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MONTENEGRO **Indicators on the Level** **of Media Freedom and** **Journalists' Safety** **Index 2023**

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About the project

BACKGROUND OF THE INDICATORS

The journalists' associations from the Western Balkan countries, supported by the European Commission¹, have established the platform [Safejournalists.net](https://safejournalists.net) to jointly monitor media legislation and practice in their countries and engage in advancing the legal and institutional environment in which journalists and other media professionals work. Every year, based on a carefully designed methodology², the [Safejournalists.net](https://safejournalists.net) partners conduct advocacy research which has provided journalists' associations with evidence-based, reliable, and relevant data on the main problems and obstacles in the implementation of the EU standards in the field of media and journalists' freedom and safety in the Western Balkans. The results of the advocacy research give substance to partners' activities, providing them with new evidence and examples that refine and strengthen their advocacy positions.

Prvi kvalitativni istraživački alat – *Indikatori nivoa medijskih sloboda i bezbjednosti novinara*, prvi put je razvijen 2016. godine i postepeno se usavršavao tokom godina. Sastoji se od tri grupe indikatora: (A) Pravna zaštita, (B) Položaj novinara u redakciji i (C) Bezbjednost novinara. Na osnovu ovog alata za praćenje objavljeno je ukupno sedam procjena, posljednja za 2022. godinu.

The quantitative research tool – the *Journalists' Safety Index*, was developed in 2020 and tested in 2021. It is designed to 'measure' the changes in the environment that have direct or indirect impact

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- 1 In December 2022, the European Commission approved a new three-year cycle of the Project [Safejournalists.net](https://safejournalists.net), which is a continuation of the previous two phases: the project Western Balkan's Regional Platform for advocating media freedom and journalists' safety (01.2016-12.2018) and [Safejournalist.net](https://safejournalist.net) (02.2020-03.2023). The main objective of the Project is to empower and strengthen the role of the national journalists' associations, members of the Platform [Safejournalists.net](https://safejournalists.net), to become effective and accountable independent actors in advocating and creating relevant media policies in their countries: Independent Journalists Association of Serbia (IJAS), Association of BH Journalists (BHJ), Croatian Journalists Association (CJA), Association of Journalists of Kosovo (AJK), Association of Journalists of Macedonia (AJM) and the Trade Union of Media of Montenegro (TUMM). The project is funded under the EU Civil Society Facility and Media Programme in favour of the Western Balkans and Turkey for 2021-2023 (IPA III).
 - 2 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).

on how safe journalists and other media actors feel when practicing their profession. It is composed of four groups of indicators: (1) Legal and Organisational Environment, (2) Due Prevention, (3) Due Process, and (4) Actual Safety. Based on this tool, a total of three research cycles were implemented: 2020 (pilot year), 2021 and 2022.

Starting from 2023, [Safejournalists.net](https://safejournalists.net) will combine the two (qualitative and quantitative) research tools into one single advocacy research project – *Indicators on the Level of Media Freedom and Journalists' Safety Index*. The platform monitors the situation in seven countries: Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo³ and Serbia.

METHODOLOGICAL NOTE

The entire research process is divided into two phases: in the *first phase*, data is collected for all qualitative indicators – both for media freedoms and for the safety of journalists, while in the *second phase*, the qualitative indicators for the safety of journalists are converted into quantitative ones and the procedure of scoring and calculation of the Journalists' Safety Index is carried out.

A number of different research methods were applied to collect and analyze data related to each specific qualitative indicator:

- Review of studies, analyses, research reports, political documents, strategies, and other documents;
- Qualitative analysis of legal documents;
- Download and analysis of information published on the websites of public institutions and other organizations and authorities;
- Finding and analyzing press releases, announcements, and other information issued by professional organizations;
- Secondary data collected by journalistic associations;
- In-depth interviews with experts, journalists, policy makers, etc.;
- Focus groups with journalists, and
- Polls with journalists (in some countries).

At the national level, advocacy research is conducted by national researchers who collect data and compile narrative reports, which are then reviewed by local media and legal experts and the lead researcher. In Montenegro, the Trade Union of Media of Montenegro nominated

³ This name is 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.

Marijana Camovic-Velickovic as a national researcher and prof. Vuk Vukovic, Ph.D., as a media expert for reviewing reports, and Mirko Boskovic, M.Sc., as a legal expert.

QUALITATIVE INDICATORS OF THE LEVEL OF MEDIA FREEDOM AND SAFETY OF JOURNALISTS

The following table presents all qualitative indicators for the level of media freedom and safety of journalists, divided into three areas. These qualitative indicators are presented in descriptive or narrative form. Part of the indicators that are used in the conceptual framework for the Journalist Safety Index are **marked in red letters**.

Overview of all qualitative indicators (Indicators on the level of media freedom and journalists' safety)

A. Legal safeguards and their implementation	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Basic guarantees for media and journalists' freedom and their application in practice	B.1 The job positions of journalists are stable and protected at the workplace	C.1 Journalists and media actors have access to immediate and effective protective measures
A.2 Independence and efficiency of the regulatory authority	B.2 Editorial independence in the private media	C.2 Journalists and other media actors have access to special protection or safety mechanisms
A.3 Independence and autonomy of the public service media	B.3 Editorial independence in the public service media	C.3 Female journalists have access to legal measures and support mechanisms
A.4 Financial support to quality journalism and media content of public interest	B.4 Editorial independence in the not-for-profit media sector	C.4 The practice of regular public condemnation of threats and attacks on journalists and media has been established
A.5 State advertising in the private media sector	B.5 Freedom of journalists in the news production process	C.5 Police authorities are sensitive to journalists' protection issue
A.6 Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	B.6 Working position of women journalists	C.6 Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists
A.7 Other laws are enforced objectively and allow journalists and other media actors to work freely and safely		C.7 Investigations of serious physical attacks on journalists and other media actors are carried out efficiently
A.8 The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities		C.8 Journalists and other media actors are efficiently protected from various forms of online harassment
A.9 Journalists are free to pursue their profession and to establish, join and participate in their associations		C.9 Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently
A.10 Right to access official documents and information		C.10 Quality statistics collection systems established by state authorities to stem impunity
		C.11 Non-physical threats and harassments
		C.12 Threats against the lives and physical safety of journalists
		C.13 Actual attacks
		C.14 Threats and attacks on media outlets and journalists' associations

JOURNALISTS SAFETY INDEX

Taking into consideration the standards and recommendations established by the Council of Europe and other international organisations, the concept of „journalists' safety"⁴ was operationalized by considering the following four dimensions:

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

The table below presents the four dimensions and indicators that make up the theoretical model of the „journalists' safety" concept. Data for all these indicators were collected in the first phase of the research, and in the second phase, based on the collected research evidence, nine members of the Advisory Panel from each of the countries⁵ assessed the situation and assigned scores for each of the 19 indicators:

Overview of indicators related to the Journalists' Safety Index.

I. Legal and organisational environment	II. Due Prevention	III. Due Process	IV. Actual Safety
1.1 Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	2.1 Journalists and media actors have access to immediate and effective protective measures	3.1 Specialised units/officers are equipped with expertise for investigating attacks and violence against journalists	4.1 Non-physical threats and harassments
1.2 The confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities	2.2 Journalists and other media actors have access to special protection or safety mechanisms	3.2 Investigations of serious physical attacks on journalists and other media actors are carried out efficiently	4.2 Threats against the lives and physical safety of journalists
1.3 Other laws are enforced objectively and allow journalists and other media actors to work freely and safely	2.3 Female journalists have access to legal measures and support mechanisms	3.3 Journalists and other media actors are efficiently protected from various forms of online harassment	4.3 Actual attacks
1.4 Journalists are free to pursue their profession and to establish, join and participate in their associations	2.4 The practice of regular public condemnation of threats and attacks on journalists and media	3.4 Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently	4.4 Threats and attacks on media outlets and journalists' associations

⁴ Researchers from the RESIS Institute (www.resis.mk), Snežana Trpevska, Igor Micevski and Ljubinka Popovska Toseva developed the [conceptual and methodological framework](#) for the Index and the model for its aggregation, weighting and calculation.

⁵ Members of the Advisory Panel in [name of the country] were: [names of the members of the Advisory Panel].

I. Legal and organisational environment	II. Due Prevention	III. Due Process	IV. Actual Safety
1.5 The job positions of journalists are stable and protected at the workplace	2.5 Police authorities are sensitive to journalists' protection issue	3.5 Quality statistics collection systems established by state authorities to stem impunity	

— LIST OF ABBREVIATIONS

SMCG Trade Union of Media of Montenegro

AEM Agency for Electronic Media

MONSTAT Statistical Office of Montenegro

RTCG National Public Broadcaster Radio Television of Montenegro

EC European Commission

NGO Non-governmental organizations

ANB National Security Agency

AZLP Agency for the protection of personal data and free access to information

ODT Basic State Prosecutor's Office

CC Criminal Code

LJE Local public broadcaster

Introduction

The Constitution of Montenegro states that it is an independent and sovereign state, with a republican form of government, and specifies that it is a civil, democratic, ecological and social justice state, based on the rule of law. Nevertheless, it is deeply divided on several grounds, among which the national one stands out the most. The latest population census, the results of which were presented in 2023, showed that Montenegro has 623,600 inhabitants, and in terms of national and ethnic affiliation, Montenegrins make up 41.12%, Serbs 32.9%, Bosniaks 9.45%, Albanians 4.9%, Russians 2.06, Muslims 1.63%, while 2.88% of them did not want to declare themselves.

For most of 2023, the Government of Montenegro was in a technical mandate, parliamentary elections were held and a new Government was formed at the end of October 2023. It is made up of a large number of parties, many of them do not share the same values in an ideological sense, they have even been in direct conflict for many years, but they participate in the government which is strictly divided by departments and when it comes to social enterprises, according to the quotas that belong to certain parties in terms of hiring their staff. Outside of their departments and „quotas“ for the employment of eligible candidates, the politicians of the ruling majority do not interfere in what is not their competence and thus survive in such a broad government. The Prime Minister is Milojko Spajic, a young politician who spent most of his life abroad and appeared in the political life of Montenegro in 2020 as the Minister of Finance and Social Welfare in the first Government after the fall of the 30-year regime.

Montenegro is a candidate country for joining the European Union and is often mentioned as the first next member, but the date of admission is often bid while the largest number of negotiation chapters are still open. In the reports, Montenegro is criticized for the slowness of investigations and prosecutions of high state and other officials in cases related to corruption, crime, drug smuggling and similar crimes.

The polarization of the media scene is still very pronounced, and changes in the political scene and instability in the country itself have also affected the media. In the last three years, since the change of government in Montenegro, four television stations with a national frequency have changed their ownership structure, so now in all of them, the majority owners are foreign companies or persons predominantly from Serbia. National Public Broadcaster RTCG as well as private TV E are the only televisions with national frequency that are owned by Montenegro. Even during 2023, the media laws were not changed even though it was constantly announced, and the texts of the laws were harmonized.

When it comes to the RTCG public service, the year was marked by court cases concerning the illegal election of general director Boris Raonic to that position at a time when he was in a conflict of interest. After the final court verdict was passed, according to which he had to be removed from that position, the majority of the members of the RTCG Council re-elected him to that position, which was greeted with indignation by the public. New court cases were initiated, and these illegalities were noted in the EC Report.

There are still more than 220 media outlets operating in the small Montenegrin market, and the management of statistical data has not been improved, so the number of employees in the media and how many of that number are journalists is still unknown. There was a certain increase in the wages of employees in the media, but as a consequence of social changes, however, inflation was also high, so these increases were cancelled. The amount of wages is still below the national average. The Ministry of Culture and Media still does not have precise data on the amounts allocated by state institutions and companies for advertising in the media. Censorship and self-censorship remain among the biggest problems.

In the [Safejournalists.net](https://www.safejournalists.net) database, 16 attacks, threats and pressures on journalists were registered during 2023, while the Police Directorate registered 11 attacks in the same period. The number of attacks is significantly lower than in 2022, when there were 28, but it is still important to mention the sources of the attacks, namely the Prime Minister in technical mandate, Dritan Abazovic, who repeatedly threatened the media and gave improper qualifications, and there was also the first case of a mass threat of rape against five female journalists.



Media freedom and journalists' safety in Montenegro – Indicators

A LEGAL SAFEGUARDS AND THEIR IMPLEMENTATION

– A.1 BASIC GUARANTEES FOR MEDIA AND JOURNALISTS' FREEDOM AND THEIR APPLICATION IN PRACTICE

The Constitution and media laws guarantee the right to freedom of expression, including the right to access the Internet, and they are generally complied with. The three media laws were not amended even three years after entering into that procedure, although the text was harmonized and finalized in 2022. The Law on Media, the Law on the National Public Broadcaster Radio and Television of Montenegro, and the Law on Audiovisual Services are in question. Now the third Government is announcing their adoption in March 2024. Also, due to the outdated solutions in the draft of the Law on Audiovisual Services, new changes are already being announced, which will start immediately after the adoption of the draft. The process of creating new texts of the law was led by the Ministry of Culture and Media⁶ and the working group was inclusive, but the final text that will be presented to the Government and later to the MPs is not yet available to the public and it is not known exactly what will be offered to them.

There were no public objections in the sense that the right to use the Internet was restricted in any way.

The same attempts to change the media laws have been current for years⁷, and three governments have changed in the meantime, but the old solutions have remained. The only change occurred in the amendment of the Law on the National Public Broadcaster of Radio

6 Vijesti online (TV Vijesti), „[Boje jutro – Rezultati Ministarstva kulture i medija za prvih 100 dana rada \(Tamara Vujović\)](#)”, [Morning colors – Results of the Ministry of Culture and Media for the first 100 days of work (Tamara Vujovic)], Feb 27, 2024
7 Government of Montenegro, „[Spajic sa Raonicem o izmjenama zakona o nacinu finansiranja Javnog servisa](#)” [Spajic with Raonic on amendments to the law on the financing of the Public Service], December 27, 2023

and Television of Montenegro (*RTCG*) in the part related to the method of financing, and this was done without the presence of the public and with the agreement of the Prime Minister and the Director General of *RTCG*, who was determined by a final court verdict to have been in a conflict of interest when he was elected and must be dismissed, but the Council dismissed him on the same day and reappointed him to that position. Instead of the *RTCG* being financed from the budget with 0.3 percent of the gross social product, from 2024 it will be financed with 1.3 percent of the current budget, which is about 1.2 million euros less in money than if the original model had been retained. Amendments to the Law on Electronic Media, which should be renamed to the Law on Audiovisual Services, are pending, and the amendments will be significant. „The issue of supervision over the application of professional standards in the work of AVM service providers has not been resolved. If nothing changes during the parliamentary session, we will witness a worsening of the situation in terms of the professional work of the media, propaganda will be intensified by a larger number of media, most media will not take into account objectivity, accuracy, and balance, and one-sided presentation of events, depending on editorial policy and closeness to political options, will become a practice. The role of the AVMU Agency should continue to be regulatory and in the area of application of professional standards because it is the only institution that, as an independent body, can issue fines for violations of professional standards (spreading hate speech, discrimination, endangering minors, hidden marketing, etc.)”⁸. „The biggest problem with the draft media laws is their reactivity, that is, the fact that they react to social phenomena and problems that we can already identify, without the idea that the laws should also prevent problems that are hypothetical in the media sector.” The result of such reactive thinking will be a situation of general ‘incompetence’, as was once the case with Portal Udar⁹, where both the Ministry of Culture and Media and AEM declared themselves incompetent or unauthorized to solve the problem.”¹⁰

The first Media Strategy¹¹ was also adopted, in which the issue of working conditions of employees is also addressed as an integral part of media freedom, at the initiative of the Trade Union of Media, along with a series of measures to improve them. In addition, it addresses the issue of security, media literacy and hate speech, the environment in which the media operate, and the like.

Within the Working Group for drafting media laws, some representatives of the civil sector repeatedly emphasized the need for the introduction of licenses for journalists, but this was not further formalized through any initiative. There are

8 Interview, Goran Djurovic, interviewed by Marijana Camovic-Velickovic, April 2024

9 TV Vijesti, „Ekskluzivno razotkrivamo „tajnu“ URAR-a” [“We are exclusively revealing the „secret“ of URAR], February 26, 2024

10 Interview, Vuk Vukovic, interviewed by Marijana Camovic-Velickovic, April 2024

11 Government of Montenegro, „Usvojena prva Medijska strategija 2023 – 2027. koja će doprinijeti unapređenju ambijenta za slobodno i profesionalno novinarstvo” [The first Media Strategy 2023-2027 was adopted, which will contribute to the improvement of the environment for free and professional journalism], October 19, 2023, URL: <https://www.gov.me/clanak/usvojena-prva-medijska-strategija-2023-2027-koja-ce-doprinijeti-unapredenju-ambijenta-za-slobodno-i-profesionalno-novinarstvo>, accessed July 15, 2024

222¹² media outlets in Montenegro, some of which are not registered, that is, registered with the competent authorities¹³. In June 2023, as many as 130 portals were functioning in Montenegro. There are also 69 radio and television stations with 75 channels. Through the new amendments to the Law on Media, all portals will most likely have to register, as the intention is to bring order to that part of the media scene and reduce the number of fake news and misinformation.

— A.2 INDEPENDENCE AND EFFICIENCY OF THE REGULATORY AUTHORITY

During 2023, there were no changes in the Council of the Agency for Electronic Media (AEM). The announced changes to the Law on Electronic Media, which will be renamed to the Law on Audiovisual Media Services, foresee changes regarding the nominators of Council members, but also when it comes to the criteria that future members must meet. The current way of electing members of the AEM Council has been criticized because the final election takes place in the Parliament, which means political influence, and this has not changed. Despite the recommendation that they be elected by a two-thirds majority of the total number of MPs, that proposal was not adopted. „After the adoption of the law, it is necessary to immediately carry out the election of new members of the Council of the AVMU Agency because the criteria for Council members have been tightened, the selection procedure and the composition of the Council (authorized proposers) have been changed.” It does not make sense to postpone the professionalization of the Electronic Media Agency for two or three years until the mandate of the current members of the Council expires.¹⁴ The changes in the Law refer to the increase in the number of proposers.¹⁵

In the Report of the European Commission, the work of AEM was praised¹⁶ – they continued to perform their work professionally, and there were no significant criticisms of their work in the public. „The work of the Agency is better than in the previous period, and the director’s desire to solve the accumulated problems is noticeable. A good indicator of changes is that the delay in the payment of annual fees for broadcasting is no longer tolerated (they are paid in 4 installments during the calendar year), and money is not spent on illegal sponsorships and donations.”¹⁷ What remains a problem is the narrowed powers that await the adoption of a new law in order to regulate that part, and AEM has been delegated the possibility of sanctioning the media and carrying out monitoring. AEM has no jurisdiction when it comes to portals and online publications and not a single body is responsible for their content, which is not foreseen in the new draft law. „When it comes to the attempts to influence the work of AEM and its independent functioning, the trend in the

12 Portal Analitika, „U Crnoj Gori posluju 222 medija, Bakić: Rast broja medija nije doveo do pluralizma i smanjenja političkog uticaja” [There are 222 media outlets operating in Montenegro, Bakić: The growth in the number of media outlets did not lead to pluralism and a decrease in political influence"], November 28, 2023

13 Trade Union of Media, „Socio-ekonomski položaj medijskih radnika” [Socio-economic position of media workers], (Podgorica: 2023)

14 Interview, Goran Djurovic, interviewed by Marijana Camovic-Velickovic, April 2024

15 Nacrt Zakona o audiovizuelnim medijskim uslugama [Draft Law on Audiovisual Media Services]

16 European Commission, [Izveštaj za Crnu Goru za 2023](#) [Montenegro Report 2023], Brussels, November 08, 2023, p. 44

17 Interview, Goran Djurovic, interviewed by Marijana Camovic-Velickovic, April 2024

previous period is to target AEM as a body that is expected to solve cases of hate speech in the online space. Although our competences are limited to the work of electronic media, which is fully in accordance with international standards, in the most visible cases of hate speech on unregistered portals or social networks, AEM is called as the body that is supposed to react".¹⁸ During 2023, AEM issued 96 warnings to broadcasters, which were reached through *ex officio* procedures or complaints.

There were no objections to AEM's decisions concerning the granting of licenses to electronic media.

— A.3 INDEPENDENCE AND AUTONOMY OF THE PUBLIC SERVICE MEDIA¹⁹

The law and by-laws guarantee the independence of RTCG but criticism of the work of the Public Service is often heard in which it is claimed that they are subject to political party influence and that, as before the change of government in 2020, the ruling parties have a decisive role when it comes to editorial policy and employment in that medium. „RTCG visually looks more modern than it was before the election of the new management.” It is also evident that a balance has been established between representatives of the government and the opposition in the news broadcasts. And that’s all. It is possible for party representatives to express their views, but RTCG does not search for the truth but is the megaphone of parties that often have interests different from those of the citizens and which, as a rule, engage in promoting their views, which are not always related to the truth. The political influence is not radical because as such it would be visible to everyone, the strategy is clearly to exert a ‘soft’ influence that can affect public opinion in the long term.”²⁰ In the report, the European Commission praised the balanced program and the possibility to see and hear different political views but also pointed out that the Council re-elected the same person as general director in June which is contrary to the final court ruling.²¹ „My impression is that we are still talking about a simulation of a public service, i.e. a simulation of impartiality or, at the very least, an ignorant and superficial interpretation of what political impartiality and objectivity is. Qualitative impartiality is reflected in the engaged and critical attitude towards public policies, individuals as holders of public functions and social anomalies. We do not see these topics or such an approach to topics at all but we see selective and mostly party PR information”.²² The situation is similar in the Local Public Broadcaster RTV Podgorica,²³ where before the end of the year a new Council was elected according to the new rules brought by the new political majority at the

18 Interview, Suncica Bakic, interviewed by Marijana Camovic-Velickovic, February 2024

19 The part of the report related to the RTCG Public Service was written by media expert Drazen Djuraskovic from the Trade Union of Media of Montenegro so that the author, who is also a member of the RTCG Council, would not be in a conflict of interest

20 Interview, Goran Djurovic, interviewed by Marijana Camovic-Velickovic, April 2024

21 European Commission, [Izveštaj za Crnu Goru za 2023](#) [Montenegro Report 2023], Brussels, November 08, 2023, p. 44

22 Interview, Vuk Vukovic, interviewed by Marijana Camovic-Velickovic, April 2024

23 B.B., RTCG, [„Izabran novi Savjet RTV Podgorica”](#) [“New Council of RTV Podgorica elected”], November 30, 2023

local level, and which later under dubious conditions elected²⁴ a new person as acting general director of that local media.²⁵

The method of financing *RTCG* was changed towards the end of the year²⁶ in a controversial way because the Prime Minister agreed on changes to the Law on the National Public Broadcaster during a meeting with the general director of *RTCG*²⁷, who was elected in a way that indicates the corruption²⁸ of the members of the Council who elected him, without the participation of the public and contrary to the draft of the Law that was agreed upon at the working group and sent to foreign experts for consideration. Instead of the previous 0.3 percent of gross domestic product, *RTCG* will receive 1.34 percent of the current budget, which is a smaller amount. „Amendments to the Law on *RTCG* in the part of financing in December last year, without any public discussion, in the agreement of the President of the Government of Montenegro and the illegally elected general director, are an indication of a lack of understanding of the role of the public media service. After the proposed amendment to the Law was submitted to the Parliament, which completely abolished the percentage allocated from the budget for *RTCG* funding, a new percentage²⁹ was agreed upon in closed-door communication, without any analysis. When it comes to local public broadcasters (LJE) founded by municipalities, the situation is still difficult and funding is unstable, because they depend on the political will of the majority in local parliaments, and the proposal of the Law on Audiovisual Services foresees a new funding scheme for LJE, which should bring some stability.

The composition of the Council remained unchanged except for the fact that one member³⁰ resigned after a final court verdict that found that the general director was elected in 2021 at a time when he was in a conflict of interest and therefore could not perform that function.³¹ The Council, contrary to the court's decision, again elected the same person to that position, which is why the Special State Prosecutor's Office created a case in which it determines the circumstances of making that decision and whether there are grounds for *ex officio* prosecution of the members of the Council who made such a decision, as well as the general director and two *RTCG* lawyers.³² „This Council deserves to be replaced immediately after the adoption of the new Law on *RTCG*, and all the institutions that appointed the current members and members of this body, except for the Union of Free Trade Unions, should

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- 24 Gradski.me, „[Vladimir Otašević izabran za direktora Gradske RTV](#)“, [“Vladimir Otasevic elected director of Gradska RTV”] February 13, 2024
- 25 Ne.V, Vijesti.me, „[Media centar: Savjet RTV Podgorica krivično odgovoran ukoliko se izabere direktor suprotno zakonskim procedurama](#)“ [“Media center: Council of RTV Podgorica is criminally responsible if the director is elected contrary to legal procedures”], February 13, 2024
- 26 Dan portal, „[Spajic-Raonic: Izmjenama zakona o načinu finansiranja Javnog servisa garantuje se nezavisnost RTCG-a](#)“ [“Spajic-Raonic: Amendments to the law on the method of financing the Public Service guarantee the independence of RTCG”], December 27, 2023
- 27 Adria.tv, „[Media centar: Vlada bez javne rasprave predložila izmjene Zakona o RTCG kojima se ukida finansijsku nezavisnost javnog servisa](#)“ [“Media center: The government proposed amendments to the Law on RTCG, which abolish the financial independence of the public service, without a public discussion”], December 12, 2023
- 28 Agency for Prevention of Corruption, [Opinion no. 03-02-24-24-6](#),
- 29 Interview, Goran Djurovic, interviewed by Marijana Camovic-Velickovic, April 2024
- 30 Editorial office Pobjede, Pobjeda.me, „[Baća podnio ostavku u Savjetu RTCG](#)“ [“Baca resigned from the RTCG Council”], June 01, 2023
- 31 Komatina, Ana, Vijesti.me, „[Raonić ponovo izabran za generalnog direktora RTCG-a](#)“ [“Raonic re-elected as general director of RTCG”], June 01, 2023
- 32 Komnen Radevic, Vijesti.me, „[Viši sud potvrdio: Raonić nezakonito imenovan za direktora RTCG](#)“ [“Higher court confirms: Raonic illegally appointed director of RTCG”]

think carefully and never again give the opportunity to the current members to be their representatives in any body."³³

— A.4 FINANCIAL SUPPORT TO QUALITY JOURNALISM AND MEDIA CONTENT OF PUBLIC INTEREST

After the end of the crisis caused by the coronavirus pandemic, when the state repeatedly and for various reasons helped everything, including print media, there was no special help for the press. However, the Government decided in May³⁴ to oblige elementary schools to buy all daily newspapers, as an aid to print media³⁵, and this cost the state 251,664 euros for the period from May to the end of the year. Non-governmental organizations have questioned the legality of such aid. In addition to three daily newspapers, there is also one weekly newspaper in Montenegro.

As of 2021,³⁶ there is a Fund for Encouraging Media Pluralism into which a fixed 0.09 percent of the gross domestic product is paid from the state budget, while the proposed amendments to the Law on Media plan to increase that amount to 0.20 percent of the current budget. From the part of the Fund related to electronic media, AEM distributed 346,853 euros in June 2023, which was provided by the budget for 2022. Nine radio and television broadcasters were subpoenaed, whose obligation was to produce 31 media content. From the part of the Fund that belongs to the Ministry of Culture³⁷, and refers to printed media and portals, 440,042 euros were distributed for a total of 57 projects that were distributed to 54 media and three self-regulatory bodies.

The Parliament³⁸ finances the only weekly newspaper in the Albanian language, „Koha Javore“, while 209 projects are supported through the Fund for the Protection and Realization of Minority Rights of Montenegro, for which 1,409,880 euros have been allocated. The decision on the distribution of this money, which also supports projects concerning the promotion and protection of the interests of minorities, was made at the end of December 2023.³⁹ The media dealing with national minorities also have access to the Fund for Media Pluralism.

— A.5 STATE ADVERTISING IN THE PRIVATE MEDIA SECTOR

The state advertises in private media, but there is still no information available on what amounts and in which media, although the obligation to report income from this type of marketing has existed since the beginning of 2021 when part

33 Interview, Goran Djurovic, interviewed by Marijana Camovic-Velickovic, April 2024

34 Mina.news, „Vlada da saopšti koji je zakonski osnov podrške štampanim medijima“ [“Government to announce the legal basis for supporting print media”], May 11, 2023

35 Ivanovic, Ivan, Vijesti.me, „Vlada usvojila informaciju o podršci štampanim medijima“ [“Government adopted information on support for print media”], May 11, 2023

36 Agency for audiovisual media services

37 Government of Montenegro, „Odluka o raspodjeli sredstava iz podfonda za medije“ [“Decision on the distribution of funds from the media sub-fund”], 25.12.2023

38 Parliament of Montenegro, „Evidencija o uplatama medijima“ [Records on payments to the media“].

39 Fund for the Protection and Realization of Minority Rights, „Odluka o raspodjeli sredstava za finansiranje projekata za podršku aktivnostima iz člana 36 stav 1 Zakona o manjinskim pravima i slobodama za 2023. godinu“ [“Decision on the distribution of funds for financing projects to support activities from Article 36 paragraph 1 of the Law on Minority Rights and Freedoms for the year 2023”]

of the provisions of the Law on Media related to transparent advertising came into force. The report on the transparency of media financing from public revenues for 2023⁴⁰ shows some progress in the sense that the number of state institutions that have submitted answers to the Ministry of Culture and Media has increased but that number is still very small, while the number of media that have fulfilled this obligation has decreased. Answers were submitted by 64 percent of public sector bodies and 55 percent of the media. A year earlier, only 62 percent of media and only 28 percent of public sector bodies submitted data. However, the submitted data do not match, because according to media information, 6.1 million euros of state money was paid while according to the data of state authorities, that amount is 7.9 million euros.

The distribution of state money for the purpose of advertising is still not transparent⁴¹, and the data from the two sources differ. Therefore, it is not possible to draw a clear conclusion whether there is some form of favoring certain media and whether it has political influence, and that was the intention when the Law on Media was written.

According to the Law on Media, it is an obligation to submit data on advertising once a year⁴², by the end of March of the current year for the previous year, to the Ministry of Culture and Media, which should publish a summary report. However, since this is not happening, the initiation of proceedings was announced. „The Ministry will initiate misdemeanor proceedings against legal entities – media founders and responsible persons in state administration bodies and local self-government bodies who have not fulfilled their legal obligations“. They can be fined from 1,000 to 8,000 euros. However, due to the lack of employees who could deal with it, the Ministry has not yet initiated proceedings.⁴³

— A.6 LEGAL PROVISIONS RELATED TO DEFAMATION AND THEIR APPLICATION DO NOT CREATE A CHILLING EFFECT ON JOURNALISTS AND THE MEDIA

The Law on Obligations⁴⁴ and the Law on the Media, which protect the rights of persons in the media, have not been changed and continue to protect honor and reputation in the same way – through civil litigation and give the media and journalists enough freedom to do their work without pressure. Defamation was decriminalized in 2011, and since then there have been no concrete proposals to criminalize it again. The case of historian and columnist Boban Batricevic,⁴⁵ against whom the Basic State Prosecutor's Office (ODT) *ex officio* initiated proceedings before the Court for Misdemeanors, is a precedent, because until

40 Government of Montenegro, „[Godišnji izvještaj o transparentnost finansiranja medija iz javnih prihoda- 1.1.-31.12.2023. godine](#)“ [“Annual report on the transparency of media financing from public revenues – 1.1.-31.12.2023.” year], June 06, 2024

41 Ibid.

42 Ibid.

43 Letter from the Ministry of Culture and Media dated September 12, 2024

44 „[Law on Obligations](#)“, Article 151

45 Popovic, Tina, Vijesti.me, „[VDT zatražilo pokretanje prekršajnog postupka protiv Batričevića zbog stavova u kolumni](#)“ [VDT requested the initiation of misdemeanor proceedings against Batricevic due to the views in the column], October 27, 2024

now the ODT has not conducted similar proceedings. The public continuously reacts to that case because the only opinion is that it represents a violation of the right to freedom of speech. Jurisprudence shows that the punishments in these cases are not draconian but in accordance with the practice of the European Court of Human Rights.

In the latest Report of the European Commission for Montenegro⁴⁶, it is stated that this type of lawsuits still exists and that the media skip self-regulatory bodies as a possible instance that would solve the problem and turn directly to the courts. The mutual accusations of the polarized media continued. During the year 2023, 25 proceedings against the media and newspapers were initiated in the basic courts in Montenegro due to the violation of honor and reputation⁴⁷. Out of that number, at least 6 lawsuits were filed by the media against other media, while there are no high-ranking politicians or businessmen among those who sued. Proceedings initiated by *Pobjeda* journalists against *BIRN*⁴⁸, which included their names in the text of 2022 as part of the list of right-wing organizations in Montenegro, continued.

The fear of lawsuits due to the violation of honor and reputation does not affect the work of journalists⁴⁹ to a large extent, and they say that a large number of lawsuits from an earlier period encourage them to increase due journalistic attention when reporting. In the small communities from which the local media reports, there is almost no fear at all because they do not deal with topics that could cause problems, and those communities are also small, everyone knows each other, so it is more difficult to get into a situation where someone's reputation is damaged. „The fear of lawsuits does not exist for me now, or at least not to a 'disturbing' extent, but it existed in the past when I worked on a portal. It was, I remember, in a constant, latent fear of making a mistake. I remember that it really bothered me that we, as journalists, do not have a lawyer with whom we can, when we need to, consult which picture we are allowed to publish, news and the like... without suffering the consequences. A lot of it came down to our personal assessment and responsibility." As there have been cases in the past where lawsuits were filed just to cause a deterrent effect, journalists say that „there is no fear, especially if what you wrote is accurate and absolutely false, but there is an unpleasant feeling" that „employers do not provide adequate legal assistance and hire law offices that are not sufficiently specialized in media law"⁵⁰.

— A.7 OTHER LAWS ARE ENFORCED OBJECTIVELY AND ALLOW JOURNALISTS AND OTHER MEDIA ACTORS TO WORK FREELY AND SAFELY

The law does not treat SLAPP claims in any special way, nor are there any protective mechanisms in court practice

46 European Commission, [Izveštaj za Crnu Goru za 2023](#) [Montenegro Report 2023], Brussels, November 08, 2023,

47 Letter from the Basic Court in Podgorica, no. 113617-2, dated March 19, 2024

48 Mihajlovic, Dusko, Pobjeda.me, „[Podnijete tužbe za klevetu protiv BIRN-a u Sarajevu, u Podgorici protiv Jovanović i Tomović](#)” [“Defamation lawsuits filed against BIRN in Sarajevo, in Podgorica against Jovanovic and Tomovic”], Februarz 15, 2023

49 Focus group with journalists I, February 2024

50 Focus group with journalists I, February 2024.

such as early dismissal of such claims when they arise. SLAPP lawsuits are rare, but at the end of the year, Vladana Vucinic, who is employed by RTCG, sued two media outlets, a member of the RTCG Council and a citizen⁵¹ because they commented and published information related to her illegal salary increase. The trial has yet to begin, and the lawsuit demands that the defendants jointly pay her 12,000 euros. Other cases, if there were any, did not reach the public.

There have been no recorded cases of abuse of the law with the aim of intimidating and silencing journalists through exhaustion in expensive court proceedings.

The case of the journalist from Kolasin, Dragana Scepanovic⁵², is an example of harassment and preventing a journalist from doing her job, although she was not sued for that. Scepanovic was exposed to media pressure throughout 2023, through a daily series of texts, where the *Aktuelno* portal, owned by the local businessmen she wrote about, put pressure on her and belittled her⁵³. They even started a petition to ban her from reporting from Kolasin, and she received „well-intentioned warnings and threats“. „I needed a lot of time to work on myself so that I could return to a normal life. They still release texts, about every three days. Now they started publishing my private photos, which they take from my Facebook profile, which is not open to the public. I filed a lawsuit for violation of personal rights and I am waiting for the first hearing. I asked for those texts to be removed and monetary compensation but a fine will not mean anything to them, maybe just an additional motivation to continue persecuting me“⁵⁴. Scepanovic also said that before filing a private lawsuit, she tried to put an end to the mistreatment she was subjected to by reporting to the police and the prosecutor’s office but that the prosecutor concluded that there were no elements of a criminal offense for which she was being prosecuted *ex officio*.

— A.8 THE CONFIDENTIALITY OF JOURNALISTS’ SOURCES IS GUARANTEED IN THE LEGISLATION AND RESPECTED BY THE AUTHORITIES

Since there were no amendments to the Law on Media⁵⁵, that segment was not changed either, although it is the most criticized part of the current Law. In the current Law, there is a potential danger of pressure to reveal the source of the information. The law defines that a journalist is not obliged to reveal the source of information, except when the state prosecutor asks him to do so in order to protect the interests of national security, territorial integrity, and health protection. No cases of abuse of this article of the law were recorded during 2023 either. The draft of the

51 Gradska RTV Podgorica, „[Emisija 'U sred srijede'](#)“ [„Show: In the middle of Wednesday“] January 24, 2024

52 Dan portal, „[Novinarka Dragana Šćepanović prijavila policiji da se osjeća ugroženo](#)“ [“Journalist Dragana Scepanovic reported to the police that she felt threatened“], September 28, 2023

53 Aktuelno.me, „[SKIJALIŠTA CRNE GORE I 'MEDIJSKI GANG' U UDRUŽENOJ AKCIJI: Neistinama prikrivaju spletke koje SCG vode u propast](#)“ [“THE SKI RESORT OF MONTENEGRO AND THE „MEDIA GANG“ IN A JOINT ACTION: With untruths, they cover up the plots that lead SCG to ruin“], December 12, 2023

54 Interview, Dragana Scepanovic, interviewed by Marijana Camovic-Velickovic, Januar 2024

55 [Law on Media](#), Article 30

new Law stipulates that only on the basis of the decision of the competent court, a journalist can reveal the source of information, and when it is necessary to protect the interests of national security, territorial integrity and health protection.

There were no new cases in which journalists and media were asked to reveal the source of information. The last recorded case was from the end of 2021, when *Pobjeda* journalist Nenad Zecevic was questioned. He was interrogated in the Prosecutor's Office following the report of the then director of the National Security Agency for alleged disclosure of classified information. The procedure is still ongoing.

Journalists did not report that they had problems meeting and maintaining contacts with sources of information⁵⁶, and the major case that resulted in the arrest of investigative journalist Jovo Martinovic ended with an acquittal after almost 8 years of proceedings⁵⁷.

— A.9 JOURNALISTS ARE FREE TO PURSUIT THEIR PROFESSION AND TO ESTABLISH, JOIN AND PARTICIPATE IN THEIR ASSOCIATIONS

Journalists do not need to be licensed and there are no special rules on who can be employed as a journalist and do journalistic work⁵⁸. The definition of journalists that will be found in the new Law on Media is quite broad but even there it is not stipulated that journalists must have any license or registration. Nevertheless, some journalistic associations occasionally mentioned the idea but did not launch concrete initiatives.

The problem of accreditation of journalists at certain events arises sporadically⁵⁹, but journalists emphasize that it is always resolved directly at the event in a discussion with the organizers. The problem is that the courts in all cases do not recognize the specifics of attacks on journalists that occur because of their work, so instead of being convicted, the attackers are acquitted after the attack⁶⁰.

Montenegrin journalists are free to associate, but they do not use that right often because they believe that the associations are often politically colored and that they do not represent the interests of the journalist community in the right way⁶¹. „I refused some associations that offered me membership because I did not approve of their one-sided access to information, while there are associations whose national prefix, according to my personal conviction, I do not consider journalistic but propaganda"⁶². There are three journalist associations in Montenegro, of which only one is active, and that is in terms of organizing occasional trainings. However, two national unions operate in Montenegro, of which the Trade

56 Focus group with journalists I, February 2024

57 Safejournalist.net, [Database of attacks on journalists – The case of Jovo Martinovic](#)

58 [Draft Law on Media](#).

59 Focus group with journalists I, February 2024

60 Safejournalists.net, [Database of attacks on journalists](#).

61 Focus group with journalists II, February 2024

62 Ibid.

Union of Media Montenegro is more massive and more present in the public. Their members testify about the pressures they suffer due to union membership, the ban on organizing unions at the media level but also membership in unions, in general.

— A.10 RIGHT TO ACCESS OFFICIAL DOCUMENTS AND INFORMATION

According to the data of the Agency for the Protection of Personal Data and Free Access to Information (AZLP)⁶³, journalists submitted 69 requests for free access to information to state authorities in 2023, which is 7 requests less than the year before. Otherwise, every year an additional decrease in interest in this way of obtaining information is recorded. „The number of rejected requests is 12, while 9 requests for free access to information were partially approved.”⁶⁴ Journalists filed a total of three complaints, of which three were due to a violation of the rules of procedure, i.e. two were due to the administration’s silence, and one was due to the annulment of the act. The silence of the administration occurred in cases when journalists approached the offices of the President of the Parliament, i.e. the Government, while the annulment of the act was requested in the case of AD Luka Bar. Journalists still use phone calls, emails and similar forms of communication more than formally submitting a request for free access information and rely on non-governmental organizations that AZLP turns to more often⁶⁵.

Recorded material in which ministers address the public⁶⁶ directly and which their PR services deliver to the media and messages they send via the *X network (Twitter)* are the most common forms of communication with the public. Government sessions are no longer broadcast directly via *YouTube* channels. The new political majority has adopted the practice of the previous ruling parties, so they too have their favorites among the media and journalists, especially when it comes to exclusive news. „There is favoritism of certain media from the Government and certain ministries. It often happens that the state administration bodies do not answer the questions of journalists of one media, while they properly deliver those answers to other media. An even more problematic practice, especially expressed in previous years, is that ministries or public institutions do not answer questions, but instead send a statement to all media on the subject”⁶⁷.

The work of the courts is generally evaluated as transparent, but due to the small capacities of the courtrooms, problems arise because all interested journalists often cannot follow the trial because they cannot physically stand in the courtroom⁶⁸. „If a journalist is following the trial, he is not allowed to record but to write down, which makes it difficult to work and concentrate on what is being said in the courtroom.

63 Agency for the Protection of Personal Data and Free Access to Information, Letter No. 07-125-735-2/24 dated March 06, 2024

64 Ibid.

65 Focus group with journalists II, February 2024

66 Focus group with journalists II, February 2024

67 Ibid.

68 Ibid.

We also have a case where the Court for Misdemeanors decided that one media can attend, so I guess the media should agree on which colleague will represent them all. The reasoning was that the courtroom was small, but the proposal to move it to a larger one was not adopted."

For almost three years, there has been a Parliamentary channel on *RTCG* that broadcasts all parliamentary sessions and board meetings, which can be watched live, and are also broadcast in reruns⁶⁹. There is also a *YouTube* channel of the Parliament, where recordings remain available for later viewing. „Of the limitations, we can only mention that cameramen and photojournalists are sometimes only allowed once at the beginning of the plenum sessions to take pictures and shots, and I believe that this should be allowed several times, during the sessions".

69 Ibid.

B. JOURNALISTS' POSITION IN THE NEWSROOMS

— B.1 THE JOB POSITIONS OF JOURNALISTS ARE STABLE AND PROTECTED AT THE WORKPLACE

According to official data, 222 media⁷⁰ outlets were operating in Montenegro in 2023⁷¹, and of that number there are about 100 portals, and among them a large number with one or no employees. The survey conducted by SMCG in 2023 showed that the absolute majority of the 88 respondents have an employment contract for an indefinite period. However, it was also confirmed that there are a lot of those who have precarious, insecure employment contracts, but also that they are engaged part-time or on a project basis. The type of employment contract is mostly standard, the amount of salary is not provided, nor are the employee's work duties listed, which gives a lot of room for manipulation⁷².

The working conditions of employees in the media⁷³, including journalists, did not change significantly⁷⁴, although in some private media and local public broadcasters there was a certain salary increase, and in *RTCG* a Collective Agreement was signed which increased the salary of the category of employees with the lowest income by up to 40 percent. The average salary is still lower than the average at the state level, below 800 euros, and is received by more than half of employees in the media. „The working conditions are difficult for a good part of the employees. The biggest problems are low salaries in one part of the media, which is why the average salary of all journalists and media workers is lower than the average in the country. Among the key problems are the overloading of journalists and media workers in private media because the newsrooms are small, as well as the non-payment of salary supplements in one part of the media⁷⁵. Local public broadcasters still do not pay salaries regularly, in a large number of these media.

Collective agreements exist in *RTCG* and *RTV Budva*, which is the local public broadcaster⁷⁶. Unions in several other local public broadcasters have tried to negotiate collective agreements, but so far without success. In the private media, there is no attempt to negotiate collectively. The journalists who participated in the focus groups point out the absence of a branch collective agreement⁷⁷ as a major drawback, and SMCG also initiated negotiations with employers from the media sector during 2023, but without success. In 2023, work on Sundays began to be paid additionally, 6 months after that rule was established in other industries, in order to give space for reaching an agreement on the branch

70 Portal Analitika, „U Crnoj Gori posluju 222 medija, Bakić: Rast broja medija nije doveo do pluralizma i smanjenja političkog uticaja“ [“There are 222 media outlets operating in Montenegro, Bakić: Growth in the number of media outlets did not lead to pluralism and a decrease in political influence”], November 28, 2023

71 Trade Union of Media of Montenegro, „Socio-ekonomski položaj medijskih radnika“ [“Socio-economic position of media workers”], (Podgorica: 2023),

72 Focus group with journalists I, February 2024

73 Trade Union of Media of Montenegro, „Socio-ekonomski položaj medijskih radnika“ [“Socio-economic position of media workers”], (Podgorica: 2023)

74 Focus group with journalists I, February 2024

75 Interview, Radomir Krackovic, interviewed Marijana Camovic-Velickovic, February 2024

76 SMCG, „Od 2. jula uvećane dnevnicе za rad nedjeljom“ [“From July 2, increased daily wages for work on Sundays”], July 3, 2023

77 Focus group with journalists I, February 2024

collective agreement. Three trade unions from private media operate at SMCG and that number did not change during 2023. Problems regarding anti-union discrimination of activists in the media continue to be reported, as well as the prohibition of union organizing in some private media.

— B.2 EDITORIAL INDEPENDENCE IN THE PRIVATE MEDIA

The editorial offices of the majority of private media in Montenegro do not have documents that define the separation of editorial offices from managers and marketing, but they cooperate closely, so even texts appear on portals where it is difficult to see that it is promotional content because it was written by journalists or it was written and presented in such a way that it is not visible at first glance that it is a paid article.

The majority of private media do not have internal codes of ethics or rules that would ensure the independence of the newsroom from media owners or governing bodies, but some media, such as the *Vijesti* daily⁷⁸ and the *Mina* agency⁷⁹, began to adopt similar regulations in 2021. All private media rely on the general Code of Journalists.

Censorship⁸⁰ and self-censorship are still expressed due to open pressures but also the fear of dismissal, when journalists most often self-censor in order not to jeopardize their position. „The most common pressures I’ve heard about are banning the formation of unions, denying salary supplements and attempts to influence reporting with the aim of positively presenting certain political structures and especially large advertisers.”⁸¹ Pressures also come from employers who, according to the focus group participants, are increasingly demanding, but do not follow this with an increase in wages. „I have no points of contact with the owners of the media, but the pressure comes from the editors and is reflected in the daily obligation to publish texts that have not yet been rounded up by journalists. The pressure is also reflected in the fact that, due to the lack of staff, journalists are constantly overloaded with daily duties in the newsroom⁸²”. A new form of pressure on employees is the use of artificial intelligence, to which some media have entrusted one segment of information. Thus, the daily newspaper *Dan* has a News section that is read by a virtual presenter named Mara AI⁸³.

— B.3 EDITORIAL INDEPENDENCE IN THE PUBLIC SERVICE MEDIA

RTCG has a Code of Ethics⁸⁴ that was amended in 2021 and contains numerous restrictions in terms of restrictions on freedom of speech. New amendments have been announced

78 [Vijesti.me](#), „[Etičke smjernice redakcije](#)” [“Ethical guidelines of the editorial staff”]

79 [Mina Agency](#), „[Etički kodeks novinske Agencije Mina](#)” [“Ethical code of the Mina News Agency”]

80 Focus group with journalists I, February 2024

81 Interview, Radomir Krackovic, interviewed by Marijana Camovic-Velickovic, February 2024

82 Focus group with journalists I, February 2024

83 [Dan portal](#), „[Vijesti za 10. april](#)” [“News for April 10”], April 10, 2024

84 [RTCG Council](#), „[Etički kodeks RTCG](#)” [“RTCG Code of Ethics”]

several times, which would further harm employees and journalists and their freedom of expression, especially on social networks. It is positive that the valid Code of Ethics is not applied because the Ethics Committee whose jurisdiction this is has not yet been formed. The basic professional and ethical rules are not consistently applied and this was pointed out by the *RTCG* ombudsperson in their reports⁸⁵.

The most important governing act of the *RTCG* is the Statute, which does not formally separate the editorial office from the governing bodies and does not deal with that topic, and the most important body of the *RTCG* is the Council, which was constituted in the middle of 2021 and whose composition has not been changed. „Through a series of actions, the Council of the *RTCG* shows a trend that is worrying and that may indicate certain internal agreements that are not completely transparent or visible to us as professionals or the lay public. I am quite sure that the Council is currently not performing the function for which it was established, i.e. – it is not representing the public interest”⁸⁶. The general director’s influence on the entire work of *RTCG* is great, so often one cannot see the difference between what the editorial office, marketing, and propaganda should do⁸⁷.

Journalists do not report direct pressures coming from politicians, they do not address them directly, but it is done through editors and directors who are in contact with them. „Through the editorial team, I was reproached for publishing the statement of a member of the European Parliament who criticized the new ruling majority. I also received remarks because of an objective article about the war in Ukraine. It’s humiliating and devastating.”⁸⁸

The political influence on the Public Service is still evident and is reflected in the dismissal of editors who are party-unsuitable and the employment of new ones who are eligible. It is not officially talked about, but it can be seen through the shows, the guests who are invited, and the positions that are advocated, as well as the testimonies of journalists. „There was a situation where the director, who is not a journalist, and at the same time politically appointed, tried to influence with his comments whether some news should be published and in what way. Therefore, politicians exert pressure through a director who is a member of their party.”⁸⁹ Focus group participants and interviewed journalists from *RTCG* also claim that they are openly forbidden to report in any way on the general director of *RTCG*, whose re-election to that position is under prosecutorial investigation.

85 *RTCG* Ombudsperson „Izvještaj Ombudsmana za period septembar-decembar 2023. godine” [“Report of the Ombudsperson for the period September-December 2023”]

86 Interview, Vuk Vukovic, interviewed by Marijana Camovic-Velickovic, April 2024

87 Focus group with journalists I, February 2024

88 Ibid.

89 Ibid.

— B.4 EDITORIAL INDEPENDENCE IN THE NOT-FOR-PROFIT MEDIA SECTOR

There are three non-profit media in Montenegro (*Radio Homer*, *Radio Fatih*, and *Radio Svetigora*)⁹⁰. *Radio Svetigora* received the status of non-profit broadcaster at the end of 2022. Overall, this sector is quite underdeveloped. Although the Law on Electronic Media, as well as the draft Law on Audiovisual Media Services, provide rules regarding the program scheme, which these broadcasters must follow, AEM's monitoring reports still note that there are deviations from the planned structure. There are also some non-profit online portals, which are financed 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.

There is no information about *Radio Fatih*⁹¹ in terms of finances and the number of employees. *Homer* reported three employees, and *Svetigora* one. As it concerns religious radio stations, that is, a radio station for people with impaired vision, information is not their focus, so there is no data on ethical rules and editorial independence. Non-profit on-line media is *PCNEN*⁹², which is project-financed and does not have a large influence and readership. The Ministry of Culture and Media supports a number of non-profit print media⁹³.

No information has reached the public about any form of pressure on non-profit media, not even on those who, as part of non-governmental organizations, deal with project-based investigative journalism and research in the domain of corruption and crime.

— B.5 WORKING POSITION OF WOMEN JOURNALISTS

Journalists still believe that they are personally completely independent in deciding when it comes to their work, but in general they think that there is a problem of censorship and self-censorship in the profession. „We have more freedom in choosing stories than we used to have. But we still don't have absolute freedom when choosing interlocutors, although it's like silent pressure, i.e. some form of self-censorship when choosing"⁹⁴. Interviewed journalists previously pointed out that a psychological support service is necessary and SMCG established it in the middle of 2023 for all its members. There has been a free legal aid service since before, which has been improved⁹⁵.

A 2023 survey⁹⁶ by the Trade Union of Media showed that as many as 43 percent of surveyed journalists had to censor

90 Trade Union of Media of Montenegro, „[Indikatori nivoa medijskih sloboda i bezbjednosti novinara 2022. godina](#)” [“Indicators of the level of media freedom and safety of journalists in 2022”], (Podgorica: 2022)

91 Trade Union of Media of Montenegro, „[Socio-ekonomski položaj medijskih radnika](#)” [“Socio-economic position of media workers”], (Podgorica: 2023)

92 PCNEN, „[O nama](#)” [About us]

93 Government of Montenegro, „[MKM podržalo projekte štampanih neprofitnih medija sa 60 hiljada eura](#)” [“MKM supported print non-profit media projects with 60 thousand euros”], July 31, 2023

94 Focus group with journalists I, February 2024

95 Trade Union of Media of Montenegro, „[Pravna podrška](#)” [“Legal Support”].

96 Trade Union of Media of Montenegro, „[Socio-ekonomski položaj medijskih radnika](#)” [“Socio-economic position of media workers”], (Podgorica: 2023)

their content at some point in their careers. When it comes to the sources that influence journalists and other media workers when performing their work tasks, the respondents agree that they are most influenced by journalistic ethics (84 percent), and media laws and regulations (82 percent). Editors are still the most influential (62 percent), followed by personal values and beliefs (67 percent). Every other respondent pointed out that the owners influence his work.

All research shows that male and female journalists see editors as the main transmitters of orders media owners and politicians or businessmen and thus the content is censored and employees influenced. „I have not encountered editorial censorship, worth mentioning. As for self-censorship, consciously or unconsciously it is present. The fear of losing one’s job, and therefore one’s means of existence, is probably the primary reason that influences self-censorship to be present in work.”⁹⁷ They also point out that threats of dismissal or salary reduction are a „good motive” to do as the editors say, and that this is perhaps the most common form of self-censorship. They also point out that they often have to ask prearranged questions with the interlocutors, delete some that the interlocutors themselves judge to be inappropriate, and the like, and that these privileges are negotiated with the editors to the detriment of the journalists.

— B.6 WORKING POSITION OF WOMEN JOURNALISTS

In general, working conditions in the media are very similar for men as for women, but some specifics can still be recognized in the case of female journalists. They testify that, since the salary policy is not transparent, they often find out that their salaries are lower than their male colleagues, even though they perform the same job. „Women suffer in terms of daily functioning and attitudes towards them. Male colleagues will criticize women more harshly and inappropriately than men and often set more serious and demanding tasks before them.”⁹⁸ Also, harmonizing family and business obligations is a challenge characteristic only for women, as is the question of marriage and children during employment. „Women are also given difficult access during employment, they are often assigned more difficult tasks, and considering the situation in the media regarding the respect of labor rights, I believe that they also have difficulties when using pregnancy and maternity leave.”⁹⁹

The only media that in some way treats the issue of gender equality is *RTCG* through the „Gender Equality Plan 2023-2027”¹⁰⁰, that is, the presentation of certain plans for improving women’s working conditions and statistical data from which, for example, it can be seen that women make up the majority of employees, but also that out of 11 employees in the general director’s office, only three are women.

97 Focus group with female journalists, January 2024

98 Ibid.

99 Ibid.

100 RTCG, „[Plan rodne ravnopravnosti 2023-2027](#)” [“Gender Equality Plan 2023-2027”], Decembar 2023

The female editors-in chief are usually not women, but there are a large number of them in lower editorial positions that imply great work and dedication¹⁰¹. By the way, it is estimated that more than 60 percent of employees in the media are women, but, for example, none of the three daily newspapers has a woman as editor-in-chief. None of the three leading positions in *RTCG* belong to women (general director, director of television and radio). There are women in directorial positions in local public broadcasters and in several television stations with national coverage.

Female journalists who participated in the focus group do not recognize the elements of exposure to gender-based violence in themselves but they notice it in other female colleagues as a general phenomenon. Nevertheless, when the questions are asked in more detail and the types of gender-based violence are enumerated, they are most often recognized in one of the categories. „Women journalists can be exposed to violence in the sense of misogyny or sexism, which does not happen to men, and it can be unpleasant for them or their family.“¹⁰² Two female journalists in Montenegro are under constant police protection due to threatened security. No man is in such a situation.

101 Data obtained from the analysis of media impressions
102 Focus group with female journalists, January 2024

C. JOURNALISTS' SAFETY

— C.1 JOURNALISTS AND MEDIA ACTORS HAVE ACCESS TO IMMEDIATE AND EFFECTIVE PROTECTIVE MEASURES

The situation regarding the legal protection of journalists and other media workers has not changed in the past year. The Police and the Prosecutor's Office have still not established a special department that will exclusively deal with attacks on journalists and media property, although the Basic State Prosecutor's Office of Podgorica, as the largest individual prosecutor's office, announced that for the needs of media organizations, this person is the head of the prosecutor's office himself.¹⁰³ The number of attacks decreased in 2023 and many of those that occurred have either been resolved or are on their way to being resolved.¹⁰⁴ Special mechanisms for the protection of journalists from hate speech or serious threats to life have not yet been established. State institutions have not established special or efficient mechanisms for reporting cases of attacks and threats or hate speech. Currently, victims of attacks and threats can file reports with the Police Directorate in a regular procedure that also applies to other citizens. Hate speech is increasingly occurring in the public sphere, and since it threatens to become an even bigger problem, the state must establish special mechanisms for protection.

During 2023, the database of the Trade Union of Media of Montenegro registered 16 attacks and threats against journalists and the media on the website www.safejournalists.net, while the Police Directorate registered 11 cases.¹⁰⁵ The situation from previous years was repeated, with the TUMM registering more cases than officially reported. Mostly, all minor cases from previous years are resolved in a very short time, and among the verdicts, there were prison sentences. Out of the total number of cases registered with the police, the competent state prosecutor qualified two cases as criminal offenses prosecuted ex officio, one of which was solved, while in one case measures and actions are being taken to solve the case. For one case, the competent state prosecutor assessed that the reported events did not contain elements of a criminal offense prosecuted ex officio or elements of a misdemeanor. It was assessed that three cases were misdemeanors and proceedings were initiated, in two cases the case files were submitted to the prosecutor's office for assessment of the legal qualification of the event.

In recent years, the experiences of journalists and media representatives who are victims of attacks and threats have been more positive in terms of the attitude of police officers responsible for investigations. There have been no reported cases in which the relevant state authorities have not accepted the report of a case. The number of cases that are qualified as a criminal offense and as a misdemeanor is almost equal.

103 Trade Union of Media of Montenegro, „Konsultacije sa predstavnicima Osnovnog tužilaštva u Podgorici“, [Consultations with the representatives of the Basic Prosecutor's Office in Podgorica], April 21, 2023

104 Safejournalists.net, [Incidents Database](#)

105 Letter from the Police Directorate, January 29, 2024

— C.2 JOURNALISTS AND OTHER MEDIA ACTORS (WHOSE LIVES OR PHYSICAL INTEGRITY ARE AT REAL AND IMMEDIATE RISK) HAVE ACCESS TO SPECIAL PROTECTION OR SAFETY MECHANISMS

Amendments to the Criminal Code have improved the preventive protection of journalists and other media workers in Montenegro in terms of threatening their safety. However, within the editorial offices themselves, there is no preventive work, and risk assessments are not carried out before sending teams to the field, especially on the eve of high-risk events. Current legal solutions offer the possibility of providing continuous police protection in cases where there is a serious threat to the life or physical safety of journalists. A prerequisite for providing police protection is a negative security assessment. For three years now, two female journalists have had continuous police escort, as they have previously been victims of serious attacks and threats due to high-level corruption and crime investigations.¹⁰⁶

„My lifestyle has changed significantly since the moment I was first assigned physical security at the end of 2018. Fortunately, that period was shorter than now, which has been in place with varying degrees of security since August 2021. I had to change my habits, deny myself trips, and partially reduce my trips to hiking, sports events, concerts, and the theater.”¹⁰⁷

The National Security Agency, which is responsible for this, conducted a security assessment for another journalist, but it was not concluded that he needed special protection.

The police did not establish any special procedures for risk assessment related to potentially endangered journalists, but this is done individually through a standard procedure that applies to all citizens. This involves contacting the police with a request for an assessment, and the police then contact the National Security Agency. Drafting of the guide or manual for risk assessment for employees in the media industry has been ongoing for several years, but the public is not familiar with this working material or when this document will be adopted. Amendments to the Criminal Code, which came into force at the beginning of 2022, provide for preventive protection for media workers in Montenegro. Namely, the amended Criminal Code offers additional protection with five amended criminal offenses that prescribe stricter penalties for perpetrators of attacks on journalists. Several cases have already been qualified under these new articles of the Criminal Code. Risk assessments for journalists within their editorial offices are still not carried out, especially when sending teams to high-risk events.¹⁰⁸

Special support services for media workers exposed to attacks and threats are offered mainly by civil society organizations, and media employees point out this as the most needed service. The Trade Union of Media also offers free legal and psychological assistance, and in 2023, more than 170 members sought help

106 Letter from the Police Directorate, January 29, 2024

107 Osservatorio balcani e caucaso transeuropa, „Crna Gora: Jelena Jovanović novinarka na meti mafije”, [Montenegro: Jelena Jovanovic, a journalist targeted by the mafia], July 10, 2024

108 TUMM, „55 sudskih slučajeva zbog ugrožavanja bezbjednosti novinara/ki”, [55 court cases for endangering the safety of journalists"], February 12, 2023

on this occasion. For female journalists under police protection, this status does not provide any other „privileges“ in terms of psychological or other support, but only physical protection from the police officers assigned to accompany them. They can also use support services provided by the civil sector.

— C.3 FEMALE JOURNALISTS HAVE ACCESS TO LEGAL MEASURES AND SUPPORT MECHANISMS WHEN FACED WITH GENDER-BASED THREATS, HARASSMENT, AND VIOLENCE

Although it has been applied in Montenegro for a decade, the Istanbul Convention has not yet come into full force.¹⁰⁹ It was ratified relatively early in Montenegro and fully incorporated into the Law on the Promulgation of the Law on the Ratification of the Convention¹¹⁰, but it is necessary to work harder on the best possible practical implementation of its provisions. During 2023, one case of sexual harassment and one case of rape threats were recorded, involving 5 female journalists, but there was no institutional response from the Police and the Prosecutor’s Office and the case has not been resolved. Female journalists testify to a different attitude of employers towards them compared to male colleagues when it comes to salaries and general treatment.

Female journalists can rely on protective measures that are also available to other women, such as free legal aid or protection from discrimination and gender-based violence, but there is nothing related to the profession¹¹¹. Amendments to the Law on Free Legal Aid¹¹² are underway, which define that the right to free legal aid can be used by victims of domestic violence, family violence, and victims of human trafficking, regardless of whether they are women or men¹¹³.

Victims of gender-based violence still do not have the opportunity to receive information or assistance regarding their problems systematically, through networking of state bodies. A positive example for both the general population and female journalists is the institution of the Ombudsperson, which acts both preventively (providing information) and also provides statistical data and keeps records of such cases. „Hate speech against women expressed in the form of misogyny and sexism gains momentum in times of social turmoil and tension and is predominantly directed at women who act in public and publicly express their views. Disagreement with the views, political beliefs, and work of publicly active women is expressed through insults, and stereotypical, stigmatizing attitudes toward them.¹¹⁴ In addition to the courts, female journalists who are victims of discrimination at work can also turn to the Ombudsperson institution. It is not known whether

109 RTCG, „[Istanbulska konvencija obavezuje i Crnu Goru](#)“, [The Istanbul Convention also binds Montenegro], August 1, 2014

110 [Zakon o potvrđivanju Konvencije Savjeta Evrope o sprječavanju i suzbijanju nasilja nad ženama i nasilja u porodici](#) [Law on the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence]

111 Ombudsperson, [Izveštaji o radu](#) [Work Reports]

112 Council of Europe Program Office in Podgorica, „[Izmjene i dopune Zakona o besplatnoj pravnoj pomoći u Crnoj Gori](#)“, [Amendments to the Law on Free Legal Aid in Montenegro], December 12, 2022

113 Pobjeda Newsroom, „[Predložili izmjene i dopune Zakona o besplatnoj pravnoj pomoći](#)“, [Proposed amendments to the Law on Free Legal Aid], April 18, 2024

114 Ombudsperson, [Izveštaji o radu](#) [Work Reports]

there were any such cases during the previous year. Poet and producer of the TV show „Dnevnicca” Lejla Kasic, via the social network Instagram, accused musician Rambo Amadeus (Antonio Pusic) of sexual harassment. As she said, during the recording of the show, Pusic touched her inappropriately, and she also received a series of insults such as „stupid”, and „crazy”... Pusic was fined for sexual harassment.¹¹⁵

— C.4 THE PRACTICE OF REGULAR PUBLIC CONDEMNATION OF THREATS AND ATTACKS ON JOURNALISTS AND MEDIA HAS BEEN ESTABLISHED

There has been no real progress yet when it comes to the relationship between representatives of political parties or public officials towards the media. Moreover, in the last few years, there has been a noticeable trend of criticizing the media or journalists for disagreeing with the editorial policy of the media they work for. For instance, in 2023, the then Prime Minister, during his technical mandate, spoke inappropriately and verbally attacked a local media outlet twice, and a high-ranking politician did the same.¹¹⁶ When the attackers do not come from political ranks, public condemnation of attacks and threats against journalists and the media has been established as a practice, but these condemnations are mostly declarative and occur after more serious cases.¹¹⁷

Statements in which public officials, politicians, and officials condemn attacks on journalists and the media are regularly issued and they point to the need to provide a safe working environment for media workers. There is also a frequent debate about which media outlets are professional and which are not, as well as whether media outlets are attacked from one side or the other of the polarized media community.

Considering that attacks often come from the most important political positions, such as the position of the Prime Minister, it cannot be said that an environment has been created in which journalists can feel safe while working. The practice of favoring close political options and establishing informal partnerships with the media is still present.

— C.5 POLICE AUTHORITIES ARE SENSITIVE TO JOURNALISTS’ PROTECTION ISSUE

The trend of faster resolution of new cases of attacks on journalists continued so that every incident that occurred during 2023 received some kind of epilogue. According to reports from the Police Directorate and the Ministry of Internal Affairs, every year, efforts are made to educate employees of these state bodies to further sensitize them and familiarize them with basic human rights standards but also to familiarize them with the nature and importance of the journalistic profession for every democratic society.

115 Ne.V, Vijesti.me., „Kašić: Rambo Amadeus priznao krivicu, kažnjen novačno”, [Kasic: Rambo Amadeus pleaded guilty, fined], September 8, 2023

116 Safejournalists.net, [Incidents Database](#)

117 Focus group with journalists I, February 2024

The analyzed period was marked by instability in the management of the Police due to frequent changes in the position of director, so the public does not know whether during that period attention was paid to protocols or guides for police officers, which prescribe the prohibition of harassment, intimidation and physical attacks on journalists. The activities of the Council of Europe in Montenegro to improve the education of police officers in this area continued.

Investigative journalist Jovo Martinovic was acquitted of charges of drug trafficking in a procedure that lasted 7 years.¹¹⁸ He spent 15 months in detention, which, at the end of the process, turned out to be unfounded detention. There have been no new similar cases. In the last few years, a more positive attitude towards cases of attacks on journalists has been noticeable, in the sense that they are being resolved more quickly than before, but a large number of old cases remain unresolved and are threatened with statute of limitations.

The cooperation of the Police Directorate with organizations dealing with the safety of journalists is reduced to providing data at the request of the organizations.¹¹⁹ A few years ago, the possibility of appointing contact persons in the police who would be responsible for communicating with organizations and providing them with data on cases of attacks on journalists was mentioned, but this did not happen.

— C.6 SPECIALISED UNITS/OFFICERS ARE EQUIPPED WITH EXPERTISE FOR INVESTIGATING ATTACKS AND VIOLENCE AGAINST JOURNALISTS

The Commission for the Investigation of Cases of Attacks on Journalists is still the only body established by the Government and given the authority to control investigations. The Commission issued several reports during the year in which it pointed out the shortcomings of the prosecution and police. No special units were established in the police and prosecutor's offices to deal exclusively with attacks on journalists and the media.¹²⁰

There were no special activities within the prosecution and police, in terms of writing protocols and guides that address the way investigations are conducted when journalists are victims, but there has been a change. „Constant urging of the Police and Prosecutor's Offices to shed light on attacks and provide documentation for older cases has had an impact on improving the work of these institutions".¹²¹

„I believe that there is good cooperation between the Police and Prosecutor's Offices in 2023, given that the Police promptly submit files to the Prosecutor's Office for

118 Slobodna Evropa, „[Novinar Jovo Martinović oslobođen optužbe za šverc narkotika](#)”, [Journalist Jovo Martinovic was acquitted of drug smuggling charges], January 17, 2023

119 Interview, Radomir Krackovic, interviewed by Marijana Camovic-Velickovic, February 2024

120 Government of Montenegro, „[Šesti izvještaj Komisije novog saziva](#)”, [The sixth report of the Commission of the new convocation], February 15, 2024

121 Interview, Predrag Nikolic, interviewed by Marijana Camovic-Velickovic, February 2024

assessment regarding the existence of criminal offenses or misdemeanors when it comes to attacks on journalists".¹²²

— C.7 INVESTIGATIONS OF SERIOUS PHYSICAL ATTACKS ON JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT EFFICIENTLY (INDEPENDENTLY, THOROUGHLY, AND PROMPTLY)

The most serious cases of attacks on journalists have not been solved and there are serious indications that the reason is political. After five years, there has been progress in the case of the gunshot wounding of journalist Olivera Lakić¹²³. „It is more than clear that political reasons in the most significant cases were decisive in the fact that the perpetrators and those who ordered them have still not been found or that investigations last for several years. In recent years, resolving cases of attacks on journalists and the media has been set as a priority and are being resolved more efficiently, leading to the identification of the perpetrators and convictions.”¹²⁴ The 2021 amendments to the Criminal Code allow for attacks on journalists to be classified as more serious crimes, with stricter penalties. So far, according to the records of the TUMM, two cases of attacks have been treated in this way.¹²⁵

The only case of the murder of a journalist that occurred 19 years ago has not yet been solved, and although the Prime Minister in the technical mandate, Dritan Abazovic, has repeatedly announced new evidence that would lead to the resolution of the case, this has not happened. „It is particularly important that the Commission, in the Report published in January, published for the first time – a Partial Report on the Work of the Police and the Prosecutor’s Office in the Case of the Murder of Dusko Jovanovic. It provides numerous recommendations that could launch an investigation into this most serious crime against a journalist from a dead end. At the end of last year, the Commission also prepared an amendment to this report, with additional recommendations. It is worrying that the Supreme State Prosecutor’s Office has still not commented on the recommendations”.¹²⁶

Institutions are responding better than before, but it is still not a system that would guarantee journalists effective protection. „The Commission has long recommended that the Police Directorate initiate a regular review of the safety of the most vulnerable journalists and media in cooperation with other competent state bodies. It is also recommended that the responsibility of prosecutors and police officers be reviewed in cases where shortcomings have been identified.”¹²⁷ Another objection is that many attacks are treated as

122 Interview, Dalibor Tomovic, interviewed by Marijana Camovic-Velickovic, February 2024

123 Nikolic, Biljana, Vijesti.me, „SDT predao optužnicu za ubistvo Kruščića i napad na novinarku Oliveru Lakić”, [Special State Prosecutor’s Office files indictment for Kruscic’s murder and attack on journalist Olivera Lakić], December 7, 2023

124 Interview, Predrag Nikolic, interviewed by Marijana Camovic-Velickovic, February 2024

125 Interview, Mirko Boskovic, interviewed by Marijana Camovic-Velickovic, February 2024

126 Government of Montenegro, „Abazović: Otkivanje nalogodavaca ubistva Duška Jovanovića ostaje jedan od prioriteta Vlade”, [Abazovic: Uncovering those who ordered the murder of Dusko Jovanovic remains one of the Government’s priorities], May 27, 2022

127 Interview, Predrag Nikolic, interviewed by Marijana Camovic-Velickovic, February 2024

misdemeanors, not as criminal offenses, and it is believed that this minimizes the significance of attacks on journalists.¹²⁸

— C.8 JOURNALISTS AND OTHER MEDIA ACTORS ARE EFFICIENTLY PROTECTED FROM VARIOUS FORMS OF ONLINE HARASSMENT

The Criminal Code does not recognize online harassment as a separate criminal offense, although, at least when it concerns journalists, it occurs every year. However, some legal experts believe that this area is sufficiently regulated by the current Criminal Code and that it is possible to effectively sanction it regardless of the channels through which it comes (online or offline)¹²⁹.

A slight decrease in the number of online harassment of media workers was recorded, from 11 such cases in 2022 to seven in 2023, two of which were death threats. Other cases concern threats of rape, creating fake Facebook accounts with the journalist's name and pornographic content, insults...

The police assessed that some cases did not contain elements of a criminal offense, and some were processed, while some are still under police-prosecutorial processing. No special measures have been implemented to protect journalists in the online sphere, but are treated the same as in cases where other citizens are harmed.

— C.9 INVESTIGATIONS OF ALL TYPES OF ATTACKS AND VIOLENCE AGAINST JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT TRANSPARENTLY

Formally, victims of attacks and threats have access to the investigative process and are generally familiar with the investigative procedure, evidence, and case files. „I believe that in the last two years, 2022 and 2023, the actions of state authorities in investigations have been up-to-date". Victims were previously treated rather passively by investigative authorities, believes lawyer Tomovic, and were not informed about the persons being questioned, the evidence being presented, and the like, unless they had a lawyer as their attorney.¹³⁰

The public relations departments of Montenegrin courts generally provide information about all legally concluded procedures, or procedures in which a verdict has been issued. Information about the course of the procedure can also be obtained for cases that are assessed as significant for the public. There is also the possibility of obtaining legally binding court judgments through the court website, which is often not possible due to the anonymization of the parties to the proceedings but also because the judgments are not published promptly.

128 Interview, Radomir Krackovic, interviewed by Marijana Camovic-Velickovic, February 2024

129 Interview, Mirko Boskovic, interviewed by Marijana Camovic-Velickovic, February 2024

130 Interview, Dalibor Tomovic, interviewed by Marijana Camovic-Velickovic, February 2024

— C.10 QUALITY STATISTICS COLLECTION SYSTEMS ESTABLISHED BY STATE AUTHORITIES TO STEM IMPUNITY

The collection and publication of statistical data is one of the biggest problems of Montenegrin state bodies, especially when it comes to data concerning the media sector. Not only is there no stratified data, but this data is not collected at all. Even in situations where a state body collects statistical data, they are not proactively published but can be obtained upon request.

When it comes to the safety of journalists, cases of attacks and threats are registered by the Police Directorate and this data can be obtained upon request. However, their records contain all attacks and threats in which the victim of that case is engaged in journalism, even when that specific case is not related to their work so that a clear picture is not obtained in that sense either. Data can also be obtained upon request from the Prosecutor's Office.

In addition, the institutions that collect some data, such as the Statistical Office of Montenegro, do not provide an accurate picture because when their data on the number of employees in the media are compared with data from the Tax Administration, a difference of several hundred employees is visible, so they are not credible. The division within the sector in terms of gender, some types of affiliation, and the like is not known precisely because of the lack of a basic database.

— C.11 NON-PHYSICAL THREATS AND HARASSMENT

During 2023, 6 cases of threats were recorded.

The situation is better statistically, as there were 13 threats in 2022 and six in 2023. As for the seriousness of the threats, they are more or less the same and concern threats to security and insults. Journalist Dragana Scepanovic felt threatened and reported them, after being targeted for a long time by a portal and its owner, a local businessman, whose business she reported on, and who launched a petition among citizens against her.

Category	Number	Brief description of the case
<p>Non-physical threats and harassment</p> <p>This category includes:</p> <ul style="list-style-type: none"> – surveillance or monitoring – harassing telephone calls – arbitrary judicial or administrative harassment. – aggressive statements by public officials – other forms of pressure that may endanger 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>	6	<ul style="list-style-type: none"> – An official of the „Evropa sad“ political party, Andrej Milovic, sent inappropriate messages via phone call to the editor-in-chief of <i>Pobjeda</i>, Drasko Duranovic. Milovic told Duranovic that he was being targeted and that he was receiving death threats, and that he and his wife Tinka Duranovic, who is the executive director of <i>Portal Analitika</i>, would be personally responsible if anything happened to him and his family. – On February 28, an inappropriate, threatening and sexist message was sent to the editor-in-chief of <i>Portal Analitika</i>, Rosanda Mucalica. – <i>ND Vijesti</i> journalist Jadranka Cetkovic reported to the Berane Security Department on duty that on March 1, 2023, an unknown female person offensively addressed her in front of the High Court building in Bijelo Polje. – Journalist Tufik Softic reported on March 15, 2023, to the Berane Security Department on duty that an unknown person had created a fake account under his name on the social network Facebook, on which his photo with inappropriate content was posted. – NGO activist Mitar Radonjic filed a criminal complaint against <i>Pobjeda</i> journalist Dusko Mihailovic for the criminal offense of persecution, regarding the articles that Mihailovic had been publishing since March 2022. – Journalist of <i>ND Vijesti</i> and the weekly newspaper Monitor from Kolasin, Dragana Scepanovic, reported to the Kolasin Security Department that she felt threatened because she had been the target of several months of insults, accusations, and disparagement through articles published by the <i>Aktuelno</i> portal. A petition has also been launched requesting that she be prevented from reporting because her work is „driving“ investors out of Kolasin.

— C.12 THREATS AGAINST THE LIVES AND PHYSICAL SAFETY OF JOURNALISTS

This category has deteriorated, with two threats in 2022 and four threats in 2023. In one case, five female journalists received rape threats in one email, and this was registered as one case involving five people. This is the first case of a mass rape threat.

Both cases from 2022 have been resolved. One person who threatened a female journalist was declared mentally incompetent, while in the other case, the threats against the journalist's daughter were deemed not to constitute a criminal offense that could be prosecuted ex officio¹³¹.

131 Safejournalists.net, [Incidents Database](#)

Category	Number	Brief description of the case
<p>Threats against the lives and physical safety of journalists</p> <p>This category may include:</p> <ul style="list-style-type: none"> – references to the murder of the journalist, his friends, family, or sources. – references to the infliction of physical harm on journalists, the journalists' friends, family, or sources. <p>These threats may be:</p> <ul style="list-style-type: none"> – made directly or through third parties. – transmitted through electronic or face-to-face communication. – implicit as well as explicit. 	4	<ul style="list-style-type: none"> – On July 27, the editor-in-chief of the <i>M portal</i>, Danica Nikoc, received a threatening email: „...I told you that you would hang and you will see that I was a good prophet”. – A high-ranking DPS official from Bar, Bozidar Jankovic, sent death threats to <i>RTCG</i> journalist Zoran Lekovic. He posted the following comment on the social network X: „This scumbag Lekovic needs to be trampled on! Because until three years ago, this louse was just a louse and nothing else! But a small louse who now thinks he is important!” – <i>TV Vijesti</i> journalist Nikola Milosavic Aleksic received threats over the phone from the owner of the company „Trudbenik”, Vuksan Radonjic, that he would „rip his head off” because he was investigating possible irregularities in the operations of his restaurant. – The editor of <i>M portal</i>, Danica Nikolic, received a threatening email, in which an unknown person threatened her and her colleagues Tamara Nikcevic, Bojana Dabovic, Mirka Devic, and Slavica Kruscic-Vasovi with rape.

– C.13 ACTUAL ATTACKS

There were no such cases during the year. Bearing in mind that in 2022, six cases were recorded in this category, the situation has improved. All six cases have been completed.

Category	Number	Brief description of the case
<p>Actual attacks on journalists</p> <p>Types of actual attacks may include actual physical or psychological harm, kidnapping, home/office invasion, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	0	

– C.14 THREATS AND ATTACKS ON MEDIA OUTLETS AND JOURNALISTS' ASSOCIATIONS

Five incidents were registered in this category, three of which were caused by Acting Prime Minister Dritan Abazovic, who linked the media to criminal structures. In one case, the threat was sent via the social network Instagram, and in one case via the Facebook network, and these were death threats sent to members of the editorial staff of *Radio Antena M*.

Category	Number	Brief description of the case
<p>Threats and attacks on media and associations of journalists</p> <p>Actual attacks on the property of media outlets and organizations, their employees, confiscated equipment, aggressive statements by public officials, etc. In addition, threats and attacks can include some of the categories listed above.</p>	5	<ul style="list-style-type: none"> - The editorial staff of the <i>Standard portal</i> received an offensive and threatening message under the text published on the social network Instagram on April 3. - During a public event, Prime Minister in technical mandate Dritan Abazovic targeted <i>Gradska TV</i>, accusing the local public broadcaster of „spreading religious and national hatred“. When a journalist remarked that he had been invited to be a guest on <i>Gradska TV</i> several times but had refused, Abazovic said that he would not come as long as the editorial structure was like that. - At a press conference of the „<i>Hrabro se broji</i>“ political coalition, on the occasion of presenting the program for the parliamentary elections, Prime Minister in technical mandate Dritan Abazovic called out <i>Gradska TV</i>, alluding to its connection with crime. He told a <i>Gradska TV</i> journalist that the „informal bosses“ of this media outlet are in the Sky application. - Prime Minister in technical mandate Dritan Abazovic commented on <i>Televizija E</i>, stating that its owners are the bearers of organized crime in Montenegro. - The editorial staff of <i>Antena M</i>, editor-in-chief and deputy editor Darko Sukovic and Milena Aprcovic, received death threats on the social network Facebook. A user under the name „Dordije Tadic“ called for the liquidation of the editorial staff of <i>Antena M</i>, via a comment under the publication of that media outlet. The threat read as follows: „The <i>Antena M</i> portal is the biggest nest of Ustashe in the Balkans. Urgently liquidate the editor and deputy, and shut down the rest.“



Conclusions and recommendations

CONCLUSIONS

LEGAL GUARANTEES AND THEIR IMPLEMENTATION,

The professional work of all media is not guaranteed because of the issue of supervision over the application of professional standards in the work of portals, which are the most numerous in Montenegro and make up over half of the total number of media, and their influence is growing. Therefore, there is a noticeable increase in propaganda and biased reporting in favor of certain political options, and punishment for spreading hate speech and inciting discrimination remains subject to lengthy court proceedings, which harms journalistic professionalism in the long term.

The independence of the *Public Broadcasting Service* is again questionable because its financing method was changed by a direct agreement between the Prime Minister and the Director General at the end of 2023. Thus the Government and the parliamentary majority adopted amendments to the law in mid-2024 thanks to which twice illegally elected director had the direct benefit of being reappointed.

The independence of local public broadcasters, which were founded by municipalities, is also questionable because many are financially unstable and depend on the political will of the majority in local parliaments. State advertising in private media is still not fully transparent, and state subsidies to private media through the Media Pluralism Fund do not include an evaluation of the spending of these funds.

Although media freedom in Montenegro is guaranteed by the Constitution and laws, old and new challenges still exist and are emerging in the dynamic media industry characterized by a large number of media outlets in a small area that does not have a large audience.

Respect for professional standards is a major challenge because there is a tendency on the part of politicians and officials to control certain media outlets. The fight for the full independence of the *Public Broadcasting Service* and local public broadcasters must be constant, as must the fight for a better position for journalists and media workers. New challenges such as the growth of disinformation, hate speech, and the strengthening of propaganda – must be addressed in a quality manner by the entire media community and the state.

SLAPP lawsuits are rare, while cases of pressure from the prosecution on the work of journalists have been recorded, which have been characterized as a violation of freedom of speech.

POSITION OF JOURNALISTS IN NEWSROOMS

Although there has been a certain salary increase in some private media and local public broadcasters, and in the *Public Broadcasting Service (RTCG)* up to 40 percent for those with the lowest incomes, the average salary in all media is still lower than the average at the state level. Key problems include the overwork of journalists in private media and the failure to pay salary supplements in some media. Despite new attempts by two media unions, there has been no progress in negotiations with media owners on concluding a Branch Collective Agreement that should improve the position of all media employees. Some journalists report both censorship and self-censorship in certain media, and the pressure most often comes from politicians, who implement it through editors and directors. Such cases have also been reported in the *Public Broadcasting Service*, where political influence is still evident and is reflected in the dismissal of unsuitable editors. The position of women in the media is additionally challenging because the salary policy is not transparent, so they often receive less than their male colleagues for the same job, even though it is estimated that they make up 60% of media employees. Balancing work and family obligations is also a challenge for them and they are less likely to hold positions of directors and editors-in-chief, except in private television stations and local public broadcasters.

JOURNALISTS' SAFETY

The number of attacks on journalists has decreased and many of them have been resolved or are on their way to being resolved. On the other hand, old and most serious cases of attacks on journalists have not yet been solved. Special mechanisms for protecting journalists from hate speech or serious threats to their lives have not yet been established. There are also no special mechanisms for reporting cases of attacks and threats. Although amendments to the Criminal Code have improved the preventive protection of journalists and increased penalties for attacks on them, prosecutorial and judicial practice does not yet guarantee stricter penalties. Risk assessments are not carried out within newsrooms themselves before sending teams to the field in anticipation of high-risk events. Politicians and public officials often criticize journalists and media outlets whose work or editorial

policy they disagree with, and they often selectively condemn attacks on journalists. The position of women in this segment is vividly illustrated by the fact that two journalists have been under police protection for years due to threats to their lives.

GENERAL CONCLUSION

Despite the fact that certain things are changing for the better and that there has been an increase in salaries and a decrease in the number of attacks on journalists, this is not felt in essence because inflation has canceled out the increases and the failure to resolve serious cases of attacks on journalists has maintained a general feeling of insecurity among media employees.

The impression is that things must change fundamentally and systematically, and not superficially and politically. Laws must be passed after consultations with all interested parties, and not, as is the case with the method of financing public service, in a political agreement between two people. Censorship and self-censorship remain major challenges for the profession, as well as the lack of quality self-regulation.

Regarding security, those in charge need to do more, specialize, and intensify their work to finally resolve the old and most serious cases of attacks on journalists.

RECOMMENDATIONS

DIMENSION A: LEGAL CERTAINTY

- Adopt amendments to the law to ensure oversight of compliance with professional standards in all media. (Parliament of Montenegro)
- Adopt amendments to the law to punish hate speech and incitement to discrimination in the media. (Parliament of Montenegro)
- Ensure full independence of the *Public Broadcasting Service* as well as respect for court rulings and completion of prosecutorial investigations related to the election of the Director General from 2021 to 2023. (Parliament of Montenegro, Supreme State Prosecutor's Office, Prosecutorial Council)
- Ensure full transparency of state advertising as well as evaluation of spending of money from the Media Pluralism Fund. (Ministry of Culture and Media, Agency for Electronic Media)

DIMENSION B: POSITION OF JOURNALISTS IN NEWSROOMS

- Continue efforts to adopt a Branch Collective Agreement through negotiations with employers, which would improve the position of all journalists and media workers. (Trade Union of Media of Montenegro, Montenegrin Employers Federation)

- Detect cases of censorship and self-censorship in the media and protect journalists who speak out about them. (Trade Union of Media of Montenegro)
- Ensure a better position for women in the media industry and full protection from gender-based discrimination. (Montenegrin Employers Federation, Protector of Human Rights and Freedoms of Montenegro, media)

DIMENSION C: JOURNALISTS' SAFETY

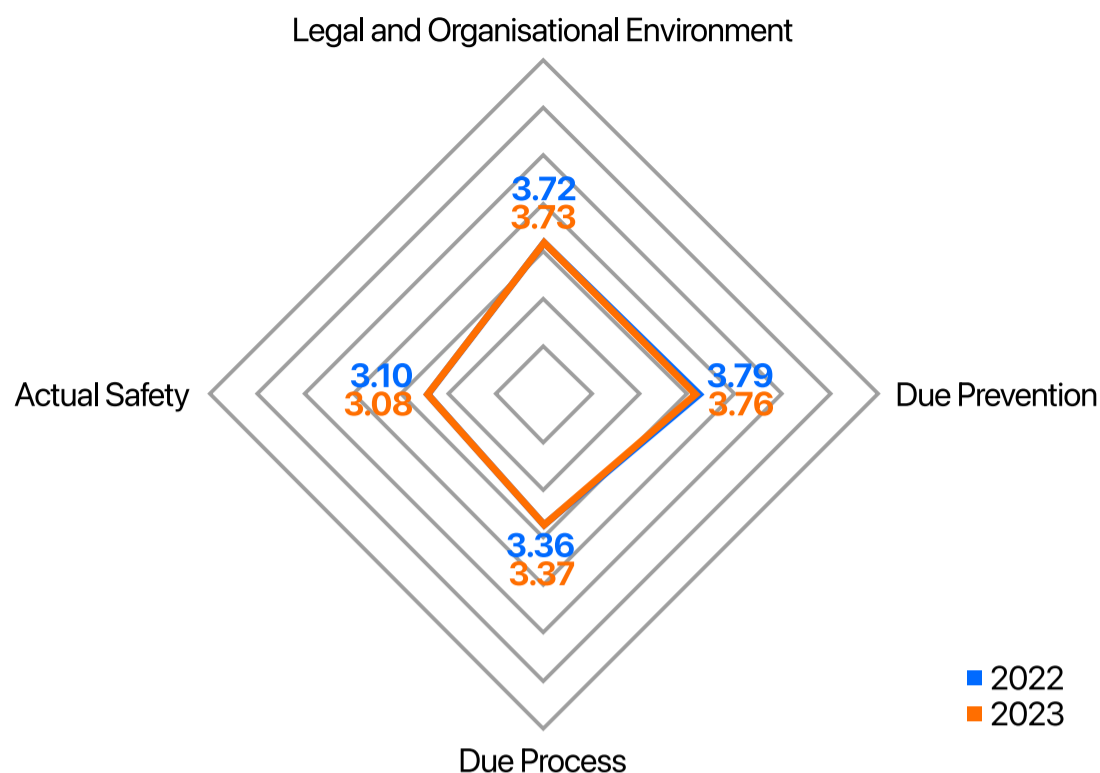
- Make additional efforts to resolve old and most serious cases of attacks on journalists. (Police Directorate, Supreme State Prosecutor's Office, Prosecutorial Council)
- Provide special mechanisms for reporting cases of attacks and threats against journalists, as well as mechanisms for protecting journalists from hate speech. (Police Directorate, Basic Prosecutor's Offices)
- The media should adopt or work on improving internal ethical guidelines, but also adopt guidelines for risk assessment when reporting on high-risk events. (Media)

IV

Journalists' Safety Index in Montenegro – 2023

This part of the Report graphically presents the Journalists' Safety Index in 2023 compared to the previous year 2022. For each of the four dimensions and all 19 indicators, a brief explanation of the key changes that occurred in 2023 is provided. A broader explanation of the data and changes that occurred for each indicator of the Index can be read in the narrative part of the Report – Chapter II Freedom of the Media and Safety of Journalists in Montenegro – Indicators:

Journalists' Safety Index Indicator	Narrative report
I. Legal and organizational environment	
Legal provisions related to defamation and their application do not create a chilling effect on journalists and the media	A.6
The confidentiality of journalistic sources is guaranteed by law and respected by the authorities.	A.8
Other laws are enforced objectively and allow journalists and other media actors to work freely and safely	A.7
Journalists are free to pursue their profession and to establish, join, and participate in the work of their associations.	A.9
The job positions of journalists are stable and protected at the workplace	B.1
II. Due Prevention	
Journalists and media actors have access to immediate and effective protective measures when threatened	C.1
Journalists and other media actors have access to specific protection/safety mechanisms	C.2
Female journalists have access to legal measures and support mechanisms	C.3
The practice of regular public condemnation of threats and attacks on journalists and media has been established	C.4
Police authorities are sensitive to issues of journalists' safety	C.5
III. Due Process	
Specialized units/officers are trained to investigate attacks and violence against journalists	C.6
Investigations of serious physical attacks on journalists and other media actors are conducted efficiently	C.7
Journalists and other media actors are effectively protected from various forms of online harassment	C.8
Investigations of all types of attacks and violence against journalists and other media actors are conducted transparently	C.9
State authorities have established a quality system for collecting statistical data to stem impunity	C.10
IV. Actual Safety	
Non-physical threats and harassment	C.11
Threats against the lives and physical safety of journalists	C.12
Actual attacks	C.13
Threats and attacks on media outlets and journalists' associations	C.14



	2022	2023		Major new changes in each dimension
Legal and Organizational Environment	3.72	3.73	↑	Civil lawsuits based on the protection of personality rights are initiated sporadically, and in 2023, 25 were initiated against media and journalists, and defamation was decriminalized back in 2011. The case that resonated with the public concerns the historian and columnist Boban Batricevic, against whom the Basic State Prosecutor's Office initiated proceedings ex officio, which was a precedent. The Law on Media has not been amended, so the controversial provision on the protection of journalistic sources remains, but no cases of abuse have been recorded. SLAPP lawsuits are frequent, but there have been cases where such proceedings have been initiated. A more significant case is the harassment and belittling of journalist Dragana Scepanovic, against whom a local businessman has been campaigning for years through his portal. Working conditions have not changed significantly, although there has been an increase in salaries in some media, however, salaries are still below the national average. The <i>Public Broadcasting Service</i> has concluded a new collective agreement, but there are still no collective agreements at the industry level, nor is there social dialogue in private media.
Due Prevention	3.79	3.76	↓	The situation regarding the legal protection of journalists and other media workers has not changed. The number of attacks has decreased and a large number of new cases either have been resolved or are on their way to being resolved. Newsrooms overlook the importance of prevention and do not conduct risk assessments before sending teams to the field. Endangered journalists do not have special psychological or legal assistance provided by newsrooms, but rely on the help of trade unions and journalists' associations. During 2023, one case of sexual harassment and one case of rape threats were recorded, involving 5 female journalists, but there was no institutional response from the Police or Prosecutor's Office and the case was not resolved. Female journalists testify to a different attitude of employers towards them compared to their male colleagues when it comes to salaries and general treatment. There is a noticeable trend of criticizing journalists or media outlets for disagreement with editorial policy.

	2022	2023		Major new changes in each dimension
Due Process	3.36	3.37	↑	The Commission for the Investigation of Cases of Attacks on Journalists is still the only body established by the Government and given the authority to control investigations. After five years, there has been progress in the case of the gunshot wounding of journalist Olivera Lakic. The only case of the murder of a journalist that occurred 19 years ago has not yet been resolved. A slight decrease in the number of online harassment of media workers has been recorded, from 11 such cases in 2022 to seven in 2023, two of which are death threats. Other cases concern threats of rape, creating fake Facebook accounts with the journalist's name and pornographic content, and insults. The most serious cases of attacks on journalists have not been resolved and there are serious indications that the reason is political. Courts are generally open to the media, and parties to the proceedings can be informed directly or through lawyers. Final judgments are published anonymized on the court website but with a delay. Statistical data are not published except upon request, and not all institutions can provide accurate data or data that matches those held by other institutions.
Actual Safety	3.10	3.08	↓	During 2023, 6 cases of threats were recorded and the situation is statistically better because there were 13 threats in 2022. As for the seriousness of the threats, they are more or less the same and concern threats to security and insults. In one case, as many as five journalists received rape threats in one email and this was registered as one case involving five people. This is the first case of a mass rape threat. During the year, there were no actual attacks or threats to the life and physical safety of journalists. In this area, the situation has improved compared to 2022, when six cases were recorded and all were concluded. In the category of threats and attacks on the media, there was deterioration because in 2022, two cases were recorded, and in 2023, five cases, three of which were caused by the Prime Minister in technical mandate Dritan Abazovic, linking the media with criminal structures.
Journalists' Safety Index	3.35	3.33	↓	

Legal and Organisational Environment



1.00 — Neither law nor practice provides any protection in the workplace for journalists, their sources, and their organizations, which creates an extremely chilling effect.

2.00

3.00

4.00 ↑

5.00 ↓

6.00

7.00 — Both law and practice provide the highest level of workplace protection for journalists, their sources, and organizations.

INDICATOR 1.1

— LEGAL PROVISIONS RELATED TO DEFAMATION AND THEIR IMPLEMENTATION DO NOT PRODUCE CHILLING EFFECTS ON JOURNALISTS AND MEDIA

Score for 2022: 3.55 / Score for 2023: 3.55

There have been no changes in the protection of journalists against defamation and insult lawsuits, which remain at the level of civil litigation because defamation was decriminalized in 2011. The case of historian and columnist Boban Batricevic, against whom the Basic State Prosecutor's Office initiated proceedings before the Offense Court ex officio, is a precedent because the Basic State Prosecutor's Office has not conducted similar proceedings so far. The mutual accusations of polarized media outlets have continued. During 2023, 25 proceedings were initiated against media outlets and journalists in basic courts in Montenegro for violation of honor and reputation. Out of that number, at least 6 lawsuits were filed by media outlets against other media outlets, while there are no high-ranking politicians or businessmen among those who sued. Fear of lawsuits for violation of honor and reputation does not greatly affect the work of journalists, and they say that the large number of lawsuits from the previous period encourages them to increase due journalistic care when reporting.

INDICATOR 1.2

— CONFIDENTIALITY OF JOURNALISTS' SOURCES IS GUARANTEED IN THE LEGISLATION AND RESPECTED BY THE AUTHORITIES

Score for 2022: 4.19 / Score for 2023: 4.29

The Law on Media has not been amended, so the potential danger of pressure to reveal the source of information remains. The law defines that a journalist is not obliged to reveal the source of information, except when requested to do so by the state prosecutor to protect the interests of national security, territorial integrity, and health protection. No cases of abuse of this article of the law were recorded in 2023. There were no new cases in which journalists and the media were asked to reveal the source of information. The last recorded case was at the end of 2021 when *Pobjeda* journalist Nenad Zecevic was questioned. He was questioned at the Prosecutor's Office following a report by the then director of the National Security Agency for allegedly disclosing classified information. The procedure is still ongoing. Journalists did not report having any problems meeting and maintaining contact with sources of information, and the major case that resulted in the arrest of investigative journalist Jovo Martinovic ended with an acquittal after almost 8 years of the entire procedure.

INDICATOR 1.3

— OTHER LAWS ARE IMPLEMENTED OBJECTIVELY AND ALLOW THE JOURNALIST AND OTHER MEDIA ACTORS TO WORK FREELY AND SAFELY

Score for 2022: 3.25 / Score for 2023: 3.17

The law does not treat SLAPP lawsuits in any special way. They are rare, but at the end of the year, Vladana Vucinic, who is employed by RTCG, sued two media outlets, a member of the RTCG Council, and a citizen for commenting on and publishing information related to her illegal increase in salary. The trial has yet to begin, and the lawsuit requested that the defendants jointly pay her 12,000 euros. Other cases, if any, have not reached the public. There have also been no recorded cases of abuse of the law with the aim of intimidating and silencing journalists through exhaustion in expensive court proceedings. The case of journalist Dragana Scepanovic from Kolasin is an example of harassment and preventing a journalist from doing her job, although she was not sued for this. Scepanovic was exposed to media pressure throughout 2023, where the *Aktuelno portal*, owned by local businessmen about whom she wrote, put pressure on her and belittled her.

INDICATOR 1.4

— JOURNALISTS ARE FREE TO PURSUE THEIR PROFESSION AND ESTABLISH, JOIN, AND PARTICIPATE IN THEIR ASSOCIATIONS

Score for 2022: 4.21 / Score for 2023: 4.14

Journalists are not required to be licensed and there are no specific rules on who can be employed as a journalist and do journalistic work. The definition of a journalist that will be found in the new media law is quite broad, but it does not stipulate that journalists must have any kind of license or registration. However, some journalist associations occasionally mention this idea but have not launched any specific initiatives. The problem of accrediting journalists at certain events arises sporadically, but journalists emphasize that this is always resolved directly at the event in a conversation with the organizers. Freedom of association is indisputable but is rarely used because journalists believe that associations are often politically colored and do not represent the interests of the journalistic community in the right way. There are three journalist associations, of which only one is active, in terms of organizing occasional training. There are also two national trade unions, of which the Trade Union of Media of Montenegro is the largest and most present in the public. Their members testify to the pressures they suffer due to union membership, the ban on organizing unions at the media level, but also union membership in general.

INDICATOR 1.5

— JOURNALISTS' JOB POSITION IS STABLE AND PROTECTED IN THE WORKPLACE

Score for 2022: 3.40 / Score for 2023: 3.48

The working conditions of media employees have not changed significantly, although in some private media and local public broadcasters there has been a certain increase in salaries, and in *RTCG* a Collective Agreement has been signed that increased salaries of the category of employees with the lowest income by up to 40 percent. The average salary is still lower than the national average, below 800 euros, and is received by more than half of media employees. A large part of local public broadcasters still do not pay salaries regularly. During the year, 222 media outlets operated, and of that number, about 100 were portals, and among them, a large number had one or no employees. About 88 of the surveyed journalists have an indefinite employment contract. It was also confirmed that many have insecure employment contracts but are also hired on a part-time or project basis. Collective agreements exist in *RTCG* and *RTV Budva*, which is a local public broadcaster. There is no attempt to bargain on a collective agreement in private media. The TUMM initiated negotiations with employers in the media sector in 2023 but without success. In 2023, additional payment for work on Sundays was initiated, 6 months after this rule was established in other sectors. Problems related to anti-union discrimination against activists in the media, as well as the ban on union organizing in some private media, continue to be reported.



Due Prevention



INDICATOR 2.1

— JOURNALISTS AND MEDIA ACTORS HAVE ACCESS TO IMMEDIATE AND EFFECTIVE PROTECTIVE MEASURES WHEN THEY ARE THREATENED

Score for 2022: 3.55 / Score for 2023: 3.55

The situation regarding the legal protection of journalists and other media workers has not changed in the previous year. The Police and the Prosecutor's Office still have not established a special department that will exclusively deal with attacks on journalists and media property. The number of attacks decreased in 2023 and many of those that occurred have either been resolved or are on their way to being resolved. Special mechanisms for the protection of journalists from hate speech or serious threats to life have not yet been established. State institutions have not established special or efficient mechanisms for reporting cases of attacks and threats or hate speech. Currently, victims of attacks and threats can file reports with the Police Directorate in a regular procedure that also applies to other citizens. Hate speech is increasingly occurring in the public sphere. 16 attacks and threats against journalists and the media were registered, while the Police Directorate registered 11 cases. Generally, all minor cases from previous years are resolved in a very short time, and among the verdicts, there were prison sentences.

INDICATOR 2.2

— JOURNALISTS AND OTHER MEDIA ACTORS (WHOSE LIVES OR PHYSICAL INTEGRITY ARE AT A REAL AND IMMEDIATE RISK) HAVE ACCESS TO SPECIAL PROTECTION/SAFETY MECHANISMS

Score for 2022: 4.26 / Score for 2023: 4.26

Amendments to the Criminal Code in favor of media employees were made two years ago, but within the editorial offices themselves, there is no preventive work, and risk assessments are not carried out before sending teams to the field, especially on the eve of high-risk events. Current legal solutions offer the possibility of providing continuous police protection in cases where there is a serious threat to the life or physical safety of journalists, and in this way, two female journalists are protected. The police have not established any special procedures for assessing risks related to potentially endangered journalists, but this is done individually through a standard procedure that applies to all citizens. Special support services for media workers who are exposed to attacks and threats are offered mainly by civil society organizations, and media employees emphasize this as the most needed service. The Trade Union of Media also offers free legal and psychological assistance, and in 2023, more than 170 members sought assistance on this occasion.

INDICATOR 2.3

— FEMALE JOURNALISTS HAVE ACCESS TO LEGAL MEASURES AND SUPPORT MECHANISMS WHEN FACED WITH GENDER-BASED THREATS, HARASSMENT, AND VIOLENCE

Score for 2022: 3.91 / Score for 2023: 3.89

During 2023, one case of sexual harassment and one case of rape threats involving 5 female journalists were recorded, but there was no institutional response from the Police or Prosecutor's Office and the case was not resolved. Female journalists testify to a different attitude of employers towards them compared to male colleagues when it comes to salaries and general treatment. The Istanbul Convention was ratified early but must be implemented more specifically. Female journalists can rely on protection measures that are also available to other women, such as free legal aid or protection from discrimination and gender-based violence, but there is nothing related to the profession. The Ombudsperson institution is still the only one that acts both preventively (providing information) and also provides statistical data and keeps records of such cases.

INDICATOR 2.4

— THE PRACTICE OF REGULAR PUBLIC CONDEMNATION OF THREATS AND ATTACKS ON JOURNALISTS AND MEDIA HAS BEEN ESTABLISHED

Score for 2022: 3.41 / Score for 2023: 3.19

There is a noticeable trend of criticizing the media or journalists for disagreement with the editorial policy of the media they work for, and this has intensified in recent years. For example, in 2023, the then Prime Minister, during his technical mandate, spoke inappropriately and verbally attacked a local media outlet three times, and a high-ranking politician did the same. When the attackers do not come from political ranks, public condemnation of attacks and threats against journalists and the media has been established as a practice, but these condemnations are mostly declarative and occur after more serious cases. Considering that attacks often come from the most important political positions, such as the position of the Prime Minister, it cannot be said that an environment has been created in which journalists can feel safe while working. The practice of favoring close political options and establishing informal partnerships with the media is still present.

INDICATOR 2.5

— POLICE AUTHORITIES ARE SENSITIVE TO JOURNALISTS' PROTECTION ISSUE

Score for 2022: 3.82 / Score for 2023: 3.89

The trend of faster resolution of new cases of attacks on journalists has continued so that every incident that occurred during 2023 has received some kind of epilogue. According to reports from the Police Directorate and the Ministry of Internal

Affairs, every year, efforts are made to educate employees of these state bodies to further sensitize them and familiarize them with basic human rights standards. The analyzed period was marked by instability in the management of the Police due to frequent changes in the position of director, so the public does not know whether during that period attention was paid to protocols or guides for police officers, which prohibit harassment, intimidation, and physical attacks on journalists. In the last few years, a more positive attitude towards cases of attacks on journalists has been noticeable in the sense that they are resolved faster than before, but a large number of old cases remain unresolved and are threatened with statute of limitations.



Due Process



INDICATOR 3.1

— SPECIALISED UNITS/OFFICERS ARE EQUIPPED WITH EXPERTISE FOR INVESTIGATING ATTACKS AND VIOLENCE AGAINST JOURNALISTS

Score for 2022: 3.63 / Score for 2023: 3.63

The Commission for the Investigation of Cases of Attacks on Journalists remains the only body established by the Government and given the authority to oversee investigations. The Commission issued several reports during the year, highlighting shortcomings in the prosecution and police. There was no specific activity within the prosecution and police in terms of writing protocols and guides on how to conduct investigations when journalists are victims, but there has been a change.

INDICATOR 3.2

— INVESTIGATIONS OF SERIOUS PHYSICAL ATTACKS ON JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT EFFICIENTLY (INDEPENDENTLY, THOROUGHLY, AND PROMPTLY)

Score for 2022: 3.17 / Score for 2023: 3.19

The most serious cases of attacks on journalists have not been solved and there are serious indications that the reason is political. After five years, there has been progress in the case of the gunshot wounding of journalist Olivera Lakic. In recent years, resolving cases of attacks on journalists and the media has been set as a priority, they are being resolved more efficiently, and perpetrators and convictions are being reached. Amendments to the Criminal Code from 2021 allow attacks on journalists to be qualified as serious crimes, for which stricter penalties are prescribed. So far, according to the records of the TUMM, two cases of attacks have been treated in this way. The only case of the murder of a journalist that occurred 19 years ago has not yet been solved, and although the Prime Minister in the technical mandate, Dritan Abazovic, has repeatedly announced new evidence that would lead to the resolution of the case, this has not happened.

INDICATOR 3.3

— JOURNALISTS AND OTHER MEDIA ACTORS ARE EFFICIENTLY PROTECTED FROM VARIOUS FORMS OF ONLINE HARASSMENT

Score for 2022: 3.34 / Score for 2023: 3.34

The Criminal Code does not recognize online harassment as a separate criminal offense, although, at least when it concerns journalists, it occurs every year. However, some legal experts believe that this area is sufficiently regulated by the current Criminal Code and that it is possible to effectively sanction it regardless of the channels through which it comes (online or offline). A slight decrease in the number of online harassment of media workers has been recorded, from 11 such cases in 2022 to seven in 2023, two of which are death threats. Other

cases concern threats of rape, creating fake Facebook accounts with the journalist's name and pornographic content, insults... In some cases, the police assessed that they did not contain elements of a criminal offense, and some have been processed, while some are still under police-prosecutorial processing.

INDICATOR 3.4

— INVESTIGATIONS OF ALL TYPES OF ATTACKS AND VIOLENCE AGAINST JOURNALISTS AND OTHER MEDIA ACTORS ARE CARRIED OUT TRANSPARENTLY

Score for 2022: 3.42 / Score for 2023: 3.46

The transparency of court proceedings and the openness of courts towards the media and journalists did not change during the previous year, but it is emphasized that the relationship between the police and the prosecutor's office has partially changed and that they act more efficiently when an attack occurs. Courts are generally open to the media, and parties to the proceedings can be informed directly or through lawyers. Final judgments are published anonymized on the court website but with a delay. Victims of attacks and threats have access to the investigative process and are generally familiar with the investigative process, evidence, and case files. The public relations departments of Montenegrin courts generally provide information on all final and binding proceedings, or proceedings in which a judgment has been rendered. Information on the course of the proceedings can also be obtained for cases that are assessed as significant for the public.

INDICATOR 3.5

— QUALITY STATISTICS COLLECTION SYSTEMS ESTABLISHED BY STATE AUTHORITIES TO STEM IMPUNITY

Score for 2022: 3.24 / Score for 2023: 3.24

Statistical data is generally not collected, and even in situations where a state body collects statistical data, they are not proactively published but can be obtained upon request. Cases of attacks and threats are registered by the Police Directorate and this data can be obtained upon request. However, their records contain all attacks and threats in which the victim of the case is engaged in journalism, even when that specific case is not related to their work, so a clear picture is not obtained in that sense either. Data can also be obtained from the prosecutor's office upon request. The Statistical Office of Montenegro does not provide an accurate situation because when their data on the number of employees in the media are compared with data from the Tax Administration, a difference of several hundred employees is visible, so they are not credible. The division within the sector in terms of gender, some type of affiliation, and the like is not known precisely due to the lack of a basic database.

IV

Actual Safety



INDICATOR 4.1

— NON-PHYSICAL THREATS AND HARASSMENTS

Ove vrste prijetnji ne uključuju mobing i maltretiranje na radnom mjestu. This includes the following: 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.

Score for 2022: 2.62 / Score for 2023: 2.89

During 2023, 6 cases of threats were recorded and the situation is statistically better because there were 13 threats in 2022. In terms of the seriousness of the threats, they are more or less the same and concern threats to security and insults. Journalist Dragana Scepanovic felt threatened and reported it, after being targeted for a long time by a portal and its owner, a local businessman, whose business she reported on, and who launched a petition among citizens against her.

INDICATOR 4.2

— THREATS AGAINST THE LIVES AND PHYSICAL SAFETY OF JOURNALISTS

They may include the following: Calls for the murder of journalists, their family, friends, sources; Calls for physical harm to journalists, friends, family or sources; These threats may be: made directly or through a third party; made via electronic communication, face to face; they may be both implicit and explicit.

Score for 2022: 3.51 / Score for 2023: 3.09

This category has deteriorated, from two in 2022 to four in 2023. In one case, five female journalists received rape threats in one email, and this was registered as one case involving five people. This is the first case of a mass rape threat. Both cases from 2022 have been resolved, one person who threatened the journalist was declared mentally incompetent, while in the other case, the threats against the journalist's daughter were deemed not to constitute a criminal offense that could be prosecuted ex officio.

INDICATOR 4.3

— ACTUAL ATTACKS

There were no actual attacks or threats to the life and physical safety of journalists during the year. The situation in this area has improved compared to 2022, when six cases were recorded and all were resolved.

Score for 2022: 3.20 / Score for 2023: 3.34

There were no actual attacks or threats to the life and physical safety of journalists during the year. The

situation in this area has improved compared to 2022, when six cases were recorded and all were resolved.

INDICATOR 4.4

— **THREATS AND ATTACKS ON MEDIA OUTLETS AND JOURNALISTS' ASSOCIATIONS**

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

Score for 2022: 3.06 / Score for 2023: 2.98

This category has deteriorated, with two cases recorded in 2022 and five in 2023, three of which were caused by the acting Prime Minister Dritan Abazovic, who linked the media to criminal structures. In one case, the threat was sent via the social network Instagram, and in one case via the Facebook network, and these were death threats to members of the *Antena M* radio editorial staff.

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