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The Western Balkans Journalists' Safety Index

Montenegro 2021 Narrative Report

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Introduction

The Western Balkans Journalists' Safety Index (WB-JSI) is a research-based tool designed to measure and monitor changes in the respective social and political environment of the Western Balkan countries, which have a direct and indirect impact on the safety of journalists and media actors while performing their jobs. The Western Balkan Journalists' Safety Index primarily relies on research evidence that has been collected and analyzed by partners in the [SafeJournalists.net](https://www.safejournalists.net) Platform following a rigorous research procedure. Collected data on the various dimensions of the complex concept of "safety of journalists" were quantified and grouped into a composite indicator, the Index of Safety of Journalists, in order to monitor changes in the seven countries of the Western Balkans over time. Based on the research evidence, nine members of the Advisory Panel in each country¹ assess the situation and assign scores to each of the 19 indicators within the following dimensions:

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

WB-JSI was jointly developed by researchers from the RESIS Institute² and partners of the Safejournalists.net Platform: Independent Association of Journalists of Serbia,

¹ In Montenegro the Advisory Panel consisted of: Radomir Krackovic, Milena Bubanja Obradovic, Drazen Duraskovic, Jovana Davidovic, Milorad Milosevic, Milan Radovic, Vladan Micunovic, Bojana Milicevic, Zeljka Vucinic.

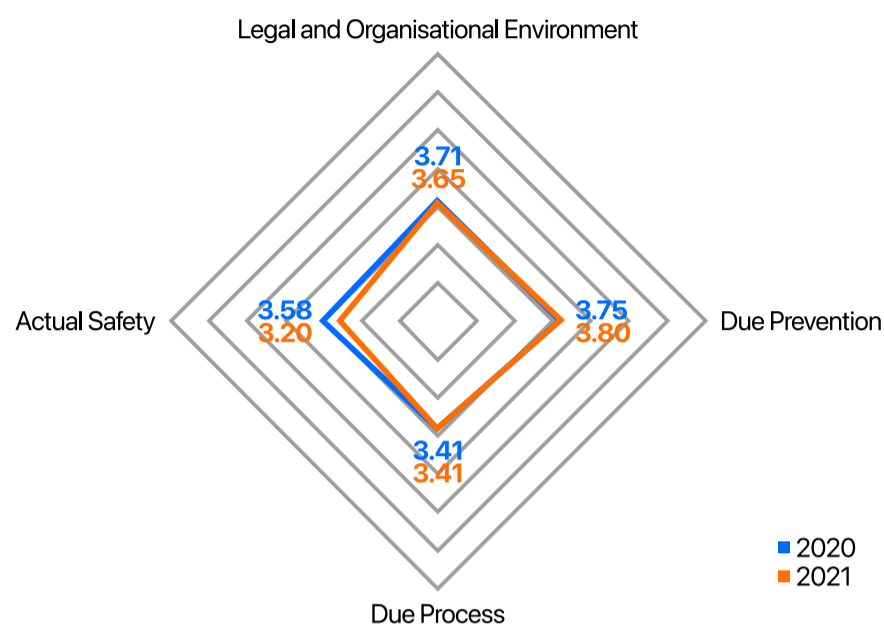
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toseva have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

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

2020 was the first (pilot) year for the development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. This report refers to the situation in Montenegro in 2021 and represents the improvement or deterioration of the situation in four dimensions, taking into account the estimate from 2020 as a reference. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found on the: (<https://safejournalists.net/safety-index/>).

³ Blerjana Bino, as an independent researcher from Albania for the Safejournalists.net platform.

JOURNALISTS' SAFETY INDEX



	2020	2021		Main new developments in each dimension
1. Legal and Organisational Environment	3.71	3.65	↓	The decriminalization of defamation has not had the effect of reducing claims for damages for infringement of personality rights, which are still numerous. The position of journalists is still very bad, and their working and professional rights are not properly protected. Although in one part the position of journalists was improved since there was no arbitrary application of the law towards them, the rating in this dimension is lower because journalists were asked to reveal the source of information.
2. Due Prevention	3.75	3.80	↑	The situation in this dimension has changed for the better primarily due to the adoption of the Criminal Code, which foresees stricter punishments for attackers on journalists and other media workers. The police still do not have special teams to deal with cases of attacks on journalists. In 2021, female journalists were exposed to greater pressures and attacks, threats and pressures on them were more frequent.
3. Due Process	3.41	3.41	–	Some progress was made in terms of the organization and capacity of competent institutions for investigations, as changes in the Commission for the Investigation of Attacks on Journalists yielded results. Investigations are still slow and lengthy, and online threats to the safety of journalists and other media workers are becoming an increasingly serious problem.
4. Actual Safety	3.58	3.20	↓	As expected, the dimension concerning the safety of journalists was rated the worst in 2021, when a large increase in the number of cases was recorded in all categories. Journalists are threatened and intimidated both on the job and in the virtual world (online), and female journalists are increasingly threatened. Reporting from public gatherings is particularly risky for media workers.
Journalists' Safety Index	3.59	3.40	↓	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- Although defamation was decriminalized more than a decade ago, there are still a significant number of cases brought each year. During 2021, there were 54 active cases of violation of personality rights in which media and/or journalists were sued. There were no cases in which the media or journalists were punished harshly, but there were cases in which extremely large claims were demanded.
- In 2021, the authorities illegitimately put pressure on some journalists to reveal their source of information, which

indicates a worsening trend concerning this indicator. A case of pressuring journalist Nenad Zecevic to reveal the source of information due to the alleged disclosure of secret information was recorded. There were no cases in which state authorities required journalists to hand over their computers or mobile phones and thus potentially compromise sources of information.

- Unlike the previous year, in 2021 the state authorities did not arbitrarily implement laws to prevent journalists from doing their job. The previous Government, especially its Prime Minister Zdravko Krivokapic, often abused public conferences and used them to deal with media that were not in their favor. There were no new cases in which journalists were silenced or prevented from working due to the spread of fake news and panic.
- The working and professional rights of journalists are still very poorly protected, and there has been no progress in this area. Although more than half of the media workers in Montenegro are unionized and gathered within the Trade Union of Media of Montenegro (TUMM), there are still major obstacles in the work of the union. Licenses for journalists have not yet been introduced, but this possibility is being talked about more and more frequently, even by the state authorities.
- The position of journalists in newsrooms and their workplaces change from year to year for the worse, which is also contributed to by the closure of media outlets and the termination of jobs. In 2021, thirty employees were left without a job, because Dnevne novine went bankrupt. The economic position of employees in the media is getting worse every year, and data on the number of employees is still a secret.

II. DUE PREVENTION

- The police did not establish a special department that will deal with attacks on journalists and media property, and the latest data indicate that special teams within the Police Directorate are still dealing with these cases. In 2021, a record number of 28 attacks on journalists was registered. There is still a trend that cases of attacks on journalists are treated more often as misdemeanors, than as specific criminal offences.
- There are no systemic solutions that provide continuous risk assessment, in order to protect journalists who are victims of attacks in a preventive manner. However, the amended Criminal Code offers additional protection with five amended criminal offences that prescribe harsher penalties for perpetrators of attacks on journalists. The newsrooms themselves do not

carry out risk assessments and often do not take into account potential risks when assigning work tasks.

- In 2021, female journalists were exposed to greater pressures and attacks and threats on them were more frequent. No support system or service has been established at the inter-institutional level that would offer regular information on security measures, legal advice, or other useful information important to victims of gender-based violence. During 2021, the number of female journalists and other media workers who were victims of attacks, pressure, or threats increased.
- There were no changes when it comes to public condemnations and actions of state authorities and officials in cases of attacks on journalists, given that everything is still at the declarative level. The most serious cases of attacks on journalists are still not solved, and apart from the statements condemning the attacks on journalists, the state authorities have not done much to change the situation. Journalists were publicly called out and criticized at media conferences because of the editorial policy of the media they work for.
- There were no changes when it comes to the sensibility of the representatives of the repression authorities towards journalists and the journalistic profession. The practice has shown that there is no special sensitivity of members of the Police Directorate towards journalists, who are victims of attacks and threats. However, journalists testify that when reporting cases, police officers still offer help.

III. DUE PROCESS

- Some progress was made in terms of the organization and capacity of competent institutions for investigations because although a special department for investigations of attacks on journalists was not established in the Police Directorate, changes in the Commission for Investigation of Attacks on Journalists yielded results. The members of the Commission changed in 2021 and they seem to be putting more effort into investigating previous and new cases of attacks on journalists. The Commission relatively often publishes reports on its work, with an overview of the analyzed cases.
- There is no progress in the effectiveness of investigations into attacks on journalists and media property. Serious cases of attacks on journalists and media property remain unsolved, and the case of the murder of Dusko Jovanovic has not been fully investigated even though it has been almost 18 years since the incident happened. It is not known that there was a conflict of interest in any of the cases. Investigations into the attacks are still slow, lengthy, and often without results.

- Online harassment of journalists is becoming an increasing problem, and since no additional protection has been introduced for the victims of these acts, the situation in this area has worsened. During the previous year, an increase in the number of online threats against journalists or entire newsrooms was registered. A positive change has taken place concerning the detection of the perpetrators of those threats, which in almost all cases were discovered in a relatively short period.
- There were no changes in the transparency of investigations into all types of attacks and violence against journalists and other media workers. The courts are still mostly open to the public, and the interested can in principle follow the trials if there are spatial capacities for that.
- The collection and processing of statistical data at the state level did not change during the previous year. Almost no state body has a practice of proactively publishing information, and some state bodies, such as courts, do not keep separate registers of cases involving journalists.

IV. ACTUAL SAFETY

- The record for the number of threats and harassment of journalists from 2020 was quickly broken, so 12 non-physical threats and harassment were registered in 2021. The largest number of registered threats is related to journalists from the Public Service Broadcaster. An increase in the number of threats and harassment was registered again, especially through social networks.
- Compared to the previous year, the number of threats to journalists' life and physical safety doubled. It turns out that the names of journalists who receive such threats are repeated year after year, which is particularly dangerous. The type of threats and their severity are increasingly creating a chilling effect. The fact that in some cases the perpetrators were quickly found and punished is encouraging.
- The previous year was extremely difficult for journalists and challenging for their physical safety, especially when reporting from gatherings. During 2021, the number of physical attacks on journalists increased, which was twice as many as in 2020. However, no other pressures, such as arrests or confiscation of property, were registered.
- A large increase was registered in the category of threats and attacks on the media and media organizations. Compared to 2020, when there were 4, now 8 such threats and attacks have been registered, and the same newsrooms were the targets of several attacks in 2021. Newsrooms of media from the region were not spared from the attack either.

Legal and Organizational Environment

3.65

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

3.55

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

4.03

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

3.12

Journalists are free to pursue their profession and to establish, join and participate in their associations

4.21

Journalists' job position is stable and protected at the workplace

3.35

1.00
2.00
3.00
4.00
5.00
6.00
7.00



By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

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

Final Score for 2020: 3.55 / Final Score for 2021: 3.55

There have been no changes regarding the protection of journalists against defamation and insult lawsuits. Although defamation was decriminalized more than a decade ago, there are still a significant number of cases initiated each year. There were no serious cases that were initiated during 2021, nor were there any cases in which extremely large claims were demanded from the media. A total of 54 cases were active before all Montenegrin courts. Court proceedings still take a long time, 2-3 years on average.

Defamation was decriminalized back in 2011, and compensation for damages due to the violation of personality rights (defamation and insult) is possible based on the Law on Obligations. There are still some forms of criminal offences, which incriminate presenting or passing on information from personal or family life, although exceptions are provided for journalistic work, so in practice such accusations are rare. The provisions of the Law on Media and the Law on Obligations are not too strict regarding the protection of personality rights, so it cannot be said that they protect state officials too much.

The research of court proceedings and final court judgments in cases in which the media and/or journalists were sued for violation of honor and reputation showed that imposed fines generally amounted significantly less than the initial claim of the injured party. The law does not provide for sentences or fines that are disproportionate, and the courts generally take care that the sentences are not discouraging for the media and journalists.

During 2021, there were 54 active cases of violation of personality rights in which media and/or journalists were sued. Claims in the total amount of 309,500 euros were issued in those proceedings. The most common plaintiffs are still journalists and the media, who use these procedures to deal with the competition. There were no cases in which the

— INDICATOR 1.1

media or journalists were punished harshly, but there were cases in which extremely large claims were demanded. One of them is the case of President Milo Dukanovic, initiated in 2020, who sued Dnevni list Vijesti and businessman Dusko Knezevic, from whom he has been demanding 50,000 euros each. There were no disproportionate judgments to the detriment of the defendant journalists.

There were no new judgments in 2021, but earlier cases have shown that the status of an influential politician does not guarantee a positive outcome of the lawsuit. Not a single case has been recorded in which state officials have abused their procedural rights during court proceedings initiated against journalists. In the Montenegrin legislation, there are no regulations that provide for any special procedural rights of state officials, in relation to all other citizens.

Journalists generally believe that lawsuits for violation of honor and reputation, i.e. personality rights, do not have a discouraging effect on them. However, while discussing it, they often emphasize that they take more care in their reporting, to avoid lawsuits. There were no situations where journalists claimed that legal provisions on defamation discouraged them from investigating and publishing critical texts. In 2021, no special penalties were introduced that could cause a disincentive effect.

The fines in the majority of cases of injury to honor and reputation are often smaller than the requested amounts, but the intimidation effect is more likely caused by the lawsuits themselves. The analysis of court practice and court proceedings showed that public officials or their family members had the largest lawsuits, while other journalists and media are frequent plaintiffs. Court proceedings last relatively long, on average 2-3 years.

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

Final Score for 2020: 4.57 / Final Score for 2021: 4.03

In 2021, the authorities illegitimately put pressure on some journalists to reveal their source of information, which indicates a worsening trend concerning this indicator. A case of pressuring journalist Nenad Zecevic to reveal the source of information due to the alleged disclosure of secret information was recorded. The protection of the confidentiality of journalistic sources is prescribed by the Law on Media, but it is insufficiently specified in which situations it can be limited, leaving room for potential abuses. Amendments to these legal solutions are expected.

Confidentiality of sources is guaranteed by law, but this right is limited by the obligation for a journalist to disclose the source of information when the state prosecutor requests it to protect the interests of national security, territorial integrity, and health. That provision is contained in the Law on Media, which is currently in the process of being amended, and it is expected that the amendments will specify the situations in which it is possible to request a restriction of this right. In practice, in general, these provisions are respected.

A case of pressuring a journalist to reveal the identity of the source of information was recorded. Namely, the journalist of the Pobjeda newspaper, Nenad Zecevic, was questioned in the Prosecutor's Office following the report of the Director of the National Security Agency (ANB), Dejan Vuksic, for alleged disclosure of classified information. The reason for the hearing was his article in that newspaper, in which he referred to allegedly secret information. Media associations and organizations condemned this case, evaluating it as an attempt to inappropriately influence journalists.

There were no cases in which state authorities required journalists to hand over their computers or mobile phones and thus potentially compromise sources of information.

Journalists say that these legal provisions affect their degree of freedom to contact information sources. This is supported

— INDICATOR 1.2

by the case of Jovo Martinovic, an investigative journalist who ended up in prison due to contact with a source of information, which causes the effect of intimidation. Martinovic was finally declared guilty at the beginning of 2021 because the judges of the Appellate Court concluded that he was connected to drug trafficking in 2014, thus confirming the judgment by which he was sentenced to one year in prison for mediating drug trafficking and was acquitted of charges of creating a criminal organization. The Supreme Court recently overturned the judgment of the Appellate Court in this case and the case was returned to the High Court for retrial.

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

Final Score for 2020: 2.90 / Final Score for 2021: 3.12

During 2021, there was a certain improvement within this indicator, i.e. state authorities did not arbitrarily implement laws and certain criminal acts (such as preventing the spread of panic and disorder) to prevent journalists from doing their job. However, directly and indirectly, the authorities limit the freedom of the media and make it difficult for journalists to work. State authorities still do not have enough mechanisms or will to provide a safe working environment for journalists, which was shown especially during 2021, when the number of attacks and threats against journalists during reporting from protests and similar gatherings increased drastically. SLAPP lawsuits have not yet become a serious problem in Montenegro, but certain "sound" cases are still used as an example of intimidation of journalists.

Unlike the previous year, in 2021 the state authorities did not arbitrarily implement the laws to prevent journalists from doing their job. The previous Government, especially its Prime Minister Zdravko Krivokapic, often abused public conferences and used them to deal with media that did not favor them.

There were no cases where journalists were silenced or prevented from working due to the spread of fake news and panic. All three cases that were initiated on this basis in 2020 were concluded and the journalists were acquitted.

Earlier cases of SLAPP lawsuits still stand as a warning to journalists and discourage them to some extent. The most famous such case is the lawsuit filed by the president of the state, Milo Dukanovic, who demanded 50,000 euros each from the media and the interlocutor, due to the violation of personality rights. There were no new cases in which the powerful people initiated multiple lawsuits against journalists for alleged defamation, all intending to prevent journalists from investigating and reporting on corrupt and illegal practices.

— INDICATOR 1.3

Journalists were most at risk when reporting from protests or other gatherings, given that they were mostly left to their own devices and that their safety was at risk. In 2021, the number of attacks on journalists, as well as threats to journalists, increased significantly, and this was especially noticeable during the protests. Gatherings of voters after the announcement of the election results, as well as the events related to the enthronement of Metropolitan Joaniki of Montenegro and the Littoral in September 2021, when journalists were threatened, prevented from working, and when they were victims of attacks, showed that the state had no mechanisms to protect journalists and other media workers.

Journalists are free to pursue their profession and establish, join and participate in their associations

Final Score for 2020: 4.21 / Final Score for 2021: 4.21

The working and professional rights of journalists are still very poorly protected, and there has been no progress in this area. Although more than half of the media workers in Montenegro are unionized and gathered in the Trade Union of Media of Montenegro, there are still major obstacles in the work of the union. Union membership is considered undesirable, so some members still keep it a secret. There were no recorded pressures on journalists' associations and their members. Licenses for journalists have not yet been introduced, but this possibility is being talked about more and more frequently, even from the addresses of state authorities.

Although there was no official initiative to introduce licenses for journalists, in 2021 representatives of state authorities, as well as individual members of the media community, mentioned such a possibility on several occasions at the working groups for drafting a set of media laws and the Media Strategy. Such initiatives have been previously condemned by media workers and 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 hindered while reporting on events, especially during the enthronement in Cetinje. The journalists did not testify that they had problems proving to the public authorities that they were engaged in that business. However, this very argument was often used by representatives of the relevant institutions as a reason for the introduction of licenses.

The Trade Union of Media of Montenegro's research showed that journalists are free to join professional associations, out of which there are three. The TUMM's research showed that 37% of respondents are members of some association of journalists,

— INDICATOR 1.4

while 63% of them are not. Almost half of all media workers are members of the Trade Union of Media of Montenegro, although membership in the Union is still considered undesirable. As many as 14% of respondents are not sure or are not free to join a trade union. Journalists have high hopes for trade unions, as evidenced by the fact that 63% of respondents said that trade unions can help them fight for a better financial position.

No pressures were recorded either on the associations or individual members of the association, and no such cases were officially registered. Nevertheless, there is still pressure on individual members who do not speak about it publicly, but also on entire trade union organizations, and there are still those media workers who are not allowed to speak publicly about their membership in the union. Parallel media organizations supported by the Government or powerful people have not been established, but there are still active, and often strong, organizations that represent the interests of employers under the guise of the struggle for media freedom.

Journalists' job position is stable and protected in the workplace

Final Score for 2020: 3.35 / Final Score for 2021: 3.35

The position of journalists in newsrooms and their jobs deteriorates from year to year, which is also contributed to by the closure of media outlets and the termination of jobs. In 2021, thirty employees were left without a job, because Dnevne novine went bankrupt. The economic position of employees in the media is getting worse every year, and data on the number of employees is still a secret. There is almost no social dialogue in the media, and only two newsrooms in Montenegro have collective agreements. Employees in the media work overtime, they are not paid for that work, they are overloaded at work, they are afraid of being fired, and they often receive salaries in installments. Every fourth journalist receives a salary that is at the level of the national average. Female journalists are in a particularly difficult position, as they have additional obstacles while balancing family and business obligations.

The socio-economic position of journalists and other media workers in Montenegro is getting worse every year. To begin with, we still do not have precise data on the number of employees in the media, so we cannot talk about the type of engagement either. According to the data of the Trade Union of Media of Montenegro, the number of employees in the media is decreasing year by year, layoffs are frequent, salaries are low and there is almost no security. The latest data show that every fourth journalist receives between 500 and 600 euros and can boast of a salary that is at the average level in the country.

The period after the Covid-19 pandemic brought new problems for media workers in Montenegro, so there were also the first media shutdowns. About 30 journalists and other media workers lost their jobs at the end of 2021 when the print edition of Dnevne novine was shut down. In addition, the working conditions in the media remain just as bad: journalists still work overtime and during holidays and are not paid for it, salaries in some media are received in installments, and in most local media salaries are up to 15 months late. Journalists do not have the opportunity to improve, they are overworked and are often forced to do other paid jobs besides

— INDICATOR 1.5

journalism. Particularly bad working conditions exist in online media, some private media, and local public broadcasters.

Both women and men work in equally poor conditions. It is noticeable that more and more women are employed in editorial positions, but the largest number of female journalists is still working in the field. What is a special problem when it comes to female journalists is balancing business and family obligations, especially motherhood.

The number of freelance journalists is increasing, and it is to be expected that their number will continue to grow. The Trade Union of Media of Montenegro's research showed that this relatively young community is plagued by existential problems, similar to those of colleagues who are employed. They are forced to work for several newsrooms, they are becoming the target of threats more often and at the same time find it harder to get information because they do not have a newsroom that can help them. Since recently, the community of freelancers has formed an informal network within the Trade Union of Media of Montenegro.

Montenegro is perhaps a positive example and an exception when it comes to unionization in the media. There are several trade union organizations employed in private media, among which television and Daily Newspaper Vijesti are leading. Formally, although media owners do not openly support unions, there are no open obstructions either. The branch Collective Agreement for Information, Graphic, and Publishing Sector does not exist, given that it was put out of use in 2021. Nevertheless, the TUMM is making great efforts to bring the negotiations back to life. Currently, only two newsrooms in Montenegro, one of which is Public Service Broadcaster-RTCG, have their collective agreements, which speaks volumes for the social dialogue in this sector. Journalists and other media workers do not have access to free legal aid from their employers, it is usually offered by associations or unions.



Due Prevention

3.80



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

Final Score for 2020: 3.55 / Final Score for 2021: 3.55

In terms of the protection of journalists and other media workers, there has been no progress, but the situation remains the same. The police did not establish a special department that will deal with attacks on journalists and media property, and the latest data indicate that special teams within the Police Directorate are still dealing with these cases. The number of attacks on journalists increased drastically in 2021. No special mechanisms have been established to protect journalists from hate speech or serious threats to their lives.

Journalists who are victims of attacks and threats can report those cases only in the regular procedure because the state does not have special mechanisms through which they could report cases of hate speech or serious threats to life. Apart from the contact phone number of the Police Directorate, there are no special call numbers for journalists and other media workers, where they could report cases of hate speech or serious threats to life. Hate speech is increasingly present and threatens to become a serious problem, and special mechanisms will be needed to protect journalists.

Due to the fact that there were no such mechanisms, the journalists themselves who were victims of threats and attacks turned to the Police Directorate and informed them about the cases. However, additional preventive mechanisms do not exist, and often the institutions themselves do not respond in a timely and adequate manner.

Since 2019, all cases of attacks on journalists and media property have been taken over by one person who was appointed to coordinate all activities of the police and prosecutor's office on the territory of Montenegro. Two police inspectors have been appointed in each security center and have competence in these cases. There were announcements that a special sector would be formed within the Ministry of

— INDICATOR 2.1

Internal Affairs whose sole task would be to deal with attacks on journalists and media property, but the lack of systematization in the Police Directorate put that decision on hold. No cases were reported in which the relevant state authorities did not accept the report of a case. Nevertheless, there is still a trend that cases of attacks on journalists are treated more often as misdemeanors, than as specific criminal acts. In 2021, a record number of 28 attacks on journalists were registered.

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

Final Score for 2020: 4.04 / Final Score for 2021: 4.26

There has been a certain improvement in terms of special protection measures, given the adoption of amendments to the Criminal Code that offer additional protection for journalists. As of 2022, journalists will be provided with additional protection in cases of attacks and threats, given that the amendments to the Criminal Code provided for stricter penalties for perpetrators. The state carries out a security risk assessment in individual cases, when, after threats and attacks, it is estimated that the safety of journalists may be threatened, and/or that the attack may be repeated. Two female journalists live and work in Montenegro with constant police escorts. Only non-governmental organizations offer legal and psychological assistance to victims of threats and attacks, while the state does not have such mechanisms.

In cases of serious threats to the life and physical safety of journalists, the law prescribes the possibility of providing continuous police protection. For this to happen, the competent authorities must carry out a security assessment. The two journalists are currently under protection and have been assigned a full-day police escort, and both are involved in high-level crime and corruption investigations.

There are no systemic solutions that provide continuous risk assessment, in order to protect journalists who are victims of attacks in a preventive manner. However, the amended Criminal Code offers additional protection with five amended criminal offenses that prescribe harsher penalties for perpetrators of attacks on journalists. The newsrooms themselves do not carry out risk assessments and often do not take into account potential risks when assigning work tasks, which

— INDICATOR 2.2

in some situations resulted in interfering with the work of journalists, even though this could have been prevented.

The state does not offer special programs of support and assistance to journalists who are victims of these attacks, but mostly the civil sector takes over that role. Several non-governmental organizations, including the Trade Union of Media of Montenegro, provide free legal aid and legal advice for journalists who are victims of attacks and threats.

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

Final Score for 2020: 3.91 / Final Score for 2021: 3.91

During 2021, female journalists were exposed to greater pressures and attacks, threats and pressures on them became more frequent, and because of this, the situation in this segment changed for the worse. Although Montenegro is one of the first countries to ratify the Istanbul Convention, there is still a lot of room for progress in terms of providing effective mechanisms for the protection of women victims of violence. During the previous year, female journalists were under even greater pressure as the number of cases in which they were victims of threats or attacks increased.

The Istanbul Convention began to be applied in Montenegro on August 1, 2014, but it still has not come to life at its full capacity. General protection measures, such as free legal assistance, protection against discrimination, and gender-based violence, which are available to other women, are also available to female journalists.

The Law on Free Legal Aid (LFLA) defines free legal aid as a right that can be used by the victim of the crime of violence in the family or in the family community and human trafficking. Affirmative actions against women are not foreseen, but the same rights can be used by men. The work on amendments to the LFLA is underway, the intention is to extend free legal aid to some administrative procedures - child and social protection, pension and disability insurance, and health care, as well as to victims of torture, abuse, and other inhuman treatment, as well as to minor victims of crimes against sexual freedom.

No support system or service has been established at the inter-institutional level that offers regular information on security measures, legal advice, or other useful information important

— INDICATOR 2.3

to victims of gender-based violence. The institution of the Ombudsman continues to represent an example of good practice, given that they offer both help and information that can be useful to women who are victims of violence. In its work on citizens' complaints, the Ombudsman notes that the entire system that examines the phenomenon of suppression of domestic violence and gender-based violence is viewed only from the aspect of misdemeanor/criminal sanctions, and this almost exclusively through the judiciary, without other systematically organized, professional, continuous and long-term measures of prevention and resocialization of the perpetrator, which in the long term deters real victims of violence from reporting milder forms of violent behavior.

It is not known that female journalists who were victims of violence, attacks, and threats turned to institutions for advice, support, or help during the past year. Cases of attacks and threats are mostly registered with the Police Directorate, but there is still a small number of cases that are not reported. During 2021, the number of female journalists and other media workers who were victims of attacks, pressure, or threats increased. Although threats mostly move to virtual space and happen online, female journalists are not safe even in the workplace.

Journalists who believe they have been subject to discrimination can file a complaint with the Ombudsman, who decides and makes recommendations to the institutions. Although its decisions are not binding, there have been cases in previous years in which discrimination was found. Also, in the past, there were cases in which media employees complained to the court about discrimination, but the outcome of those cases is not known. In 2021, no similar cases were registered.

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

Final Score for 2020: 3.55 / Final Score for 2021: 3.55

There were no changes when it comes to public condemnations and actions of state authorities and officials in cases of attacks on journalists, given that everything is still at the declarative level. The most serious cases of attacks on journalists are still not solved, and apart from the statements condemning the attacks on journalists, the state authorities have not done much to change the situation. Journalists were publicly called out and criticized at media conferences because of the editorial policy of the media they work for. At the end of the year, MPs unanimously adopted amendments to the Criminal Code of Montenegro and provided additional criminal-legal protection for journalists who are victims of attacks.

The practice of condemning attacks and threats against journalists has been established, and almost after all serious attacks on journalists, prominent state authorities and representatives of political parties react and condemn those attacks. However, last year there was also a noticeable practice of criticizing the work of journalists and the media, and in certain situations, representatives of state bodies did not react due to possible political connotations.

Public officials, state leaders and politicians in statements and public appearances declaratively condemn attacks on journalists and point to the need for better systemic solutions in order to provide journalists with a safe place to work. However, everything ends with those announcements and reactions, and nothing changes in practice.

The two previous years were extremely difficult for the work of journalists and other media workers in Montenegro, given that precisely because of the heated political situation, the entire society was exposed to additional pressures and tensions. This was also reflected in the work of the media, and at almost every major gathering, a journalist was attacked. Nevertheless, the end of the year brought hope, because

— INDICATOR 2.4

amendments to the Criminal Code of Montenegro were adopted and journalists (as a profession of public importance) received additional protection in cases of attacks and threats.

Police authorities are sensitive to journalists' protection issue

Final Score for 2020: 3.73 / Final Score for 2021: 3.73

There were no changes when it comes to the sensibility of representatives of repression bodies towards journalists and the journalistic profession. The representatives of the Police Administration and the Ministry of Interior are in principle fulfilling their obligations, but essentially no major changes are visible. There is still room to improve the safety and security of journalists. Certain cases of attacks on journalists and media property are statute-barred, and some are threatened with the statute of limitations. The cases of arrests of journalists from 2020 were resolved in the same year and the journalists were acquitted.

Trainings for members of the Police Administration are carried out continuously and police officers are formally educated about basic international standards of human rights and the role of journalists in a democratic society. It is not known whether there are any personal protocols or guidelines that prohibit harassment, intimidation or physical attacks on journalists, as well as whether police officers act as in other cases where journalists are not involved.

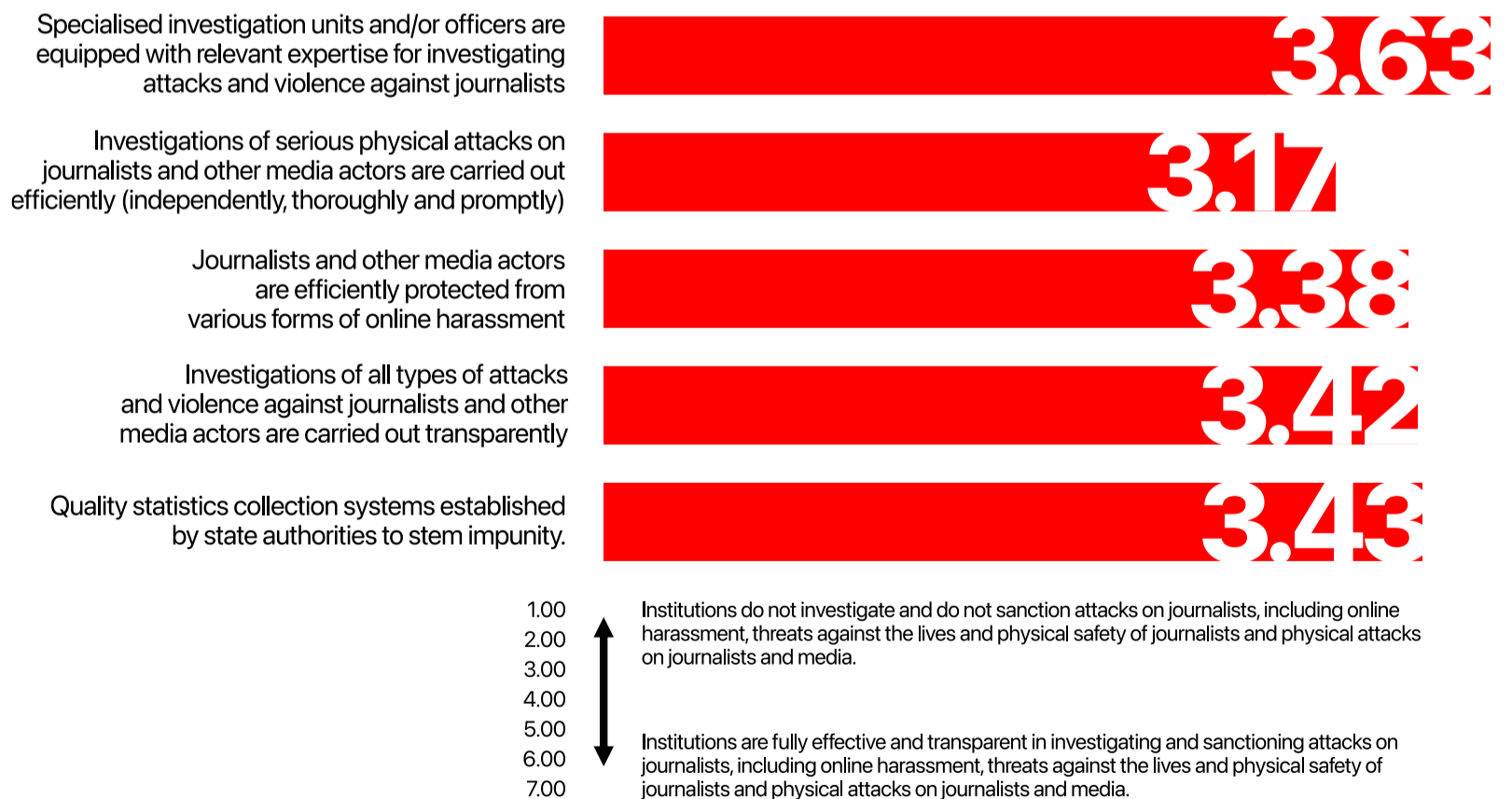
Practice has shown that there is no special sensitivity of members of the Police Administration towards journalists, who are victims of attacks and threats. However, journalists testify that when reporting cases, police officers still offer help. TUMM has relatively a good cooperation with the representatives of the relevant ministry and the Police Directorate, and a representative of our organization is part of the Commission for Investigation of Attacks on Journalists and Media Property. It is still necessary to work on strengthening cooperation so that other media workers are also better protected.

Police authorities partially fulfill their obligations. Unlike 2020 and the first cases of arrests of journalists, the previous year was relatively peaceful for journalists. All four cases of arrests of journalists from 2020 for spreading fake news and causing panic and disorder, were resolved at the end of that same year in a positive way for the journalists.



Due Process

3.41



Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

Final Score for 2020: 3.46 / Final Score for 2021: 3.63

Some progress was made in terms of the organization and capacity of competent institutions for investigations because although a special department for investigations of attacks on journalists was not established in the Police Directorate, changes in the Commission for Investigation of Attacks on Journalists yielded results. The Commission for Investigations of Attacks on Journalists and Media Property changed its composition in 2021, but there is still no visible progress in the investigations of old cases.

In addition to the special police teams that have been formed and are involved in the investigation of attacks on journalists, the Commission for Investigations of Attacks on Journalists and Media Property has been operating for many years. The members of the commission were changed in 2021 and they seem to be putting more effort into investigating previous and new cases of attacks on journalists. The Commission relatively often publishes reports on its work, with an overview of the analyzed cases. The main complaint of the members of the commission previously related to the unwillingness of state authorities to respond to their recommendations.

In 2021, amendments to the Criminal Code were adopted, which foresee more rigorous sanctions for attackers of media employees. These are the changes for which a group of civil sector organizations, together with the Media Union and Action for Human Rights, have been advocating for a whole decade. The amendments specified the term work of public importance, and the five existing criminal offenses were expanded with a part that specifies punishments in cases where the person who is attacked is a person engaged in work of public importance, and the attack is related to his work. However, the application of this law will certainly be challenging for representatives of the Police and the Prosecutor's Office.

— INDICATOR 3.1

Cooperation between representatives of relevant institutions that are in charge of investigating attacks on journalists formally exists. The very fact that the state authorities have so far not responded to the recommendations of the Commission for Investigating Attacks on Journalists, a body formed by the Government, speaks volumes about the readiness for systemic changes to take place.

Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

Final Score for 2020: 3.17 / Final Score for 2021: 3.17

There is no progress in the effectiveness of investigations of the attacks on journalists and media property. Serious cases of attacks on journalists and media property still remain unsolved, and the murder of Duško Jovanović has not been fully investigated even though it has been almost 18 years since the incident happened. Even if the perpetrators are found and discovered, those who ordered the attacks are almost always unknown. It is not known that there was a conflict of interest in any of the cases. Investigations into the attacks are still slow, lengthy and often inconclusive. Some of the most serious cases are outdated. In some cases, the state authorities are late in carrying out the necessary actions within the stipulated procedural deadlines, but even when those deadlines are met, this still does not guarantee the effectiveness of the investigation.

Investigations of the attacks on journalists are conducted by persons who are not connected to those events. They are independent, but at the same time slow, long-lasting and often without realistic results. Investigations are not comprehensive and omissions often occur, as members of the Commission for Investigations of Attacks on Journalists and Media Property pointed out in their reports. Even when the perpetrators are discovered, which generally does not happen in more serious cases of attacks on journalists, the perpetrators and motives for committing these crimes remain unknown.

In none of the most serious cases of attacks on journalists, including the murder of Dusko Jovanovic, did the investigating authorities solve the case to the end. Although declaratively,

— INDICATOR 3.2

officials often commit that investigations in these cases will be at the top of their priorities, in practice this does not happen.

Thanks to the amendments to the Criminal Code, prosecutors will have the possibility to qualify possible attacks on journalists and other media workers as more serious forms of criminal offences, for the perpetrators of which greater penalties are prescribed. However, past practice has shown that prosecutors more often qualify attacks on journalists as misdemeanors, rather than as criminal offenses, which raises doubts about the application of the amended CC.

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

Final Score for 2020: 3.58 / Final Score for 2021: 3.38

Online harassment of journalists is becoming an increasing problem, and since no additional protection has been introduced for the victims of these acts, the situation in this area has worsened. Threatening the online safety of journalists is not a qualified criminal offense under the Criminal Code, although the number of cases of online threats and harassment is increasing year by year. Competent authorities reacted quickly in all reported cases and discovered the perpetrators. The trend of an increased number of online harassment has been reversed, and during 2021, as many as seven registered cases related to online threats.

Online harassment is not qualified as a separate criminal offense in the Criminal Code of Montenegro, but practice has shown that, if the content of the behavior manifested online indicates that the features of a criminal offense existed, some of the existing incriminations will be prosecuted. Work should be done to improve the system in order to process these forms more efficiently. During the previous years, an increase in the number of cases of threats and harassment in the online sphere was registered, and in cases where the prosecutor estimated that harassment occurred in the online sphere, the criminal offense of endangering security was invoked.

During the previous year, an increase in the number of online threats against journalists or entire newsrooms was registered. A positive change has taken place with regard to the detection of the perpetrators of those threats, which in almost all cases were discovered in a relatively short period of time. The problem continues to be the actions and assessments of the competent prosecutors, who more often qualify offenses as misdemeanors rather than crimes. No special measures were taken to protect journalists in the online sphere, but the Police Directorate conducted investigations in all reported cases.

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

Final Score for 2020: 3.42 / Final Score for 2021: 3.42

There were no changes in the transparency of investigations of all types of attacks and violence against journalists and other media workers. The courts are still mostly open to the public, and those interested can in principle follow the trials if there are spatial capacities for that. The litigants have access to information related to their case, either directly or through a lawyer, but there were several exceptions to that rule. There was no live broadcast of the trial. Final judgments are available online, on the court's website.

Victims of attacks and threats have access to the investigative process and, in principle, are familiar with the investigative procedure, evidence and case files. Previously, there were cases in which journalists had to wait several months to see the lawsuit. However, in some cases it is not possible to obtain even basic information, so as not to jeopardize the investigation.

After the short-term closure of the courts due to the pandemic, now mostly all hearings are open to the public. Information can also be obtained through the spokesmen of the courts. In cases of legally concluded cases, judgments can also be obtained through the courts' web portal, but this search is often difficult due to the anonymization of the parties to the proceedings. There were no new cases where the public had a live broadcast of the trial.

Quality statistics collection systems established by state authorities to stem impunity

Final Score for 2020: 3.43 / Final Score for 2021: 3.43

The collection and processing of statistical data at the state level did not change during the previous year. Almost no state body has a practice of proactively publishing information, and some state bodies, such as courts, do not keep separate registers of cases involving journalists. A small number of state bodies have special stratified registers, such as the Ombudsman, which is a good example in this area as well. Information can generally be obtained upon request, or with an inspection of the documentation, but this all involves a certain waiting period.

State authorities keep statistics on the number of attacks on journalists and media property, but they can only be obtained on request. The practice of proactively publishing information still does not exist, and there are also cases of attacks and threats that were not registered by state authorities. Statistical data do not exist, as well as special databases that are separated by parameters (gender, occupation, territorial affiliation, etc.). State prosecution offices also keep statistics that can only be obtained on request, and data on the outcomes of proceedings can also be obtained from them. The institution of the Ombudsman is also a positive example according to this criterion, given that they proactively publish information and are managed by special databases which are also searchable according to socio-economic criteria. They also perform monitoring of cases that are conducted before other authorities. Courts generally do not have databases, and the collection of statistical material is possible only through searches of cases in the archive, with prior approval.

IV

Actual Safety

3.20



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2.00
3.00
4.00
5.00
6.00
7.00



There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

Non-physical threats and harassment

Included here are: surveillance or monitoring; harassing phone calls; arbitrary judicial or administrative harassment; aggressive statements by public officials; other forms of pressure that may threaten the safety of journalists in the performance of their work. These types of threats do not include mobbing and bullying in the workplace.

Final Score for 2020: 3.16 / Final Score for 2021: 2.88

The record for the number of threats and harassment of journalists from 2020 was quickly broken, so in 2021, 12 non-physical threats and harassment were registered. Journalists are not safe at work, at home, and often not even on social networks. As many as 5 cases refer to women.

After a very specific and difficult year for Montenegrin media and journalists, 2021 seems to have been an even more difficult year. The largest number of registered threats related to journalists from the Public Service. An increase in the number of threats and harassment was registered again, especially through social networks. The editor of the Public Service Parliamentary Channel, Slavica Krusic, submitted a report to the Security Center because she received messages, photos and videos with explicit content on social networks. The director of Radio Skala, Slavko Mandic, did the same, who addressed the Kotor Security Center due to several comments published on social networks and portals.

However, the most worrying fact is that the largest number of cases of threats and harassment happened live, that is, as many as 7. Journalist Vuk Vujisic was threatened while he was reporting on the exploitation of gravel on the Moraca River in Botun. Radio Antena M journalist Nikoleta Rakocevic reported verbal attacks while reporting from just before the local elections in Mojkovac. Slobodan Doknic, correspondent of the Radio Television of Montenegro from Niksic, also reported threats. That attack happened during an interview with doctor Redzep Zejnelagic, when an unidentified person approached the journalist and addressed him with the words: "Don't film here, I will break both you and the camera." Two cases of threats were reported by sports journalist Nebojsa Sofranac at RTCG. One was due to threats and insults by P.V., and the other happened at the airport while reporting on the world vice-champion in boxing, Petar Ljesevic. Then

— INDICATOR 4.1

he experienced insults, humiliation and discomfort from a group of citizens who were at the reception. RTCG journalist Tamara Nikcevic was also threatened in Risno. During the last year, the Police solved the case of threats against the director of the Center for Investigative Journalism, Milka Tadic Mijovic, in a relatively short period of time.

The editor-in-chief of the IN4S portal, Gojko Raicevic, who filed a criminal complaint against an unidentified person who threatened him and his family over the phone, was also included in the database of cases of threats.

A drastic case of threats was the response to the text published by Vijesti journalist Jelena Jovanovic. In response, she received a letter signed by prisoner M.M. and through lawyer N.K. which is full of threats and intimidation.

Last year, the first case of state authorities pressuring journalists to reveal the source of information was registered, which happened to Pobjeda journalist Nenad Zecevic.

Threats against the lives and physical safety of journalists

This may include Calling for the killing of journalists, their family, friends or sources; - Calling for physical harm to journalists, friends, family or sources. These threats can be: - committed directly or through third parties; - performed via electronic communication, face to face; they can be implicit as well as explicit.

Final Score for 2020: 3.98 / Final Score for 2021: 3.48

The number of threats to the life and physical safety of journalists has doubled compared to the previous year, which is a worrying trend. The type of threats and their severity are increasingly causing the effect of intimidation, and it is noticeable that the number of media and journalists who are victims of this type of intimidation is increasing. The fact that in some cases the perpetrators were quickly found and punished is encouraging. Three out of four registered cases of threats to life were made via social networks.

Compared to the previous year, the number of threats to the life and physical safety of journalists doubled. It turns out that the names of journalists who receive such threats are repeated year after year, which is particularly dangerous.

Namely, TV Vijesti journalist Sead Sadikovic has been receiving death threats for two years in a row, and last year he reported to the Bijelo Polje Security Center that he received a message from the profile of a certain K. C. from Pljevlja, where insults and threats to life were sent. ND Vijesti journalist Borko Zdero received death threats while on duty for reporting on the exploitation of gravel on the Moraca river in the town of Botun, when one of the locals whose truck was being controlled by the police told him "If you come to my private property again, I will throw you in Moraca".

Two registered cases related to the same incident, when the editor-in-chief of Antena M Darko Sukovic, the editorial staff of that media and their columnist Dragan Bursac received open death threats via the social network Facebook from an account called Marko Aprcovic.

Real attacks

This type of attack can include actual physical or mental harm, kidnapping, home/office invasion, confiscation of equipment, arbitrary detention, failed assassination attempts, etc.

Final Score for 2020: 3.89 / Final Score for 2021: 3.46

The previous year was extremely difficult for journalists and challenging for their physical safety, especially when reporting from gatherings. The number of physical attacks doubled compared to 2020, although journalists did not suffer serious physical injuries.

In 2021, the number of physical attacks on journalists increased, which was twice as many as in 2020. However, no other pressures, such as arrests or confiscation of property, were registered. The photojournalist of Pobjeda newspaper Mara Babovic was attacked while reporting from the reception of the Patriarch of the Serbian Orthodox Church, Porfirije, in front of the Temple in Podgorica. The editor-in-chief of the weekly Monitor, Esad Kocan, was also attacked in front of his apartment in Podgorica. He was D.S. first verbally and then physically attacked, after which he was arrested. The physical attack was also reported by journalist Sead Sadikovic during a patriotic gathering in Bijelo Polje. 5-6 young people inflicted minor head injuries on Sadikovic.

While reporting on the celebration of the election victory of supporters of the "For the Future of Niksic" coalition, journalist Jelena Jovanović was hit in the head by a windshield wiper from a nearby car.

Threats and attacks on media outlets and journalists associations

The threats refer to: harassing calls; arbitrary judicial or administrative harassment; Aggressive statements by state officials; other forms of threats (inscriptions, threatening posts, etc.). Actual attacks: breaking into offices, seizing equipment, destroying equipment, vehicles, etc.

Final Score for 2020: 3.30 / Final Score for 2021: 2.99

The biggest jump in the number of attacks and threats was registered in attacks on media institutions, organizations and associations. As many as eight different attacks were registered during the previous 12 months, and even in one case a foreign media team was attacked. Experience has shown that there is still a high risk that newsrooms or individual members of the media newsroom team will be attacked when reporting on public gatherings.

A large increase was also registered in the category of threats and attacks on the media and media organizations. Compared to 2020, when there were 4, now 8 have been registered, and the same newsrooms were the targets of more attacks in 2021. The editorial offices of the media from the region were not spared from the attack, so the TV N1 team was attacked in Cetinje by a group of demonstrators who protested against the enthronement of Metropolitan Joanikije in the Cetinje monastery for two days.

The TVCG team reported that they were not allowed to carry out their journalistic work in the gate of the Cetinje Monastery because a group of priests and young men forbade them to record material for a documentary film.

The group of citizens in Cetinje did not allow the TV Vijesti team to report on the protest regarding the enthronement of Metropolitan Joanikije in the Cetinje monastery.

C.K. and B.C. entered the premises of RTV Cetinje without authorization from Cetinje and demanded from the journalist Ana Tomovic that the journalist team of RTV Cetinje go to the field and see off the service of the Montenegrin Orthodox Church.

— INDICATOR 4.4

The RTV Budva team was attacked at the roundabout at the entrance to Budva during a traffic blockade due to the announced change in the Decision on criteria for acquiring Montenegrin citizenship.

During the protest in Bogetici near Niksic, the TV Vijesti team was insulted, cursed and chased away by the gathered citizens during the taking of statements. The protest was organized by the Patriotic-Comity Alliance on the occasion of new regulations on the liberalization of conditions for acquiring Montenegrin citizenship.

The editorial staff of Antena M and the editor-in-chief Darko Sukovic received open death threats via the social network Facebook from an account named Marko Aprcovic.

The director of the CDM portal, Boris Darmanovic, filed a report at the Security Center in Podgorica against an unknown person who sent a threatening message to the CDM portal from the Facebook profile of Luka Nilevic.

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