentage budget allocations to certain institutions, including the RTCG. The process of amending the law regulating the work of this media is still ongoing, and it is expected that it will improve the manner of work of the Ombudsman and the election of members of the Council as well as regulate the existence of conflicts of interest.

A2 The effects 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?

There were no amendments to the legal provisions related to the protection of personality rights, i.e. honor and reputation. The existing provisions of the Media Law and the Law on Obligations, which refer to the protection of personality rights from defamation or insult in the media, include all basic standards and provide space for the media to work freely. What is worrying is the fact that informal proposals for re-criminalizing defamation are being heard increasingly often from the representatives of the ruling parties. In the opinion of the Director of the non-governmental organization (NGO) Human Rights Action (HRA), this would be a retrograde solution and a step backward. Tea Gorjanc Prelevic reminds that the Council of Europe recommended de-

18 European Commission, “Montenegro 2021 Report”, Strasbourg, 19.10.2021. Accessed on 10.01.2022. <http://www.eujic.me/wp-content/uploads/2021/12/Prevod-lzvjestaja-za-Crnu-Goru-za-2021-godinu.pdf>

19 Ibid, p. 36

20 Freedom House, “Freedom in the world-Montenegro”. Accessed on 12.01.2022. <https://bit.ly/3J2Z5Jr>

21 Ibid.

22 Durovic, Goran, “Analysis of the RTCG’s work and application of legal regulations”, Media Centre: Podgorica, October 2020. Accessed on January, 2022. <https://bit.ly/3uPuPNp>

23 Vijesti team, “They remembered the consultation after the storm in public”, Vijesti.me, 17.11.2021. Accessed on 17.11.2021. <https://bit.ly/3rAYKHc>

criminalization to all member states, which has been implemented by Montenegro.

“Defamation and insult can be sanctioned by leading to compensation in civil proceedings. There is no need for criminal courts to deal with this, in addition to civil courts.” Tea Gorjanc Prelevic

How many lawsuits have been initiated against journalists by state officials and politicians in the past year?

The number of lawsuits against the media for violating personality rights remains high. In 2021 alone, according to available data, 54 cases were active before the basic courts in Montenegro on this basis²⁴. The monitoring team of the Trade Union of Media of Montenegro (TUMM) came to the conclusion that EUR 309,500 was claimed from the media in these cases. Journalists and other media (26) and citizens with 22 complaints were among the most frequent plaintiffs, while the rarest plaintiffs were officials and politicians who filed six claims.

However, their lawsuits are also the largest and amount to EUR 120,000. The biggest lawsuit was in the case of President Milo Dukanovic, who sued the daily “Vijesti” and businessman Dusko Knezevic in 2019. Research “Socio-economic position of media workers in Montenegro.”

Do the courts recognize the established self-regulatory mechanism? Do they accept the validity of a published or disseminated reply, correction, or apology?

Judgments as well as previous case law are quite different when it comes to accepting self-regulatory mechanisms. Although the correction is sometimes interpreted as an admission of guilt, in some situations the judge assessed that the aggravating circumstance for the media was that they did not publish the correction or denial. What is worrying, however, is the fact that the media themselves do not believe in self-regulation, trying to exercise their rights in court proceedings. Namely, the most frequent plaintiffs on this basis are the media and journalists, who claimed EUR 72,500 from the competition in 26 active proceedings.

To what extent are court decisions against some journalists politically motivated? What kinds of penalties have been imposed? What do journalists think about these laws? Are they discouraged from researching and writing critically?

A ten years analysis of case law²⁵ showed that private print media were most often sued, while the RTCG had one lawsuit in 10 years. Other public services were not sued at all for violating personality rights. Among the active cases, the majority of cases are those in which portals and print media are sued. In their opinion, journalists are not discouraged due to possible lawsuits for violation of personality rights. However, in practice, there are situations in which journalists themselves adjust their reporting so as not to be sued.

*The largest number of lawsuits was filed against the Aktualno portal, 12 in total. Most lawsuits were initiated by representatives of the ownership structure of “Vijesti”. This is followed by the media group Media Nea, with 11 lawsuits. At the same time, eight cases were identified against “Vijesti” and six against “Dan”.*²⁶

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 public services and what of the private broadcasters concerning political pluralism outside election processes?

In 2021, the provisions of the Law related to the protection of political pluralism in the media were not amended, and this area is still regulated by the provisions of the Media Law, the Law on National Public Broadcaster RTCG, the Law on Election of Councilors and MPs and the Law on Financing Political Entities and Election Campaigns. These provisions mainly refer to the obligations during the elections, while the reports of international and domestic organizations point out that the media, outside the election campaign, are mostly close to certain parties, or that they have their “favorites”. The

²⁴ Konatar, Bojana, “Socio-economic position of media workers in Montenegro”, p. 11, Trade Union of Media of Montenegro: Podgorica, December 2021. Accessed on 20.12.2021. <https://sindikatomedija.me/publikacije/11655/>

²⁵ Camovic, Marijana, Lakovic Konatar Bojana, “Facts vs. Lawsuits-ten years since the decriminalization of defamation”, Trade Union of Media of Montenegro: Podgorica, January 2021. Accessed on 12.02.2022. <https://bit.ly/3OnJMmn>

²⁶ Ibid, p. 12

report of the Center for Media Pluralism and Freedom of the Media for 2020 points out that the mainstream media in Montenegro are mostly politically oriented, but that some depend more directly on the political and economic interests behind them²⁷.

The media scene remains overall highly polarised, often marked by politically biased and unbalanced reporting, including extensive involvement of foreign media from the region, which was particularly notable during election periods. EC Report, page 9

Is the regulatory authority obliged to monitor and protect political pluralism outside election processes? Do political parties and candidates have fair and equal access to media outside election processes?

Obligations of the regulator, which refer to the monitoring of media work, are related only to the election campaign, and monitoring is not performed outside that period. The EC recommendation is that the Electronic Media Agency be established as the sole body in charge of monitoring broadcasters during elections²⁸. In 2021, the newly established local television in Podgorica – Gradska televizija, which began operating immediately after the change of government in Montenegro and was established in the municipality where the Democratic Party of Socialists (DPS) exercises power, received special public attention. More than EUR 2.5 million²⁹ from the citizens of Podgorica have been spent on the establishment of this public broadcaster, as well as on equipping the television because it is a local public broadcaster. Apart from being in favor of the DPS only, the program on that television was sharply criticized for its unprofessional attitude towards other political entities.³⁰

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

The legal provisions prescribing the obligations of the media during the election campaigns were not amended. Media laws were amended just before the 2020

parliamentary elections, and there is still inconsistency in all laws dealing with this issue, which complicates the work of the media. The Agency for Electronic Media is in charge of monitoring the electronic media. Before the elections, it issues regulations on the rights and obligations of broadcasters and, after the elections, publishes monitoring reports. Although the Law on Election of Councilors and MPs prescribes this obligation, the Parliament of Montenegro has not established a Committee for Monitoring the Implementation of the Law on Election of Councilors and MPs, whose task should be to consider objections to media actions during the election campaign.

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

Reports on monitoring during the local elections, which were organized in five municipalities in 2021, indicate the largest participation of presentations (debates and confrontations of different political parties) on televisions during the election campaign. Most of the media presentation was mainly on one of the three RTCG channels³¹. However, the analyzes of the Agency for Electronic Media show that there are differences in the presentation of certain lists and that some lists still have a larger share in the pre-election presentation. The Agency initiated as many as 40 proceedings for violating the provisions of the Rulebook during the election campaigns in five municipalities, of which as many as 31 were related to reporting on the campaign in Niksic.

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 on certain events on the ground of not having an accreditation?

Although there was no official initiative for the introduction of licenses for journalists, in 2021, representatives of state authorities, but also some members of the media community mentioned such a possibility in working groups during the drafting of a set of media laws and

27 Vukovic, Dragoljub, Brkic, Danijela, "Monitoring media pluralism in the digital era", p. 13, Center for media pluralism and media freedom: 2021. Accessed on 12.02.2022. <https://bit.ly/3J2DiBx>

28 European Commission, "Montenegro 2021 Report", p. 88, Strasbourg, 10.19.2021. Accessed on 10.01.2022. <http://www.euic.me/wp-content/uploads/2021/12/Prevod-Izvjestaja-za-Crmu-Goru-za-2021-godinu.pdf>

29 Monitor online, "Over 2.5 million for the new TV Podgorica: Expensive DPS toy", Monitor.co.me, 23.04.2021. Accessed on 20.01.2022. <https://bit.ly/3rzvhgJ>

30 Hajdukovic, Blazo, "Prime Minister accuses Gradska TV of hate speech", Vijesti.me, 22.11.2021. Accessed on 20.01.2022. <https://bit.ly/3rCaBor>

31 Agency for Electronic Media, "Monitoring Reports". Accessed on 20.01.2022. <https://bit.ly/3xB3Y9C>

the Strategy. Such initiatives have previously been condemned by media organizations.

There were no cases in which journalists were prevented from attending events due to a lack of accreditation. However, on several occasions, journalists were disturbed while reporting on the events, especially during and after the enthronement of Metropolitan Joanikije in Cetinje³². A survey conducted by the Trade Union of Media of Montenegro (TUMM) showed that in 2021, for the first time, journalists were discriminated against for working in a media that was not rated as welcome³³ by the organizers or participants of an event. The EC report also reminds that on several occasions, the highest government officials have been involved in public criticism with strong formulations concerning the work of the public service and certain privately-owned media outlets.

“The authorities should promote an environment conducive to investigative journalism and media freedom, by promptly reacting to and publicly condemning hate speech and threats, and by refraining from exercising political pressure on journalists, including through their public statements.”³⁴

Are journalists organized in professional associations and if yes how? Are there pressures on their organization or individual members?

There are three active journalists’ associations in Montenegro, and journalists are free to associate. There was no active work of the two older associations. They are still sporadically active, especially around important data such as the Day of Journalists of Montenegro when they traditionally award prizes to their members. Training of journalists is the focus of the Association of Professional Journalists of Montenegro, which is the youngest association. There was no pressure on the leaders of these associations. The TUMM survey showed that 37% of respondents are members of some of the associations of journalists, while as many as 63% of surveyed journalists are not part of any association³⁵.

Are journalists organized in trade unions and if yes, how? Are there pressures on the trade union leaders and other members?

Six hundred media workers from different media and different cities of Montenegro are united in the Trade Union of Media of Montenegro. There has been no pressure on union leaders, but there is still a worrying practice of pressure on individual union members or the entire union organizations. Trade union membership is still unwanted. The TUMM survey showed that every second journalist in Montenegro is a member of a trade union, while 86% of respondents said they are free to join a trade union. Almost 14% of respondents were not sure or not free to join a union³⁶. Journalists have great hopes for unions, and 63% of respondents said that unions could help them fight for a better financial position.

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

The Media Council for Self-Regulation remains the only collective self-regulatory body in Montenegro, with 13 media outlets. In 2021, the PSB withdrew from membership in the Media Council for Self-Regulation, because an ombudsman was established in that medium. In addition, media such as Vijesti, TV Vijesti, Monitor, and the daily Dan have their own ombudsmen. All of them have the opportunity to be financed through the Fund for Encouraging Media Pluralism. No pressure was reported on the representatives of these bodies either.

A5 Protection of journalists’ sources

How is the confidentiality of journalists’ sources guaranteed by the legislation? Under what circumstances the right to protect their sources may be subject to limitations?

Amendments to the Media Law entered into force in August 2020, and a few months later a new process of amending this law, which would partly relate to the guarantee of confidentiality of information sources, was started. The law defines that a journalist is not obliged to disclose the source of information, except in the case when the state prosecutor asks him to do so to protect the interests of national security, territorial integrity, and

32 TV Vijesti, “A group of guys in Cetinje obstructed the live streaming of Television Vijesti: You can’t work today”, Vijesti.me, 22.08.2021. Accessed on 22.01.2022. <https://bit.ly/3OvF9ST>

33 Konatar, Bojana, „Socio-economic position of media workers in Montenegro”, Trade Union of Media of Montenegro: Podgorica, December 2021. Accessed on 20.12.2021. <https://sindikatmedija.me/publikacije/11655/>

34 European Commission, “Montenegro 2021 Report”, p. 33, Strasbourg, 19.10.2021. Accessed on 10.01.2022. <http://www.euicc.me/wp-content/uploads/2021/12/Prevod-izvijestaja-za-Cmu-Goru-za-2021-aodinu.pdf>

35 Konatar, Bojana, „Socio-economic position of media workers in Montenegro”, Trade Union of Media of Montenegro: Podgorica, December 2021. Accessed on 20.12.2021. <https://sindikatmedija.me/publikacije/11655/>

36 Ibid

health³⁷. This provision has been the subject of strong criticism from both the domestic and international public³⁸ both before and after its adoption, for fear that it could be used to pressure journalists and the media to reveal the source of the information.

Is the confidentiality of journalists' sources respected by authorities? 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?

There was a case of pressure on a journalist to disclose the identity of a source of information. Namely, the journalist of the daily Pobjeda, Nenad Zecevic, was questioned in the Prosecutor's Office following a report by the director of the National Security Agency (ANB), Dejan Vuksic, for allegedly disclosing secret information. The reason for the interrogation was his text in that newspaper, in which he referred to allegedly secret information. Media associations and organizations condemned the case, calling it an attempt of an inappropriate influence on journalists. The proceeding is ongoing³⁹.

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?

The Law on Free Access to Information has not been amended since 2017, although both the previous and current authorities have tried to adopt a new law. The existing law has been criticized several times because it significantly limited the possibility for the media and journalists to obtain important information. The Ministry of Public Administration, Digital Society and Media organized a public debate last year, while the adoption of new provisions is planned for 2022.

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

According to data from the Agency for Personal Data Protection and Free Access to Information (AZLP)⁴⁰, journalists submitted 113 requests to the state authorities for free access to information in 2021, which is a significant increase compared to previous years. Slightly less than half of the requests (52) were approved, 25 of them were rejected, while around 20 journalists received partial approval for access to information. Only one procedure was suspended. When it comes to the reasons for rejecting a request, it was most often due to lack of information (5) and due to confidentiality or secrecy of the information (4).

"By insight into the UPII register, it has been determined that only one journalist filed an appeal against the decision of the Pension and Disability Insurance Fund of Montenegro, which was adopted by the AZLP Council, annulling the decision of the first instance body and returning the case for retrial and decision."⁴¹

Last year, the Decree on Reimbursement of Costs in the Procedure for Access to Information⁴² was adopted, which brought some financial incentives for journalists.

Table 2. Decisions on journalists' requests for free access to information in 2021a

Approved	52
Rejected	25
Partially approved	20
Notification	9
Forwarded	6
Suspended	1
Total	113

37 "Media Law", Article 30. <https://me.propisi.net/zakon-o-medijima/>

38 Durovic, Aneta, Scepanovic, Lela, "Reporters Without Borders urges Djukanovic not to sign the Media Law", *Slobodnaevropa.org*, 28.07.2020. Accessed on 28.01.2022. <https://bit.ly/3KtOQhG>

39 Pobjeda Newsroom, "ANB chief declares public information secret", *Pobjeda.me*, 16.11.2021. Accessed on 28.01.2022. <https://bit.ly/3tHG60J>

40 Agency for Personal Data Protection and Free Access to Information, Letter No. 07-125-608-2/22, dated 09.02.2022

41 Ibid

42 Decree on Amendments to the Decree on Reimbursement of Costs in the Access to Information Procedure, Official Gazette of Montenegro No. 066/16 and 121/21. Accessed on 21.01.2022. <http://dopuna.ingpro.rs/1GLASILA/CG121-2021.pdf>

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

Since the new Government was formed at the end of 2020, all institutions have undergone more or less changes, but mostly all of them have tried to be more transparent. However, there were cases in which representatives of certain media were criticized at press conferences and called out for unprofessionalism because their editorial policy is contrary to the official positions of the Government⁴³. In addition, journalists continue to testify about the practice of sending questions to the competition instead of the media that sent them⁴⁴.

“The problem of access to information remained. Nothing has changed significantly with the new government, despite assurances that they are more transparent.” Focus Group I, November 12, 2021

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

The public can follow the parliamentary sessions through the parliamentary channel (Parlamentarni kanal), which was launched in March 2021 as part of the PSB. It is planned that the channel will initially be broadcasted as a pilot project. In addition to plenary sessions, it is possible to watch live and reruns sessions of the committees of the Parliament of Montenegro⁴⁵. The current practice of live broadcasting of plenary sessions has been improved by live broadcasting of all sessions of parliamentary committees via YouTube, and the recordings remain available for later watching. The Parliament has been rated as the most transparent body for years.

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

The courts remain partially open to the public and the media. Although trials are generally open to the pub-

lic, there are some exceptional situations in which judges prohibit attendance, for instance, to protect the rights of juveniles in proceedings. However, there were situations when journalists were not allowed to attend the trials due to their spatial capacities⁴⁶.

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

The government and ministers frequently appeared in the media during the first year of their mandate, often on shows in which it was not possible to host government officials earlier. One of the objections that could be heard during this year is that the minister in charge of the media was passive and that she was not a guest in the media at all.

“The Government of Montenegro is by far the most non-transparent. The Government never answered any of the questions I asked. They often did not react timely even when something important happened that should be clarified to the public or, possibly, denied.” Focus group with journalists, March 2022

The novelty brought about by the change of government is the complete migration of official communication on Twitter, and some ministers often answered citizens' questions via social networks. Government sessions remain closed to the public.

Journalists say that the most transparent ministries are the Ministry of Foreign Affairs and the Ministry of Finance and Social Welfare, while they criticize the Ministry of Interior, the Ministry of Defense, and the Ministry of Justice. The Office for European Integration also received positive assessments.

⁴³ Portal Aktuelno, “Gradska TV: New pressure and continued persecution of the media”, Aktuelno.me, 05.11.2021. Accessed on 21.01.2022. <https://bit.ly/3QIUFB1>

⁴⁴ Focus group with journalists, interviewed by Bojana Lakovic Konatar. November 2021.

⁴⁵ Radio Television of Montenegro, “Parliamentary channel starts on March 25”, Radio Televizija Crne Gore, 22.03.2021. Accessed on 21.01.2022. <https://bit.ly/3rCxQPb>

⁴⁶ Data of Trade Union of Media of Montenegro

B

Journalists' Positions in the Newsrooms

B1 Economic restrictions on journalists' freedom

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

More than 200 media outlets currently operate in the small Montenegrin market, mostly portals, and data on the number of employees remain inaccurate. Data from the Statistical Office of Montenegro – MONSTAT for 2020 indicate that a total of 1,445 employees work in all media⁴⁷. However, by inspecting the official financial reports of the registered media, the TUMM reached the number of 1,806 employees⁴⁸ or 360 more than the official statistics show. It is especially difficult to collect data on the number of journalists, given that the latest research refers to 2014, and that neither the state nor the media keep such statistics. There is also no information available on the number of journalists who have employment contracts. At the end of 2021, one of the four dailies – Dnevne novine – declared bankruptcy. Its print edition was shut down and about 30 employees lost their jobs⁴⁹. At the end of 2021, the FOS media portal also stopped

47 Letter from the Statistical Office – Monstat, number 01-059/21-965/2 dated 06.04.2021.

48 Konatar, Bojana, „Socio-economic position of media workers in Montenegro”, p. 6, Trade Union of Media of Montenegro: Podgorica, December 2021. Accessed on 20.12.2021. <https://sindikatomedija.me/publikacije/11655/>

49 M.M.Lj., “Printed edition of Dnevne novine is being shut down”, 31.12.2021. Accessed on 31.12.2021. <https://bit.ly/37rhq5r>

working. In that media, which also has 16 other registered portals in different cities, not a single employee was registered. A large number of media in Montenegro still owe taxes and contributions for employees' salaries, and many of them are in debt rescheduling. In some media, the practice of employment through temporary service contracts, i.e. hiring freelancers, has been retained. Employees' wages are often paid late, especially in local public broadcasters, for up to 10 months⁵⁰.

"As for social circumstances, it seems to me that this year is worse than last year, given inflation, price increase, without significant changes in the amount of income." Focus Group I, November 12, 2021

The TUMM survey showed that wages in the media are mostly fixed (64%), while the wages of about 16% of journalists depend to some extent on their performance. The majority of surveyed journalists responded that their wage was regular (74%). Every fourth journalist in Montenegro receives between EUR 500 and 600 net and can boast of a wage that is at the level of the average wage in the country during 2021. As many as 23% of journalists earn between EUR 400 and 500, and just over 12% of respondents said that their wages amounted to between EUR 600 and 700. About 15% of journalists in Montenegro earn less than EUR 400. Just over 18% of respondents earn over EUR 700. Almost 44% of respondents do other paid jobs in addition to journalism. Journalists are looking for additional employment in various places, from public relations to marketing, consulting services, NGO sector. But journalists also work as editors, cameramen, photographers as well as bartenders, taxi drivers, or fitness instructors.

In what state are journalists' working conditions?

The Covid-19 pandemic weakened during the second half of 2021 and did not significantly affect the work of journalists. However, at the beginning of the year, thanks to the efforts of the Trade Union of Media of Montenegro (TUMM), journalists had the opportunity to be vaccinated against this virus as a priority group⁵¹. When introducing certain sets of measures in the fight against the Covid-19, media workers faced difficulties when traveling from one city to another, especially having in mind the fact that an employment contract was requested as

a means of identification, which many of them did not have. However, every third journalist surveyed believes that their situation is worse than a pandemic. The pandemic also affected the change in working hours and the working environment, so it is increasingly difficult to prove how long the working day lasted and whether there was overtime.

Unfortunately, working conditions in the media have not changed. There are still the same problems with undeclared work, overtime, censorship, and self-censorship. Thus, for example, a third of journalists work longer than eight hours. Just over 12% of respondents work six hours a day, and for 23% of them, the working day lasts eight hours. As many as 78% of journalists work overtime, of which 37% often stay overtime, and 41% have worked that way sometimes. The vast majority of respondents, i.e. 69% of them have never received compensation for overtime work. Only 10% of journalists always receive the legally prescribed compensation for overtime work, and 18% of them sometimes.

What are the biggest problems they face in the workplace?

Montenegrin journalists agree that there is no systematic approach to training. Although there is often a will among the employees, the media either do not listen to it or do not have enough people to enable the smooth operation of the newsroom during the training of a team member. In addition, stress is what is a common problem for employees in almost all newsrooms. Lack of equipment is also a common problem. Some of the problems, especially those related to the economic position of journalists, could be improved through work on collective agreements and the Branch Collective Agreement for the media sector.

"I believe that workload will not decrease in the next period either. There is also a lot of competition among the media, which forces all media and their employees to be more active, more exclusive, of better quality." Focus Group I, November 12, 2021

⁵⁰ Trade Union of Media of Montenegro, "Limited progress in media freedom", *Sindikatomedija.me*, 22.01.2022. Accessed 22.01.2022. <https://sindikatomedija.me/saopstenja/11858/>

⁵¹ Trade Union of Media of Montenegro, "The Trade Union of Media of Montenegro sent an initiative to the Minister of Health: Media workers to be included in the priority groups during vaccination", *Sindikatomedija.me*, 27.01.2021. Accessed on 22.01.2022. <https://bit.ly/3KRqQUe>

B2 Editorial independence in the private media

Have private media adopted organizational regulations to keep the newsrooms separate and independent from managers and marketing departments?

The newsrooms of most private media in Montenegro continue to work closely with marketing departments, while the influence of managers, often reflected in the influence of editors, goes without saying. Covert advertising, tacit agreement not to write negatively about advertisers, and reporting under the editorial policy of the media, which is not defined, are some of the most common challenges for private media journalists.

Do private media 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 do they comply with a general code of ethics?

Private media seem to begin to take more seriously the importance of internal rules for the functioning of the newsroom. Thus, in addition to the small number of media outlets that have done so before, the editorial board of the independent daily Vijesti has adopted the editorial board's ethical guidelines⁵². The guidelines, as specified, apply to everyone in the newsroom, including associates, and, inter alia, mechanisms for protecting the integrity of journalists are envisaged.

"Independence must not be compromised by the publisher's business relations or financial interests. The editorial board is obliged to react to any attempt of censorship under pressure."⁵³

It is also stated that journalists and editors have the right to conscientious objection and that they cannot be forced to work "contrary to their values and moral beliefs, nor to publish content that they cannot or cannot yet stand behind professionally." This is also the principle that the TUMM has been advocating for many years and which has become an integral part of the Media Law⁵⁴. In addition, this document prescribes the separation of newsrooms from marketing services. However, despite the positive steps, the ethical guidelines of the

Vijesti newsroom have a very restrictive attitude towards their employees, limiting some of their important rights. For instance, it is prescribed that "as a rule" journalists should not participate in signing petitions, nor be part of protests or demonstrations.

What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists? What is the most illustrative example of the pressure of media owners and managers over the newsroom or a certain journalist during the previous year?

No specific cases of pressure from media owners or managers in the newsroom or a particular journalist in the private media are familiar. However, what journalists are witnessing is the increased workload, especially since the beginning of the Covid-19 pandemic.

"There are pressures, but they are subtle. These are mostly situations in which media owners contact the competent editor to check what will be published in the newspaper tomorrow, as well as suggest to work on some stories that would be worked on anyway. But that creates unnecessary pressure." Focus group with journalists, March 2022

B3 Editorial independence in the public service broadcasters

Do public service broadcasters have special codes of ethics and editorial independence? Do journalists comply with these codes?

Public Service Broadcaster – Radio and Television of Montenegro is the first media company to adopt the Code of Ethics for Employees. In 2021, the previous convocation of the Council adopted an innovative document, and a few months later, the new leadership initiated amendments to this document⁵⁵, which have not been adopted yet. Similar to the ethical guidelines of the Vijesti, this document offers basic principles that specify the professional rights and obligations of "journalists and creative staff" of the PSB. The most controversy in the proposed solution was provoked by the provisions related to the restriction of the freedom of employees to express their opinions on social networks, which some

52 Vijesti online, "The Newsroom ethical guidelines", August 2020. Accessed on 20.01.2022. <https://www.vijesti.me/eticke-smjernice-redakcije>

53 Ibid

54 Media Law, Article 28, Article 30

55 Radio Television of Montenegro, "Code of Ethics of Radio and Television of Montenegro", 10.05.2021. Accessed on 10.01.2022. <https://bit.ly/3MhKnPQ>

members of the Council interpreted as a violation of the Constitution⁵⁶.

Do the public service broadcasters have a setup of internal organizational rules to keep the newsrooms independent from the public service broadcasters' managing bodies? Are those rules respected?

During the previous year, the composition of members of the main governing body-Council was changed, and the new leadership of the RTCG was elected. After these changes, the work of the PSB was positively assessed, which was also stated by the European Commission in its Report. However, attention is still drawn to the work of the Council and the fact that the previous dismissals of former members of that body were declared unlawful in 2021⁵⁷. The new composition of the Council received only partial support in Parliament, and some of the criticisms of the NGO sector were related to the potential conflict of interest of individual members⁵⁸. That is why amendments to the Statute and Rules of Procedure of the RTCG⁵⁹ have been proposed, which have not yet been considered. The systematization in the PSB, which should significantly change the structure and number of employees, has still not been adopted. The Code of Ethics formally prescribes the independence of the newsroom from the governing bodies, but so far it has been clear that these rules were not always respected.

What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the public service broadcasters? 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?

The pressures on the PSB and the employees in that medium are most obvious when it comes to editorial policy. The work of the PSB was sharply criticized for years since the reporting was biased at the expense of the Democratic Party of Socialists (then the ruling par-

ty). However, the new leadership is trying to deviate from such a practice, although it is obvious that politicians from the currently ruling parties, who could not be seen before, appear more often in the program and the shows. There was neither open censorship nor direct pressure on employees.

“Unlike the DPS government, Krivokapic’s government did not put pressure on journalists, nor does it exercise control over the RTCG. In June 2021, the Parliament appointed a new RTCG Council, which appointed a new Director in August. Following these changes, the RTCG began to broadcast a more balanced editorial policy and more inclusive and diverse political content.”⁶⁰

The situation is worse in local public broadcasters. Employees of these media outlets live and work in relatively small communities, and pressure from founders – local government representatives is more frequent.

“We have had several unpleasant situations, that our objective reporting is interpreted as an unfair attitude towards certain structures because other media publish an image that favors the majority opinion. Part of the population expects us to support their views.”⁶¹

B4 Editorial independence in the non-profit media

Have the non-profit media adopted the codes of ethics for journalists and editorial independence? Do journalists comply with this code? What are the most usual forms of pressure on non-profit media?

There are two non-profit media in Montenegro (Radio Homer and Radio Fatih), and this sector is quite underdeveloped. Although the Law on Electronic Media, as well as the draft Law on Audiovisual Media Services, stipulate rules regarding the programming scheme that these broadcasters must comply with, the AEM monitoring reports still note that there are deviations from the planned structure. There are also some non-profit online portals, which are funded through donations and projects. However, they usually do not have formal newsrooms and employees, but hire journalists on a case-by-case basis, depending on project activities.

56 Zdero, Borko, “The RTCG Council is considering the Code of Ethics of that media outlet”, *Vijesti.me*, 29.10.2021. Accessed on 10.02.2022. <https://bit.ly/38foJAG>

57 European Commission, “Montenegro 2021 Report”, Strasbourg, 10.10.2021. Accessed on 10.01.2022. <http://www.euic.me/wp-content/uploads/2021/12/Prevod-Izvestaja-za-Crnu-Goru-za-2021-godinu.pdf>

58 Zdero, Borko, “Members of the RTCG Council keep silent about a possible conflict of interest”, *Vijesti.me*, 17.07.2021. Accessed on 10.01.2022. <https://bit.ly/3MebdNl>

59 RTCG, “RTCG Council to prescribe situations of conflict of interest”, *rtcg.me*, 21.07.2021. Accessed on 10.01.2022. <https://bit.ly/3ErYe3p>

60 Freedom House, “Freedom in the world-Montenegro”. Accessed on 12.01.2022. <https://bit.ly/3JZ75Jr>

61 Focus Group I, November 2021

B5 Freedom of journalists in the news production process

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

The TUMM research showed that journalists still have a high opinion of autonomy in their work and that this assessment does not always reflect the true state of play. For instance, 34.5% of journalists have absolute freedom in selecting the stories, and 48% of them have a high degree of freedom in that. Just over 18% of journalists have some or little degree of freedom in selecting the stories they will work on. The situation is even better when it comes to choosing interlocutors: every third journalist has absolute freedom in that, and 54% of them have a high degree of freedom. About 16% of respondents have some degree of freedom in this.

“The subjective feeling is that I have enough freedom in my daily work, I can suggest topics that, for the most part, will be accepted. Objectively speaking, there are people you will never call to be your interlocutors because of their previously stated views or because they ‘do not go’ to the media in which you work, due to a previous conflict with that media.” Focus group with journalists, March 2022.

The surveyed journalists assessed that journalists in Montenegro do not act in solidarity (80.5%). Almost all journalists believe that journalists in Montenegro are not even free. Namely, every third respondent said that journalists are not free at all, and slightly less than 43% of respondents said that journalists in Montenegro are not completely free. Every fifth journalist believes that journalists in our society are in the position they deserve. Fortunately, the majority of respondents, or 80.5%, said they did not agree with journalists taking the position they deserved. As many as 86% of respondents think that journalists in Montenegro are financially endangered. The opinions of journalists are only divided on whether Montenegrin journalists respect ethical and professional principles. When it comes to plans for the future, journalists are mostly of the opinion that they want to advance their careers and improve their professional skills. It is still a matter of concern the fact that even every third journalist wants to leave this job⁶².

62 Konatar, Bojana, „Socio-economic position of media workers in Montenegro”, Trade Union of Media of Montenegro: Podgorica, December 2021. Accessed on 20.12.2021. <https://sindikatomedija.me/publikacije/11655/>

How often do journalists participate in editorial meetings?

In principle, editorial meetings are always attended by column editors, but quite often journalists are also present. However, this does not affect the story-making process too much, nor the decision-making process of the editorial board.

What are the thoughts of journalists in relation to journalistic ethics?

There is also great polarization regarding the establishment of a single self-regulatory body. There is currently a Media Council for Self-Regulation, as well as Ombudsmen in Vijesti, Monitor, Dan, and RTCG. When asked directly about ethical principles, journalists always respond in the affirmative. However, there are situations in practice when these ethical rules are violated. The practice of ignoring the opinion of the ombudsman by journalists and the editorial board of their own media was also noticed, which problematizes all ethical procedures.

The Protector of Human Rights and Freedoms, Sinisa Bjekovic, emphasizes the importance of the fight against hate speech, and the need to renew the dialogue on a single regulatory body that would, among other things, play a crucial role in combating hate speech.

“It is necessary to establish a system of continuous media dialogue (annually or several times a year) on deviations in the media field, with special emphasis on hate speech in the media, as well as strengthen the state’s control function in monitoring cyberspace and social networks where most cases of hate speech occur.”⁶³

What is the perception of journalists about how much their work is affected by different risks and sources of influence?

Research has shown that almost all potential sources of influence to some extent affect the work of journalists. For example, personal values and beliefs to some extent affect almost all journalists in Montenegro (91%). Editors have an exceptional, very, or partial influence on 75.6% of respondents. About 46% of respondents said that media owners influence them exceptionally, partially or very much. Journalists agree that journalistic ethics is what they must adhere to. As many as 70% of respondents said that ethics greatly affects their work.

63 Sinisa Bjekovic, Interviewed by Bojana Lakovic Konatar, 10.03.2022.

Media laws greatly affect almost every second journalist, and almost every third journalist they have great influence. Every third journalist said that they were influenced by censorship. The research also showed that politicians, government officials, and the business sector have the least influence on journalists, perhaps because that influence is achieved through editors. About 55% of respondents said that they were to some extent influenced by connections with information sources.

How many journalists reported censorship by editors? How many journalists reported that they succumbed to self-censorship for fear of losing their jobs?

Although journalists testify to the great freedom in their work, the situations they face continue to point to pressures and problems. Thus, as many as 45% of journalists were in a situation where they had to censor content. Also, 37% of respondents feel some kind of political interference or pressure during their work. This was particularly evident during the last two election years when political influence was evident.

B6 The position of women in journalism

Do journalists work in worse conditions compared to their male colleagues? Do they sign employment contracts as often as men?

Working conditions in journalism are equally bad for women and men, but women face additional risks just because they are women. There is no data on the number of women in the media, nor on the number of female journalists, and the data indicate that more than half of the employees are women.

“The working conditions in the medium in which I have worked all my life are inhumane. I covered all segments and newsrooms, because I am the only one in the newsroom, without compensation for that and without working hours.”⁶⁴

Pressures, stereotypes, and difficulties in balancing private and business obligations are only part of the burden they face on a daily basis while continuing to work in conditions that are not conducive. The monitoring of the Agency for Electronic Media also showed that wom-

en are the ones that predominantly work in the journalistic profession.⁶⁵

“Almost 72% of the published information in the observed week was produced by women. Women are also editors and are more likely to appear as recognizable faces (hosts) of central news programs than men.”⁶⁶

“Women in journalism are a marginalized group in multiple ways, and perhaps most of all those who have children. When you are a journalist and a mother, it is very stressful. And the work must be done, especially in online media where there is no waiting, where stories are constantly published.” Focus group with female journalists February 2022.

Do women cover leading editorial positions in the newsroom, to the same extent as men? How much do they earn compared to men?

Most editorial positions are held by women, while a small percentage of them are in key decision-making positions (managers, directors, etc.). There is a noticeable trend of increasing the number of authorial shows hosted and edited by journalists. Some media are completely organized so that women are in the main positions, but the management part of the media is still in the hands of men. Some media, since they have more women on the team, hire more journalists in editorial positions.

“In the last fifteen years, as many as three women have been editors-in-chief. However, there has been only one woman in the director’s position in the last 15 years. Salaries are in line with the positions covered by journalists, and I have no knowledge that a journalist receives different salaries for the same job.”⁶⁷

When it comes to salaries, the research of the Trade Union of Media of Montenegro did not show any statistically significant differences in salaries, and the testimonies of journalists support this claim.

Are journalists exposed to gender-based pressures?

No gender-based pressure on journalists was reported. However, there are still many problems in the work-

⁶⁴ Focus group with female journalists, February 2022.

⁶⁵ Electronic Media Agency, “Analysis of the visibility of women and men and the use of the mother tongue in the central news programs of national television”, 03.08.2020. Accessed on 10.01.2022. <https://bit.ly/3OeZQSG>

⁶⁶ Ibid

⁶⁷ Focus group with female journalists, February 2022.

place, especially when starting a family and balancing business and private obligations.

“I think that women in general in Montenegrin society, even in any workplace, are taken less seriously than men. At my workplace, I often witness verbal violence against my colleagues, which, even due to my mental heritage, is not even understood as such, but as courtship and the like. But the fact is that male colleagues do not have to tolerate such comments. “Focus group with female journalists, February 2022.



C1 Statistics on security and impunity

In 2021, 28 cases of attacks and threats were registered in the database of the Trade Union of Media of Montenegro on the website www.safejournalists.net. The Police Directorate registered three fewer cases in the same period (25).

Out of the total number of registered cases, the competent prosecutor qualified ten events as a criminal offense prosecuted ex officio, eight events were solved and the perpetrators were prosecuted, while two events were not solved. In addition, in five events, misdemeanor proceedings were initiated against the perpetrator, while in four events, the competent state prosecutor assessed that there were no elements of committing a criminal offense prosecuted ex officio. The Police Administration states that five cases were submitted to the prosecutor for evaluation, decision-making, and legal qualification, while in one case a warning measure was issued.

Non-physical threats and harassment

The number of threats, attacks and pressures on journalists and the media has increased over the past year as well. Pcnen portal journalist Vuk Vujisic was threatened for reporting on the exploitation of gravel on Moraca in Botun. The case was reported to the police. Pobjeda journalist Nenad Zecevic, whose focus is also on the security sector, was called to testify as a witness in the Higher Prosecutor's Office for allegedly leaking classified information. Radio Antena M journalist Nikoleta Rakocevic

was verbally attacked while performing her work assignment at the MUP premises in Mojkovac, and this case was reported to the police. RTCG journalist Tamara Nikcevic also reported that she was verbally attacked in Risan by a man who insulted her. The director of the Center for Investigative Reporting, Milka Tadic-Mijovic, was verbally attacked in Petrovac, and this case received a court epilogue, so the perpetrator was sentenced to three months in prison⁶⁸. Vijesti journalist Jelena Jovanovic, in response to the published text, received a letter full of threats and intimidation, signed by detainee M.M., through his lawyer N.K. Jovanovic filed a criminal complaint, which was rejected by the basic state prosecutor Ivana Petrusic Vuksevic. In 2021, the editor of the Parliamentary Channel of RTCG and the show Zooming, Slavica Krusic-Vasovic, submitted a report to the Security Center Podgorica because she received insulting messages and photos and videos of explicit content via social networks. Her colleague, journalist Nebojsa Sofranac, filed a report against P.V. for insults and threats, and misdemeanor proceedings are being conducted against him. Sofranac experienced insults, humiliation, and inconvenience from a group of citizens during the reception of the world vice-champion in boxing, Petar Lijesevic. Sofranac did not want to file a report, so the police on their own initiative collected information from him on the circumstances of the event and took statements from two people. Also, the director of Skala Radio, Slavko Mandic, submitted a report to the Security Department of Kotor due to several comments published on social networks and portals.

Editor-in-chief of the "IN4S" portal, Gojko Raicevic, filed a report against NN perpetrators because NN called him and said inappropriate and threatening things via mobile phone, threatening Raicevic and his family to slaughter them, as well as insulted his underage daughter who also had a sexual connotation. The police have identified the owner and users of the telephone number from which the disputable communication was made, and collected information from them. Information was also collected from N. M., who made this communication according to the information collected from the users of the telephone number. With this case, the Basic State Prosecutor's Office in Podgorica is introduced, which ordered police officers to file a criminal complaint against the NN perpetrator for committing the criminal offense of endangering security, and the Basic State Prosecutor's Office will continue to take independent action to prove the criminal offense.

During an interview conducted by RTCG correspondent from Niksic Slobodan Doknic with doctor Redzep

Zejnclagic, an unidentified person approached Doknic and addressed him with the words "Don't film here, I will break you and the camera." Police officers and Zejnclagic, identified D.R. from Niksic as the person who addressed the said words to journalist Doknic, and after hearing him, they filed a criminal complaint due to the existence of grounds for suspicion that he committed the criminal offense of endangering security.

Threats to the life and physical safety of journalists

Four death threats were also registered, two of which related to the same event. Namely, the editor-in-chief of Antena M, Darko Sukovic, and the editorial office received open death threats via the social network Facebook from an account called Marko Aprcovic. At the same time, from the same account and in the same way, Antena M columnist Dragan Bursac received an open death threat. These cases had a court epilogue, and the perpetrator was sentenced to four months of probation⁶⁹. Vijesti journalist Borko Zdero received death threats for reporting on the exploitation of gravel on Moraca in Botun when one of the locals whose truck was controlled by the police told him "If you come to my private property one more time, I will throw you in Moraca". Also, his colleague, TV Vijesti journalist Sead Sadikovic, reported in the Bijelo Polje Security Center that he received a message via the social network Facebook from the profile of a certain K.C. from Pljevlja, in which words of insult and threat of "attacking his life and body" were sent.

Actual attacks on journalists

Among the four physical attacks, an attack was registered on Pobjeda photo reporter Mara Babovic, editor-in-chief of Monitor Esad Kocan, TV Vijesti journalist Sead Sadikovic, as well as Vijesti journalist Jelena Jovanovic. Only the Kocan case had a court epilogue, and the perpetrator was sentenced to 10 months in prison⁷⁰. Babovic was attacked while recording from the reception of the patriarch of the Serbian Orthodox Church, Porfirije, in front of the Church of Christ's Resurrection in Podgorica. The case was not reported to the police. Monitor editor-in-chief Esad Kocan was attacked in front of his apartment in Podgorica. He was first verbally and then physically attacked by D.S. (55), who was subsequently arrested. TV Vijesti journalist Sead Sadikovic

68 Nikolic, P. "SIGNS: Three months in prison for endangering the safety of a journalist", Monitor.co.me, 08.10.2021. Accessed on 08.02.2022. <https://bit.ly/3JVUvwn>

69 Pobjeda, "Due to death threats, he was sentenced to four months probation; Vujovic: Scandalous Verdict", Portal Analitika, 25.10.2021. Accessed on 05.02.2022. <https://bit.ly/395xHh3>

70 TUMM, "10 months for attacking Kocan to Sukovic", Safejournalists.net, 19.10.2021. Accessed on 20.01.2022. <https://bit.ly/3Mec3FI>

was attacked during a “patriotic” gathering in Bijelo Polje by 5–6 younger men. Sadikovic suffered minor head injuries. Vijesti journalist Jelena Jovanovic was hit

in the head with a car wiper during the celebration of the supporters of the coalition “For the Future of Nikšić”. Against the perpetrator M.J. from Niksic, criminal charg-

Table 3. Number of registered threats and attacks on journalists in 2021

Categories	Number	Description
<p>Non-physical threats and harassment</p> <p>Non-physical threats and harassment include:</p> <ul style="list-style-type: none"> – supervision or monitoring; – harassing phone calls; – arbitrary judicial or administrative harassment; – aggressive statements by public officials; – other forms of pressure that may jeopardize the safety of journalists in the performance of their work. <p>These types of threats do not include mobbing and harassment in the workplace.</p>	12	<ul style="list-style-type: none"> – The journalist of the Pcnen portal, Vuk Vujsic, was threatened for reporting on the exploitation of gravel on Moraca in Botun. The case was reported to the police. – Pobjeda journalist Nenad Zecevic, whose focus is also on the security sector, was called to testify as a witness in the Higher Prosecutor’s Office due to the alleged disclosure of secret information. – The journalist of Antena M, Nikoleta Rakocevic, was verbally attacked while performing her work task in the premises of the Ministry of Internal Affairs in Mojkovac. The case was reported to the police. – RTCG journalist Tamara Nikcevic was verbally attacked in Risan by a man who insulted her. – The director of the Center for Investigative Journalism, Milka Tadic-Mijovic, was verbally attacked in the parking lot near the “Voli” megamarket in Petrovac, Budva municipality. – Vijesti journalist Jelena Jovanovic, in response to the published text, received a letter, with threats and intimidation, signed by detainee M.M. through his lawyer N.K. Jovanovic filed a criminal complaint, which was rejected by the basic state prosecutor Ivana Petrusic Vuksevic. – The editor of the Parliamentary Channel of RTCG and the show Zooming, Slavica Kruscic Vasovic, filed a report to the Security Center Podgorica because she received insulting messages and photos and videos of explicit content via social networks. – RTCG journalist Nebojsa Sofranac filed a complaint with CB Podgorica against P. V. for insults and threats. – RTCG journalist Nebojsa Sofranac experienced insults, humiliation and inconvenience from a group of citizens during the reception of the world vice-champion in boxing, Petar Lijesevic. Sofranac did not want to file a report, so the police on their own initiative collected information from him on the circumstances of the event and took statements from two people. – The director of Skala Radio, Slavko Mandic, filed a report to the Kotor Security Department due to several comments published on social networks and portals. – The editor-in-chief of the “IN4S” portal, Gojko Raicevic, filed a criminal complaint against an unidentified person who threatened him and his family in a phone call. He was told that they would be slaughtered, and his underage daughter was additionally threatened, and those threats had a sexual connotation. – RTCG correspondent from Niksic, Slobodan Doknic, was threatened during an interview with doctor Redzep Zejnelagic. An unidentified person approached him and addressed him with the words “don’t film here, I will break you and the camera”.
<p>Threats to the life and physical safety of journalists</p> <p>These may include:</p> <ul style="list-style-type: none"> – Calling for the murder of a journalist, their family, friends or a source; – Calling for physical harm to journalists, friends, family or sources. <p>These threats can be:</p> <ul style="list-style-type: none"> – committed directly or through third parties; – performed electronically or face-to-face communications; – can be implicit as well as explicit. 	4	<ul style="list-style-type: none"> – ND Vijesti journalist Borko Zdero received death threats for reporting on the exploitation of gravel on Moraca in Botun when one of the locals whose truck was controlled by the police told him “If you come to my private property one more time, I will throw you in Moraca”. – The editor-in-chief of Antena M, Darko Sukovic, and the editorial office received open death threats via the social network Facebook from an account called Marko Aprcovic. – Antena M columnist Dragan Bursac received an open death threat via the social network Facebook from an account called Marko Aprcovic. – TV Vijesti journalist Sead Sadikovic reported in the Bijelo Polje Security Center that he received a message via the social network Facebook from the profile of a certain K. C. from Pljevlja, in which words of insult and threat of “attacking his life and body” were sent.

Categories	Number	Description
Actual attacks on journalists 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, etc.	4	<ul style="list-style-type: none"> – The photo reporter of Pobjeda, Mara Babović, was attacked while following the reception of the Patriarch of the Serbian Orthodox Church Porfirije in front of the Church of Christ's Resurrection in Podgorica. The case was not reported to the police. – The editor-in-chief of the Monitor, Esad Kocan, was attacked in front of his apartment in Podgorica. He was first verbally and then physically attacked by D.S. (55), who was subsequently arrested. – TV Vijesti journalist Sead Sadikovic was attacked during the “patriotic” gathering in Bijelo Polje by 5-6 younger men. Sadikovic suffered minor head injuries. – Vijesti journalist Jelena Jovanovic was hit in the head with a wiper from a car during the celebration of the supporters of the coalition “For the Future of Niksic”.
Murders of journalists (in the last 15-20 years) Types of homicides can include crossfire deaths, homicides, bomb blasts, beatings to death, and so on.	1	<ul style="list-style-type: none"> – The editor-in-chief of Dan, Dusko Jovanovic, was killed in 2004, and so far only a co-perpetrator who is in prison has been found. Nothing has been done to reveal the master mind of the murder.
Threats and attacks on media institutions, organizations, media and journalists' associations 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.	8	<ul style="list-style-type: none"> – The TV N1 team was attacked in Cetinje by a group of demonstrators who protested for two days against the enthronement of Metropolitan Joanikije in the Cetinje Monastery. The case was reported to the police. – The TVCG team reported that they were not allowed to do journalistic work at the gates of the Cetinje Monastery because a group of priests and young men forbade them to shoot material for a documentary film. – A group of citizens in Cetinje did not allow the TV Vijesti team to report on the protest on the occasion of the enthronement of Metropolitan Joanikije in the Cetinje Monastery. – C.K. and B.C. from Cetinje entered the premises of RTV Cetinje without authorization and demanded from the journalist Ana Tomovic that the journalist team of RTV Cetinje go out on the field and shoot the worship service of the Montenegrin Orthodox Church. – The RTV Budva team was attacked at the roundabout at the entrance to Budva during the traffic blockade due to the announced change in the Decision on the criteria for acquiring Montenegrin citizenship. – During the protest in Bogetici near Niksic, the gathered citizens insulted, cursed and expelled the TV Vijesti team while taking statements. The protest was organized by the Patriotic-Komitas Alliance on the occasion of new regulations on the liberalization of conditions for acquiring Montenegrin citizenship. – The editorial office of Antena M and the editor-in-chief Darko Sukovic received open death threats via the social network Facebook from an account called Marko Aprcovic. – Director of the CDM portal Boris Darmanovic filed a report at the Security Center in Podgorica against unidentified persons who sent a threatening message from the Facebook profile of “Luka Nilevic” to the CDM portal.

es were filed due to a well-founded suspicion that he committed the criminal offense of violent behavior to the detriment of a journalist.

Murders of journalists

Almost 18 years since the murder of the editor-in-chief of the newspaper Dan, Dusko Jovanovic, which took place in 2004, the case has not had a court epilogue. However, in 2021, an investigation was launched in this case, with the aim of discovering “the person who or-

dered and not the perpetrator of the attack”⁷¹. A few months later, Deputy Prime Minister Dritan Abazovic said that a “synchronized action was carried out in an attempt to destroy the most important investigation conducted by the prosecution”⁷² – the investigation into the murder of editor Jovanovic. At the beginning of 2022, Abazovic revealed that he was threatened⁷³ because of

71 Tomovic, Predrag, “A new investigation of the murder of Dusko Jovanovic after 17 years”, *Slobodnaevropa.org*, 05.27.2021. Accessed on 22.01.2022. <https://bit.ly/3KY6B9B>

72 Jovanovic, Jelena, “Abazovic: The investigation into the murder of Dusko Jovanovic is endangered, but so are the lives”, *Vijesti.me*, 16.10.2021. <https://bit.ly/3x0qezZ>

73 BETA, “Abazovic: I am threatened because of the investigation into the murder of journalist Dusko Jovanovic”, *N1 Srbija*, 06.01.2022. Accessed on 22.01.2022. <https://bit.ly/3O188bE>

the investigation in this case, in which accomplice Damir Mandic has been convicted so far.

Threats and attacks on media institutions, organizations, media and journalists' associations

The teams of the Television of Montenegro, Tanja Sukovic and Dragan Tomasevic, were not allowed to do journalistic work in the yard of the Cetinje Monastery after a group of young men and priests forbade them to shoot material for a documentary film. After questioning all persons related to the event, the Podgorica Prosecutor's Office concluded that it was a misdemeanor. The TV N1 team was attacked in Cetinje by a group of demonstrators who protested for two days against the enthronement of Metropolitan Joanikije in the Cetinje Monastery. The case has been reported to the police, an epilogue is awaited. A few days earlier, in Cetinje again, but on the occasion of the announcement of the enthronement, the TV Vijesti team was attacked by a group of demonstrators, and obstructed in the live broadcast. Protesters insulted a journalist and a cameraman. The case was reported to the police, who identified M.P. and V.M. and a misdemeanor charge was filed against them. C.K. and B.C. from Cetinje entered the premises of RTV Cetinje without authorization and demanded from the journalist Ana Tomovic that the journalist team of RTV Cetinje go out on the field and attend the service of the Montenegrin Orthodox Church. The state prosecutor in Cetinje was informed about the case and concluded that there were no elements of committing a criminal offense, but that it was a misdemeanor.

The RTV Budva team was attacked at the roundabout at the entrance to Budva during a traffic blockade organized by a group of citizens. The team could not pass through the roadblock, which was reported to the police and the prosecutor's office, which said that there were no elements of committing any criminal offense that is being prosecuted ex officio. During the protest in Bogetici near Niksic, the gathered citizens insulted, cursed and expelled the TV Vijesti team while taking statements. The protest was organized by the Patriotic-Komititas Alliance on the occasion of new regulations on the liberalization of conditions for acquiring Montenegrin citizenship. The incident was not reported to the police. The director of the CDM portal, Boris Darmanovic, filed a report at the Security Center in Podgorica against unidentified persons who sent a threatening message from the Facebook profile of "Luka Nilević" to the CDM portal with the content "let's throw a bomb at you". A statement from the prosecution is awaited. The editorial office of Antena M and the editor-in-chief Darko Sukovic received open death threats via the social network Facebook from an account called Marko Aprcovic, and

the case had a court epilogue and the perpetrator was sentenced to four months of probation⁷⁴.

C2 Behavior of state institutions and political actors regarding the protection of journalists

Are there special provisions in the law or other mechanisms aimed at supporting the safety of journalists, offline and online?

At the very end of 2021, the Parliament of Montenegro adopted amendments⁷⁵ to the Criminal Code which provide for more rigorous sanctions for attackers on media employees. These are changes that a group of civil society organizations, including the Trade Union of Media of Montenegro, have been advocating for a decade. The amendments specify the term "business of public importance" and expand the five existing criminal offenses in part by specifying the penalties in the case of assault on a person engaged in the business of public importance, and the attack is related to his work.

"We have achieved substantially stronger protection for journalists, which we have always advocated for. I certainly hope that there will be no need to apply these provisions in practice, but I think it is very important that they are adopted, that the Parliament of Montenegro says that attacks on journalists are absolutely unacceptable, whether someone likes or dislikes what they write. It is a step forward in civilization, a very important social consensus of both positions and oppositions that are embedded in the legal order."⁷⁶

The latest European Commission report says limited progress has been made in tackling violence against journalists and the media. They note that more efforts are needed to limit the consequences of harassment and hate speech online⁷⁷.

"Despite certain signals from the Government that it will consider this area a priority, last year's recommendations were only partially fulfilled and the safety of jour-

74 Pobjeda, „Due to death threats, he was sentenced to four months probation; Vujovic: Scandalous Verdict“, Portal Analitika, 25.10.2021. Accessed on 05.02.2022. <https://bit.ly/3rA46Tk>

75 Trade Union of Media of Montenegro, "Amended Criminal Code in force", Sindikatmedija.me, 10.01.2022. Accessed on 10.01.2022. <https://bit.ly/3KWwPcx>

76 Tea Gorjanc Prelevic, interviewed by Bojana Lakovic Konatar, February 2022.

77 European Commission, "Montenegro 2021 Report", p. 33, Strasbourg, 19.10.2021. Accessed on 10.01.2022. <http://www.euic.me/wp-content/uploads/2021/12/Prevod-lzviestaja-za-Crmu-Goru-za-2021-godinu.pdf>

nalists remains a serious concern. A full and effective epilogue in important cases of attacks on journalists has yet to be secured.”⁷⁸

Are there documents (protocols, rules of procedure, etc.) adopted by state institutions that provide additional guidance to the Army and police on how to deal with journalists?

There is no public information that the Army and police have worked on adopting additional protocols or procedures to devise a special approach to journalists. The Ministry of Internal Affairs has systematized the jobs that will cover the persons in charge of monitoring the cases of attacks on journalists, but the decision of the Government by which that systematization will be approved is still pending. Also, although it was previously said that there is a person in the Police Directorate who is appointed to coordinate all police-prosecutorial activities at the level of Montenegro, and in all security centers that there are two criminal police inspectors who are responsible for the cases of attacks on journalists, the current staff in the Ministry of Internal Affairs claims that there are no persons with such competencies⁷⁹.

A specific case happened on the occasion of September 5, 2021, when the Metropolitan of Montenegro and the Littoral of the Serbian Orthodox Church was to be enthroned in the capital Cetinje, which created great tensions in society, which is why the Minister of Internal Affairs⁸⁰ said he could not guarantee absolute security.

Are there mechanisms to monitor and report on threats, harassment and violence against journalists? Do state institutions publish data on attacks on journalists and impunity?

The state authorities continue to issue data on attacks on journalists only upon request, while the records kept by the police are based on the occupation of the victim of the attack, which means that the attack they register does not have to be related to journalistic work.

The Police Administration continues to announce the drafting of a “Register of journalists at risk” because this work has been postponed for the last two years due to epidemiological measures and difficult functioning

due to the pandemic. There is a plan that, in cooperation with the Council of Europe Office in Podgorica within the project “Jufrex 2”, the work on drafting the working version of the document be continued, which will be the basis for the analysis of the vulnerability of journalists⁸¹. Within that project, there is a plan to keep a special record of these events together with other data and parameters that will be foreseen.

Do state institutions recognize attacks on journalists as a violation of freedom of expression and criminal law? Do officials make clear statements condemning attacks on journalists?

In the vast majority of cases, representatives of state bodies, political parties and the civil sector condemn cases of attacks on journalists when they occur, but in some cases, due to the political background of these events⁸², the reaction of some officials, those in power, lacked.

Do state institutions cooperate with journalists’ organizations on the issue of journalists’ safety?

At the request of interested organizations, state institutions and bodies in charge of this issue hold meetings and exchange ideas on the safety of journalists. During the year, a larger presence of representatives of the Ministry of Internal Affairs and prosecutor’s offices was noticed, both in the media and at events⁸³ that dealt with this issue.

In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? What is the latest case of electronic surveillance of 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 Agency⁸⁴, announced in 2020 that during the rule of the Democratic Party of Socialists

78 Ibid

79 TUMM, “Miljanic: Better results of the Commission for Investigation of Attacks on Journalists”, *Safejournalist.net*, 15.02.2022. Accessed on 15.02.2022. <https://bit.ly/37yqz2K>

80 J.B.C., “Extremists are planning radicalization in Cetinje”, *rtcg.me*, 01.09.2021. Accessed 17.01.2022. <https://bit.ly/3MccP5V>

81 Police Administration letter, No. 215/22-3833/1 of 16.02.2022.

82 Radio Slobodna Evropa, “Djukanovic condemned the attack on the RTCG journalist”, *Slobodnaevropa.org*, 25.04.2021. Accessed on 17.01.2022. <https://bit.ly/3EwZU>

83 Trade Union of Media, “Politicians to unconditionally support media freedoms”, *Sindikatmedija.me*, 17.12.2021. Accessed on 17.01.2022. <https://bit.ly/3v4Mv0>

84 Radio Slobodna Evropa, “Former director of the Montenegrin secret police, Dejan Perunicic, has been detained”, *Slobodnaevropa.org*, 21.10.2021. Accessed on 18.02.2022. <https://bit.ly/3EqB4KN>

(DPS) illegal measures of secret surveillance of journalists, politicians and public figures⁸⁵ were carried out. The information was submitted to the Special Prosecutor's Office, which formed a case that is still in the reconnaissance phase. According to available data, in 2020, journalists Petar Komnenic and Nevenka Cirovic were illegally monitored.

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

Are there special departments in judicial institutions dedicated to investigating and prosecuting threats and violence against journalists?

The Commission for monitoring the actions of the competent authorities in investigations of cases of threats and violence against journalists, murders of journalists and attacks on media property was reformed during the year in a partially changed composition⁸⁶. Some members of the Commission praise its work and see progress⁸⁷, and especially emphasize the good cooperation with the police. According to the words of the state secretary in the Ministry of Internal Affairs, Zoran Miljanic, the good solution is that now the members of the Commission are members of the institutions of the system. As he explained, this especially refers to the representatives of the prosecution, who were not present in the last convocation of the Commission. The fact that all institutions agreed to have a representative in the Commission gave results, so in 2021, all attacks on journalists had their epilogue.

"I am satisfied with the work of the Commission and the attitude of the Government towards it. Now, new cases are being resolved much more efficiently and faster, but the dark period of previous years remains, where the cases of attacks on journalists and the murder of Dusko Jovanovic remain unsolved. The Prosecutor's Office is now cooperative and this can be seen in relation to the new cases that occurred in 2021. However, when it comes to previous cases, their atti-

tude towards the Commission has remained the same and they do not provide the data we need in order to see what really happened in certain cases of attacks."
Zoran Miljanic, interview

In the first half of the year since it has been established, the new commission has prepared one report⁸⁸, which was adopted by the Government, within which several cases of attacks were dealt with, but it was also emphasized what problems and obstructions they encounter in their work. The European Commission reminds us that the competent authorities have not fully and effectively fulfilled the specific recommendations of the previous Commission, which referred to important old cases of attacks on journalists. "We urge the authorities to ensure that the Commission's recommendations are effectively met, and to provide it with all the necessary preconditions for its work."⁸⁹

Do the Prosecutor's Office and the Ministry of Internal Affairs provide adequate resources to cover investigations into threats and violence against journalists, and are investigations of crimes against journalists, including intimidation and threats, conducted quickly, independently and efficiently?

The Basic State Prosecutor's Office in Podgorica agrees that prosecutors need additional training⁹⁰ when it comes to cases of attacks on journalists, but it has been said several times that the measures and actions taken in these cases cannot be different from the cases within their jurisdiction which do not concern the media and that they do everything in accordance with their capabilities and the law⁹¹.

The problem for prosecutors is that they have unknown perpetrators⁹², which makes the investigation more difficult, and in some prosecutor's offices only attacks committed by unidentified persons have not been resolved.

85 Jankovic, Srdjan, "Secret Service of Montenegro under investigation by the Special Prosecutor's Office", Radio Slobodna Evropa, 08.02.2021. Accessed on 08.02.2021. <https://bit.ly/3K1X5B6>

86 TUMM, "The government is setting up a new commission to investigate attacks on journalists", Safejournalists.net, 04.03.2021. Accessed on 04.02.2022. <https://bit.ly/3MbkdnO>

87 TUMM, "Miljanic: Better results of the Commission for Investigation of Attacks on Journalists", Safejournalist.net, 15.02.2022. Accessed on 15.02.2022. <https://bit.ly/37mawO>

88 Government of Montenegro, "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 June 4 to October 4, 2021", 28.10.2021. Accessed on 20.01.2022. <https://bit.ly/3OkWNIJ>

89 European Commission, "Montenegro 2021 Report", p. 34, Strasbourg, 19.10.2021. Accessed on 10.01.2022. <http://www.euic.me/wp-content/uploads/2021/12/Prevod-lzvestaja-za-Crnu-Goru-za-2021-godinu.pdf>

90 Trade Union of Media of Montenegro, "Consider the specialization of state prosecutors in cases of attacks on journalists", Sindikatmedija.me, 14.02.2022. Accessed on 14.02.2022. <https://sindikatmedija.me/aktivnosti/11994/>

91 State Prosecutor Vukas Radonjic, conference "Media Freedom Days in Montenegro", Podgorica, December 16-17, 2021.

92 Radovic, Milan, et al, "Report on court proceedings for attacks on journalists", p. 10, Civic Alliance: Podgorica, December 2021. Accessed on 20.01.2022. <https://bit.ly/3KwDE3Y>

The Ministry of Internal Affairs, although without some new procedures, was more efficient in 2021 than usual because in each case of an attack, some progress was made, and some cases have already been finalized.

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, remain unresolved. A major threat remains the possibility of obsolescence of individual cases.

Are there protection measures provided to journalists that are necessary in response to real threats to their physical security?

The trends of attacks on journalists continue⁹³, in some areas there has been an increase in the number of attacks, and the sanctions imposed in these proceedings are extremely low and do not deter attackers and those who ordered attacks on journalists.

"It is especially worrying that the trend, with a slight increase in the number of death threats to journalists, continues. These are relatively small numbers. Last year we had three death threats to journalists, this year we registered four by the end of November⁹⁴."

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 2020, none of the older cases of attacks on journalists had a final court epilogue.

One of the protected journalists⁹⁵ who has 24-hour police protection is satisfied with the protection she received and spoke about it publicly.

In cases of final verdicts, are sanctions imposed only on perpetrators or also on instigators?

The Basic Prosecutor's Office believes that the discovery of the perpetrators, in cases when the accused is being tried for a certain criminal offense, is not of great importance and that it is most important for prosecutors to obtain a conviction and thus close the case⁹⁶.

Of the 28 reported cases of incidents and attacks on journalists in 2021, 20 were reported to the police or the police acted ex officio, and 10 had a court epilogue. Convictions were handed down in four cases. Sentences range from a suspended sentence of 4 months to 2 years in prison to a probation period of 2 years to 3 and 10 months imprisonment, as well as a restraining order and compulsory treatment in a psychiatric institution⁹⁷.

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

Some trainings are organized⁹⁸, but their effect and the extent to which this new knowledge is applied is still questionable. Prosecutors believe that the continuation of training is extremely necessary, especially in prosecutor's offices in smaller cities⁹⁹, because according to the prosecutors themselves, they have mostly never participated in training¹⁰⁰. Through the JUFREX 2 program of the Council of Europe, it is planned to continue some activities related to additional education on the topic of protection of media workers' rights and freedom of speech.

93 Trade Union of Media, "Politicians to unconditionally support media freedoms", *Sindikatmedija.me*, 17.12.2021. Accessed on 17.01.2022. <https://bit.ly/3rxkO5p>

94 *Ibid*

95 TUMM, "Jovanovic: The security of all honorable journalists is endangered", *Safejournalists.net*, 07.10.2021. Accessed 17.01.2022. <https://bit.ly/3OpUGi>

96 State Prosecutor Vukas Radonjic, conference "Media Freedom Days in Montenegro", Podgorica December 16-17, 2021.

97 Radovic, Milan, et al, "Report on court proceedings for attacks on journalists", p. 9, *Civic Alliance: Podgorica, December 2021*. Accessed on 20.01.2022. <https://bit.ly/3KwDE3Y>

98 Council of Europe, "European Union and Council of Europe support better cooperation between journalists, police and judiciary in Montenegro", *Coe.int*, 13-14.11.2021. Accessed on 20.01.2022. <https://bit.ly/3pSyck0>

99 Radovic, Milan, et al, "Report on court proceedings for attacks on journalists", p. 10, *Civic Alliance: Podgorica, December 2021*. Accessed on 20.01.2022. <https://bit.ly/3KwDE3Y>

100 Trade Union of Media, "Politicians to unconditionally support media freedoms", *Sindikatmedija.me*, 17.12.2021. Accessed on 17.01.2022. <https://bit.ly/3uSre15>

Table 4. Chronicle of court cases against journalists

Case	Year 2017.	2018.	2019.	2020.	2021.
1. Jovo Martinovic – was arrested on October 23, 2015, and has been in custody for 15 months on suspicion of being part of an international drug trafficking group. Martinovic was released from custody on January 4, and after 15 months in custody, he was allowed to defend himself.	Martinovic was released from custody on January 4, and after 15 months in custody, he was released and allowed to defend himself pending trial.	The trial is ongoing.	In January, the Podgorica High Court sentenced Martinovic to 18 months in prison, a first-instance verdict, and an appeal is admissible. In October 2019, the Appellate Court of Montenegro revoked the conviction. According to the court, the verdict was revoked for the co-accused Branka Stanic as well, 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 journalist Jovo Martinovic in the Podgorica High Court was completed. A panel of judges of the High Court, headed by Judge Vesna Pean, again handed down an indictment and sentenced Martinovic to one year in prison for participating in drug trafficking, while he was acquitted of membership in a criminal organization.	Martinovic was convicted on March 29, 2021, for his connection with drug smugglers in 2014. The Appellate Court confirmed the verdict by which Martinovic was sentenced to one year in prison for mediation in drug smuggling, and he was acquitted of charges of creating a criminal organization.
2. Gojko Raicevic – was attacked twice by the police in the period from October 17-24, 2015, when the protests of the opposition Democratic Front took place, which he reported on.	The Basic Court handed down a verdict in favor of Raicevic, which established that he had been subjected to conduct prohibited by Article 3 of the Convention on Human Rights. According to the verdict, the state, i.e. the Ministry of Internal Affairs, on the basis of compensation for non-pecuniary damage, should pay Raicevic the amount of 6,000 euros.			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, upheld the verdict 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 September 11, 2017.	– The brother of the Prime Minister of Montenegro Dusko Markovic, Velizar Markovic, sent death threats to the journalist of the daily Dan Otasevic in a telephone conversation, on September 11, 2017. – The Basic State Prosecutor's Office in Podgorica has rejected a criminal complaint against Velizar Markovic because after investigative actions it was determined that the threats that Markovic sent to Otasevic no longer constitute any criminal offense.				

Year	2017.	2018.	2019.	2020.	2021.
Case					
4. Sead Sadikovic – to whom an explosive device was detonated in front of a house in Bijelo Polje on April 01, 2018.		In front of the house of journalist Sead Sadikovic, in Bijelo Polje, an explosive device was activated on April 1. The explosion damaged a car that does not belong to Sadikovic and his family. Already on Monday, April 2, the police identified and arrested the suspects, Ilhan and Hilmo Pepic from Rozaje. Twenty days later, the judge of the Basic Court in Bijelo Polje, Dragan Mrdak, rendered a verdict to Pepic 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. There is a suspicion that the motive for this attack was damaging the reputation of a member of their family, Husnija Pepic, with whom Sadikovic previously had an interview in his show “Without Borders”.			
5. Olivera Lakic – was wounded on May 08, 2018, at around 9 pm in front of the building where she lives, on the boulevard of St. Peter of Cetinje in Podgorica.	– Journalist Olivera Lakic was wounded on May 08, 2018, around 9 pm in front of the building where she lives, on the boulevard of St. Peter of Cetinje in Podgorica. At the same place where she was beaten six years ago, Lakic was met by a man who shot her in the leg. 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 solved 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 for what motives she was the target of the criminal group to which Besovic 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.	On December 17, 2021, the High Court ordered a 30-day detention for Branislav Karadzic and Darko Lalevic on suspicion that before being wounded in May 2018, they followed Lakic and passed information to the Kavac criminal clan. Lalovic, who is a police officer, at that time worked in the same service that was in charge of police protection Lakic. The media reported in December that the Special State Prosecutor’s Office had collected evidence identifying Filip Knezevic as the direct attacker and that an indictment was expected.

	Year 2017.	2018.	2019.	2020.	2021.
Case	<p>6. Vladimir Otasevic – was physically attacked in December 2019, when he tried to photograph a controversial businessman in the company of the Senior State Prosecutor in a shopping center in Podgorica</p>	<ul style="list-style-type: none"> – 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 Becirovic’s bodyguard Mladen Mijatovic – he hit him, threatened him and insulted him. The journalist claims that the prosecutor calmly watched the attack on him the whole 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 crime, as well as any other crime for which he would be prosecuted ex officio.” 		<p>The attorney of businessman Zoran Coc Becirovic and his bodyguard Mladen Mijatovic, lawyer Branko Colovic, filed a criminal complaint against Otasevic, who is charged with false reporting and giving false testimony. The Basic Court in Podgorica on October 23, 2020, rejected the indictment filed on October 1, 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 a false statement under Article 389 paragraph 1 of the Criminal Code of Montenegro. In the opinion of the first instance court, there is no evidence that Otasevic is reasonably suspected of having committed the criminal offenses he is charged with.</p>	

Conclusions and Recommendations

Conclusions

Amendments to the set of media laws from 2020 have not yet come to life in full capacity, and 2021 was marked by work on amendments to these laws, as numerous shortcomings were noticed. One of the measures that failed to “be implemented” is the introduction of order in advertising in the media with state money, so it is still unknown how much money from the state budget and the budget of state-owned institutions and companies is allocated to the media on that basis. The competent ministry announces that these provisions will still come to life, in accordance with the deadlines left in the Law on Media. A media strategy is also being drafted, the first document of this kind that is expected to “project” the future of the media sector in the medium term. Other standard norms are still in force, so freedom of speech is a constitutional category and there have been no attempts to change it, and there have been no interruptions/blockades or similar restrictions on the use of the Internet. The Law on Electronic Media, the text of which was harmonized by the Working Group two years ago, has still not been adopted, so the Agency for Electronic Media has not received new competencies, and numerous novelties containing the proposal have not yet entered into force. The abundant state aid that mostly private media received in order to mitigate the consequences caused by the Covid 19 pandemic did not affect the working conditions of employees and it remains unclear where the money went, and the multimillion amounts are in question. The first competition for the distribution of money from the Fund for Media Pluralism ended at the end of the year, and online and print media received assistance for projects, while the call for electronic ones will be announced at the beginning of 2022.

There is no progress when it comes to statistics related to the number of employees in the media, and therefore the journalists. Moreover, the research of the Trade Union of Media showed that the number of those registered by Monstat and the Revenue and Customs Administration differs drastically, in hun-

dreds of people, so any assessment of the real situation is impossible. According to the information that came to the public, there were no major layoffs in the media, but one daily newspaper, which employed about 30 people, was closed at the end of the year. At the end of 2021, the FOS media portal stopped broadcasting new content. In that media, which also has 16 other registered portals by cities, not a single employee was registered. Working conditions have remained more or less unchanged, new collective agreements at the media level have not been signed or negotiated at any level. There is no social dialogue at the branch level either, although the Branch Collective Agreement has been repealed for half a year. Censorship and self-censorship are still present, and the sources of pressure on journalists have not changed, so the greatest influence on journalists is still from media owners. There were no significant changes in private media and local public broadcasters, but the Public Service, due to the implementation of the new law regulating the work of Radio and Television of Montenegro, had a new Council and Director General and the news program was greatly changed, which was welcomed by the European Commission.

Key cases of attacks on journalists and the media remain unresolved, but the fact that new cases of attacks are being dealt with more efficiently is encouraging. The number of attacks increased significantly in 2021 and reached a record level of 28 cases, but the prosecution and police have worked on all cases and there are even several completed proceedings where defendants are serving prison sentences. A positive step occurred at the end of the year, when the deputies of the Parliament of Montenegro unanimously adopted amendments to the Criminal Code, which, by supplementing several criminal offenses, further increased the imprisonment of attackers on journalists. This is the result of ten years of lobbying by the civil sector. By applying the new provisions to future cases of attacks on journalists, it is expected that the attackers will be demotivated and will not easily engage in committing this type of crime. What is expected is additional training for both police and prosecutors when it comes to freedom of the media and journalists.

Recommendations

- The new (unstable) political majority has started with changes in the set of media laws (Law on Media, Law on National Public Broadcaster and Law on Electronic Media) and with the development of media strategy, the opportunity should be taken because the Trade Union of Media of Montenegro has a place in working groups so solutions that failed to gain majority support would be imposed, and time has shown that they were necessary and justified.

(Trade Union of Media of Montenegro, Ministry of Public Administration, Digital Society and Media)

- It is especially necessary to adopt the new Law on Electronic Media as soon as possible, in order to improve financial stability and enable editorial independence of local public broadcasters, which would lead to the significantly better status of employees in those media, which are the most vulnerable group in the Montenegrin media sector. (Agency for Electronic Media, Ministry of Public Administration, Digital Society and Media)
- It is necessary to monitor the changes that are happening in the Public Service, not only through changes in the news program but through the entire events and actions of new structures within RTCG to see how this medium is transformed into a true public service and whether it goes at all in that direction. (RTCG Council)
- The state and the relevant ministry should be asked to check the manner of spending state money that was paid to the media on several grounds during the year because there was no visible progress in any segment, and especially no improved status and position of media employees, which was to be expected because the millions are in question. (Trade Union of Media of Montenegro, Ministry of Public Administration, Digital Society and Media)
- It is necessary to make additional efforts to start a social dialogue at all levels. Among more than 100 media, only two have a collective agreement, so there is a huge space for progress, and since the Branch Collective Agreement has ceased to be valid, negotiations should begin at that level as well. (Trade Union of Media of Montenegro, Montenegrin Employers Federation)
- The level of respect for ethical rules is still not at a satisfactory level and the existing self-regulatory bodies have failed to impose themselves as authorities in the newsrooms for which they are responsible. Therefore, it is necessary to strengthen the promotion, and if possible, and in accordance with the interests, to organize training on certain ethical principles, in order to increase the level of professionalism but also reduce the number of lawsuits between the media for breaches of honor and reputation. (Ministry of Public Administration, Digital Society and Media, Media Self-Regulatory Body, Ombudsmen)
- It is necessary to intensify the training of police officers and employees in the prosecutor's office because, according to their own admission, they are not sufficiently educated regarding the protection of freedom of expression and journalists. This especially in light of the investigation of old cases of attacks on journalists, but also the application of the amended Criminal Code, which provides for more drastic penalties for attackers on journalists (Supreme State Prosecutor's Office, Basic Prosecutor's Offices, Police Administration).

