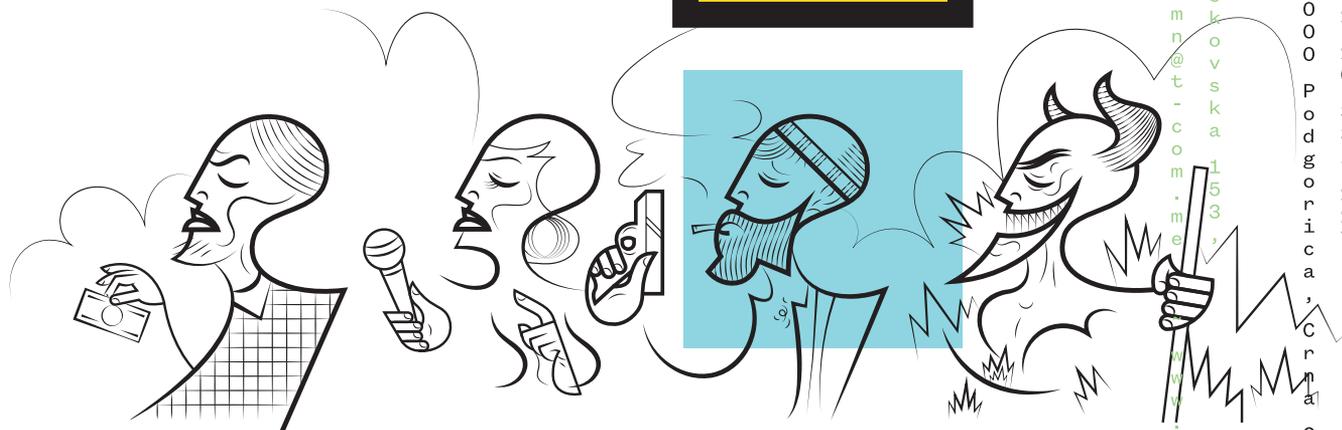
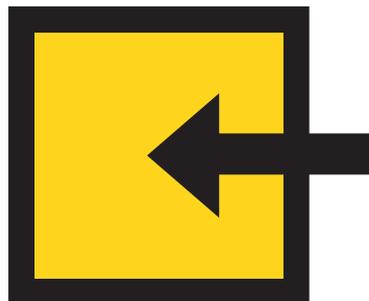




Tough times for the media

2020. . . godina
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¹ Dragan Koprivica, Milica Kovačević, *Dangerous manipulations and inadequate response of the State*, CDT, 2020. Available at: <https://bit.ly/2ShUATA>

² Register of electronic publications, Agency for Electronic Media. Available at: <https://bit.ly/38gT9dy>

³ Online space overwhelmed with disinformation, CDT, 2019. Available at: <https://bit.ly/3brB7r6>

⁴ Proposed Media Law: New provisions in line with international standards, the Government of Montenegro, 05.12. 2019. Available at: <https://bit.ly/39A86HW>

⁵ “Marković: The government striving to discipline independent media with the draft Law, *Vijesti online*, June 1. 2018. Available at: <https://bit.ly/2SnzfXk>

Recent years have seen Montenegro as barely passing the media indicator. The country tapped into numerous domestic and international recommendations for improving the media environment and initiating changes in the area. However, there have been no significant improvements in 2019.

In addition to issues such as outdated media laws, unregulated media market and unregulated self-regulation, our society has also been faced with an increased spread of disinformation and propaganda. Biased media coverage has become a daily occurrence.

Caught off guard and lacking a strategic framework and developed procedures to tackle the phenomenon, the state has assumed the role of self-regulator and tried to exert influence on the media, while the police and prosecution opted for an undemocratic approach of selectively arresting the creators and carriers of disinformation.¹

The experts who participated in our research gave the area of media an average score of 2.2 on a 1-5 point scale. This result shows that no progress was made and that we are not even halfway through when it comes to media. The same score was recorded both in last year and the year before that.



Drafting of legislation stalled by two years

Media laws have not been drafted in 2019, with yet another year going by without addressing the longstanding problem of outdated regulations in the area. The new proposed laws are based on recommendations by domestic and foreign experts, but, according to our experts, they do not fully cover the very issues that hamper the functioning of media in our society.

The functioning of online media has not been regulated yet. More online media are getting registered with the Agency for Electronic Media (66 media registered)², still, dozens more web portals remain unregistered whilst posting their contents online.³

On the one hand, the Ministry of Culture claims that this law is in line with the highest international standards and introduces a series of new measures⁴, while representatives of media associations and civil sector publicly criticize the new regulations, claiming that they enable the state to exert a greater influence on independent media⁵, and that certain provisions are an additional blow to the already vulnerable position of journalists.⁶ The manner and pace of drafting regulation has also been criticized⁷, an issue that the experts involved in our research have observed as well. Another year went by without the state's initiative to regulate the media in a strategic way.

⁶ “Media associations: Provisions of the draft Law on Media are a cause for concern, *Portal Analitika*, 23.01.2019. Available at: <https://bit.ly/383hOIF>

⁷ Ibid.

Violations of the Code have become a common practice

The media scene is also burdened by the lack of adequate self-regulation.

This problem affects a number of issues that further complicate professional media reporting, yet it remains unsolved for years. The division of the media community has also reflected in the establishment and operation of self-regulatory bodies. Several media outlets have a media ombudsman on board, whose independence is questionable given that both journalists and ombudspersons work for the same employer.

The new Proposed Law on RTCG envisaged the setting up of the RTCG Ombudsman.⁸

Unbiased AEM—an (un)attainable goal

Our experts find that the Agency for Electronic Media (AEM) has been failing to achieve independence, impartiality and indiscriminate in their operation. The European Commission (EC) also took note of the problem of political interference in the work of this institution.⁹

AEM has issued 88 warnings to broadcasters over breaches of program standards, commercial audiovisual communications standards and unpaid broadcast fees.¹⁰

In the past, AEM has not been adequately responding and preventing the broadcasting of regional media contents that constitute hate speech or a national security threat.¹¹ Such lack of responsiveness prompted the question of whether authorities actually had a political interest in the broadcasting of such contents, as well as whether the AEM's past activities in this regard were intended to serve public interest.¹²

Although AEM claims to have acted appropriately and in accordance with their mandate¹³, it was not until early 2020, following the response of the civil sector, that AEM decided to put a three-month restriction on the re-broadcasting of specific contents from several TV stations based in Serbia.¹⁴

⁸ Proposal of the Law on National Public Broadcaster of Radio and Television of Montenegro. Available at: <https://bit.ly/3bqTaNZ>

⁹ European Commission, Montenegro 2019 Progress Report, Strasbourg, 2019. Available at: <https://bit.ly/2So5ZA5>

¹⁰ Agency for Electronic Media. The 2019 Report on the work of the Agency for Electronic Media. Available at: <https://bit.ly/2UynVdE>

¹¹ Dragan Koprivica, Milica Kovačević, *Dangerous manipulations and inadequate response of the State*, CDT, 2020. Available at: <https://bit.ly/2ShUATA>

¹² Ibid.

¹³ AEM: Allegations by CDT unjustified, *Vijesti online*, 06. 02. 2020. Available at: <https://bit.ly/39w7QcT>

¹⁴ The Council limits the re-broadcasting of certain program contents by TV Happy and TV Pink M, Agency for Electronic Media, February 10, 2020. Available at: <https://bit.ly/2HsWonH>

Domestic TV stations at risk from regional broadcasters

On average, 28 percent of the programs broadcast by Montenegrin TV stations are produced in-house, and domestic media's television programs are facing international, primarily regional, competition.¹⁵ According to commercial TV stations with national frequency in Montenegro, foreign i.e. regional TV channels that sell advertising space of Montenegro are in a privileged position over the nationally licensed TV stations.¹⁶

Our experts find that, unless market regulation measures are taken, the long-term survival of the Montenegro-based media outlets will be seriously brought into question.

Inadequate fight against media manipulations

Local and regional media have been fiercely spreading disinformation when reporting on major social and political issues in 2019.

This did not propel Montenegrin institutions to action, in fact, they were caught off guard and without a strategic approach and due procedures in store.¹⁷ Instead of preparing themselves for such campaigns, they have assumed an unprecedented role - the role of those who "unmask" fake news. Instead of issuing retractions, institutions slapped labels on media, which could be interpreted as an attempt to exert influence on their work.¹⁸

The state counteracts these phenomena in a way that is not typical for democratic societies - the arresting of those who have created and transmitted fake news (Anđela Đikanović FOS, Gojko Raičević In4s and Dražen Živković from the Borba web portal).¹⁹ The US Embassy had previously stated that the In4s and Borba web portals have close links to the Kremlin instructions.²⁰

¹⁵ Agency for Electronic Media. The 2019 Report on the work of the Agency for Electronic Media. Available at: <https://bit.ly/2UynVdE>

¹⁶ "Prva, Vijesti and Nova M wrote to the competent agencies: Protect the domestic TV market", *Vijesti online*, November 26 2018. Available at: <https://bit.ly/2DDd5Kx>

¹⁷ Dragan Koprivica, Milica Kovačević, *Dangerous manipulations and inadequate response of the State*, CDT, 2020. Available at: <https://bit.ly/2ShUATA>

¹⁸ Ibid.

¹⁹ Kovačević: *The Wrong Way to Counteract Media Manipulation*, CDM, January 13, 2020. Available at: <https://bit.ly/2vTJ1cr>

²⁰ "US Embassy: Three media outlets spreading disinformation as instructed by the Kremlin", Radio Free Europe, November 19 2019. Available at: <https://bit.ly/31u13O7>

The dependent Public broadcaster

²¹ “Orav and US Embassy: Serious concerns over meddling in the work of the RTCG, *FOS media*, June 13 2019. Available at: <https://bit.ly/2GXyvTC>

²² Deutsche Welle, “Public broadcasters in Southeast Europe under political pressure”, *Vijesti online*, November 29 2019. Available at: <https://bit.ly/3bcM67A>

²³ “No political influence on Public broadcaster”, RTCG, June 14 2019. Available at: <https://bit.ly/371vlsL>

Although prescribed by the Statute and the Law on the National Public Broadcasting Service of the RTCG, the independence and autonomy in the work of journalists and editors of the RTCG has not been ensured in practice. This was also criticized by representatives of the international community in Montenegro,²¹ as well as by our experts, who also claim that neither the independence of the managing structures nor their protection against political pressure has been ensured. As many as 70 percent of citizens believe that the Public broadcaster is exposed to political pressure.²² The RTCG management, however, denies such allegations.²³

The courts found that members of previous RTCG management and editorial structures were dismissed unlawfully. The members of the Council that issued such decisions were not held accountable.

Journalists’ livelihoods hanging by a thread

²⁴ Trade Union of Media of Montenegro, *Indicators on the level of media freedom and journalists’ safety (Montenegro)*, 2018. Available at: <https://bit.ly/2uc5Ur9>

²⁵ Ibid.

²⁶ “The RTCG collective agreement signed”, *Vijesti online*, June 28 2019. Available at: <https://bit.ly/2OtVHNw>

²⁷ European Commission, *Montenegro 2019 Progress Report*, Strasbourg, 2019. Available at: <https://bit.ly/2S05ZA5>

²⁸ Trade Union of Media of Montenegro, *Indicators on the level of media freedom and journalists’ safety (Montenegro)*, 2018. Available at: <https://bit.ly/2uc5Ur9>

²⁹ Ibid.

Research conducted by the civil sector have shown that journalists still earn less than the national average, with even every third journalist earning less than € 400 a month.²⁴ Up to eight monthly salaries are owed to journalists working in the local media outlets, and as many as 60% of journalists have reported that their financial situation has deteriorated.²⁵

A collective agreement has been signed in the Public broadcaster, which employs over 700 people.²⁶

The EC has been pointing out that the poor economic situation exposes journalists to the risk of editorial interference and potential self-censorship, and that there is no adequate dialogue between the Government and the media community on the working conditions of journalists.²⁷

According to research conducted by the civil sector, most media in Montenegro do not have internal acts that regulate newsroom functioning.²⁸ In some cases, newsrooms are not separate from the marketing sector. In practice, this often leads to indirect influences of media owners or its marketing sector on the media’s editorial policies.²⁹

Online threats to journalists

The media scene is still clouded by unsolved cases of attacks against journalists and media assets, as the instigators and perpetrators still remain unknown in many of such cases.

In 2019, four new cases have been prosecuted on account of threats to journalists and their safety.

The development of social media has opened up new channels for making frequent threats to journalists. In 2019, two criminal cases were opened on account of this very offense. Individual cases of online threats were recorded in previous years as well, but there is no separate record thereof.³⁰

The leading online media were targeted by hackers.³¹

An officer was designated by the Police Directorate to coordinate all of police and prosecutorial activities in cases of attacks against journalists, while two police inspectors were appointed per each municipal security center to coordinate such operations at the local level.³²

There is no official record of the number of filed lawsuits against journalists and the media on account of tarnishing honor and reputation. Civil sector surveys have shown that courts have worked on 109 cases for compensation for damages to honor and dignity between 2011 and 2017.³³

³⁰ Montenegro Media Institute, Mechanisms of protection against online violence, Podgorica, 2019. Available at: <https://bit.ly/31t7yAF>

³¹ "The Vijesti Portal targeted by hackers", *Vijesti online*, September 18 2019. Available at: <https://bit.ly/2Usxtao>

³² "Suppressing and solving attacks on journalists and media and their property is one of the priorities of the Police Directorate," Police Directorate, October 21, 2019. Available at: <https://bit.ly/2OupEgC>

³³ Borko Ždero, "No official data on the number of filed lawsuits against journalists and the media for tarnishing honor", *Vijesti online*, November 13 2019. Available at: <https://bit.ly/2ukODfj>





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A set of indicators is used to examine the quality of the strategic and legal framework, institutional and financial capacity, as well as the results achieved in six areas: elections, judiciary, fight against corruption and organized crime, media and public administration reform. The six areas are laid out in a topic per document model. Our analyses contain assessments of the fulfillment of the criteria that we have come up with by summarizing and articulating the views and evaluations of experts monitoring the quality of implementation of EU standards, as well as by analyzing the implemented normative and institutional reforms and their practical results.

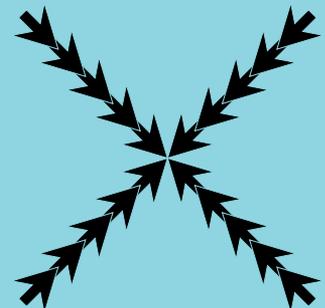
The first part of the research tackles the quality of public administration reform. We have been evaluating this area as based on **39 indicators**, alongside consultations held with five experts in the field.

We remain open to all suggestions, well-intentioned criticisms and discussions that may arise from our research. We are also ready to offer concrete solutions to all the issues we have labeled as problematic and thus contribute to this important reform.

We would like to express our sincere appreciation to the Balkan Democracy Fund and the Embassy of the Kingdom of Norway for their trust and financial support.



Milica Bogdanović
Executive Board member





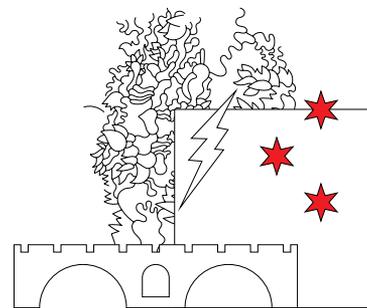
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