

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2020

Country report: Montenegro

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**Research Project Report**

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# TABLE OF CONTENTS

<b>1. About the project</b>	<b>4</b>
1.1. Overview of the project	4
1.2. Methodological note	4
<b>2. Introduction</b>	<b>6</b>
<b>3. Results from the data collection: assessment of the risks to media pluralism</b>	<b>8</b>
3.1. Fundamental protection (43% - medium risk)	9
3.2. Market plurality (62% - medium risk)	10
3.3. Political independence (64% - medium risk)	12
3.4. Social inclusiveness (73% - high risk)	14
<b>4. Pluralism in the online environment: assessment of the risks</b>	<b>17</b>
<b>5. Conclusions</b>	<b>20</b>
<b>6. Notes</b>	<b>21</b>
<b>7. References</b>	<b>23</b>
<b>Annexe I. Country Team</b>	
<b>Annexe II. Group of Experts</b>	

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# 1. About the project

## 1.1. Overview of the Project

*The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2020. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.*

## 1.2. Methodological note

### Authorship and review

*The CMPF partners with experienced, independent national researchers to carry out the data collection and author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire developed by the CMPF.*

*In Montenegro the CMPF partnered with Dragoljub Vukovic and Daniela Brkic (Independent Researcher), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.*

*Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).*

<b>Fundamental Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

## **The digital dimension**

*The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores and the report contains a specific analysis of risks related to the digital news environment.*

## **The calculation of risk**

*The results for each thematic area and indicator are presented on a scale from 0 to 100%.*

*Scores between 0 and 33%: low risk*

*Scores between 34 to 66%: medium risk*

*Scores between 67 and 100%: high risk*

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, to avoid an assessment of total absence or certainty of risk.

**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2021 scores may not be fully comparable with previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2021, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

## 2. Introduction

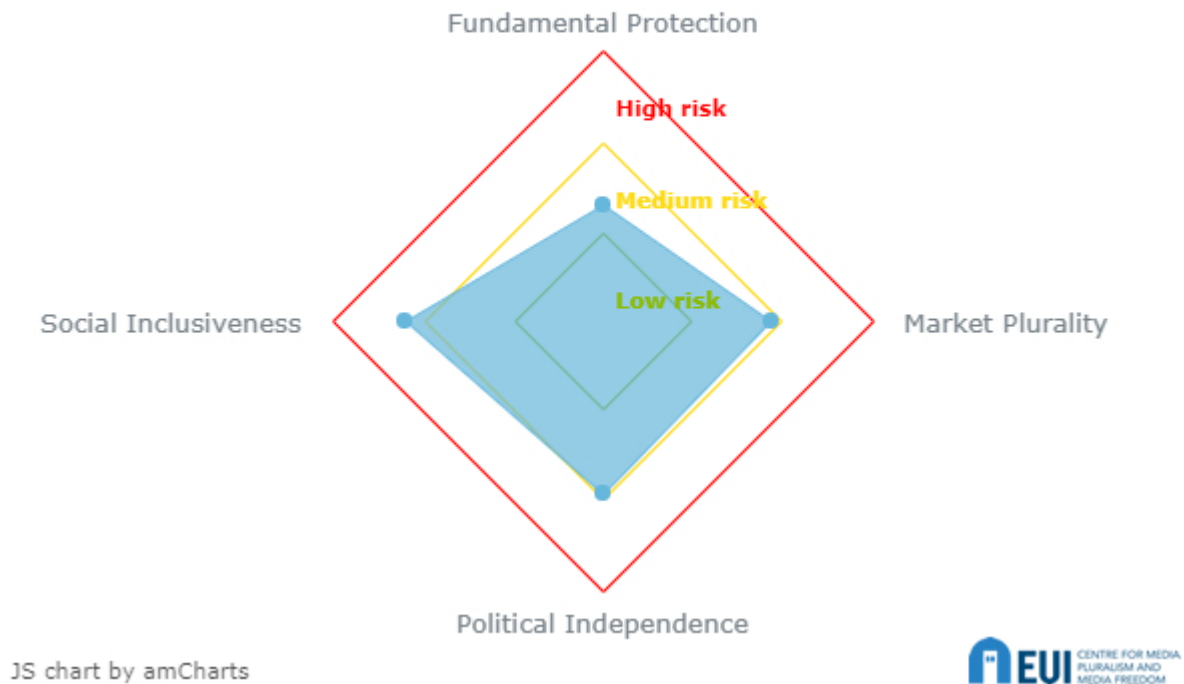
- **Population:** Montenegro is a country in the Western Balkans with more than 620,000 inhabitants and a territory of 13,812 square kilometres. Montenegro restored its state independence in a referendum in 2006 when it broke off the union with Serbia, which it found itself in after the dissolution of Yugoslavia.
- **Minorities and languages:** Montenegro is a multinational and multi-religious state. According to the last census from 2011, Montenegrins make up 44.98% of the population, Serbs 28.73% Bosniaks 8.65%, Albanians 4.91%, Muslims 3.31%, Roma 1.01% and Croats 0.97 %. According to the Constitution, the official language is Montenegrin, and Serbian, Bosniak, Croatian and Albanian are in official use.
- **Economic situation:** The Montenegrin economy has not yet been fully transformed into a market economy. Dominant sectors are tourism and trade. This structure has made the Montenegrin economy even more vulnerable in 2020 due to the pandemic caused by the new coronavirus. After several years of growth, the gross domestic product (GDP) in 2019 amounted to 4,951 million euros. According to foreign (IMF) and domestic estimates, in 2020, GDP could fall between 12 and 17%. Public debt rose to 78.1% of GDP in the third quarter of 2020. On 9 December 2020, the new government increased that debt by a new 750 million euros (or 16% of GDP) by issuing seven-year national bonds in euros.
- **EU integration:** Montenegro is a member of the NATO alliance since 2017. Montenegro started negotiations for membership in the European Union (EU) on 29 June 2012.
- **Media market:** There is a large number of media in Montenegro, but their number does not lead to the expected wealth in content and quality. Four daily newspapers are published in Montenegro, the total circulation of which, according to some estimates, does not exceed 15,000 copies. (Although the law obliges them to show the circulation, no daily newspaper does that). There are four TV stations with national coverage, one of which is public, and a dozen of local, regional and cable only broadcasters. In addition to the national public television, which has three channels, there are also five local public TV stations. There is also a national public radio with two programs and 16 local public radio broadcasters. There are 37 registered commercial radio stations and over a hundred online media, but only several major news portals.
- **Regulatory environment:** Regulators are independent of the government, but their financial independence is threatened by the Parliament, which is responsible for adopting the financial plans and reports of the Agency for Electronic Media and has the right to amend them. They also have very limited sanctioning powers. There is an active trade union of the media, but the self-regulation is very weak, and professional journalistic organisations have no significant influence. In 2020, a new Law on Media and the Law on the National Public Broadcaster RTCG was adopted. The new legislation introduced the public Fund for Encouraging Pluralism and Diversity of the Media, but also the controversial provisions on obligatory disclosure of sources at the request of the public prosecutor. The changes requested by the civil sector and international organisations regarding the mode of election of the RTCG Council that would ensure more independence in their work were not adopted.
- **Political situation:** The political divisions that have characterised Montenegrin society for many years are also reflected in the media, which of many openly supported the government of the Democratic Party of Socialists and its leader Milo Đukanović, who is also president of the state. This party was

defeated in the elections held at the end of August 2020<sup>[1]</sup>, which further sharpened the polarisation in the media sphere.

- **COVID-19:** The COVID-19 crisis affected the media business. Major media buying agencies estimate that the decrease in advertising revenues in 2020 was at a 30% minimum. Still, the impact of this fall has not been felt hard since the major share of the market make the publicly-funded media. The losses were also mitigated by direct and indirect government assistance. The government directly helped the media with more than 400,000 euros during the COVID-19 crisis, special credit lines and delayed payment of taxes.

### 3. Results from the data collection: assessment of the risks to media pluralism

#### Montenegro: Media Pluralism Risk Areas



Montenegro scores a medium risk for Fundamental Protection (43%), Market Plurality (62%) and Political Independence (64%) areas, and a high risk for Social Inclusiveness area (73%).

During 2020, Montenegro additionally changed the media legislation in order to bring it closer to the standards of the European Union, but some of the changes posed a potential step backwards. The new Law on Media and the Law on National Public Radio and Television RTCG were adopted, while the Law on Electronic Communications remained in draft form. New provisions in the Law on Media should prevent from providing state aid to the media in a non-transparent way and establish the Pluralism Fund. However, the provisions on the disclosure of journalistic sources are very controversial. According to media professionals, they are directed against investigative journalism. The election of the Council of the national public broadcaster RTCG remained firmly in the hands of the parliament and thus further weakened its independence. Despite a relatively adequate legal and institutional framework, there is an intention for public services to restrict citizens' rights to access information, abusing the institute of secrecy.<sup>[2]</sup> The process of revising the law started in spring 2019, but has been put on hold due to the COVID-19 outbreak. Although there were no cases of physical attacks on journalists and media property in 2020, the previously unsolved cases show a lack of political will to create good preconditions for the free work of media and journalists.<sup>[3]</sup>

**Market Plurality** area records high-risk indicators in the field of news media concentration and the commercial and owners influence over editorial content. Institutional capacities in the field of competition protection are still underdeveloped. There are no safeguards to ensure that state resources allocated to local and national public service media (PSM) do not cause disproportionate effects on competition. Also, there are no mechanisms that would enable adequate protection of local media from the unfair competition of big regional media companies.

**Political Independence** area includes high-risk indicators for political control over media outlets, editorial



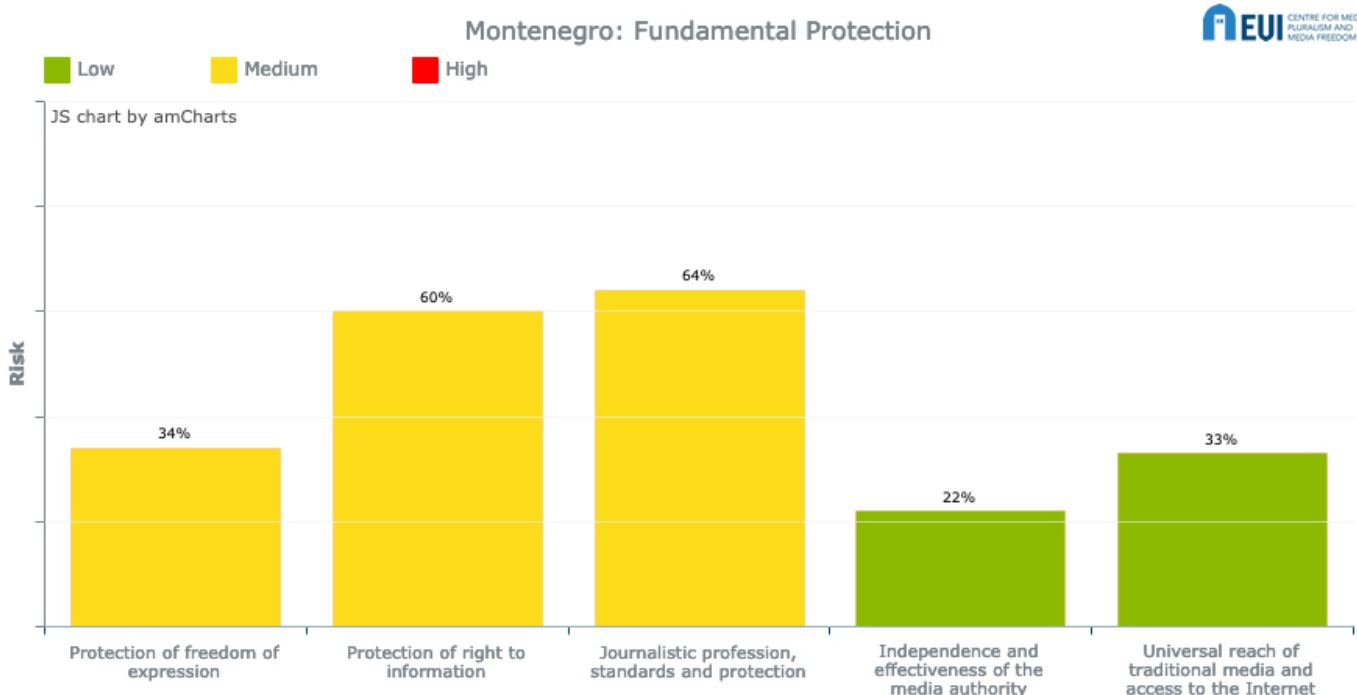
autonomy and independence of PSM funding and governance. The mainstream media in Montenegro are mostly politically affiliated, and the national public broadcaster RTCG has been under the direct control of the state government.

The high risk in the **Social Inclusiveness** area (73%) reflects the high scoring of three indicators. First, Access to media for local and regional communities scores a very high 97% risk due to the absence of any special guarantees or legal support scheme for local and regional media as well as to the inexistence of community media. Second, Access to women also scores a high risk (75%) because women remain highly underrepresented in informative and political programmes, although they produce the majority of broadcasted information. Third, the indicator on Protection against illegal and harmful speech scores a high risk (81%) because the fight against disinformation in Montenegro is very limited, uncoordinated and, therefore, largely ineffective. Self-regulation mechanisms also remain very weak.

### 3.1. Fundamental Protection (43% - medium risk)

*The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.*

[4]



**The indicator Protection of freedom of expression scored a medium risk (34%)** thanks to the Montenegrin legal framework for the protection of both freedom of expression<sup>[5]</sup> and right to information<sup>[6]</sup>, which is largely aligned with the European standards. Citizens are able to seek legal and other remedies in cases of infringement of freedom of expression through the ombudsman office, relevant courts, or media self-regulatory bodies. Defamation is decriminalised, and legal remedies allow for proportionate responses to the publication or broadcasting of defamatory statements. In practice, though, complaints and appeals are rare<sup>[7]</sup>. Civil litigations tend to be slow - the average time span from filing a lawsuit to its finalisation

amounts to two to three years, and they are often seen as ineffective.

**The indicator Protection of right to information also scored a medium risk (60%),** but the challenges in this area are significantly higher. Despite the adequate legal and institutional framework, access to information held by public service in practice is much less so. In recent years, the competent authority rejected approximately one-third of all requests for free access to information, and the appeal rate for the approved requests is over 60%.

A legal framework for the protection of whistleblowers has been established, but in more than four years of the implementation of the relevant law, only four persons have been granted such protection. The research shows that citizens are not sufficiently aware of the available protection measures, and the trust in institutions providing legal protection is very low.

**The indicator on Journalistic profession, standards and protection scored a medium risk (64%),** and it is the highest in the area of Fundamental Protection. The number of journalists organised in professional associations is very small, and their power to provide guarantees of editorial independence or respect for professional standards is very limited. National media union is investing significant efforts in recent years, but the research on working conditions of journalists shows that majority of them has been facing deteriorating economic conditions, job insecurity, and the salaries are barely reaching the national average. During 2020, there were no physical attacks on journalists, but there were several incidents and threats directed at journalists, both men and women. The perception of the safety of journalists remains to be clouded by the fact that the most severe cases (one murder in 2004 and two attempted murders in 2008 and 2017) remain unsolved.

In August 2020, new Law on media<sup>[8]</sup> introduced the exceptional possibility to courts to oblige journalist to disclose the source of information, which triggered the alarm of the national and international community. The new government, which took office in December 2020, said it would amend the media laws with the aim of eliminating controversial provisions, but this promise was not, however, followed by any legislative amendments yet (April 2021).

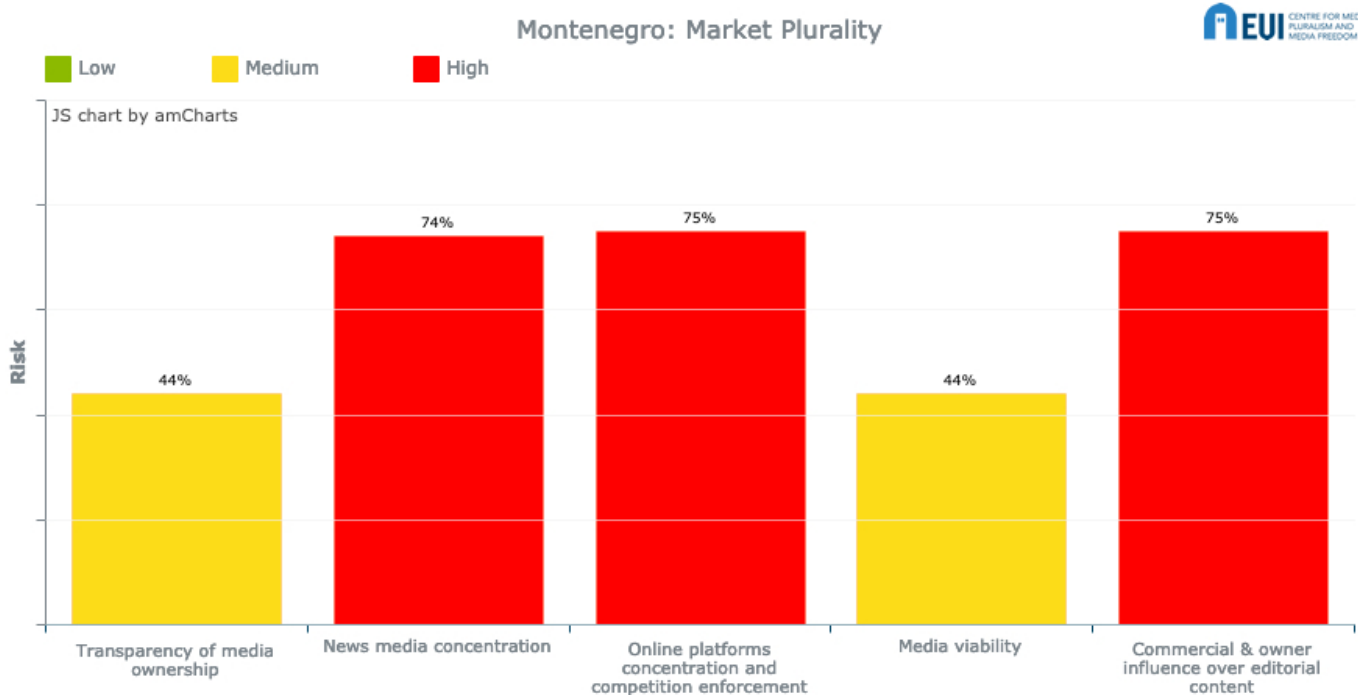
**The indicator on the Media authority's independence and effectiveness scored a low risk (22%),** and it is the best-score indicator of Fundamental Protection. The regulatory agency for electronic media generally exercises its mandate in a professional and transparent manner, and in the past year, there has been no evidence of influence to its work by either political or commercial power centres. However, its remit is severely stumped by a very limited range of sanctioning powers. Currently, the regulator can only issue warnings as the mildest and often ineffective measure and exercise the strongest sanction of revocation of the licence.

**The Universal reach of traditional media and access to the Internet also scored a low risk (33%).** Universal coverage of the PSM is legally guaranteed. The Law on national public broadcaster stipulates that the reception of programmes should be enabled on the state territory where lives no less than 98% of the population. Currently, it covers 97.3% of the population. In addition, 80.3% of households had access to the Internet in 2020, which is 6% more than in 2019.

### **3.2. Market Plurality (62% - medium risk)**

*The Market Plurality area focuses on the economic risks to media pluralism, deriving from lack of transparency and concentration of ownership, sustainability of the media industry, exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on transparency of media ownership. Lack of competition and external pluralism is assessed separately for the*

news media (production of the news) and for the online platforms (gateways to the news), considering separately horizontal and cross-media concentration; the concentration of online advertising market; and the role of competition enforcement. The indicator on media viability measures the trend of revenues and employment, in relation with GDP trends. The last indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence



**The indicator on Transparency of media ownership scored a medium risk (44%)** because the media ownership data are for the major part available to the public through the regulatory agency in charge of the audiovisual media sector. The print media registry is not public, and partial data on publishing companies are available only through the Central Registry of Commercial Entities of the Tax Administration. Sanctioning provisions for noncompliance with transparency obligations exist, but they have never been applied. The ultimate owners are not disclosed in cases of traditional media outlets owned by daughter companies of foreign legal entities, and in many cases of online media. Their interests and partisan connections have often been questioned by the media and civic sector organizations. The new Law on media in 2020 has further strengthened the transparency rules obliging all media "to provide simple, direct and permanent access" to data on their owners and related persons <sup>[9]</sup>.

**The indicator on News media concentration scored a high risk (74%).** Current legislation in Montenegro does not cover very influential digital native (online) media by the provisions on unlawful media concentration. Apart from this legislative deficiency, ownership concentration rules in traditional media sector have been successfully applied. In recent years, there were several cases where the regulatory agency prevented broadcasters with national coverage to hold more than the legally allowed stakes in another national broadcaster and daily print media, although the doubts remained with regard the changes of actual decision makers. In the audiovisual sector, the market share of the Top4 owners amounts to 73%, while their estimated audience concentration is 48%. With radio stations, competition is bigger and the top4 owners reach 51% of the market <sup>[10]</sup>. There are only 4 daily newspapers, and according to their 2019 financial reports, they divide the market like this: Dan 35%, Vijesti 30%, Pobjeda 29% and Dnevne novine 6%. Montenegro does not have systematic and generally accepted or accessible audience measurement that could serve as the basis for regulation in the media sector.

**The indicator on online platforms concentration and competition enforcement also scored a high risk (75%).** Online media market in Montenegro is vastly unregulated, and there are no precise financial or advertising data for this area. Based on Alexa.com data, in terms of audience the top4 online players in Montenegro reach audience concentration of 60% (Facebook.com 20%, Google.com 17%, Twitter.com 14% and Instagram.com 9%). However, for the big online platforms registered outside of Montenegro, the Tax Administration does not have sufficient data on their revenues collected for advertising in the Montenegrin territory. The role of intermediaries in the distribution of news is also significant, as it shows that only one half of traffic to the ten most highly ranked websites in news and media category in Montenegro is generated by direct access, while one quarter is driven via search engines and social networks respectively.

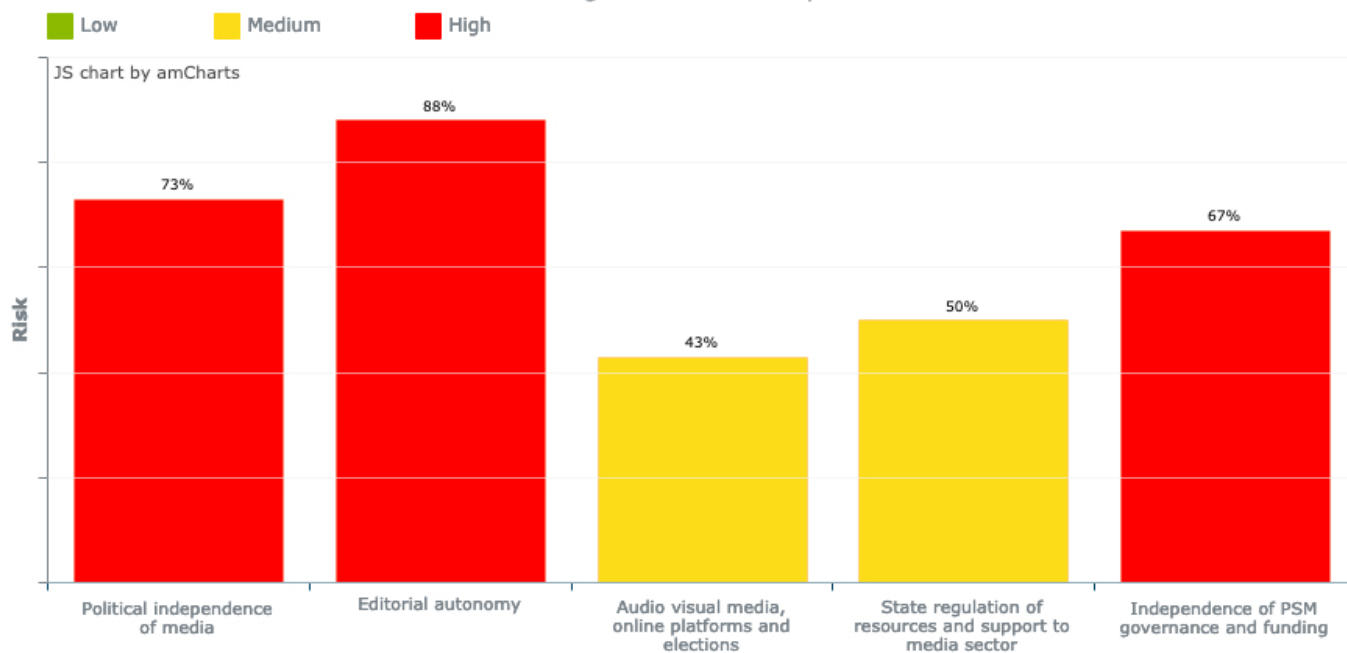
The estimate based on the data of media buying agency show that in the local market the concentration of top4 news portals is over 72% of the total online advertising market share. Montenegro has additional problem when it comes to concentration of advertising, since the buys from advertising agencies account for more than two-thirds of the market, with a small fraction made up of direct contracts between advertisers and media companies. Furthermore, there are no regulatory safeguards ensuring that state funds granted to PSM do not cause disproportionate effects on competition, although they account for 54% of the entire media market, and almost two thirds of the audiovisual market. Additionally, institutional capacities in the area of protection of competition are still underdeveloped and relatively new <sup>[11]</sup>.

**The indicator on Media viability scored a medium risk (44%).** The estimated contraction of advertising market in 2020 was around 30 percents, caused mainly by COVID-19 pandemic <sup>[12]</sup>. However, the media market is only partially affected by this trend, as more than 54% <sup>[13]</sup> of the media are funded directly from the public local and national budgets. The overall decrease is partially buffered by state aid to the media sector and the extraordinary spending on media campaign for political marketing around the general and local elections held in August 2020. Pre-electoral media campaign cost were over 2.1 million EUR, while the entire advertising market in 2019 was estimated in 11 million. There were no significant lay-offs in the media sector in 2020, while the number of registered media increased in comparison to 2019.

**The indicator on Commercial and owner influence over editorial content scored a high risk (75%).** There are no mechanisms granting social protection to journalists in the case of changes of ownership or editorial line. Moreover, there are no regulatory safeguards, including self-regulatory instruments, which seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. Montenegro also does not have in place effective measures that would prevent journalists to participate in advertising activities <sup>[14]</sup>.

### **3.3. Political Independence (64% - medium risk)**

*The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.*



**The indicator Political independence of media scored a high risk (73%).** The mainstream media in Montenegro are mostly politically affiliated, but some depend much more directly on the political and economic interests behind them. There is a group of media (daily newspapers 'Pobjeda' and 'Dnevne novine', radio Antena M and news portals Analitika and Cafe del Montenegro) that openly supported the long-standing ruling Democratic Party of Socialists over the years and whose ownership structure is not completely transparent. Since 2018, the national public broadcaster RTCG has been under the direct control of the state government. Local broadcasters are also dependent on local authorities.

**The indicator Editorial autonomy scored a high risk (88%).** The independence of the editorial board is not guaranteed by any law or internal acts in the media. Political influence is usually exercised through commercial media owners or, in the case of PSM, through governing bodies. The new Media Law (adopted in 2020 [2008]), did not include a proposal to oblige the media to include journalists in the process of electing an editor-in-chief. There are no examples of the Self-Regulation Council or media ombudsmen ever publicly reacting to protect editorial independence from political influence.

**The indicator Audio visual media, online platforms and elections is at medium risk (43%).** It shows the existence and implementation of a regulatory and self-regulatory framework for equitable representation of various political actors and views in audiovisual media and online platforms, especially during election campaigns, as well as regulation of political advertising and its application in practice. The Law on the Election of Councilors and Members of Parliament (adopted 2016) regulates the issue of equal participation of various political actors during the election period in the presentation of their candidates, programs and activities in the PSM programs. There is no regulation on the issue of advertising in online news media that would ensure equal opportunities and transparency of political advertising during the election campaign<sup>[15]</sup>.

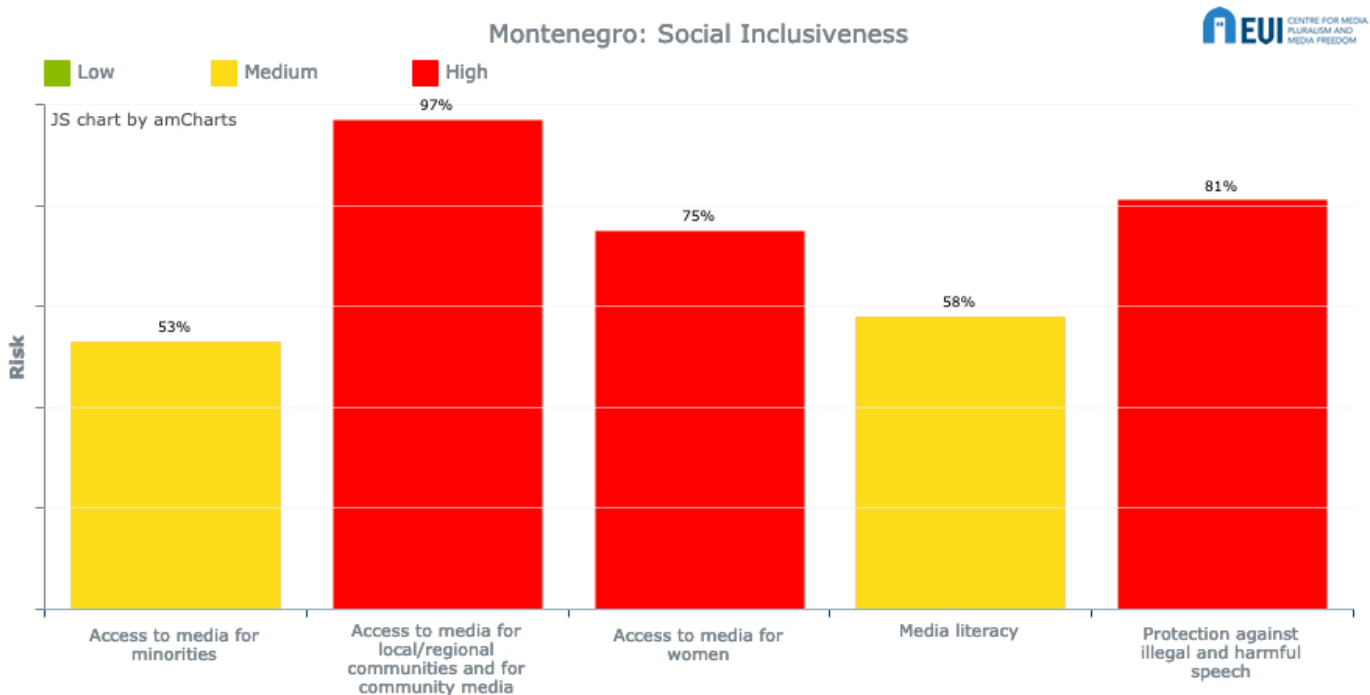
**The indicator State regulation of resources and support to media sector is at medium risk (50%).** According to the Law on Electronic Media (adopted 2016), broadcasting licenses are issued on the basis of a public tender, i.e., a request for the issuance of a broadcasting license. There are no data on abuses or violations of procedures in the last few years when it comes to spectrum allocation. There is no clear legal framework for direct state assistance to the media in Montenegro. Direct subsidies to the media by the state, i.e., local self-government, are not regulated by a special law<sup>[16]</sup>. The new Media Law (adopted

2020 [2008]) envisages the establishment of a Fund for Encouraging Pluralism and Diversity of the Media, which will be financed from the state budget.

**The indicator Independence of PSM governance and funding has a high-risk score (67%).** The government at the national level has never shown readiness to relinquish control of the national PSM. Such an attitude of the government was most evident in 2018, when the government took direct non-legal action and established full control over the RTCG. In early 2021, the new government opened the process of legal change of the PSM Council, as provided by the new Law on the National Public Broadcaster RTCG (adopted 2020 [2002]). Bearing in mind that the election of the Council remained firmly in the hands of the parliament, there is a fear that the new Council will also be politically controlled, only now that control will be in the hands of the new government. The Law on the National Public Broadcaster (adopted 2020 [2002]) stipulates that PSM is primarily financed from the state budget. The law specifies that 0.3% of the country's GDP is allocated annually from the state budget in order to realize the basic activity of national PSM. The Law on Electronic Media (adopted 2016) stipulates that the budget of local self-government units provide part of the money for "exercising the constitutionally and legally guaranteed rights of citizens to information, without discrimination". It is not specified what percentage of that amount should come from the budget.

### 3.4. Social Inclusiveness (73% - high risk)

*The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. In addition, for the 2021 edition of the MPM, a new indicator has been added to the Social Inclusiveness area in order to assess new challenges raising from the uses of digital technologies: Protection against illegal and harmful speech. Due to this modification of the indicators, comparison with previous editions of the MPM should be handled with extreme care.*



The Monitor indicates that **Access to media for minorities** is at medium risk in Montenegro (53%). The existence of minorities is acknowledged in the Constitution and the right to information in the mother tongue is part of their rights (Article 79)<sup>[17]</sup>. However, defining specific minorities was a sensitive political issue for



years and hasn't been resolved yet. According to the last census from 2011, Montenegrins make up 44.98% of the population, Serbs 28.73% Bosniaks 8.65%, Albanians 4.91%, Muslims 3.31%, Roma 1.01% and Croats 0.97%. As stated by the article 13 of the Constitution, Montenegrin is the official language, but the languages in official use are Serbian, Bosnian, Croatian and Albanian. Only Albanian does not belong to the South Slavic language group<sup>[18]</sup>. According to the Law on Electronic Media (Article 74), public broadcasters are obliged to produce and broadcast programs in the languages of minority peoples and other minority national communities in the areas in which they live<sup>[20]</sup>. However, there is dissatisfaction though among Bosniaks, Albanians, Croats and Roma with the scope and quality of programs on national public radio and television<sup>[19]</sup>. Albanian and Roma don't have access to private TV and radio stations that have a national frequency.

Regarding the access to media for people with disabilities, the Agency for Electronic Media assessed in 2019 that the programs adapted to persons with disabilities are very few and are not diverse enough<sup>[21]</sup>. The situation has not improved since this study. The first program of the national PSM is the only television channel in the country that produces and broadcasts content specially adapted for people with disabilities, but the problem is that there is not enough representation of people with disabilities in other programs. Private media, especially television stations and some portals, do not respect accessibility standards and do not produce appropriate program formats. Montenegro still does not have a legally regulated and recognized sign language, as a language in official use.

**Access to media for local and regional communities, and for community media is at high risk (97%).** The high level of risk is due to the absence of legal provisions to protect neither local and regional media nor community media. On the one hand, regarding local and regional media, there are no special guarantees or reservations for local/regional media, nor the state have any legal support schemes for local/regional media. The state does not provide any systematic direct or indirect subsidies schemes to that kind of media. Besides, neither the Law on national public broadcaster (2020)<sup>[23]</sup>, nor the internal organisation acts of national PSM contain the obligation for PSM to maintain local and/or regional correspondents. On the other hand, community media are non-existent in Montenegro. Such a form of media organisation and operation is not foreseen by the current media legislation.

**Access to media for women is at high risk (75%).** An analysis of visibility of women and men in news programs of national TV showed that women produced almost 60% of broadcasted information<sup>[22]</sup>. Women are in clear majority in positions such as editors, news anchors and presenters. It should be noted, three private TV stations with national coverage are directed by women and in half of the eight most influential media, women are editors-in-chief. However, women are not represented in the management of national PBS, and there is only one woman in the nine-member Council of RTCG. When it comes to the representations of women in the news content, they are marginalized. In March 2019, an analysis<sup>[24]</sup> conducted by the Agency for Electronic Communications which focused on the visibility of women and men in central news programming of the four national TV broadcasters, showed that only 20 percent of all statements were given by women. The same analysis showed that the disproportion is even bigger when it comes to the topics of crime, economy and politics where women appeared as experts in just 10 percent of cases.

**The indicator on Media literacy scored is medium-risk (58%).** Official educational institutions have shown no interest in improving existing formal media education. Montenegro has not yet adopted a strategy for the development of information and media literacy that was drafted in 2014. However, the civil sector and activists from the field of education have launched several media literacy initiatives. During 2019 and the first half of 2020, the Montenegro Media Institute organized a series of seminars for primary school

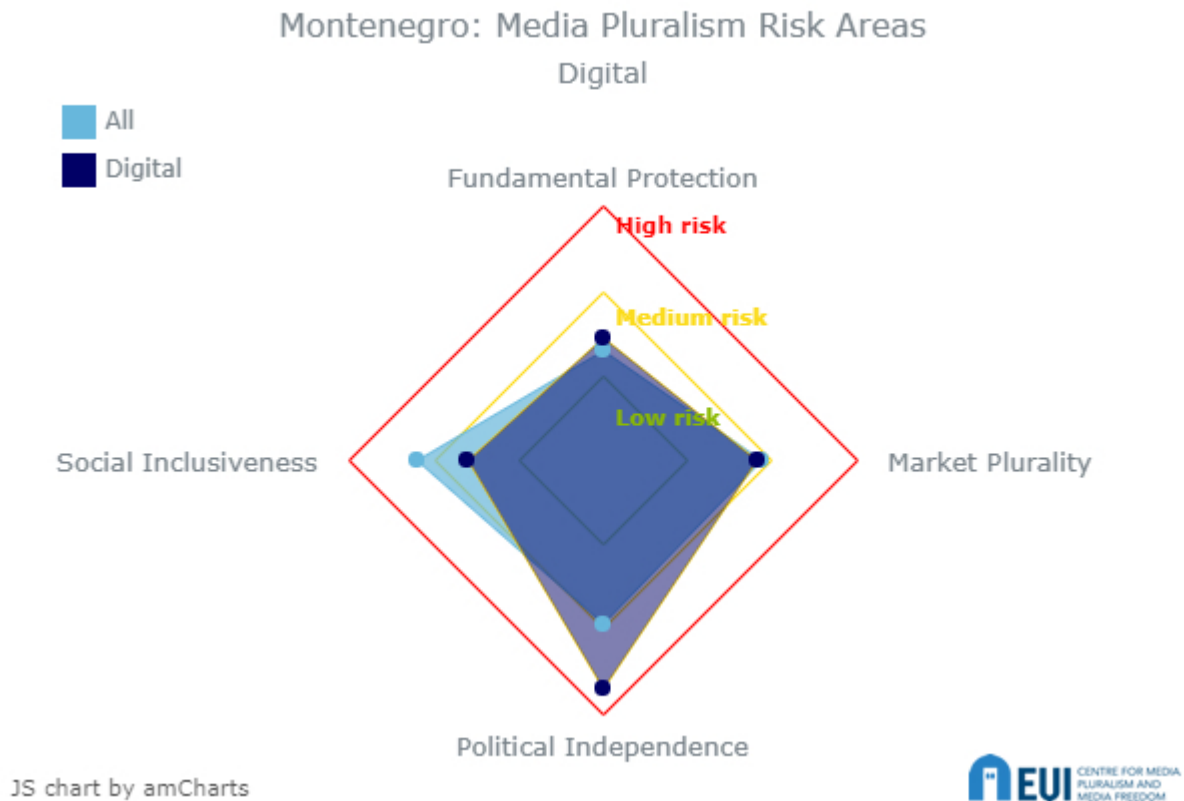
teachers who are already teaching or are interested in teaching media literacy. These seminars were also supported by the Institute for Education, a state educational institution. The Center for Democracy and Human Rights (CEDEM) also published a manual for the development of media literacy and the teaching aid. In non-formal education, media literacy is treated only sporadically and mainly through the activities of the civil sector and international institutions.

**The indicator on protection against illegal and harmful speech is high-risk (81%).** The Media law adopted in August 2020<sup>[25]</sup> obliges on-line media to moderate comments and remove illegal content. It also specifies penalties for hate speech on online media including banning of media content. However, the short deadlines given to online media to remove harmful speech have been criticised for being unreasonable. At the moment, none of the state authorities has the mandate to monitor social media, and the comments on news websites. Therefore it is not possible to quantify, analyse and systematically counter the incidents of hate speech on social media. Self-regulation mechanisms are very limited and ineffective.

Regarding disinformation, the term “disinformation” per se is not present in current legislation and other provision dealing with harmful information are limited to hate speech, protection of minors, presumption of innocence in court proceedings and defamation. However, there have been several significant civic initiatives supported by international donors that aim at countering disinformation. Those include “Raskrinkavanje.me”, project of regional initiative KRIK, implemented locally by the Center for Democratic Transition (CDT) and Digital Forensic Center, a project by Atlantic Alliance of Montenegro. These platforms foster public participation in recognizing, reporting and unmasking media disinformation. Since August 2020, Raskrinkavanje.me, together with the Agency France-Presse (AFP), has become a part of an independent fact-checking program in Montenegro launched by social platform Facebook.



## 4. Pluralism in the online environment: assessment of the risks



The **Fundamental Protection area in the online environment scored 48%**, with no significant differences to the offline media. General media law adopted in July 2020 treats equally all media when it comes to freedom of expression. Both rights and restrictions are set in line with international standards, but when it comes to guarantees and safeguards, they fall short in practice. Parliamentary elections held in August 2020 proved that the online sphere is still a fertile ground for hate speech and fake news. Several journalists were arrested for creating and transmitting fake news <sup>[26]</sup>, but also citizens who republished the information on their social media pages. The arrests were also made on charges of public disturbance, but also state's reputation damage or national security. In one such case, in May 2020, a man was sentenced to two months in prison for posting a satirical version of the Montenegrin anthem to its Facebook profile. <sup>[27]</sup> In the COVID-19 pandemic outbreak in March 2020, the state started publishing data on persons in self-quarantine on its official websites, which provoked public stigmatization of individuals and invaded their privacy. The act was later on ruled unconstitutional. Civic sector organization harshly criticized the government for being unable to combat the spread of misinformation and false information.

Although announced in 2019, there is still no law that contains explicit rules on the protection of journalists and their data from illegal surveillance by the law enforcement sector that transposes provisions of the General Regulation on Personal Data Protection (GDPR).

According to official statistics, in 2020, 80.3% of households had access to the Internet, while its average speed was rather poor at 25.07 Mb/s. There is no evidence that the State or ISPs have been arbitrarily filtering, blocking or removing online content.

The **Market Plularity area in the digital environment scored 60%**. Ultimate beneficial owners of digital media are not easily accessible. The new Media law (July 2020) obliged all media founders, including digital media, "to provide simple, direct and permanent access to data on legal and natural persons that directly or indirectly have more than 5% share in the founding capital of the media", but until February 2021, this has not been put in practice. The supervising authority, in charge of keeping the registry of online media (internet publications) is the Ministry of Public Administration, Digital Society and Media, which has been

formed only in December 2020, following the general elections held on August 30. Existing regulation proved inefficient in cases of defamation suits against online news portal registered with Montenegrin domain (udar.me) launched during the pre-election campaign which run blatant smear campaign against one political option in the elections. The media operated without impressum, and was shut down after the elections. The then Ministry of Culture in charge for the media stated that they have no “legal or institutional capacities for discovering the founders of the media”.

When it comes to news, half of the Montenegrin online audience access the content directly (Source: Similarweb), though for the local news portals the percentage is higher - 69%. There are no precise market data on revenues or audience shares of online media. The estimate is that online media market makes around 10% of the advertising market in the country, which is their main source of income. None of the local online news media has subscription fees. Alternative sources of revenues in Montenegro are very limited. Some media relies on the development funds mainly from the EU pre-accession instruments, and other support schemes coming from international development agencies or embassies. Some of the most influential online media operate within larger media companies and the regulation on cross-media ownership does not apply to the digital news media. The, supervisory capacities of relevant Ministry do not cover market conditions. The Law on the Protection of Competition has been adopted in 2018, in line with European standards, but the capacities of the Agency for Protection of Competition are not fully developed. The Top4 ranked sites in the country (Alexa) are Facebook, Google, Twitter and Instagram, but the local Tax Administration does not have data on their revenues collected for advertising in Montenegrin territory. Also, there is no any form of taxation of digital services in Montenegro.

The **Political Independence area in the digital environment scored 90%**. Political preference is often visible in contents of online media, and some of the leading outlets are politically controlled. Those that are considered pro-regime media, and owned by businessmen close to the ruling party (Democratic Party of Socialists, led by Milo Djukanovic), are evidenced by the lack of reports on corruption and government-related crimes, as well as the harsh criticism of the opposition. On the other hand, the news portals In4S and Borba, which does not publish even basic data on ownership and the names of people who edit it, are under the direct influence of political parties that are considered pro-Serbian and pro-Russian. (In the parliamentary elections in late August 2020, pro-Serb parties became part of the parliamentary majority.)

When it comes to elections, there is no sufficient national regulation dealing with transparency of political advertising on online platforms. Political parties are obliged only to report on total sum spent on “internet advertising”, without providing any further information. In August 2020, Facebook introduced a rule that all political ads in Montenegro must pass the authorization of the advertiser and must contain information about who paid for the ad. In early August 2020, the NGO Network for the Affirmation of the Non-Governmental Sector (MANS)’s analysis of political advertisements showed that some parties circumvent these rules by using unofficial pages for placing their campaigns or registering them under false categories. In mid-2020, the local Center for Monitoring and Research (CeMI), in a pilot programme titled "Reshaping the election campaign using social media in Montenegro", conducted in cooperation with the International Foundation for Electoral Systems (IFES) and Facebook, showed the existence of detrimental processes in online sphere that could influence voters' behaviour. The research identified numerous fake pages, groups and profiles that shared politically motivated content, which in many cases contained inappropriate, defamatory content, and hate speech, often in a coordinated manner with specific media, political parties, and politicians.

The **Social Inclusiveness area in the digital environment scored 53%**. This score reflects several issues. First, the digital literacy is low in Montenegro. 52% of the population has basic overall digital skills (Centre for vocational studies, 2019) which is below the EU average of 56% (Eurostat, 2019), while 21% of

the population has low overall digital skills (Monstat, 2019). Second, the fight against disinformation in Montenegro is very limited, uncoordinated and, therefore largely ineffective. The COVID-19 outbreak caused the spread of false information and disinformation especially in the online environment, which consequently even led to arrests for spreading panic about it. <sup>[28]</sup> The situation was further aggravated during the parliamentary elections in August 2020 that put in focus the role of the Serbian Orthodox Church in spreading disinformation. The preelectoral campaigns were largely smeared by the spread of disinformation that gave floor to ethnic and religious based hate speech. <sup>[29]</sup> Several civic initiatives supported by international donors that aim at countering disinformation were launched. Those include Raskrinkavanje.me, project of regional initiative KRIK, member of Organized Crime and Corruption Reporting Project (OCCRP), implemented locally by Center for Democratic Transition (CDT) and Digital Forensic Center, a project by Atlantic Alliance of Montenegro. These platforms foster public participation in recognizing, reporting and unmasking media disinformation. The third issue that justifies a medium risk for digital Social Inclusiveness is linked to hate speech. Hate speech directed toward ethnic and religious minorities, people with disabilities and women on social media is a commonplace in Montenegro. The Government announced that both disinformation and hate speech issues would be treated primarily by strengthening self-regulation mechanisms. Therefore, a new Law on media was adopted in August 2020, and it provided state resources for financing self-regulation mechanisms.

## 5. Conclusions

**The existing legal framework is suitable for the development of media pluralism, but more in a quantitative than in a qualitative sense. The process of establishing the media, especially online, is extremely liberal. Existing regulatory and self-regulatory mechanisms, however, do not contribute to raising professional and ethical standards. Therefore, the authors suggest:**

- Developing media strategy through an inclusive debate, followed by amendments to media legislation, in which community media would also be recognized;
- Improving curricula and practices of formal and non-formal education of journalists and other media professionals.

**Existing legal solutions allow political power to control the PSM at the national and local levels. This dependent position of PSM is further strengthened by their financing from the state or local budgets. Therefore, the authors suggest:**

- New legal solutions prevent any influence of the political authorities to influence the selection of managers and editorial teams in the PSM;
- With the new legal solutions, enable at least partial direct financing of the PSM by the citizens, which would strengthen the direct connection between the media and the citizens.

**The legal establishment of the State-level Fund for Encouraging Media Pluralism and Diversity is a significant innovation that has yet to prove its worth. In order to avoid abuse, the authors suggest:**

- Establishing effective control over the ways of money from the fund and the effectiveness of its spending;
- Encouraging the development and maintenance of community media, especially media intended for vulnerable and marginalized social groups, with money from the fund.
- Expanding horizontal and cross-media concentration limitations to include digital media. It would also be recommendable to establish a single ownership register for all media and a single regulatory authority that would monitor compliance with cross-ownership rules.

**Efforts to create and implement rules for digital news media that limit political influence have generally been sporadic, insufficient, and ineffective. The authors suggest:**

- Introducing a clear set of rules and limits for transparent monitoring of social media campaigns in the Rules on electoral advertising.

## 6. Notes

- [1] After the parliamentary elections held on 30 August 2020, after three decades, the first government was formed without the Democratic Party of Socialists, a party formed from the League of Communists of Montenegro. One of the reasons for the loss of elections is the conflict with the influential Serbian Orthodox Church in Montenegro, which additionally mobilized dissatisfied citizens. The conflict escalated following the adoption of the controversial Freedom of Religion Act. The new government, which has continued the pro-European foreign policy orientation of previous governments, has a minimal majority in parliament. In addition, for the first time in history, Montenegro is going through a cohabitation between the new government and the leader of the opposition DPS, Milo Đukanović, who is the president of the state.
- [2] For more information see: Vanja Čalović Marković, Network for Affirmation of NGO sector, Access to information in areas of particular risk - CORRUPTION MASKED BY SECRETS (2020), available at: <http://www.mans.co.me/en/wp-content/uploads/2020/12/CORRUPTION-MASKED-BY-SECRETS.pdf> and Vanja Čalović Marković, Network for Affirmation of NGO sector, Implementation of the Law on Free Access to Information in Montenegro - TAX SECRET Case Studies (2020), available at: <http://www.mans.co.me/en/wp-content/uploads/2020/11/Tax-secret-case-studies-ENG.pdf>
- [3] An aggravating circumstance for the free work of the media and journalists is the lack of effective regulatory and self-regulatory mechanisms to prevent a more serious influence of political and commercial interests on the editorial policy of the media.
- [4] The Law on Free Access to Information, [https://www.legislationline.org/download/id/3953/file/Montenegro\\_Law\\_on\\_Free\\_Access\\_to\\_Information\\_2005\\_EN.pdf](https://www.legislationline.org/download/id/3953/file/Montenegro_Law_on_Free_Access_to_Information_2005_EN.pdf)
- [5] The protection of freedom of expression is recognised and governed by The Constitution of Montenegro, <http://www.skupstina.me/images/documents/constitution-of-montenegro.pdf> and Criminal Code of 2003 as amended in 2018, [https://www.legislationline.org/download/id/8406/file/Montenegro\\_CC\\_am2018\\_en.pdf](https://www.legislationline.org/download/id/8406/file/Montenegro_CC_am2018_en.pdf) and the Media law of 2020, <https://me.propisi.net/zakon-o-medijima/>
- [6] The Law on Free Access to Information of 2005, [https://www.legislationline.org/download/id/3953/file/Montenegro\\_Law\\_on\\_Free\\_Access\\_to\\_Information\\_2005\\_EN.pdf](https://www.legislationline.org/download/id/3953/file/Montenegro_Law_on_Free_Access_to_Information_2005_EN.pdf)
- [7] Ombudsman office has not received any complaints related to the freedom of expression in 2018 and 2019, and the Media self-regulation council, as the only collective media self-regulation body, has suspended its operations in mid-2018 due to the lack of funding. In addition, civil litigations tend to be slow - average time span from filing a lawsuit to its finalization amounts to two to three years, and they are often seen as ineffective. For these reasons, but also the highly polarised editorial policies, poor economic situation in the media and common offences against the Code of ethics of journalists, Montenegro scores very low in indexes of media freedoms tracked by international organisations such as Reporters without borders and Freedom house.
- [8] The Law on Media no. 082/20,, Official Gazette of Montenegro, <https://aemcg.org/wp-content/uploads/2011/08/Zakon-o-medijima-1.pdf>
- [9] Law on Media No. 82/2020, supra; Law on electronic media 2016, [https://mpm.cmpf.eui.eu/upload/sources/Montenegro/Electronic-Media-Low-17.08.2016\\_1609153349.pdf](https://mpm.cmpf.eui.eu/upload/sources/Montenegro/Electronic-Media-Low-17.08.2016_1609153349.pdf)
- [10] In the audiovisual sector, the market share of the Top4 owners amounts to 73 percent (PBS RTCG 56%, TV Vijesti 8%, Nova M 5% and Prva TV 4%), while their estimated audience concentration is 48 percent (TV Vijesti 14%, RTCG1 12%, Pink M 12%, TV Prva 10%). With radio stations, competition is bigger and the top4 owners reach 51 percent of the market.

- [11] Law on protection of competition (2018). [http://www.azzk.me/1/doc/Engleska verzija/zakon-eng/New Law on Protection of Competition.pdf](http://www.azzk.me/1/doc/Engleska%20verzija/zakon-eng/New%20Law%20on%20Protection%20of%20Competition.pdf)
- [12] Source: Srđan Janković, Radio Free Europe (2020), Advertisers are withdrawing, Montenegrin media facing recession, link
- [13] The percentage refers to total incomes of media companies as reported in their annual financial reports that are published online via electronic registration system of the Revenue and Customs Administration of Montenegro - <https://eprijava.tax.gov.me/TaxisPortal>
- [14] The Code of Ethics for Journalists do prescribes that "a journalist must not engage in advertising and propaganda work", but civil sector analysis show that hidden advertising or advertorials are present in the traditional news media.
- [15] The Center for Civic Education, which analysed media coverage during the election campaign for the last parliamentary and local elections in several municipalities, held in late August 2020, assessed that "there was almost no media that reported neutrally and objectively on all electoral lists."
- [16] The Agency for Protection of Competition did not complete the report for 2019 and did not submit it to the Government and the Assembly for inspection within the legal deadline by the end of June 2020, so it is not known whether and how the state helped the media in 2019.
- [17] See: <https://zakoni.skupstina.me/25saziv/index.php/en/ustav-crne-gore>
- [18] Along with Albanians, Roma are the only minority whose language differs significantly from the language of the majority.
- [19] According to the report "Languages of Minority Peoples in Public Administration - Between Law and Practice" (2019) prepared by the Youth Initiative for Human Rights, available at: <https://www.yihr.me/wp-content/uploads/2021/01/YIHR-lzvjestaj-Jezici-manjinskih-naroda-u-javnoj-upravi-2019.pdf>
- [20] <https://www.paragraf.me/propisi-crnegore/zakon-o-medijima.html>
- [21] Agency for Electronic Media, Information on accessibility of programmes of Montenegrin broadcasters to persons with hearing and visual impairment (2018), available at: <https://aemcg.org/wp-content/uploads/2018/11/Informacija-o-pristupačnosti-programa-osobama-sa-invaliditetom-16.11.2018.pdf>
- [22] Agency for Electronic Media, Analysis of visibility of women and men in news programs of national broadcasters in Montenegro (2019), available at: <https://aemcg.org/wp-content/uploads/2019/03/Analiza-vidljivosti-žena-i-muškaraca-u-informativnim-emisijama-nacionalnih-emitera.pdf>
- [23] Electronic media law. (Official Gazette of Montenegro no. 046/10 of 6 August 2010, 040/11 of 8 August 2011, 053/11 of 11 November 2011, 006/13 of 31 January 2013, 055/16 of 17 August 2016). See: <https://aemcg.org/wp-content/uploads/2011/11/Electronic-Media-Law-17.08.2016.pdf>
- [24] <https://aemcg.org/wp-content/uploads/2019/03/Analiza-vidljivosti-žena-i-muškaraca-u-informativnim-emisijama-nacionalnih-emitera.pdf>
- [25] Law on Media, Official Gazette of Montenegro no 082/20, 06 08 2020 - Zakon o medijima, "Službeni list Crne Gore", br. 082/20 od 06.08.2020, available at: <https://aemcg.org/wp-content/uploads/2011/08/Zakon-o-medijima-1.pdf>
- [26] <https://balkaninsight.com/2020/01/13/montenegro-detainst-journalists-for-causing-panic/>
- [27] <https://balkaninsight.com/2020/05/06/montenegro-activists-criticise-arrest-for-mocking-anthem/>
- [28] <https://balkaninsight.com/2020/03/26/concern-for-rights-in-montenegro-amid-covid-19-fight/>
- [29] <https://balkaninsight.com/2020/03/26/concern-for-rights-in-montenegro-amid-covid-19-fight/>



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**Božena Jelušić**, Media Literacy Teacher

**Milan Jovanovic**, Analyst at Digital Forensic Center

**Milica Kovacevic**, President of the Centre for Democratic Transition (CDT)

**Phd Nataša Ružić**, Professor at the Faculty of Political Science

**Marina Vujačić**, Executive Director of the Association of Youth with Disabilities Montenegro

## Annexe I. Country Team

First name	Last name	Position	Institution	MPM2021 CT Leader
<i>Dragoljub</i>	<i>Vukovic</i>		<i>Independent Researcher</i>	X
<i>Daniela</i>	<i>Brkic</i>		<i>Independent Researcher</i>	

## Annexe II. Group of Experts

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 composing the MPM2021. Consulting the point of view of recognized experts aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as subjective, and therefore to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Vuk</i>	<i>Vukovic</i>	<i>assistant professor, producer</i>	<i>Faculty of Dramatic Arts, University of Montenegro</i>
<i>Olivera</i>	<i>Nikolic</i>	<i>executive director</i>	<i>Montenegro Media Institute</i>
<i>Goran</i>	<i>Djurovic</i>	<i>Director of Media Center</i>	<i>Media Center</i>
<i>Damir</i>	<i>Nikocevic</i>	<i>Development Coordinator</i>	<i>Centre for Civic Education (CCE)</i>
<i>Marijana</i>	<i>Camovic Velickovic</i>	<i>President of TUMM</i>	<i>Trade Union of Media of Montenegro</i>
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