

Uncertain Optimism, or Optimistic Uncertainty: Virtual MFRR Mission Report

Executive Summary

On 30th August 2020, the people of Montenegro went to the polls for the Skupština (Montenegrin Assembly) elections. As a result, three coalitions, For the Future of Montenegro, Black and White and Peace is Our Nation, hold a majority of 41 seats in the 81-seat parliament, with Aleksa Bečić as the Montenegrin parliament speaker, and Zdravko Krivokapić as Prime Minister. While changes of administration anywhere can bring with them a significant amount of uncertainty or disruption, this is especially pronounced in Montenegro. The outgoing administration led by Democratic Party of Socialists (DPS) under the leadership of Milo Đukanović, who remains the country's President, had been in power for 31 years.

It is this moment of flux, that the Media Freedom Rapid Response (MFRR) undertook a virtual fact-finding mission in September 2020 to understand more about the existing media freedom landscape in Montenegro, what the election may bring in terms of significant changes and what key stakeholders in the country identify as important steps that need to be taken. From the meetings held with stakeholders representing media outlets, journalists associations and unions, non-governmental organisations, JUFREX (coordinated by the European Union and Council of Europe), the OSCE, the Commission for Monitoring Investigations of Attacks on Journalists and the Protector of Human Rights and Freedoms of Montenegro, which is the country's National Human Rights Institution, the MFRR were able to gain a more detailed insight into the roadblocks in place that undermine the ability of journalists and media workers to work safely, securely and in a manner that guarantees a secure livelihood for all media actor.

Throughout the meetings, a common thread emerged. Polarisation between pro-Government and independent actors has become more entrenched over the last decades leading to all facets of society, including media, being viewed through that polarised lens. This has reshaped the media environment across Montenegro in a number of ways. According to analysis by the Commission for Monitoring Investigations of Attacks on Journalists, since 2004 there have been 85 attacks on journalists and media workers in Montenegro. In the last year alone

there have been 11 attacks against journalists and media properties. This highlights a historic and contemporary problem of impunity and diminishing trust in state bodies to take the necessary steps to bring perpetrators of attacks against media actors to justice. While this concern is ongoing, the historic flaws that have seen incomplete, delayed and restricted investigations present a chilling message for journalists working today: individuals can commission, fund or carry out attacks against journalists without significant risk of being held accountable for these crimes. No one has been convicted in relation to attacks on Olivera Lakić and Tufik Softić that took place in 2018 and 2007 respectively. In the murder of Duško Jovanovic in 2004, only one person was convicted for complicity in the shooting. All others involved, including the individual who commissioned it, remain free. Crimes against journalists seldom often involve others beyond the immediate perpetrator. Prosecutors need to use every tool at their disposal to ensure that everyone, including those who commissioned or funded the attacks is held accountable for the actions. This situation needs to be high on the agenda of the new administration and central to this are the actions of the police and prosecutors to ensure that all attacks are robustly and thoroughly investigated.

The transition of the public broadcasting system, Radio Television of Montenegro (RTCG) into a public service broadcaster remains incomplete and is further undermined by enduring concerns regarding the political independence of the RTCG Council, especially following the removal of Andrijana Kadija as RTCG Director General in 2018. This is not a new trend, but this polarisation has further fragmented the media landscape in an unsustainable manner. Regulation for media outlets is a symbol of this fragmentation, with different approaches employed across different outlets, without a shared basis or set of principles upon which a level playing field can be established.

The dominance of RTCG, within the Montenegrin media ecosystem has been reinforced by the polarised climate, with the broadcasting system likened to a 'spoil of war', used indiscriminately to further to the political goals of the ruling administration. This approach has also been noted in the disbursement of state advertising to media outlets. For instance, as outlined in 2016 procurement figures provided by the Montenegrin Government, over three-quarters of all state advertising for print media outlets went to two newspapers broadly aligned with the DPS. In response to the COVID-19 pandemic, the Montenegrin state has offered €600,000 for media outlets in Montenegro, which is a welcome support regime for an industry that has been badly hit by the pandemic. However, as with the allocation of state advertising, the lack of transparency as to who has received the money could further strengthen the legacy of entrenched polarisation, with funding deployed to strengthen friendly outlets, instead of strengthening the media landscape as a whole. In light of the election result, this raised a recurrent concern: will the new administration follow in the footsteps of the DPS and utilise state resources, such as the RTCG, to support their own party

and stakeholders, or will they look towards good practice to ensure a fair and level playing field for all media actors?

As a Candidate Country for the European Union, the need to ensure that all laws and their implementation are in line with European standards will be of paramount importance for Montenegro. To rebuild trust and underpinning any reform, the new administration must among other things end impunity for crimes against journalists, establish shared standards and principles for the regulation of the media market that encourages a fair playing field, continue reform of the public broadcaster, and reform journalistic source protection. These reforms that include support for public interest reporting, transparent funding, shared regulatory standards and a safe working environment free from attacks and threats, embedded in a broader system that respects the rule of law, in law and practice are urgent and necessary for building and maintaining a free and pluralist media landscape.

This fast-response mission delivered by the MFRR, alongside South East Europe Media Organisation (SEEMO), came at an unprecedented time for Montenegro, following the election, and the rest of the globe during the COVID-19 pandemic. Over the course of the mission meetings, a complex set of interconnected issues were shared by all stakeholders that require urgent attention. While transitions between administrations is always a fraught and complex process, one made more difficult when following an administration that has been in power for so long, the issues raised in the mission and the report published today, demonstrate a road map to a more robust and sustainable media landscape.

This is part of the **Media Freedom Rapid Response (MFRR)**, an Europe-wide mechanism, which tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers. The MFRR is organised by a consortium led by the European Centre for Press and Media Freedom (ECPMF) with ARTICLE 19, the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), the Institute for Applied Informatics at the University of Leipzig (InfAI), International Press Institute (IPI) and CCI/Osservatorio Balcani e Caucaso Transeuropa (OBCT). The project is co-funded by the European Commission. www.mfr.eu

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