

# **REPORT ON THE SEEMO PRESS FREEDOM MISSION TO MONTENEGRO 8-10 November 2011**

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## **INTRODUCTION**

### **Objectives**

The objective of the press freedom mission conducted by the Vienna-based South East Europe Media Organisation (SEEMO), an affiliate of the International Press Institute (IPI), was to assess the media situation in Montenegro following several developments: a) the introduction of new media-related laws, including decriminalisation of defamation and libel; b) follow-up of the activities related to unresolved attacks on journalists, including the 2004 assassination of Dusko Jovanovic, editor-in-chief of the daily *Dan*; c) fact-finding about pressures on media; and e) evaluation of the steps taken towards the establishment of self-regulatory bodies.

The implementation of media laws and full respect for media freedom form part of the European Commission (EC) conditions for Montenegro's membership of the European Union. The 2011 EC Progress Report applauded the new legal framework that decriminalised defamation and libel, as well as the Supreme Court decision to adopt guidelines that regulate the level of pecuniary compensation in defamation cases against the media, in line with European standards and the case law of the European Court of Human Rights. However, the report recalled: "Previous cases of violence and current threats against journalists have still not been properly investigated and prosecuted."

The SEEMO delegation visited Podgorica.

### **Interlocutors**

The SEEMO delegation met Prime Minister Igor Luksic; Vice Minister of Culture Zeljko Rutovic; Director of the Police Department Veselin

Veljovic; Head of the Delegation of the European Union to Montenegro Ambassador Leopold Maurer and Press and Media Officer Dragan Mugosa; Head of the Political and Public Information Unit, OSCE Mission to Montenegro, Alyn Roberts and Media Programme Manager Radka Betcheva; and more than 30 media representatives including owners, directors, editors-in-chief, journalists, media experts, media NGO representatives, and other professionals.

### **Political Environment: An Outline**

Since the disintegration of the former Yugoslavia in 1991, Montenegro's politics followed two paths: continuity and change. In 1991, the country supported union with Serbia while Slovenia, Croatia, Macedonia and Bosnia and Herzegovina chose the road to independence. In 1992, Montenegro and Serbia created the short-lived Federal Republic of Yugoslavia.

At the beginning of the 1990s Montenegro sided with Serbia and actively participated in the Balkan wars, notably at the beginning of the conflicts. Some Montenegrin media supported war propaganda and engaged in hate speech. However, the weekly magazine *Monitor*, founded in 1990, had a clear anti-war stand.

Towards the end of the 1990s, Podgorica started distancing itself from Belgrade. By 1999, during the conflict over Kosovo, Montenegro was no longer a Serbian ally. In fact, the country initiated its path to independence: in 1999, the German mark was adopted as the domestic currency and in 2002 the Euro was introduced.

From 2002 to 2006, Serbia and Montenegro discussed different union options, some of them brokered by the European Union. From 2003 to 2006, Serbia and Montenegro coexisted within the State Union of Serbia and Montenegro (Drzavna Zajednica Srbija i Crna Gora).

In May 2006, Montenegro held an independence referendum. A total of 55 percent of the voters said 'yes'. In June of the same year, Montenegro declared independence and the country became the 192<sup>nd</sup> UN member. In the same year, NATO admitted Montenegro to its Partnership for Peace pre-membership programme and the country joined the International Monetary Fund (IMF). That same year, Podgorica authorities took their first steps towards EU

membership and adopted a new constitution. In 2008, an official application for EU membership was presented. On 17 December 2010, Montenegro became an official EU candidate country.

From 1991 to 2010, from warmongering rhetoric to pacifist European discourse, the Montenegrin political and media scene has been dominated by a relatively small number of personalities. From 1991 to 2010, Milo Djukanovic was the most relevant political figure: he held both the posts of prime minister and president.

In December 2010, Djukanovic resigned as prime minister and Igor Luksic, a former finance minister, was appointed as his successor. Djukanovic, however, retained chairmanship of the Democratic Party of Socialists of Montenegro. With the exception of a short interval, Djukanovic dominated the political scene for 19 years. Throughout his numerous political mandates, Djukanovic family members allegedly developed multiple businesses. Some media representatives consider that he is still the powerbroker behind the scenes.

Montenegro's political choices and divisions have been reflected in the media: war supporters versus pacifists; promoters of independence versus union defenders; Djukanovic supporters versus government critics. In some cases, the same media changed their editorial and political line as political objectives underwent transformations.

Montenegro's ethnic composition is an additional feature of the country's political and media divisions. According to a 2011 census, 44.98 percent of the population declared themselves as Montenegrins, 28,7 percent as Serbs, 8,6 percent as Bosniaks, and 4,9 percent as Albanians, in addition to Roma, Muslims and Croats. Ethnic division between Serbs and Montenegrins - in some cases, members of the same family chose different ethnic groups - has historic, cultural and political reasons. While this report will not analyse this issue, it is important to keep in mind that ethnic choices carry political connotations.

The 2007 constitution stipulates that the country's official language is Montenegrin. Language differences between Serbian and Montenegrin (and Croat and Bosnian) are difficult to assess: it is a matter of political choices rather than communication and understanding. Montenegrins and Serbs in Montenegro understand each other. Yet,

how they denominate that language, Serbian or Montenegrin, implies a political stand. According to the 2011 census, 36,97 percent of the population declared Montenegrin as their mother tongue while 42,88 percent chose Serbian.

Montenegro has 620,000 inhabitants, with 187,000, or 30 percent of the population, living in Podgorica. While Podgorica is the country's capital, the official residence (*prijestonica*) of Montenegro's president is in Cetinje, 36 km west of the capital. Considering the country's size, and the concentration of the population in the capital, politicians, academics, and NGO and media representatives tend to know each other, if not personally then through families and friends. It is not easy to separate private and public activities or to hide one's past political choices. For example, journalists who actively promoted war and ethnic hatred - but have subsequently changed their position - are well known. Their past activities are remembered, even if they have never been sanctioned for them. In addition, personal and business conflicts among media owners and professionals further complicate the media environment. As a consequence, some journalists refuse to meet or join the same professional organisations.

Political meandering has left an imprint on editorial choices, influenced cooperation and rivalries among journalists, forged friendships and created animosities. Mainstream media in Montenegro encompass a relatively small group of individuals: journalists, editors and owners

## **Attacks against Journalists**

### **2004**

Dusko Jovanovic, director and editor in-chief of the daily *Dan* was killed in a drive-by shooting in Podgorica in the night between 27 and 28 May 2004 in front of his office building. On 27 April 2009, Damir Mandic was declared guilty of assassinating Jovanovic and given a 30-year prison sentence. In 2009, the court revised the decision and Mandic's sentence was reduced from 30 to 19 years. The masterminds have not been identified.

### **2007**

On 1 September 2007, three unidentified assailants physically attacked Zeljko Ivanovic, director of the daily *Vijesti*, near a restaurant where the newspaper was celebrating its 10th anniversary. Ivanovic was injured and received medical treatment. Although the perpetrators were found, the masterminds remain at large.

On 1 November 2007, Tufik Softic, journalist with Radio Berane, based in Berane, a town of 11,000 inhabitants 140km northeast of Podgorica, was severely beaten with baseball bats in his courtyard. He was hospitalised with serious injuries. The police did not find the perpetrators.

## **2008**

On 23 May 2008, sports journalist Mladen Stojovic was severely beaten in his apartment in Bar, a port town less than a 100 kilometres south of Podgorica. Stojovic suffered numerous fractures and had to be operated on. He suffered amnesia for four days. Some analysts have speculated that the attack may have been connected to his reporting on the alleged fixing of soccer matches. The assault occurred five months after Stojovic appeared in "Insider", an investigative program that dealt with the soccer-related mafia. In November 2011, a SEEMO delegation met the director of the police department, Veselin Veljovic, who promised to reopen the case and investigate it again. SEEMO hopes that Veljovic's successor will keep this promise.

## **2009**

On 6 August 2009, Mihailo Jovović, editor of *Vijesti*, and Boris Pejović, a photojournalist, were allegedly assaulted by Podgorica Mayor Momir Mugosa and his son, Miljan. The journalists were photographing the mayor's car, as part of a story on illegal parking in the capital. When the mayor and his son spotted the reporters, Miljan Mugosa allegedly threatened Jovović with a gun. Both Jovović and Pejović were injured in the incident. Jovović required surgery for an injury to his eardrum.

In September 2011, Jovovic appeared in court as a defendant: he was accused of hitting the mayor's driver with a cell phone. According to this legal twist, Jovovic was no longer a victim but an alleged aggressor. If convicted, he could face a prison term of up to 10 years

in prison. On the other hand, Mijan Mugosa is being investigated on lesser charges. If found guilty, he could face a prison sentence of up to two years.

According to Jovovic and Pejovic, the investigation apparently suffered from a number of shortcomings, including:

- The police refused to search the scene for a gun and ignored Jovovic's requests.
- The investigating judge's brief stated that Jovovic attacked the mayor's driver causing a concussion, whereas the driver was not involved in the incident.
- The judge treated the mayor only as a witness.

## **2010**

As SEEMO reported on 28 September: " On 24 September 2010, Zeljko Ivanovic, one of the founders, and director, of the daily *Vijesti*, editor-in-chief Slavoljub Scekic, editors Balsa Brković, Ljubisa Mitrovic and university professor Milan Popovic received letters by post containing threats, such as, "It is over, you are next" ("*Gotov si, ti si sledeci*"). SEEMO strongly condemned these threats.

## **2011**

*Vijesti* journalist Olivera Lakic and her daughter received serious threats. Lakic was investigating the tobacco mafia when the threats occurred.

Four cars belonging to the daily *Vijesti* were set ablaze, three of them in one day. The perpetrators have not been found.

## **Legal Actions against Media Outlets and Journalists**

### **2007**

In May 2007, the weekly *Monitor* published a story by Petar Komnencic on the illegal surveillance of some judges, ordered by the prosecution. Komnencic was sued for defamation by the judge, Ivica Stankovic. In February 2011, the court sentenced Komnencic to pay 3,000 Euros, although, in the meantime, Montenegro decriminalised defamation. Since Komnencic refused to pay, the court changed the

pecuniary fine into a four-month prison sentence. Komnenic appealed the decision on the basis of procedural irregularities. The case is still ongoing.

On 6 September 2007, then Montenegrin Prime Minister Milo Djukanovic filed a civil defamation lawsuit against Zeljko Ivanovic, editor-in-chief of *Vijesti*, and the daily's publisher, Daily Press. Djukanovic demanded one million Euros in compensation for the alleged damage he had suffered. SEEMO reacted at the time and stated that the law should not be used to undermine press freedom. Excessive sanctions may put media organisations in jeopardy by pushing them into insolvency. In May 2008, the court ruled that 20,000 Euros should be disbursed in compensation, still a disproportionate amount considering the average Montenegrin income.

## **2008**

In February 2008, a Netherlands-registered company sought 10 million Euros in compensation for damages caused by the Daily Press, the publisher of *Vijesti*, and Nebojša Medojevic, an economic expert who wrote an article on the privatisation process of the company. On 4 September 2009, a Podgorica court ordered *Vijesti* and Nebojša Medojević to pay a record 33,000 Euros in libel damages. The director of the daily, Zeljko Ivanovic, said that the verdict was political and should be viewed in the context of the declaration by the prime minister, Milo Đukanović, that courts were "the best and the most painless" way to punish media. In the end, the Higher Court annulled the previous sentences and found no basis for the accusation.

In April 2008, the Podgorica Higher Court ruled that *Monitor* and its journalist, Andrej Nikolaidis, should pay 12,000 Euros to the Serbian filmmaker Emir Kusturica who sued them for non-material damages caused by an article published in 2004.

## **2011**

In November 2011, the European Court of Human Rights (ECHR) ruled in favour of the journalist Veseljko Koprivica in the case *Koprivica vs. Montenegro*. The ECHR ruled that Montenegro violated Article 10 of the European Convention of Human Rights by ordering a magazine editor to pay damages worth 25 times his monthly pension.

This decision breached his human rights: “The Court noted that the final civil court judgment had undoubtedly been an interference with Mr. Koprivica’s right to freedom of expression.”

This case dates back to September 1994, when Koprivica, then editor-in-chief of the magazine *Liberal*, published an article entitled “Sixteen”. The article reported that a series of journalists - 16 of them from Montenegro - were going to be tried for incitement to war by the International Criminal Tribunal for the former Yugoslavia (ICTY). One of the 16 journalists, the former editor-in chief of the Montenegrin public broadcaster (RTCG), Bozidar Colovic, sued Koprivica for damaging his reputation, and demanded 12,000 Euros in compensation. In 2004, the Court of First Instance ordered Koprivica to pay 5,000 Euros in compensation, and in 2009 the court revised that decision and ordered that the fine should be paid in regular transfers amounting to half of his pension.

Several years before the ECHR decision, Montenegro’s public broadcaster aired a documentary, “Witnesses of this Century” (*Svjedoci jednog vijeka*), that described Colovic as a warmonger.

## **MEDIA SCENE**

Montenegro has 34 registered media units, 54 radio stations, 24 TV channels, seven cable operators, 48 print media - out of which four dailies - one weekly magazine, and one news agency, Mina. Print media is in private hands. The daily *Pobjeda* is the only exception: it is still state-owned. Several attempts to sell the paper failed. Even the Essen-based WAZ group showed interest but the negotiations did not prosper. Some recently published articles suggested that a media entrepreneur from Bosnia and Herzegovina, Fahrudin Radonjic, had made the latest offer. At the time of the drafting of this report, no decision had been taken.

Electronic media outlets encompass 15 public radio stations, four public TV stations, 39 private radio stations and 20 private TV broadcasters. A total of 15 percent of the electronic media is publicly run and 85 percent is in private hands.

There is one media unit per 4,700 inhabitants.

## **Electronic Media**

In addition to the nation-wide public Radio Crna Gora (two channels), there are 14 regional public transmitters: Radio Andrijevica, Radio Bar, Radio Berane, Radio Bijelo Polje, Radio Budva, Radio Cetinje, Radio Danilovgrad, Radio Herceg Novi, Radio Kotor, Radio Nikšić, Radio Pljevlja, Radio Rožaje, Radio Tivat and Radio Ulcinj.

While the public broadcaster Television Montenegro (TCG) covers the entire territory - TVCG 1, TVCG 2 and TC CG Sat - , three regional public broadcasters address local audiences: TV Budva, TV Nikscic and TV Pljevlja.

Among the 39 private radio stations, some are tiny family businesses while others target the whole country and produce their own programs (some small stations transmit mainly music).

Among the 20 private TV stations, some are local, others national and one forms part of the regional network: APR, Atlas, Boin, Corina, Eho, Glas Plava, IN, Lutrija Crne Gore, MBC, Mojkovac, Montena, Orion, Panorama, Pink M, PRO TV, Srpska TV, Sun, Teuta, Vijesti and Elmag.

A total of 63 percent of viewers follow cable TV. Foreign channels from neighbouring Croatia, Serbia and Bosnia and Herzegovina compete for the audience with local broadcasters.

One TV manager commented: "Our problem is that one television station - TV Pink - holds a lion share of the advertising market in Montenegro, although it produces only the legally required minimum of programs in its Montenegrin studio."

In recent years, media ownership transparency has improved. The government introduced legal regulations forcing all media companies to register in the commercial court. There are no pirate electronic media. However, one electronic media representative pointed out: "The liberal concept of frequencies approval destroyed all media standards. If the Montenegrin state were a serious regulator, 90 percent of media would be closed. If my TV station with the highest reach cannot be profitable, what should other stations expect?"

The media market in Montenegro is competitive and saturated. There are many players and income sources are scarce. The size of the country makes it unattractive for big media buyers. Most public and private media address local/micro markets. Electronic media rely heavily on advertising, with the exception of public outlets whose revenues stem from state or local municipality budgets.

With regard to economic status, public media are privileged in comparison to private and local outlets. The former have their financial losses covered through the budget. On the other hand, private media face difficulties attracting advertisements. Some media set dumping prices in advertising, so it is very difficult to run a competitive private media outlet.

Advertising by governmental bodies is very important for private media, as a source of income. Some media perceive that government funds are allocated selectively.

### **Public Broadcaster RTCG**

The public broadcaster RTCG faces economic problems. First and foremost, it is overstaffed with its 700 regular employees and 100 freelancers. Estimates indicate that between 300 and 400 employees would suffice to run all services. Due to overstaffing, around 75 percent of its budget is absorbed by salaries. The remaining 25 percent of the budget is not enough for quality programme production.

According to the 2008 Law on Electronic Media, the RTCG budget represents 1.2 percent of government budget spending. In 2012, 7,270.334 Euros are designated for the public broadcaster. The 2008 Law eliminated licence fees. The government took over all the previously incurred debts.

The share of advertising revenue has been diminishing due to increased competition by commercial media that draw on larger audiences.

In addition to the chronic budgetary problem of current running current costs, RTCG faces another challenge: the need to invest in technological innovation and implement digitalisation by 2012. The

national public service still operates on an analogue system and plans to ask the government for 6.7 million Euros needed for the digitalisation.

Economic problems coupled with political and other interests have resulted in high-profile management changes, accompanied by public accusations of mismanagement and political pressures.

## **Print Media**

There are 49 registered print publications. However, there are only three established daily newspapers - *Vijesti*, *Dan* and *Pobjeda* – and a fourth one, *Dnevne Novine*, began publishing in 2011.

*Monitor* is a weekly political magazine. All Montenegrin dailies are published in the capital Podgorica. With the exception of the daily *Pobjeda*, all print media are privately owned.

According to information from different sources, the four Montenegrin dailies sell 38,000 copies (*Dan* - 16,000; *Vijesti* - 15,500; *Pobjeda* - 5000 and *Dnevne Novine* - 1,500).

The competition for readers is fierce. The small market size induces media owners and editors-in-chief to: allocate free advertisements, publish unsubstantiated scoops and tabloid-like information, promote personal attacks on other media and their owners, and stage campaigns against certain politicians and enterprises.

Many journalists lack contracts, their salaries are low, and they are obliged to work for different media.

## **Government Helps Media**

As a result of the economic downturn, the government has recently assisted both broadcasters and print media. From 2011 to 2013 the government is covering the commercial broadcasters' payment for signal transfers, to the tune of 4,447.639 Euros. In 2011, 880,802 Euros were disbursed to bail out the Bega Press distributor and cover its debts to print media publishers: Daily Press, Jumedia Mont, Pobjeda and Monitor. This latter assistance helped them recover 85 percent of their receivables from Bega press.

## **Economic survival**

Considering the number of media outlets, excluding online publications, and the population size, the survival of 134 media outlets represents a challenge, especially with the continuing shrinkage of the advertisement market. Although the exact figures are hard to obtain, it is estimated that the advertising market has shrunk from 10 million Euros in 2009 to 5 million Euros in 2011.

## **Implementation of Legal Regulations**

As a European Union member candidate since December 2010, Montenegro has made an effort to satisfy legal requirements, in compliance with international standards, set out in various European Commission Progress Reports. A media law has been approved as well as laws on electronic media and public broadcasting. In 2011, defamation and libel were decriminalised and a limit was set for fines in the event of court action.

“We have created a good legal framework for the functioning of free media,” one government representative said, but “practice and implementation is even more important.”

One international representative who is knowledgeable about the situation in the country said: “The implementation requires a lot of capacity and development.” The representative added: “In the implementation of the media laws and standards, we cannot have only institutions, but also media, editors and journalists. Everybody has their obligations ... This implementation process will be a turning point for getting included in this whole EU process.”

Another international representative suggested: “The challenge now is the proper implementation of these laws; a lot should be done in the field of institutional capacity ... It is also very important to fight corruption. It affects everyone; including the media ... Training journalists is equally important.”

In spite of the high profile legal actions against media (see pages 7 and 8), the survey “*Media, Media Freedom and Democracy in Montenegro*” sponsored by the Organization for Security and Co-

operation in Europe (OSCE) Mission to Montenegro and carried out by the Centre for Democracy and Human Rights (CEDEM), revealed that legal threats did not figure highly among the worries of the 147 surveyed journalists and editors. However, when it comes to specific media outlets, i.e. the three media critical of the government - *Dan*, *Vijesti* and *Monitor* - law suits by politicians and powerful individuals do constitute a major problem, according to this survey. Most respondents suggested that “adequate implementation of media-related legislation” is a priority for the protection of journalists.

### **Pressure on Media and Media Freedom**

Guaranteeing media freedom figures high on the official political agenda. A legal framework has been established, but practice does not always follow international standards. “We live in a society that has difficulties to adapt to media freedom,” said one official representative. “The Government supports media freedom,” declared another official. Yet, during his long tenure, former Prime Minister and President Milo Djukanovic did not mince his words when attacking and criticising media that did not support him or questioned his policies and business endeavours. The official rhetoric has changed under current Prime Minister Igor Luksic, but many journalists wonder who is really at the helm. Djukanovic still heads the governing party and party bosses often criticise media in public. In fact, Djukanovic always criticises the same media: *Dan*, *Vijesti* and *Monitor*. On the other hand, media often dismiss professional standards: rumours are published as news, and information is printed without fact-checking.

The Montenegrin media scene is currently divided along the lines of positions vis-à-vis, or opposition to, the government. Opposing the government does not always imply support for the opposition, several interviewees underscored.

One editor explained: “The media community is divided. On the one hand, there are three media critical of the government, and on the other hand, there is the public broadcasting service, and the daily *Pobjeda*. Thus, we have pro-government and critical media. The latter encompass *Dan*, which is pro-Serbian, while *Monitor* and *Vijesti* favoured independence in the 1990s, and today these two publications are critical of Montenegrin nationalism.”

Supporting and opposing different political courses followed by Djukanovic defined media alliances. It is too early to evaluate if the current prime minister can change those entrenched attitudes.

More than 30 interviews that SEEMO conducted with media professionals revealed that the perception of political and economic pressure on media varies, depending on political views. SEEMO did not conduct in-depth analysis of the local media, operating in tiny communities, with scant national influence, and in which pressure tends to be personalised. However, one interlocutor with knowledge of the local media scene, said: "It is not true that local media work for the authorities. Yet they do reflect the views of a political party. I think that local public media should be privatised ... They only reflect the view of the ruling party." Montenegro has 14 local public radio broadcasters. They are financed by the local authorities.

Critical or independent media speak of political and economic pressure: "It is true we have a new prime minister," one editor said, "but the power is still in the hands of those who created the atmosphere of lynching and prosecution."

Another editor stated: "We are treated as an organised criminal group ... We have pressure from the advertisers that prefer not to use our publication."

However, critical news outlets do not refrain from criticising the government on a daily basis.

Most interlocutors acknowledged that Prime Minister Igor Luksic had taken positive steps to improve the relationship with the media. The question was, though, if trust could be created. Some media consider that Luksic does not hold real power; many interviewees pointed out that the government was critiqued on a daily basis in some media, as if not a single government move had generated positive results; opposition parties were also trying to pressure media, just like the business leaders. But the media also publish unsubstantiated stories on both political and economic events, using highly questionable professional ethics.

“There is no direct state censorship,” an expert in human rights pointed out, but “there is dependence on some media owners”. The same interlocutor added: “The media face new challenges. Their capacity to speak out is limited. Many journalists work without contracts; they have no unions or any other professional association that could help them.”

While critical media report on political and economic pressure, pro-government media claim that the pressure is minimal. “The public broadcaster is usually a paradigm of controversy ...” said a representative of the public service, and added: “We have been undergoing a period of transition. All social anomalies are reflected here. In order for the public service to be independent, it has to be financially stable. The current economic situation does not permit stability.” According to different observers in Montenegro, the public broadcaster still functions like a state broadcaster, that is, the transformation process has not been completed. Yet, an insider claimed that political pressure was not as strong as critical media representatives claimed.

While public political pressure on media is easy to identify, since politicians have scathingly attacked certain media outlets, subtle forms of pressure - including political, economic, and other forms - are difficult to prove. In a country as small as Montenegro, where the number of journalists oscillates between 500 and 800, pressure can take different forms: family members may encounter problems getting jobs, children may start getting bad grades, electricity access may be denied, bank loans may be difficult to obtain, etc. Indirect pressure becomes personalised, especially in smaller communities.

Further, some media in Montenegro have waged their own internal wars. For e.g. one media outlet would publish long serials directed against another media outlet. These articles would include personal data, insults, and false accusations. Attacks can become more virulent and less professional when former business partners become public enemies and accuse each other of wrongdoing, stealing and even implication in war crimes. This media vs. media pressure is politically, economically and personally motivated.

In the above mentioned OSCE - sponsored survey on media, media freedoms and democracy in Montenegro, conducted in the spring of

2011 but released in November 2011, 147 journalists and editors responded to a series of questions. The relevance of the survey conclusions justifies its partial reproduction in this report:

*"Asked to evaluate the level of media freedoms, a majority of respondents painted it in negative terms. The number of those describing the state of media freedoms in negative terms is higher among employees in private media (73%). Most of the employees in state-owned media or public services also negatively assessed the state of media freedoms, but the percentage (57%) was somewhat lower.*

*As the main reasons which limit media freedoms we identified political pressures from the authorities, and from various parties, low democratic awareness among citizens, but also the poor economic situation of the media companies and low salaries of journalists.*

*A total of 70% of media professionals considered the threats and assaults against journalists a serious problem.*

*Experiences of media professionals from 2007 onwards suggest that each year there has been a cumulative increase in violations of media freedoms.*

*The most common form of violation of media freedoms are accusations and pressures by political parties, followed by withholding of the right to access information of public importance, accusations and pressures by the authorities and accusations by other media.*

*The greatest share of responsibility for violations of media freedoms is borne by politically powerful individuals, national and local authorities, economically powerful individuals and political parties.*

*With regard to the level of media freedoms, a significantly higher number of respondents believed that this level was higher in the privately-owned media than in the state-owned media.*

*In the context of improvement of media freedoms, media professionals primarily identified the media outlets themselves, journalists and the state as the main stakeholders expected to make a key contribution."*

The impressions of the SEEMO delegation coincided with those of the OSCE-sponsored study: different forms of political pressure are felt by most professionals. Yet, those in private media felt them more than their colleagues in state-owned media. The most striking element is the increase in public accusations against the media, including public accusations by the media, against the media.

All SEEMO interviewees agreed that the most salient problem in Montenegrin journalism is non-compliance with professional standards.

### **Professional Standards and Self-Regulatory Bodies**

In a divided country, where professional organisations are impossible to create due to entrenched political and personal rivalries, everyone seems to share one opinion. Professional standards in Montenegrin journalism are very low and have to be improved. Prime Minister Igor Luksic expressed interest in developing education/training projects for journalists, in cooperation with SEEMO. The objective is to improve professional standards.

SEEMO interlocutors expressed dissatisfaction with professional standards:

A human rights expert: "I have lost confidence in local media and their reporting, both print and electronic."

An editor: "There is an absence of responsibility and accountability for the words used in public. Incorrect information circulates all the time."

A politician: "In my opinion, there is a decrease of ethical standards ... Information is commercial, there is not investigation."

A journalist: "It has never been as bad."

A politician: "Journalists need more knowledge."

A diplomat: "There is a big problem here with how the public and journalists see the European Union and how they report about it."

There is a general agreement that low professional standards are reflected in the absence of knowledge about the covered subjects, the absence of investigative reporting, the absence of well-informed analyses, and the absence of thoroughly checked information. Yet, the very same media that complain about the lack of standards and ethics engage in vilification of their media rivals and colleagues. Some of these public accusations are highly personal and often uncorroborated.

Both Montenegrin politicians and the international community representatives based in Podgorica are of the opinion that a self-regulatory body could improve the situation regarding respect for the ethical code. However, in spite of numerous efforts, including the involvement of the OSCE and the Delegation of the European Union to Montenegro, there have been few positive steps. Why? Journalists are divided and refuse to cooperate.

Some bigger media outlets consider that smaller outlets, mainly local radio stations that are either publicly funded or are small family businesses, should not have the same say in a self-regulatory body as other, more powerful colleagues; some refuse to sit at the same table because of political and personal rivalries; some think that print and electronic media should have separate organisations; some claim that the international community has not done enough; some think that Internet and new media should be included; some claim that membership in the self-regulatory bodies should be optional, with no pressure brought to bear either way.

Whatever the case, it has been impossible to create a self regulatory body as it has been impossible to have effective unions or professional associations. A total of 80 percent of journalists do not belong to any union. Several media representatives told SEEMO: "I would never sit with (...) at the same table."

Many interlocutors think that a self-regulatory body would have a positive effect and raise ethical standards. Yet, numerous efforts have been wasted and nothing exists. A working group consisting of six media representatives - three perceived as pro-government and three as critical - decided that by the end of March 2012, two or more self regulatory bodies should be formed.

## **CONCLUSIONS**

Until December 2010, when Igor Luksic was appointed prime minister, Milo Djukanovic defined both the political and the media scene: media supported or criticised him; he publicly spoke of media he disliked. The current prime minister has adopted friendlier rhetoric and has expressed full commitment to respecting media freedom.

Different media-related laws have been adopted, in line with international standards, the government has assisted media survival by directly or indirectly bailing out both electronic and print media, and respect for media freedom is high on the agenda. However, media laws have to be properly implemented, institutional capacities have to be built, and above all, the government needs to make an extra effort in order to gain credibility among media representatives. Last but not least, access to information has to be improved: sometimes it is too slow.

Most journalists and editors interviewed by the SEEMO delegation consider that political and business pressure is a major threat to media freedom.

In a country with 620,000 inhabitants and 134 registered media units, that is, one media unit per 4,700 inhabitants, economic survival of media outlets is not easy: some depend on government or municipal subsidies, others on government - sponsored advertisements and on dwindling commercial advertising. And then there is the competition with foreign, mostly regional, media. Survival is not guaranteed and competition is fierce. In order to gain market share, media outlets attack other media outlets by publishing allegedly incriminating information that is often difficult to substantiate, including personal attacks exchanged publicly by media owners and representatives. Investigative reporting is scarce, published information is not always checked, and many journalists lack steady jobs. They work for various employers and have no time for quality reporting. There is no censorship, but content is determined by financiers, media owners and their business interests and/or political views, powerful individuals or fear of reprisals. According to a recent survey, most journalists perceive that different forms of pressure have been increasing. The masterminds who

orchestrated attacks against journalists in the past, including the assassins of Dusko Jovanovic, remain at large.

The number of major media players in Montenegro is not as elevated as the number of officially registered media outlets. Owners, editors and journalists know each other well: their personal relations, rivalries and animosities influence the media environment. Editors and journalists have been unable to form credible professional institutions: self-regulatory bodies, unions and associations.

Quality journalism is scarce: virtually all SEEMO interlocutors agreed that professional standards were low and the ethical code was frequently breached. The right of the public to receive fair, well-checked and reliable information has not been respected.

Probably, as the older generation of media professionals approaches retirement and younger professionals gain more influence, the current impasse will be overcome and quality journalism will take precedence over animosities.

## **RECOMMENDATIONS**

### **To the Government in Montenegro:**

SEEMO praises the new media legislation, including the decriminalisation of defamation and libel, as well as the official political rhetoric in support of media freedom. However, these intentions have to be translated into concrete actions:

- 1) Laws should be fairly and impartially implemented;
- 2) Political pressure on the media should stop;
- 3) The Government and its institutions must gain credibility. If most media professionals perceive political pressure as a major threat to free media, authorities on all levels must step up efforts to gain confidence. The media must do its part to gain credibility, as well.
- 4) All outstanding cases of attacks against journalists and media property must be resolved. By finding and prosecuting all the

perpetrators, the Government would be demonstrating that it cares about media freedom and that it is committed to respecting a free media environment. In other words, it would demonstrate that democratic rhetoric is not a facade that camouflages political practices of the past.

### **To Media and Media Professionals in Montenegro:**

- 1) Media and individual journalists should cease their public wars, mutual accusations and finger-pointing. By breaching ethical codes of conduct, they undermine their own credibility. Market share should not be acquired through unethical practices and violation of professional standards. They should place the public's right to information above their right to insult each other.
- 2) Creation of a self-regulatory body would be a step in the right direction, although it is not clear if the establishment of parallel regulatory bodies would overcome the current divisions.
- 3) Professional training and the education of journalists must be strengthened at all levels: the public deserves credible and verified information.

### **To the European Commission and the OSCE:**

The international community must keep up the pressure on Podgorica. Montenegro aspires to join the EU and must therefore abide by the rules. The international community should use all of its instruments in order to ensure that laws are not only changed but also implemented. They should engage in further capacity building of different institutions. After all, learning democratic procedures is a process.

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