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The Western Balkans Journalists' Safety Index

Montenegro 2022 Narrative Report

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Introduction

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

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

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

¹ In Montenegro the Advisory Panel consisted of: Radomir Krackovic, Milena Bujanja Obradovic, Drazen Duraskovic, Jovana Davidovic, Milorad Markovic, Goran Durovic, Vladan Micunovic, Bojana Milicevic, Zeljka Vucinic.

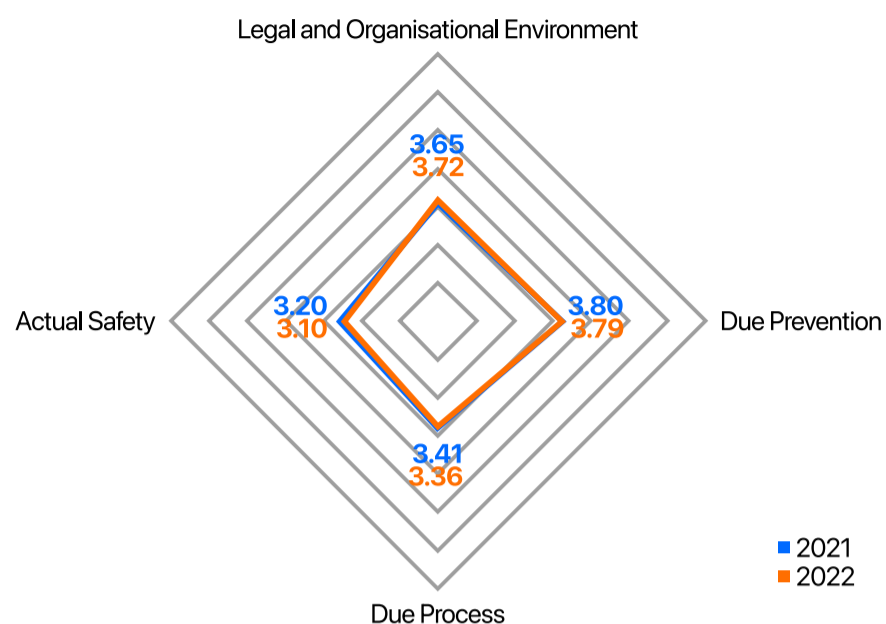
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toseva have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

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

2020 was the first (pilot) year for the development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. This report refers to the situation in Montenegro in 2022 and represents the improvement or deterioration of the situation in four dimensions, taking into account the estimate from 2020 as a reference. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found on the: <https://safejournalists.net/safety-index/>.

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

JOURNALISTS' SAFETY INDEX



	2021	2022		Main new developments in each dimension
1. Legal and Organisational Environment	3.65	3.72	↑	SLAPP lawsuits have not yet become a mechanism of intimidation of journalists and the media, and there were no significant lawsuits in 2022. The socio-economic position of employees in the media has slightly improved due to the increase in wages at the state level, and there are still cases of pressure on individuals active in trade unions. The journalists were not asked to reveal the source of the information.
2. Due Prevention	3.80	3.79	↓	The number of attacks has increased drastically. Female journalists testify to different treatment compared to their male colleagues. During 2022, they were exposed to greater pressures. Attacks, threats, and pressures on them became more frequent, and the two journalists had a constant police escort. In the newsrooms, there is no risk assessment before sending the teams to the field.
3. Due Process	3.41	3.36	↓	The capacities of the Commission for Investigating Attacks on Journalists have been improved and they regularly publish reports. Although the number of cases of online harassment increases every year, the laws do not recognize and do not qualify criminal acts that occur in the online sphere.
4. Actual Safety	3.20	3.10	↓	More than half of the cases of intimidation and threats occurred within the online sphere. The number of physical attacks also increased, and two death threats were recorded. The number of threats to the security of media organizations and institutions has decreased.
Journalists' Safety Index	3.40	3.35	↓	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- Dozens of proceedings are initiated every year for compensation for damages due to defamation and insult, but case law has shown that the awarded penalties are not extreme and that the fines are several times smaller than the requested amounts. There were no more serious cases that were initiated during 2022, nor were there any cases in which extremely large lawsuits were claimed from the media.
- In 2022, there were no cases in which journalists were asked to reveal sources of information. The Law on Media in force defines the protection of the confidentiality of journalistic sources, and the civil sector has repeatedly

indicated the need to specify those provisions. The process of amending that Law is ongoing.

- Officials and state bodies did not arbitrarily use laws to prevent journalists from doing their jobs. However, at the same time, certain media were publicly criticized by the biggest state addresses for disagreeing with their editorial policy. SLAPP lawsuits are not yet a mechanism for the intimidation of journalists in Montenegro.
- In principle, journalists are free to report on events because they do not always need accreditation, but the obstruction of their reporting has become frequent. Although there were no registered pressures on representatives of trade union organizations and associations, journalists testified to anti-union activity in certain media.
- The socio-economic position of media workers in Montenegro experienced modest progress, thanks to the increase in wages during 2022. The new Branch Collective Agreement, which would improve the position of employees in the media, has not yet been adopted because the employers do not want to accept the union's proposals.

II. DUE PREVENTION

- The police did not establish a special department. The situation regarding the protection of journalists and other media workers did not change in the previous year. A special department that will exclusively deal with attacks on journalists and media property has still not been established. In the last two years, the number of attacks has increased drastically. In addition, no special mechanisms have yet been established to protect journalists from hate speech or serious threats to their lives.
- Amendments to the Criminal Code improved the preventive protection of journalists and other media workers in Montenegro in terms of threats to their safety. However, preventive measures are not taken within the newsrooms and risk assessments are not carried out before sending teams to the field, especially before high-risk events. The two journalists still have all-day police protection.
- The trend of an increased number of threats and harassment of female journalists in Montenegro continued. There were no reported cases of discrimination against female journalists based on gender, but female journalists testify to a different attitude of employers towards them compared to male colleagues.
- Compared to the previous year, there was a deterioration in this area. Declaratory sentences after attacks or threats against journalists have been established as a practice, although there is still no real progress when

it comes to the attitude of representatives of political parties or public officials towards the media.

- Over the past years, the number of cases that were investigated and resolved in a short period of time has increased. It is not familiar whether there are special mechanisms, such as guides or manuals, by which police officers would be additionally sensitized to the safety of journalists, as well as how many police officers have undergone some form of training so far.

III. DUE PROCESS

- The situation in this area has not changed compared to 2021. The capacities of the Commission for Investigating Attacks on Journalists were improved during that year, and that body regularly publishes reports on its work. No changes have been made within the Police Directorate that would create a special department responsible for endangering the safety of employees in the media.
- The effectiveness of investigations into attacks on journalists and media property continues to be a major problem, given that investigations of more serious cases are lengthy and slow and these cases remain unsolved. Previous practice has shown that in some cases state authorities are late in implementing the necessary actions within the prescribed period, but even when all deadlines are met, this still does not guarantee the effectiveness of the investigation.
- Although the number of cases of online harassment increases year by year, the laws do not recognize and do not qualify criminal acts that occur in the online sphere. However, in the majority of registered cases, representatives of the Police Directorate discovered the perpetrators in a relatively short time.
- The transparency of court proceedings and the openness of the courts towards the media and journalists did not change during the previous year. Courts are generally open to the media, and the parties to the proceedings can be informed directly or through a lawyer. Final judgments are available online on the courts' website.
- The collection and processing of statistical data on the media sector is poorly organized in state bodies, and these data can often only be obtained upon request. Apart from the fact that there is no data processing or stratification by, for example, type of media, gender, or cities, there are situations where the data do not reflect the real situation in practice.

IV. ACTUAL SAFETY

- Year after year, records are broken when it comes to the number of non-physical threats and harassment of journalists and other media workers. Only in 2022, as many as 15 such cases were registered, among which cases of online threats and harassment stood out. As many as 8 out of 15 cases from this category were committed in the online sphere.
- Threats to the life and physical safety of journalists were registered in two reported cases, which were committed online. This fact is worrying considering that the perpetrators of online harassment are mostly unknown and there is additional fear and uncertainty as to whether these threats will come true.
- During 2022, the number of physical attacks on journalists increased. The type of attacks and their severity are increasingly causing the effect of intimidation, and it is noticeable that the number of media and journalists who are victims of such intimidation is increasing.
- The number of threats to the security of media organizations and institutions has decreased. The largest number of threats and attacks on media institutions and organizations related to attacks on Gradska televizija.

Legal and Organizational Environment

3.72

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

3.55

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

4.19

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

3.25

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

4.21

Journalists' job position is stable and protected at the workplace

3.40

1.00
2.00
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By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

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

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

Final Score for 2021: 3.55 / Final Score for 2022: 3.55

There have been no changes regarding the protection of journalists against defamation and insult lawsuits. Every year, dozens of procedures for compensation for damages due to defamation and insult are initiated, but case law has shown that the awarded penalties are not extreme and that the fines are several times smaller than the amounts claimed. There were no more serious cases that were initiated during 2022, nor were there any cases in which extremely large lawsuits were claimed from the media.

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

The legal provisions that foresee the possibility of penalties for violation of personality rights are not too strict and do not offer special protection for public officials.

The previous research of case law and final judgments related to compensation for damages for violation of personality rights in the media, show that judges are generally sensitized to the work of journalists and media and that they do not prescribe penalties that are discouraging. In addition, the analysis showed that the awarded fines are many times lower than the amounts claimed.

The latest data on active cases refer to the year 2021, when 54 cases of violation of personality rights, in which media or journalists were sued, were active. In those cases, the

— INDICATOR 1.1

claims amounted to a total of almost 310 thousand euros. Unfortunately, research shows that journalists and the media are the ones who most often sue the competition on this basis. There were no verdicts that were disproportionate and to the detriment of the defendant journalists.

During 2022, there were no judgments in which the prosecutors were influential politicians, but the earlier practice also showed that this status does not guarantee that the judgment will be condemnatory for the media/journalists. Domestic legislation does not provide for special procedural rights of public officials, in relation to all other citizens.

Year after year, journalists claim that they pay special attention to avoid lawsuits due to violations of personality rights. However, at the same time, they believe that lawsuits for damage to honor and reputation do not have a discouraging effect on them.

During the analyzed year, no special penalties were imposed that could cause the effect of discouragement in the media community, and there were no registered cases in which journalists were discouraged from researching and writing critically because of this law.

The analysis of legally binding court judgments showed that the awarded fines were several times smaller than the requested amounts, and thus the fines did not have a discouraging effect on journalists. However, the fact that lawsuit claims are sometimes very high can affect the work of journalists. Especially considering the fact that such requests were mostly made by public officials. The average duration of the procedures, which is generally between 2 and 3 years, also has a discouraging effect.

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

Final Score for 2021: 4.03 / Final Score for 2022: 4.19

In 2022, there were no cases in which journalists were asked to reveal sources of information. The Law on Media in force defines the protection of the confidentiality of journalistic sources, and the civil sector has repeatedly indicated the need to specify those provisions. The process of amending this Law is ongoing.

The new text of the Law on Media has not been adopted by the end of 2022, but the working group has been working on amendments to that document throughout the year. The Law in force guarantees the confidentiality of the source, but this right is limited by the obligation for the journalist to disclose the source of information when the state prosecutor requests it to protect the interests of national security, territorial integrity, and health protection. Although there were exceptions, this right is generally respected in practice.

There were no new cases in which the competent authorities asked the journalist to reveal the source of the information. The last such case happened in 2021, when Nenad Zecevic, a journalist from the "Pobjeda" newspaper, was asked to reveal the source of the information. The epilogue of that case is not known.

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

Since the adoption of this Law in 2020, the media community has pointed to the discouraging effects it has, especially on the freedom of journalists to contact information sources. The case of journalist Jovo Martinovic, who ended up in prison due to contact with a source of information, indicated a misunderstanding of the nature of journalistic work by judicial authorities. However, the Appellate Court of Montenegro acquitted journalist Jovo Martinovic of charges of drug smuggling, after seven years of court proceedings against him.

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

Final Score for 2021: 3.12 / Final Score for 2022: 3.25

The situation in this area remained partially improved during 2022 compared to the previous one. Officials and state bodies did not arbitrarily use laws to prevent journalists from doing their job. However, at the same time, certain media were publicly criticized by the biggest state addresses for disagreeing with their editorial policy. The same problem remains that state authorities do not have enough will or knowledge/ mechanisms to ensure a safe working environment for journalists. SLAPP lawsuits are still not a mechanism of intimidation of journalists in Montenegro.

Unlike previous years, during 2022 there were no cases in which other laws were used arbitrarily or in a discriminatory manner against journalists and the media. However, the practice of criticizing the work of certain media outlets and the journalists employed in them continued from the largest state addresses. The Prime Minister, Dritan Abazovic, who criticized the work of the local public broadcaster - Gradska TV, certainly took the lead in this.

There were no cases of journalists being silenced based on legal provisions related to spreading disinformation, fear, panic, etc. The last such examples date back to 2020, and in those cases, the journalists were acquitted.

SLAPP lawsuits are not known in Montenegrin media legislation, nor are they recognized as a threat by media employees. However, there has been a trend of filing lawsuits against journalists for compensation of damages for violation of personality rights (defamation and insult) with the aim of intimidating journalists and the media. However, research conducted by the Trade Union of Media of Montenegro has shown that the courts play a significant role in reducing the impact of SLAPP lawsuits, given that in legally concluded proceedings, the amounts awarded were many times lower than the claims. The most famous such case is the lawsuit filed by the former President of the

— INDICATOR 1.3

country, Milo Djukanovic, who demanded 50,000 euros each from the media and the interlocutors, due to the violation of personality rights. There were no new cases in which the powerful launched multiple lawsuits against journalists for alleged defamation, all to prevent journalists from investigating and reporting on corrupt and illegal practices.

The rights of journalists and their safety are significantly threatened during reporting from protests and large gatherings. In fact, any political and social instability makes journalists and other media workers more sensitive to attacks. This was also shown by the monitoring of attacks on journalists in the last three years when the number of attacks increased drastically.

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

Final Score for 2021: 4.21 / Final Score for 2022: 4.21

Licensing of journalists is still not a reality in Montenegro, but more and more often this idea is emerging in discussions. In principle, journalists are free to report on events because they do not always need accreditation, but interference with their reporting has become frequent. Although there were no registered pressures on representatives of trade union organizations and associations, journalists testified to anti-union activity in certain media.

Officially, journalists do not need to be licensed to do their job. However, this idea, which was proposed by representatives of media organizations and state authorities, was discussed on several occasions during the previous two years.

Cases in which journalists were prevented from reporting on some events, if they did not have accreditation, are not familiar to the public. Disruption of journalists during reporting continued in 2022, as well as criticism of journalists at media conferences due to the editorial policy of the media in which they work.

There are no known cases in which journalists had difficulties in obtaining legitimacy in court proceedings before the relevant authorities. No special evidence was requested to legitimize the journalists.

The latest research by the Trade Union of Media of Montenegro showed that although journalists were generally free to join unions, there were still examples of anti-union activity. While around 88% of respondents said that they were free to join unions, nine percent of respondents were not sure if they were allowed to do so, and around 4% of their colleagues claimed that they were not allowed to join a union.

— INDICATOR 1.4

However, no pressure was recorded either on associations and unions, or on individual members of the association, and no such cases were officially registered.

There was no pressure on journalists to join organizations founded by officials, media owners, or other influential people.

No parallel media organizations supported by the government or the powerful have been established. Contrary to that, some organizations are still active which, under the guise of the struggle for media freedom, are fighting for the interests of employers.

Journalists' job position is stable and protected in the workplace

Final Score for 2021: 3.35 / Final Score for 2022: 3.40

The socio-economic position of media workers in Montenegro experienced modest progress, thanks to the increase in wages during 2022. Nevertheless, numerous problems that have burdened employees in the media for years are still current: unpaid overtime, overwork, lack of training, and insecure jobs. The new Branch Collective Agreement, which would improve the position of employees in the media, has not yet been adopted because the employers do not want to accept the union's proposals.

During 2022, there was some improvement in the socio-economic position of journalists and other media workers. The "Europe Now" economic program, i.e. the new tax policy, increased wages in the entire country, so the wages of media workers also increased. However, research by the Trade Union of Media of Montenegro shows that regardless of the increase in wages for media employees, they are between the minimum and average wages at the state level. It is not possible to obtain data on the number of employees, types of contracts, and the number of part-time collaborators in the media, but estimates are made based on the available data. Data show that every fourth journalist receives a salary that is at or below the national minimum (450 euros). According to current data, 222 media outlets are operating in the small market with slightly less than 2,000 employees.

Although a number of media outlets have closed down in the past two years, new ones, especially portals, are still being opened almost every day. Conditions in the media remain just as bad: journalists still often work overtime and most of them are not paid for it, and in some local media they are owed from two to ten salaries, from previous years. Journalists do not have the opportunity to improve, they are overworked and are often forced to do other paid jobs besides journalism. Particularly bad working conditions exist in online media and local public broadcasters.

More and more women work in the media and are in editorial positions, but women are still the ones who report daily from the field. Unfortunately, there is no significant difference in the position of men and women, which

— INDICATOR 1.5

is equally bad, but women are additionally exposed to difficulties when balancing professional and family life.

Thanks to the uncertainty that followed the emergence of the Covid 19 pandemic, the number of freelance journalists has increased, and it is expected that this number will continue to grow in the coming years. Apart from the standard bad conditions for working in the media, freelancers are also forced to try hard to get work, to work simultaneously for several media outlets, and they have the problem of finding information as hard as possible. What is also a problem is the endangered safety of these journalists. It is difficult to follow the changes in this sector, especially considering the fact that it is not known how many freelancers there are.

Although Montenegro is a regionally positive example when it comes to trade union organizing in the media, there are still problems. Namely, more than half of the media workers in Montenegro, including the Public Broadcasting Service as well as some of the largest private media, are unionized and members of the Trade Union of Media of Montenegro. However, there are still examples of anti-union activities, so employees in the media report cases in which union membership is prohibited. A special problem is the poor social dialogue with the representatives of the employers because of which it is not possible to reach an agreement on the new Branch Collective Agreement. The previous one ceased to be valid 3 years ago. Journalists and other media workers do not have access to free legal aid from their employers, it is usually offered by associations or unions.



Due Prevention

3.79



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

Final Score for 2021: 3.55 / Final Score for 2022: 3.55

The situation regarding the protection of journalists and other media workers did not change in the previous year. A special department that will exclusively deal with attacks on journalists and media property has still not been established. In the last two years, the number of attacks has increased drastically. In addition, no special mechanisms have yet been established to protect journalists from hate speech or serious threats to their lives.

State institutions have not established special or effective mechanisms for reporting cases of attacks and threats or hate speech. Currently, victims of attacks and threats can submit reports to the Police Directorate in the regular procedure that also applies to other citizens. Hate speech occurs more and more frequently in the public sphere, and since it threatens to become an even bigger problem, the state must establish special mechanisms for protection.

In 2022, 28 attacks and threats against journalists and media were registered in Montenegro, while the Police Directorate registered 21 cases. This speaks to the fact that a quarter of the cases that occur are not reported to the official authorities. Mostly, all lighter cases from previous years were solved in a very short time, and among the judgments, there were prison sentences.

In recent years, the experiences of journalists and media representatives who are victims of attacks and threats have been positive regarding the attitude of police officers in charge of investigations. No cases were reported in which the relevant state authorities did not accept the report of a case. Nevertheless, there is still a trend that cases of attacks on journalists are treated more often as misdemeanors, than as specific criminal acts.

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

Final Score for 2021: 4.26 / Final Score for 2022: 4.26

Amendments to the Criminal Code improved the preventive protection of journalists and other media workers in Montenegro in terms of threats to their safety. However, preventive measures are not taken within the newsrooms and risk assessments are not carried out before sending teams to the field, especially before high-risk events. Two female journalists have continuous police protection for the second year in a row.

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 assessment of security. For several years now, the two journalists have had a continuous police escort, because they were previously victims of serious attacks and threats due to investigations into corruption and high-level crime.

Amendments to the Criminal Code, which entered into force at the beginning of 2022, enable preventive protection of media workers in Montenegro. Namely, the amended Criminal Code offers additional protection with five amended criminal offenses that prescribe harsher penalties for perpetrators of attacks on journalists. Several cases have already been qualified by those new articles of the CC. Risk assessments for journalists are still not carried out within their newsrooms, especially when sending teams to high-risk events.

Special support services for media workers who are exposed to attacks and threats are offered mainly by civil society organizations. The Trade Union of Media also offers free legal assistance, and several organizations also offer free psychological assistance to victims of attacks.

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

Final Score for 2021: 3.91 / Final Score for 2022: 3.91

The trend of an increased number of threats and harassment against female journalists in Montenegro continued. The Istanbul Convention was ratified relatively early in Montenegro but it is necessary to work harder on the best possible practical application of its provisions. There were no reported cases of discrimination against female journalists based on gender, but female journalists testify to a different attitude of employers towards them compared to male colleagues.

Although it has been applied in Montenegro for almost a decade, the Istanbul Convention has not yet come to life in its full capacity. Journalists can rely on protection measures that are available to other women, such as free legal aid or protection from discrimination and gender-based violence.

Amendments to the Law on free legal aid are in progress, which defines that the right to free legal aid can be used by victims of the crime of violence in the family, family union and victims of human trafficking, regardless of whether they are women or men.

Victims of gender-based violence still do not have the opportunity to receive information or help related to their problems in a systematic way, through the networking of state authorities. A positive example for both the general population and female journalists is the institution of the Ombudsman, which acts both preventively (by providing information), but also provides statistical data and keeps records of such cases.

In the report of the Ombudsman for 2022, it is stated that especially women - public figures were still victims of persecution, so they were exposed to misogyny and sexism

— INDICATOR 2.3

precisely on the basis of their gender. Cases of attacks and threats were mostly reported to the Police Administration, and it is not known whether victims of violence, attacks and threats turned to institutions for advice or help during 2022.

In addition to the courts, female journalists who are victims of discrimination in the workplace can also turn to the Ombudsperson institution. It is not known whether there were any such cases during the previous year.

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

Final Score for 2021: 3.55 / Final Score for 2022: 3.41

Compared to the previous year, there was a deterioration in this area. Declaratory sentences after attacks or threats against journalists have been established as a practice, although there is still no real progress when it comes to the attitude of representatives of political parties or public officials towards the media. 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.

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. However, in contrast to this, there is also a trend of criticisms coming from the biggest state addresses on the account of certain media or journalists whose work the politicians are not satisfied with.

Statements in which public officials, politicians and officials condemn attacks on journalists and the media are regularly issued and in them they indicate the need to provide a safe working environment for media workers. However, the only progress in terms of the real protection of employees in the media occurred in 2021, when the deputies unanimously adopted changes to the Criminal Code, even though they had rejected the same changes a few years earlier.

Instability in political and social life has made the working conditions for employees in the Montenegrin media more difficult. The practice of favoring close political options and establishing informal partnerships with the media is still present. However, the lack of reactions when there is a threat to the safety of media representatives whose editorial policy public officials do not agree with is worrying.

Police authorities are sensitive to journalists' protection issue

Final Score for 2021: 3.73 / Final Score for 2022: 3.82

In terms of the attitude of police officers towards issues of protecting the safety of journalists, there have been certain, limited developments. Namely, during the previous years, the number of cases that were investigated and resolved in a short period of time increased. It is not known whether there are special mechanisms, such as guides or manuals, by which police officers would be additionally sensitized to the safety of journalists, as well as how many police officers have received some form of training so far.

According to the reports of the Police Administration and the Ministry of Internal Affairs, every year the employees of these state bodies are educated in order to sensitize them and familiarize them with the basic standards of human rights, but also to familiarize them with the nature and importance of the journalistic call for every democratic society.

It is not known whether there are special protocols or guides for police officers, which prescribe the prohibition of harassment, intimidation and physical attacks on journalists. Nevertheless, the activities of the Council of Europe in Montenegro improved the education of police officers in this area.

Until now, the representatives of the Police Administration and the MUP have shown a certain willingness to cooperate with representatives of the civil sector. However, considering the nature of the work and the strict rules that limit the actions of police officers, this cooperation mainly consists in the occasional provision of information upon request.

In the last three years there have been positive progress when it comes to investigations and solving cases of attacks and threats against journalists and media workers. These cases are resolved in a shorter period of time and are generally resolved positively for the injured parties. However, there is still a significant number of cases threatened by the statute of limitations that were very serious.



Due Process

3.36

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

3.63

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

3.17

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

3.34

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

3.42

Quality statistics collection systems established by state authorities to stem impunity.

3.24

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

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

25

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

Final Score for 2021: 3.63 / Final Score for 2022: 3.63

The situation in this area has not changed compared to 2021. The capacities of the Commission for Investigating Attacks on Journalists were improved during that year, and that body regularly publishes reports on its work. No changes have been made within the Police Administration that would create a special department responsible for endangering the safety of employees in the media.

For several years now, there has been discussion about the need to establish special departments within the Police Administration that would deal with the safety of journalists. That still hasn't happened, and neither has a police officer been appointed to be in charge of these issues. However, investigations of cases of endangering the safety of journalists and the media are monitored by the Commission for Investigations, whose members were elected in 2021. The commission regularly publishes its reports, but there is still no visible progress when it comes to the implementation of recommendations by judicial authorities.

The latest amendments to the Criminal Code entered into force in 2022, and they specified the term "work of public importance" and the existing five criminal offenses were expanded by the part that prescribes the punishment for assaulting a person who performs "work of public importance", which also includes journalism. However, already during the first months of implementation, it became clear that representatives of judicial authorities will need additional training in order to better understand these provisions.

According to the representatives of these institutions, there is good cooperation between representatives of the prosecution and the police in cases of attacks on journalists and media property. However, there are still

— INDICATOR 3.1

misunderstandings regarding the role and responsibility that representatives of those institutions have in specific cases.

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

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

Final Score for 2021: 3.17 / Final Score for 2022: 3.17

The effectiveness of investigations into attacks on journalists and media property continues to be a major problem, given that investigations of more serious cases are lengthy, slow, and those cases remain unsolved. This happened in the most serious cases, such as the murder of the editor-in-chief of the newspaper Dan, Dusko Jovanovic, and the wounding of journalist Olivera Lakic. Previous practice has shown that in some cases state authorities are late in implementing the necessary actions within the prescribed period, but that even when all deadlines are met, this still does not guarantee the effectiveness of the investigation.

Experience so far has shown that investigations into attacks on journalists are slow, time-consuming and often without results, but they cannot be said to be led by those involved in or connected to the events. There are no specific explanations, or at least they are not publicly discussed, in which it is stated whether a case is politically motivated or arose because of the victim's journalistic work. The most serious cases, such as the murder of Dusko Jovanovic and the wounding of Olivera Lakic, are still not solved.

In recent years, it can be said that attacks on journalists and the media have been set as one of the priorities in the work of investigative bodies, which has resulted in an increased number of solved cases, as well as those that received a judicial epilogue.

A large number of cases are still classified as a misdemeanor, and not as a criminal offense that endangers the safety of journalists and the media. However, changes to the Criminal Code made it possible to qualify attacks on journalists as more serious crimes, for which stricter penalties are prescribed.

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

Final Score for 2021: 3.38 / Final Score for 2022: 3.34

Although the number of cases of online harassment increases every year, the laws do not recognize and do not qualify criminal acts that occur in the online sphere. However, in the majority of registered cases, representatives of the Police Administration discovered the perpetrators in a relatively short period of time. In the course of 2022, an increase in the number of online harassment of media workers was registered, with as many as 11 such cases, two of which were death threats.

Despite recent changes, the Criminal Code does not recognize online harassment as a separate crime. Experiences from practice support the fact that in a specific case an assessment of the seriousness of certain acts is carried out, and that in cases of online harassment the perpetrators are charged with some of the existing criminal acts.

In recent years, there has been a noticeable increase in the number of online threats and harassment, and at the beginning of 2022, the first case of extortion committed online was registered. In 2022, 11 online threats and harassment were registered, or even four cases more than the previous year.

Perpetrators of online threats and harassment are generally discovered in a very short time, which is a positive change compared to previous years. However, these cases generally qualify as misdemeanors. The only exception is the case of extortion, which was registered the previous year. Competent authorities did not implement any special measures aimed at protecting media workers in the online sphere.

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

Final Score for 2021: 3.42 / Final Score for 2022: 3.42

The transparency of court proceedings and the openness of the courts towards the media and journalists did not change during the previous year. Courts are generally open to the media, and the parties to the proceedings can be informed directly or through a lawyer. Final judgments are available online on the courts' website.

Experience so far has shown that victims of attacks and threats have access to the investigative process and that they are generally familiar with the investigative procedure, as well as the evidence and case files. However, in rare cases it is not possible to obtain information about the procedure in order to protect the investigation.

The public relations departments of Montenegrin courts generally provide information on all legally concluded proceedings, or proceedings in which a verdict was rendered. Information on the course of the procedure can also be obtained for cases that are considered important for the public. There is also the possibility of obtaining legally binding court judgments through the courts' website, which is often not possible due to the anonymization of the parties in the proceedings.

Quality statistics collection systems established by state authorities to stem impunity

Final Score for 2021: 3.43 / Final Score for 2022: 3.24

The situation in this area has partially worsened compared to previous years, mainly due to the fact that the data obtained from state authorities generally do not match the situation in practice. The collection and processing of statistical data on the media sector is very poorly regulated by state authorities, and these data can often only be obtained upon request. Apart from the fact that there is no data processing or stratification by, for example, type of media, gender, cities, there are situations where the data do not reflect the real situation in practice.

Collection and publication of statistical data are one of the biggest problems of Montenegrin state authorities, especially when it comes to data concerning the media sector. Not only is there no stratified data, this data is not collected at all. Even in situations where a state authority collects statistical data, it is 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 these 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 particular case has nothing to do with their work. Data from the Directorate of Statistics show a smaller number of employees in the media than can be obtained from other state authorities.

IV

Actual Safety

3.10



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2.00
3.00
4.00
5.00
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7.00



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

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

Non-physical threats and harassment

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

Final Score for 2021: 2.88 / Final Score for 2022: 2.62

Year after year, records are broken when it comes to the number of non-physical threats and harassment of journalists and other media workers. The situation has further worsened with the increase in the number of cases in this area. In 2022 alone, as many as 15 such cases were registered, among which cases of online threats and harassment stood out. As many as 8 out of 15 cases from this category were committed in the online sphere.

The number of threats, attacks and pressures on journalists and the media is still very pronounced and this trend continued in 2022. Fifteen cases were registered in this category, which is more than half of the total number of cases that occurred during 2022. The largest number of cases from this category occurred at protests or various protest gatherings. Every other case in this category was committed online. Out of the total number of cases, as many as 10 related to threats to the safety of men, and four to women. Among the media, the largest number of cases refers to Pobjeda (3), while Vijesti and Gradska reported two cases of security threats each.

- Gradska televizija journalists Milica Pavicevic and Senad Pecanin received threatening and insulting messages via e-mail from the e-mail address slaktislatka@hotmail.com under the username Bane LA. Pobjeda journalist Dusko Mihailovic is also mentioned in the controversial emails.
- Vijesti photojournalist Luka Zekovic was reporting from the "Ima nas" protest, which was organized in front of the Parliament of Montenegro, when one of the demonstrators insulted him "Zekovic, you spy".
- Journalist and civil activist Vuk Vujisic posted a video on his Facebook profile showing an unknown man trying to prevent him from performing his

— INDICATOR 4.1

work. On the video, an unknown man can be heard threatening him, saying "Come and film if you can."

- Gradska televizija journalist Tamara Nikcevic was threatened by S.V. and behaved insolently towards her. S.V. was identified and admitted to the Special Hospital in Dobrota.
- Vijesti journalist Sinisa Lukovic was threatened and insulted by several anonymous profiles on the social network Facebook. The Kotor Prosecutor's Office opened a case based on his report and assessed that it was a criminal act of endangering security.
- Pobjeda journalist Slobodan Cukic was verbally attacked in front of the Cetinje monastery by two people. Cukic, who was not on official duty at the time of the incident, said that after the verbal attack, a physical attack was also attempted, which was prevented by the police.
- Prva TV journalist Ljubica Vukicevic filed a complaint against an unknown person who sent her threatening messages via the Facebook social network, which followed the publication of her show. The prosecutor assessed that in that case there are elements of the criminal offense of endangering security.
- Journalist of the daily Pobjeda Dusko Mihailovic received a threatening message on the Twitter social network on July 16, "You fascist sh*t, you're everywhere! It seems that you are well paid, but fascism will come to an end". Mihailović reported the case to the police and pointed out that he was worried about his safety.
- Pobjeda journalist Dusko Mihailovic was threatened by a group of citizens while he was reporting on the gathering on July 13, the National Day. The journalist was threatened on a national basis.
- During the broadcast of the National Day celebration (July 13) in Niksic, a group of people threatened and verbally attacked the cameraman of Radio Television Niksic, Zoran Ivanovic. He filed a complaint for assault.
- Officials of the Bar Security Center acted on the report of Russian citizen Aleksey Kozlov from Saint Petersburg, owner of The Moskow Post agency, in which he stated that a message with threatening content had arrived on the agency's website.
- At the end of March, the journalist of RTV Budva, Lidija Bojovic, reported threats in connection with the report she was working on. Even in this case, the prosecutor on duty did not find elements of a criminal offense that is being prosecuted ex officio.

— INDICATOR 4.1

- Journalist of the Center for Democratic Transition, Goran Delic, reported that on February 1, 2022, he received a threatening call via the "Viber" application from a foreign number. The event was qualified as a security threat.
- - Columnist Semsudin Radoncic filed a report in January due to several comments by two people that were published on social networks under the text he authored, and which caused him to feel threatened. The prosecutor stated that there are no elements of a criminal offense in this case.
- Since reporting on the protest held on January 21, 2022, in Podgorica, TVCG journalist Ana Popovic has been receiving threatening messages on her Instagram profile. The journalist filed a report with the police on January 25, but also that on January 27, she received blackmail from the same profile asking her to give 5,000.00 euros or her freedom as a journalist.

Threats against the lives and physical safety of journalists

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

Final Score for 2021: 3.48 / Final Score for 2022: 3.51

In this area, some progress was registered compared to the previous year, as the number of cases decreased. Threats to the life and physical safety of journalists were registered in two reported cases, which were committed online. This fact is worrying considering that the perpetrators of online harassment are mostly unknown and there is additional fear and uncertainty as to whether these threats will come true.

The number of death threats decreased compared to 2021 and two such cases were registered. Both threats were sent online, and in one case they were related to a member of the journalist's family.

The editor of the M portal, Danica Nikolic, reported on September 11 to the Podgorica Security Center that she had received death threats sent to her official email address. In this case, the basic state prosecution instituted a case. Vijesti journalist Sinisa Lukovic reported that his daughter received threats on the Instagram social network because of him and his journalistic work.

Real attacks

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

Final Score for 2021: 3.46 / Final Score for 2022: 3.20

During 2022, the number of physical attacks on journalists increased. The type of attacks and their severity are increasingly causing the effect of intimidation, and it is noticeable that the number of media and journalists who are victims of such intimidation is increasing. During the previous year, three registered attacks were related to Vijesti journalist Jadranka Cetkovic. The remaining attacks were committed against RTCG employees.

Unlike the previous category, compared to 2021, the number of physical attacks on journalists increased - 6. Unfortunately, half of the total number refers to the correspondent of the independent daily Vijesti, Jadranka Cetkovic, while the remaining three cases refer to the correspondents of the Public Broadcasting Service.

During the citizens' protest to "protect the electoral will of August 30", Slobodan Doknic, TVCG correspondent, was attacked in Niksic. Doknic was reporting from the protest, when an unknown man approached him, preventing him from performing his work task.

Vijesti journalist Jadranka Cetkovic was attacked in front of the High and Basic Court building in Bijelo Polje while she was on a work assignment. The incident occurred when one of the men present ran up to her while she was filming the area in front of the court.

Vijesti journalist Jadranka Cetkovic was attacked in front of the High Court building in Bijelo Polje, while she was on a work assignment. Cetkovic followed the trial in Bijelo Polje, and after the trial, she went outside the building to take photos of the defendants when E.P. ran towards her threatening her.

RTCG correspondent Darko Bulatovic, while reporting on the elections in Savnik, was told by T.Z. approached and tried to take away the mobile phone and disable it from working. Bulatovic reported the case to the police.

— INDICATOR 4.3

Vijesti journalist Jadranka Cetkovic was attacked in front of the High Court building in Bijelo Polje, while she was on a work assignment. Cetkovic followed the trial in Bijelo Polje, and after the trial D.D. repeatedly tried to prevent her from taking his photo by waving his hands in her direction.

The journalist of the Television of Montenegro, Darko Bulatovic, reported from the celebration of the Statehood Day in Niksic on July 13, where there was a conflict between two groups of citizens. During the performance of his work task, Bulatovic was approached by an unknown man who tried to take the phone with which he was recording the event, which had a PRESS sticker clearly displayed on it.

Threats and attacks on media outlets and journalists associations

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

Final Score for 2021: 2.99 / Final Score for 2022: 3.06

The number of threats to the security of media organizations and institutions has decreased. The largest number of threats and attacks on media institutions and organizations related to attacks on Gradska televizija.

The number of attacks on media organizations and institutions decreased from eight to five. However, the fact that a large number of different media have been victims of attacks is worrying.

- The Gradska televizija team was verbally attacked in front of the Cetinje Monastery by two people while they were performing their journalistic assignment. After the verbal attack, a physical attack was also attempted, which was prevented by the police.
- While reporting on the laying of the foundation stone for the Mental Health Clinic in Podgorica, Prime Minister Dritan Abazovic made indirect threats to the journalists of Gradska televizija: "You just go ahead asking (questions), I always answer you. But don't think that your hate speech should be ignored. So, if we could block that Sputnik, Gradska definitely isn't far from it".
- On May 13, the editorial staff of Radio Antena M received a threatening message via the Facebook social network from a profile under the name of Milomir Sarac. The message read: "Ustasha fascist portal, be careful not to get bombed." The editors informed the state prosecutor about the case, who ordered further measures to be taken.
- Zarko Pejanovic from Podgorica, the winner of the 11th competition in lying down, was detained after he entered the premises of the Dan editorial office, physically

— INDICATOR 4.4

attacked the journalists who were there and broke part of the inventory. As a reason, Pejanovic stated that he was dissatisfied with the text published by Dan, and he was ordered a pretrial detention for 30 days.

- Nephew and the brothers of the President of the Municipality of Budva, Marko Bato Carevic, insulted and attacked a journalist and a cameraman of the Gradska televizija who were on duty. They were filming a feature about a wild dump near the Platac quarry when S.C. started getting in the face of journalist Dubravka Perovic, insulting her and shouting at her, and he forbade cameraman Hari Markovic to film.

Original title

The Western Balkans Journalist Safety Index
Montenegro 2022 Narrative Report

Publisher

Trade Union of Media of Montenegro



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of the European Union and Civil Rights
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