

PROPOSAL



Media Strategy of Montenegro 2023–2027 With Action Plan 2023–2024



April 2022

ABBREVIATIONS

AEM	Agency for Electronic Media
AV	Audio-visual
AVM	Audio-visual media
AVMSD	Audiovisual Media Services Directive
GDP	Gross Domestic Product
CDT	NGO Centre for Democratic Transition
CEDAW	Committee on the Elimination of Discrimination against Women
CEDEM	Centre for Democracy and Human Rights
MNE	Montenegro
CIRT	Team for responding to computer security incidents in the cyber space of Montenegro, under the jurisdiction of the Directorate for Protection of Confidential Data
CRPS	Central Register of Business Entities
ECRI	European Commission against Racism and Intolerance
EC	European Commission
EKIP	Agency for Electronic Communications and Postal Services
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EU	European Union
HRA	NGO Human Rights Action
IP	Internet Protocol Address
IREX	International Research and Exchange Board – International NGO
JMS	Public Media Stations
JUFREX	Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe, Council of Europe and European Union Programme
LGBTIQ	Lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning
LPB	Local Public Broadcasters
MASE	Media Association of Southeast Europe
MEDT	Ministry of Economic Development and Tourism

MEP	Ministry of European Affairs
MF	Ministry of Finance
MCM	Ministry of Culture and Media
MONSTAT	Statistical Office of Montenegro
ME	Ministry of Education
MUP	Ministry of Interior
NATO	North Atlantic Treaty Organization
NCML	National Council for Media Literacy
NGO	Non-governmental Organisation
OEBS	Organisation for European Security and Cooperation
PWD	Persons with disabilities
PAM	Rights of Music Authors of Montenegro
PDV	Value Added Tax
PSSE	Parliamentary Assembly of the Council of Europe
RCG	Radio of Montenegro
RDC	Radio Broadcasting Centre
RSF	Reporters without borders – International NGO
RTCG	Radio and Television of Montenegro
USA	United States of America
CoE	Council of Europe
SLAPP	Directive on strategic lawsuits against public participation
TV	Television
TVCG SAT	Television of Montenegro satellite programme

TVCG	Television of Montenegro
SSP	Supreme State Prosecutor's Office
UCG	University of Montenegro
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations International children's fund
LoM	Law on Media

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SUMMARY

The media in Montenegro have been facing serious challenges for many years, which are reflected in attempts of political and economic influence and threatened economic sustainability of the media. The media operating in the free market, without direct interference by the governments, with full respect for laws and regulations that prevent political pressure and influence on the media operation and their reporting is the minimum prerequisite that needs to be established in order not only to provide the preconditions for the work and activities of all media in Montenegro, but also it is what the European Union expects from us on the future way to full membership.

The Government of Montenegro is committed to advocate for the accessibility of information, freedom of speech and media freedom. In this regard, it is necessary to improve media freedom, increase citizen participation, and generally improve conditions for media work, transparency, development of media pluralism and media literacy. It is necessary to ensure stable funding and editorial and journalistic independence for the public service media RTCG and local public broadcasters, and to improve the criteria for the selection of RTCG and local public broadcasters' councils. The analysis of the media sector in Montenegro with recommendations for harmonisation with the standards of the Council of Europe and the European Union from 2017, indicated a weak and polarised media market with a high degree of state intervention, inconsistent both legal and institutional framework with recommendations on full independence and efficiency of regulators, fragmented self-regulation, risks related to the integrity and safety of journalists.

All these are the reasons for the adoption of the Media Strategy of Montenegro 2023-2027, with the accompanying 2023-2024 Action Plan. Further thoughts on media reform sector are aimed at promoting the essential role of professional and responsible quality journalism with timely, accurate and relevant information, as well as solutions for its sustainability. Therefore, the goal of the Media Strategy 2023-2027 is to create a favourable environment for the full realisation of the right to freedom of expression and media freedom in Montenegro. In line with the adopted strategic document, this result will be achieved through 4 strategic objectives and 15 operational objectives:

STRATEGIC OBJECTIVE I – QUALITY OF INFORMING CITIZENS IMPROVED AND MEDIA LITERACY ENHANCED

Operational objective 1.1	Increased quality and scope of media content in audio-visual and print media
Operational objective 1.2	Improved support to commercial media reporting on public interest topics
Operational objective 1.3	Improved system for efficient combating hate speech, online harassment, and disinformation

Operational objective 1.4 Increased availability of the media content adapted to vulnerable categories of the population (people with disabilities, LGBTIQ, people who use or have used psychoactive substances, women who are victims of domestic violence, Roma and Egyptians)

Operational objective 1.5 Enhanced media literacy of all segments of society, with special emphasis on youth

STRATEGIC OBJECTIVE II – EDITORIAL AND FINANCIAL INDEPENDENCE, ETHICS AND PROFESSIONALISM OF PUBLIC BROADCASTERS STRENGTHENED

Operational objective 2.1 Improved independence of public broadcasters

Operational objective 2.2 Adequate media self-regulation established

Operational objective 2.3 National regulatory framework harmonised with the relevant acquis of the European Union

Operational objective 2.4 Improved information of citizens about the ways of submitting complaints to the media work

STRATEGIC OBJECTIVE III – ENVIRONMENT FOR FAIR MARKET OPERATIONS OF THE MEDIA IMPROVED

Operational objective 3.1 Equal treatment of all participants in the media market ensured

Operational objective 3.2 Systematic collection of relevant data on the media market established

Operational objective 3.3 Improved media technical and technological and production capacities

STRATEGIC OBJECTIVE IV – FRAMEWORK FOR THE WORK AND POSITION OF MEDIA EMPLOYEES IMPROVED

Operational objective 4.1 Strengthened socio-economic position of media employees

Operational objective 4.2 Independence and capacities of journalists and other media employees improved

Operational objective 4.3 Safe working environment for journalists ensured

INTRODUCTION

As a result of the fifteen-month work of the Strategy Development Working Group, and receiving a positive opinion from the GSV, as well as suggestions and comments from the Council of Europe and the European Commission, the strategy proposal was sent to the Government of Montenegro. The Media Strategy 2023 - 2027 was adopted at the 70th session of the 43rd Government of Montenegro, with the Action Plan for the period of 2023 – 2024. The total budget for the implementation of the Media Strategy was estimated at EUR 24,230,000.

Both from the point of view of its accession to the European Union and its strong commitment to the democratic organisation of society, Montenegro improves freedom of expression as a fundamental human right and the basis of a democratic society. The media have an important role in this process, as the main communication channel, with the task of informing citizens about all domestic and foreign activities through their reporting. Freedom of expression and independent media are fundamental values of the European Union and important elements of the European integration process of Montenegro, especially the creation of professional, responsible, transparent, but also financially sustainable media, which represent the backbone of every democratic society.

The media freedom field in Montenegro, in line with the strategic objectives of accession to the European Union, mechanisms of institutional and normative improvement and sustainability of the media environment, is conceived on the principles of freedom of expression, compliance with the highest international standards, interpretation of the provisions of Law on Medias in accordance with the European Convention on Human Rights and the European court for human rights case law, independence of regulation and self-regulation of the media industry, independence of public broadcasters, media pluralism and diversity, transparency of media ownership, transparency of advertising and media financing from public revenues. The state shall regulate this area in accordance with the strategic objectives of accession to the European Union and in order to advance the principles of freedom of expression, media sustainability, as well as the concepts of independent regulation and self-regulation of the media. The main challenges in Montenegro concern the professionalism of journalists and their safety, the economic viability of the media, editorial and financial independence, the media literacy improvement and the creation of a system for society's resilience to hate speech and disinformation.

In the Declaration on Freedom of Expression and Information of the Committee of Ministers, the Council of Europe obliges member states, including Montenegro, to: "*...states have the obligation to and prevent the violation of freedom of expression and information and to adopt policies designed to foster as much as possible a variety of media and a plurality of information sources, thereby allowing a plurality of ideas and opinions.*"

Bearing in mind the above, and the commitment of the Government of Montenegro to provide strong support to the Montenegrin media community through the improvement of the media environment, in order to ensure the conditions for smooth operation and affirmation of media freedom, the need for the preparation of the Media Strategy 2023-2027 was determined.

This Strategy will clearly define goals, development directions, and future plans in order to provide a favourable environment for freedom of information, the flow of ideas and opinions in pursuit of the public interest, as well as for a regulated media market. In this way, the created work conditions will contribute to the improvement of the environment for free and professional journalism, enabling citizens to have the right to true, timely and complete information.

THE STRATEGIC DOCUMENT ADOPTION PROCESS

After the August 2020 parliamentary elections, and the establishment of the Ministry of Public Administration, Digital Society and Media¹, the newly defined competences² of this ministry are, among other things, the preparation of proposals for regulations in the field of media legislation, the media and broadcasting system, information activities in the field of the press, radio, television and other media, improvement and development of international cultural and media cooperation, and others.

The Government's Work Programme for 2021, adopted in April of the same year, planned to adopt a Media Strategy with an Action Plan in the 3rd quarter of 2021 with the following aim: *"goals, directions of development and future plans will be clearly defined in order to provide a*

¹ Previously Ministry of Public Administration

² Ministry of Public Administration, Digital Society and Media, List of categories of registry materials of the Ministry of Public Administration, Digital Society and Media, 9/7/2021 - "preparation of proposals for regulations in the field of media legislation; media and broadcasting system; informative activities in the field of press, radio, television and other media; media concentration of print media; accessing and using international funds for media development; exercising the guaranteed rights of citizens to information based on program contents of importance for the development of science, education and culture; providing information to persons with impaired hearing and sight; providing information to members of minority peoples and other minority national communities; improvement and development of international cultural and media cooperation; cooperation with regional and international organisations, institutions and professional associations in the field of media; exchange and transmission of media programmes and information; coordination of activities within its jurisdiction in the process of negotiations with the European Union and harmonisation of domestic regulations within its jurisdiction with the legal acquis of the European Union; cooperation with international and regional organisations in the field of public administration; keeping prescribed records; administrative supervision in the areas for which the ministry was established; as well as other tasks assigned to it".

*favourable environment for freedom of information, the flow of ideas and opinions in the pursuit of public interest, which will lead to a regulated media market. In this way, one wants to create conditions for sustainable work, which will contribute to the improvement of media cooperation, professionalization and better self-regulation"*³.

In October 2021, the Ministry of Public Administration, Digital Society and Media formed a working group for strategy development with a total of 20 members⁴. The working group includes representatives⁵ of state authorities, the judiciary, the prosecution, independent regulators, media associations, media trade unions and non-governmental organisations. By name, the Working Group was formed with members from the following institutions: Ministry of Public Administration, Digital Society and Media, Office for European Integration, General Secretariat of the Government of Montenegro, University of Montenegro, RTCG, Ministry of Finance, Directorate for the Protection of Secret Data, Agency for Electronic Communications and Postal Services, the Ministry of Education, Science, Culture and Sports, the Ministry of Justice, the Supreme Court, the Basic State Prosecutor's Office, the Agency for Electronic Media, NGO representatives. Out of 20 members, 12 are female members of the Working Group. A total of 15⁶ meetings of the Working Group were held, which unanimously adopted the text of the Draft Media Strategy with the proposed action plan. The public discussion was opened on March 11, 2022 and lasted for 30 days⁷. The Ministry also organised Open Days (8 days) during March and April 2022, and invited the interested public (citizens, scientific and professional public, state bodies, professional associations, political entities, non-governmental organisations, international organisations, media) to submit remarks, proposals and suggestions on the Draft Media Strategy 2023-2027. During Open Days, 15 male participants and 22 female participants shared their suggestions and comments in direct communication with the Media Directorate. All interested parties were able to directly contact and directly come to the Directorate and together with the authorities discuss the improvement of the strategic document during the public discussion

³ Montenegro Government's Work Programme for 2021, <https://www.gov.me/dokumenta/d727eb95-678f-4d44-96dc-116a65d1ad99>.

⁴ Ministry of Public Administration, Digital Society and Media, Decision on the Establishment of the Working Group for the Development of the Media Strategy 2022-2026 and Action Plan for 2022, no. 01-078/21-4057 dated October 5, 2021

⁵ European Integration Office, the Government's Secretary General Office, University of Montenegro, RTCG representative, Ministry of Finance, Directorate for Personal Data Protection, Agency for Electronic Communication and Postal Services, Ministry of Education, Science, Culture and Sport, Ministry of Justice, Supreme Court, Basic State Prosecutor's Office, Agency for Electronic Media and 5 NGOs members.

⁶ The first meeting of the Media Strategy Working Group was held on October 19, 2021, and the last one on March 7, 2023.

⁷ Public discussion on the Draft Media Strategy of Montenegro 2022-2026 and Action Plan 2022-2023, <https://www.gov.me/clanak/javna-rasprava-o-nacrtu-medijske-strategije-crne-gore-2022-2026-i-akcioni-plan-2022-2023>, Accessed on 4/11/2022. The public discussion lasted until April 21, 2022.

which produced 66 objections/proposals/suggestions) from the total of 18 proponents. In addition, a mailing list was created with all the media and NGOs that regularly received material related to the preparation of the strategic document.

The first strategy draft was sent to the Council of Europe on March 11, 2022 for opinion, and after receiving comments and suggestions, they were incorporated and a second draft of the strategic document was created.

After additional political changes in the Government of Montenegro, in April 2022 there was the next change of the political majority, as well as a change in the organisation of the Government of Montenegro, thus new divisions and reorganisation of ministries. As part of the new 43rd Government, the Ministry of Culture and Media was established, which performs administrative tasks related to, in addition to the field of culture: preparation of proposals for regulations in the field of media legislation; exercising the guaranteed rights of citizens to information based on programme contents of importance for the development of science, education and culture; providing information to persons with impaired hearing and sight; providing information to members of minority peoples and other minority national communities; exchange and transmission of media programmes and information; harmonisation of domestic regulations within the framework of its jurisdiction with the European Union acquis; administrative supervision in the areas for which the ministry was established; and the others. The Media Directorate was established within the Ministry.

The second draft in the mature stage was sent to the Council of Europe on November 9, and the comments were received a month later. The Ministry of Culture and Media also actively consulted with other relevant ministries, state authorities, public institutions, the non-governmental sector and other entities responsible for implementing the activities in the Action Plan and it included the suggestions and proposals received in the text of the strategic document. After adopting the Proposal, the Ministry of Culture and Media sent the text of the document to the European Commission for opinion. Finally, the Media Strategy Proposal 2023-2027 was adopted at the 70th session of the 43rd Government of Montenegro on October 19, 2023.

PURPOSE AND GOAL OF THE STRATEGY

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PURPOSE

The media strategy is adopted with the aim of assuming and applying the highest international standards in the area of freedom of expression, compliance with the policies of the European Union and creating a favourable environment for the smooth media work and for free, professional and responsible journalism that guarantees media pluralism and indisputably fulfils the goal that the Montenegrin citizen is truthfully and comprehensively informed. At the same time, the goal is to provide adequate response to the spread of hate speech and disinformation, as a globally expressed threat that is present in Montenegro as well.

VISION

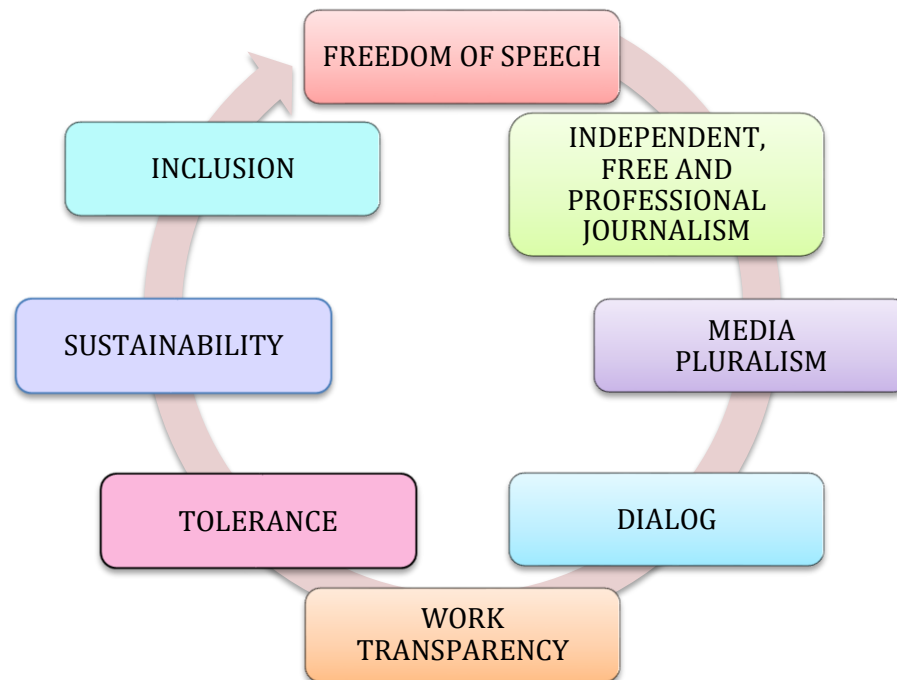
The media strategy is an important step towards the establishment of a free, responsible and sustainable media scene, which will mean that in 10 years, Montenegro will have predominantly media that are trusted, that deal with topics of public interest respecting professional standards and public space, that there are mechanisms for limiting influence and protection from hate speech and disinformation.

GOAL

CREATING FAVORABLE ENVIRONMENT TO FULLY EXERCISE RIGHT TO FREEDOM OF EXPRESSION AND MEDIA FREEDOM IN MONTENEGRO

In this way, the Government of Montenegro shows its full readiness and commitment to create an environment for the development of free and professional journalism, which enhances the functionality of democracy, together with all stakeholders, the media community and partners from the civil sector.

The principles underlying the Media Strategy are:



The Constitution of Montenegro, the highest legal act in the country, the Law on Gender Equality and the Law on Prohibition of Discrimination form the normative basis in which issues of gender equality are defined in the legal system of Montenegro. Gender stereotypes and prejudices

about the gender roles of men and women, as well as prejudices against people of different sexual and gender identities, are present at all levels of society.

In the Conclusions of the European Commission against Racism and Intolerance (ECRI)⁸ adopted in June 2017, concern is expressed over the fact that the media convey stereotypical or even degrading images of women. ECRI warns of the particular danger of the spread of hate speech directed at women because of their sex, sexual orientation and gender identity, which is often linked to one or more other characteristics (religion, age or ethnic origin), because it directly paves the way for violence. Accordingly, the measures and activities in this strategy recognised this target group.

The media should pay special attention not to perpetuate gender stereotypes, and to undertake measures regularly, through their editorial policy, to combat the use of sexist hate speech. However, the media often contribute to the multiplication of gender and other stereotypes, mostly due to the decline of professional standards, the absence of adequate regulation and self-regulation, as well as insufficient knowledge about gender equality. On the other hand, the increasingly intensive use of social media leads to the proliferation of gender stereotypes and the increasing presence of online harassment, where the most frequent victims are girls, women and people of other gender identities. Therefore, it is important to address directly this problem through appropriate laws and public policies dealing with media, digital services and audio-visual services.

In Montenegro, there is no regular monitoring of public broadcasters and commercial media programmes from the point of view of possible discrimination based on sex and gender and multiple discrimination of marginalised groups. On the other hand, the media insufficiently cover topics related to gender equality and multiple marginalised and vulnerable groups, and inconsistently apply legal provisions related to gender-sensitive language, the prohibition of discrimination based on sex and gender, and multiple discrimination, or cover them in an inadequate way (such as, for example, violence against women), which only increases the problem.

The Draft Law on Audiovisual Media Services stipulates that public broadcasters (national, regional and local) shall provide public media services for the production and broadcasting of radio and/or television programmes with informative, cultural, artistic, educational, scientific, children's, entertainment, sports and other programme contents, which ensure the realisation of the rights and interests of citizens and other entities in the information field. It is also stipulated that public service mean, among other things, "*encouraging and promoting the principle of gender*

⁸European commission against Racism and Intolerance and Council of Europe, *ECRI REPORT ON MONTENEGRO, (fifth monitoring cycle)*, ECRI Secretariat Directorate General II – Democracy Council of Europe, Strasbourg, 2017, p. 15, par. 21. Available at: <https://rm.coe.int/second-report-on-montenegro/16808b5942>,

*equality*⁹. On the other hand, the accountability of the public broadcaster is achieved, among other things, by making the work report for the previous year *“available to the public via the website, no later than the end of June of the current year, which includes the application of programme standards and the fulfilment of obligations established by the founding act”*.¹⁰ Accordingly, and bearing in mind the role, rights and obligations of public broadcasters, especially RTCG, they should define and implement measures to ensure the implementation of the obligations from the Law on Gender Equality (they are obliged to have gender-sensitive content in their programmes and to use gender-sensitive language), as well as the obligation arising from their founding acts.

The Law on Media¹¹ stipulates (Article 17) that the state shall finance projects in the field of information from the budget of Montenegro, by providing financial resources for the provision of public services through the Fund for Fostering Media Pluralism and Diversity, in order to encourage media pluralism, especially the production and publication of content which are important, among other things, for *“protecting the rights and dignity of minority peoples and other minority national communities against discrimination, stereotypes and prejudices”*. Authorities in charge of implementing public competitions are the Council of Regulator for Audiovisual Media Services Council and the Independent Commission formed by the ministry responsible for media field.

In the field of media, the CEDAW Committee recommends the following¹²:

- ~ Continue to sensitise the media on the need to remove gender stereotypes by promoting positive images of women as active participants in social, economic and political life and of men as active participants in household and child-rearing responsibilities;
- ~ Adequately monitor the use of gender-sensitive language in the media and expand the introduction of gender-sensitive language in educational materials.

In order for the information published by the media to be understood and used for making good life decisions, to deconstruct stereotypes and to sensitise citizens to gender, it is necessary to develop the skill of critical reading of media content. The first step is a greater and wider representation of the media literacy subject in schools. The subject of media literacy is an optional subject only in grammar schools in Montenegro and is not available to students of secondary vocational schools and primary school students. Media literacy is becoming more and

⁹ Draft Law on Audio-Visual Media Services (ZAVM), Art. 75.

¹⁰ Draft ZAVM, Art. 79, par. 2, point 6.

¹¹ Law on Media (Official Gazette of Montenegro, No. 82/20).

¹² MINISTRY OF JUSTICE, HUMAN AND MINORITY RIGHTS OF MONTENEGRO, *National Gender Equality Strategy 2021-2025 with the Action Plan 2021-2022*, Podgorica, 2021, p. 30.

more important for understanding how to protect oneself from the ever-present online violence and abuse of privacy through social media. The initiative of the National Coalition for Media Literacy, whose participants are institutions dealing with education and the media, representatives of civil society and prominent individuals, was adopted to introduce the subject of media literacy in the higher grades of elementary schools (namely the seventh, eighth and ninth grades), from the beginning of the 2023/2024 school year.

Activities related to gender equality permeate through all the strategic objectives of this document and focus on a number of aspects that should contribute to the application and promotion of this standard. Activities are focused on encouraging the media to introduce gender-responsive programmes and to use gender-sensitive language; the obligation of local public broadcasters and the RTCG public media service to specifically report in their annual work report on the number and content of programmes with the theme of gender equality and measures to improve the use of gender-sensitive language; encouraging private/commercial media to introduce gender-responsive media content and use gender-sensitive language; provide regular monitoring of public service media programmes and commercial media from the point of view of possible discrimination based on sex and gender and multiple discrimination of marginalised groups, etc.

The indicators on which special emphasis will be placed concern:

- Number of gender-responsive programmes and gender-sensitive language at local public broadcasters and RTCG (0 for 2022; 2 programmes, 50% of content for 2025; and 3 programmes, 80% of content for 2027)
- Percentage of conformity of the Journalists Code of Ethics in Montenegro with international standards in the part of reporting on violence against women (0% for 2022; 50% for 2025; and 100% for 2027)
- Percentage of prohibited misogynistic content (% for 2022; 100% for 2025; and 100% for 2027),

and only some of the identified activities are:

Organising trainings for journalists on issues of gender equality	Three trainings held for at least 100 journalists	MCM NGO
Preparation of analysis and creation of a policy for the full achievement of gender equality in the media	Development policy analyses and guidelines prepared	MCM NGO
Application of provisions on	- Adopted guidelines for reporting on violence against women	Mechanis

gender sensitivity and prohibition of discrimination	<p>in relation to the Journalists Code of Ethics in Montenegro, with the aim of reducing abuse and violation of international standards in the field of freedom of expression</p> <ul style="list-style-type: none"> -The number of cases of non-compliance with the Journalists Code of Ethics in Montenegro in the application of provisions on the use of gender-sensitive language in print media and online publications - Methodology on the use of gender-sensitive language in commercial audiovisual media developed 	<p>ms of self-regulation AEM MCM</p>
Drafting the Law on Media in order to prohibit dissemination of media content displaying misogynistic and harmful content directed at women	<p>The Law on Media determined with a provision prohibiting dissemination of media content displaying misogynistic and harmful content directed at women, with the aim of suppressing and fighting against gender stereotypes</p>	<p>MCM</p>

Gender equality implies equal participation of women and men, as well as persons of different gender identities, in all areas of social life, equal position and equal opportunities for exercising all rights and freedoms and using personal knowledge and abilities for society development, as well as achieving equal benefits from the results of work. The media role in creating an equal and non-discriminatory environment is influenced, among other things, by the presence of women in the media industry, their role and influence on the production and distribution of media content. An analysis carried out in 2019 showed that the journalism profession is dominated by women and that almost 60% of published information is produced by women. In addition, the analysis showed a significant presence of women in editorial positions, and that they appear more often as recognisable faces of central news broadcasts compared to men. The biggest difference in the representation of women and men in central news shows was shown when comparing the number of male and female interviewees in the shows. Of the total number of interviews taken, only 20% were interviews with women.¹³

¹³ Agency for Electronic Media, ANALAYSIS OF WOMEN AND MEN VISIBILITY AND USE OF GENDER-SENSITIVE LANGUAGE IN MAIN NEWS BROADCASTS, <https://aemcg.org/wp-content/uploads/2021/03/Analiza-vidljivosti-zena-i-muskaraca-mart-2021.pdf>, accessed on February 27, 2023

CONFORMITY OF THE STRATEGIC DOCUMENT

Positioning in the strategic framework of Montenegro

The key objectives of the Strategy are, among other things, about the improvement of the overall environment for the work and professional performance of all duties of journalists, creating a safe environment in Montenegro for their work. The selected indicators that will measure the success of these reform processes are the number of prosecuted cases for endangering journalists and the number of imposed sanctions in cases of endangering journalists. The selected measures directly affect the achievement of the goals of the Sustainable Development Strategy until 2030¹⁴ namely the provision of free access to information and the improvement of media freedom. Specifically, achieving operational goal 4.3 Ensuring a safe working environment for journalists, and fulfilling the indicators within this goal - Number of prosecuted cases of endangering journalists, Number of sanctioned attacks in cases of endangering journalists, Number of disciplinary proceedings initiated against responsible persons in competent institutions for inefficiency in investigating attacks on journalists, is directly correlated with identified operational goal 2.3.2 Ensuring conditions for elimination of corruption, organized crime, crime and terrorism of the Sustainable Development Strategy, specifically the indicator for 2030 - *Secured access to information and protected rights of journalists and media freedom.*

¹⁴ Government of Montenegro, Ministry of Sustainable Development and Tourism, *National Sustainable Development Strategy 2030*, Podgorica, 2016, str. 289. Available also at: <https://www.gov.me/dokumenta/6852d215-af43-4671-b940-cbd0525896c1>.

Sustainable Development Strategy 2030

- STRATEGIC GOAL 2.3 DEVELOP THE STATE AS EFFICIENT RULE OF LAW
- OO 2.3.2 Provide the conditions for elimination of corruption, organised crime, crime and terrorism
(Objective for 2030 - *Free access to information provided and rights of journalists and media freedom protected*)

Media Strategy 2023-2027

- STRATEGIC GOAL IV – WORK FRAMEWORK AND POSITION OF MEDIA WORKERS IMPROVED
- OO 4.3 Safe environment for work of journalists provided

One of the foundations of democracy and civil society is free and independent media, and the priorities of the Medium-Term Programme of the Government of Montenegro 2022-2024 are aimed at improving the overall environment in which journalists will be able to do their work unhindered. Efforts to create favourable conditions through the legal and strategic framework are set as priorities until 2024. The program has recognized additional efforts to create favourable conditions for prioritized areas by 2024 through a legal and strategic framework. In this regard, the government's midterm program (within measure 1.4) states that "*...the foundation of democracy and civil society consists of free and independent media, and the government's work will be directed towards improving the overall environment in which journalists can work without hindrance. Efforts to create favourable conditions through a legal and strategic framework will be best measured by improving Montenegro's position on the media freedom index from 34.33 to 50.*"

Furthermore, the Government's Work Program for 2023 presents priorities in improving media freedom, media professionalism, and harmonization with EU directives in more details. Within the goal 1.4, it is stated that "*by adopting the first Media Strategy, the aim is to provide a favourable environment for the full realization of freedom of expression through the adoption and implementation of the highest international standards in the field of freedom of expression and to provide an adequate response to the spread of hate speech and disinformation, as a global*

phenomenon particularly present in Montenegro." From the table below, it can be seen that complete alignment has been achieved, and everything planned by the Government Work Program has also been planned by the Media Strategy, which provides more information on the activities within strategic objective 1. Quality of citizen information improved and media literacy advanced.

MNE Government 2023 Work Programme

- 1.4 Improvement of the environment in the area of freedom of expression and media freedom
- TD 23 - Prepare the Media Strategy of Montenegro 2023-2027 with the Action Plan 2023-2024
- ND 22 - Determine the Proposal of the Law on the Public Media Service of Montenegro
- ND 23 - Determine the Proposal of the Law on Audiovisual Media Services
- ND 24- Determine the Proposal on the Law on Media

Media Strategy 2023-2027

- Operational objective 1.3 System improved for the efficient fight against hate speech, online harassment and disinformation
- 1.4.2 Adopting the Law on the Public Media Service of Montenegro
- 1.1.1 Adopting the Law on Audiovisual Media Services
- 1.3.3 Adopting the Law on Media with the aim of more efficient fight against hate speech, online harassment and disinformation

In Montenegro, there is no regular monitoring of public service programs and commercial media from the perspective of possible discrimination based on gender and gender identity and discrimination of multiple marginalized groups. Specifically, RTCG defines and implements measures to ensure compliance with the Law on Gender Equality (they are obliged to have gender-sensitive content and use gender-sensitive language in their programs), as well as the obligation arising from their founding acts. On the other hand, the European Commission against Racism and Intolerance (ECRI) prohibits the dissemination of information that incites discrimination, hatred, or violence against persons on the basis of race,

religion, national origin, ethnic group, gender, and sexual orientation and recommends that, without compromising the independence of the media, authorities should encourage the media to ensure better respect for ethical standards and provide training for that purpose. Therefore, this strategic document is aligned with the National Strategy for Gender Equality 2021-2025 through the following targeted goals: measure 2.3 of the National Strategy for Gender Equality, which relates to media literacy in terms of recognizing gender stereotypes, is complementary to operational goal 1.5 of the Media Strategy, which improves level of education of primary and secondary school student through a number of planned activities, with specific parts related to recognising disinformation, hate speech and gender stereotypes. Through operational objectives 1.2 and 1.4 of the Media Strategy, support will be provided to media outlets to report on topics of public interest as well as media content dedicated to vulnerable groups of the population, which also includes gender-responsive programs and the use of gender-sensitive language, which is in line with measure 2.5 of the National Strategy for Gender Equality.

National Strategy for Gender Equality 2021 - 2025

- Measure 2.3: Organize media literacy training to recognize all types of stereotypes, including gender stereotypes.
- Measure 2.5: Encourage media to introduce gender-responsive programs and use gender-sensitive language.
- Measure 2.6: Introduce monitoring of media reporting from a gender perspective (gender-responsive media monitoring).

Media Strategy 2023-2027

- Operational Objective 1.2:
 - Improved support for commercial media reporting on topics of public interest.
- Operational Objective 1.3:
 - Improved system for effective combating hate speech, online harassment, and disinformation.
- Operational Objective 1.4:
 - Increased availability of adapted media content for vulnerable population groups (persons with disabilities, LGBTIQ, persons who use or have used psychoactive substances, women who are victims of domestic violence, Roma and Egyptians).
- Operational Objective 1.5:
 - Improved media literacy of all segments of society, with a special focus on youth.

The Government of Montenegro adopted the Accession Program of Montenegro to the European Union 2023-2024 in March 2023. This document¹⁵ provides guidelines for further improving the situation in specific sectors related to negotiating chapters. It provides a detailed overview of obligations and the dynamics of their implementation and represents an efficient mechanism for monitoring the implementation of reforms, particularly in terms of aligning domestic regulations with the *acquis communautaire* and planning administrative capacities necessary for efficient and quality fulfilment of tasks on the European path. Within the framework of section 10 - Information Society and Media, key issues in the field of audiovisual policy have been identified, including audiovisual media services, public broadcasters in Montenegro, child protection, film heritage, and cultural diversity. In this regard, it was extremely important to achieve consistency between the accession program and the strategy itself, as clearly seen in the following table:

Accession Program of Montenegro to the European Union 2023-2024

- Media Strategy of Montenegro 2023-2027
- Law on Audio-Visual Media Services
- Law on Public Media Service of Montenegro
- Law on Media

Media Strategy 2023-2027

- Activity 1.1.1 Adoption of the Law on Audiovisual Media Services.
- Activity 1.4.2 Adoption of the Law on Public Media Service of Montenegro.
- Activity 1.3.3 Adoption of the Law on Media

¹⁵ The document is available in draft form.

Compliance with international obligations

In the context of the accession process of Montenegro to the EU, since the opening of negotiations in 2012, the focus has been on the rule of law, i.e. chapters 23 Judiciary and fundamental rights and 24 Justice, freedom and security. Further progress in the negotiations will be dictated by the successful fulfilment, above all, of the 83 temporary benchmarks for chapter 23 and 24, with key priorities within the fight against corruption and organised crime, improvement of the justice system and media freedom. Negotiating chapters dealing with media policy issues are Chapter 10 Information society and media, and Chapter 23 Judiciary and fundamental rights. The compliance of the final benchmarks of the negotiation chapters with the strategic and operational goals of the Media Strategy is given in the following table:

Negotiating Chapter 10	Negotiating Chapter 23	Media Strategy 2023 - 2027
<p>Harmonise the legislation with the EU acquis in order to ensure the independence of the regulatory body for electronic communications and with the acquis on audiovisual media services</p>	<p>Montenegro ensures the improvement of freedom of expression and the media in the country and applies a zero tolerance rate regarding threats and attacks on journalists and determines the priorities of criminal investigations if they occur</p>	<p>Operational objective 2.2 Adequate media self-regulation established</p>
<p>Sufficient administrative capacity to implement the acquis in the fields of electronic communications and audiovisual policy, including the independence of regulators</p>	<p>Montenegro establishes a Commission to monitor the activities of competent authorities in the investigation of old and recent cases of threats and violence against journalists, including the case of murder. Montenegro provides an initial balance of achieved results in the progress achieved in investigating, effective prosecuting and deterrent sanctions for the perpetrators of these crimes</p>	<p>Operational objective 2.3 National regulatory framework harmonised with the relevant acquis of the European Union</p> <p>Operational objective 1.3 System for the efficient fight against hate speech, online harassment and disinformation improved</p>

Table 1. Compliance of the final benchmarks of Chapters 10 and 23 with the goals of the Media Strategy 2023-2027

National Action Plan for chapter 23 is dedicated, among other things, to the media issue through section 4.3 *Safe environment for work of journalists provided* and aims to address the following recommendation from the Screening report for this chapter: "*Ensure protection of journalists from threats and violence, especially through effective investigations of previous attacks and deterrent punishments. Re-examine and amend the legal regulations and the institutional framework for the protection of media freedom*"¹⁶. In relation to this goal, Strategic objective IV *Framework for the work and position of media employees improved* was defined, and within the Operational Objective *Safe environment for the work of journalists provided* which will be realised through the planning of the activities foreseen by this Operational Objective.

The final benchmarks of Chapter 10 refer to the fact that:

1. Montenegro shall harmonise its legislation with the EU acquis regarding the provisions on the independence of the national regulatory institution for electronic communications, as well as with the EU acquis in the field of audiovisual media services.
2. Montenegro shall demonstrate that it will have sufficient administrative capacity to implement the EU acquis in the field of electronic communications, information society services and audiovisual media services, as well as the acquis relating to the independence of regulators, by the date of accession.

Note: In this chapter, although it is not defined as specific benchmarks, the Commission points out that it will specifically monitor the situation in the area of media freedom and media pluralism.

According to the ratings of the latest European Commission (EC) Report on Montenegro¹⁷ for 2022¹⁸, in chapter 10 - Digital Transformation and Media, Montenegro is moderately prepared (same rating as of 2015), and limited progress was achieved in the reporting period, which represents a continuation of the trend from the previous reporting period June 2020 - June 2021. The focus of this Report also is the need to ensure the independence of the media sector from political influence. It was also emphasised that it is necessary to strengthen the capacities of the media regulator and in general the administrative capacities for the implementation of the EU acquis. The EC, within both chapters dealing

¹⁶ Government of Montenegro, Action Plan for Chapter 23. Judiciary and Fundamental Rights, 2013, p. 180. The Chapter 23 Action Plan was adopted in June 2013 and revised in February 2015.

¹⁷ The EC annually reports on the progress of candidate countries for membership in accordance with information received from contributions from Montenegrin institutions, diplomatic missions of EU member states, reports from the European Parliament and international and civil sector organisations.

Progress in the process is assessed at two levels: **overall readiness for membership** (1 - early stage of readiness, 2 - certain level of readiness, 3 - moderate readiness, 4 - good level of readiness and 5 - very advanced stage) and **the degree of progress on an annual level** (1 – regression, 2 – no progress, 3 – limited progress, 4 – some progress, 5 – good progress).

¹⁸ EUROPEAN COMMISSION, *Montenegro 2022 Report*, Brussels, p. 93. The report covers the reporting period from June 2021 to June 2022.

with media issues (10 and 23), suggested that it is necessary to round off the harmonisation of legislation in the area of audiovisual policy, i.e. that it is necessary to ensure the consistency of Law on Medias and harmonise them with the Directive on AVM Services from 2018. The EC's recommendation is also that Montenegro should ensure the operational independence of the media regulator and the national public service media, as well as make progress in providing AEM with the possibility of imposing a complete set of measures, including warnings, financial penalties, suspensions, revocation of the license, which would ensure proportionality and effectiveness. In the Report on Montenegro, the EC welcomed the professionalism of the Agency for Electronic Media (AEM). In addition, financial support to the media through the newly established Fund for Fostering Media Pluralism and Diversity was highlighted. Finally, it was recognised that the Ministry of Culture and Media continued work on the Media Strategy, with an emphasis on the fight against disinformation and the promotion of media literacy.¹⁹

	2015.	2016.	2018.	2019.	2020.	2021.	2022.
CHAPTER 10	Some progress	Some progress	No progress	No progress	Limited progress	Limited progress	Limited progress

Table 2. Overview of annual progress in Chapter 10 Digital Transformation and Media *Source: MEP*

According to the same report, in Chapter 23, Montenegro has a moderate level of readiness, and limited annual progress as a whole. In the freedom of expression area, it was assessed that limited progress had been achieved, which is a positive step forward compared to most previous reports in which it was assessed that "no progress has been made".²⁰

The EC further recommended that Montenegro should ensure that individual measures taken to limit the consequences of disinformation and online harassment or hate speech do not disproportionately restrict freedom of expression and the media. Assessments on the strong polarisation of the media scene and the need for further continuous efforts to establish effective self-regulatory mechanisms were repeated. Along the lines of recommendations from 2021 report, the EC also noted the fact that the revision of the legal framework is in progress with the aim of fully aligning the set of Law on Medias with the EU acquis and their consistency. In addition, it was assessed that the public broadcaster, after the appointment of the new RTCG Council in June 2021, continued to show politically balanced and more diverse content.²¹

¹⁹ EUROPEAN COMMISSION, *Montenegro 2022 Report*, p. 93-94.

²⁰ *Ibid*, p. 19.

²¹ *Ibid*, p. 6.

In accordance with the recommendations given above, the Media Strategy 2023-2027 has defined a series of activities through Operational Objective 1.3 Improved system for efficient combating hate speech, online harassment, and disinformation.

	2015.	2016.	2018.	2019.	2020.	2021.	2022.
CHAPTER 23	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared
FREEDOM OF EXPRESSION	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation

Table 3. Overview of general preparation in Chapter 23 in the freedom of expression field

Source: MEP

	2015	2016	2018	2019	2020	2021	2022
CHAPTER 23	Some progress	Some progress	Some progress	Some progress	Some progress	Some progress	Some progress
FREEDOM OF EXPRESSION	No progress	No progress	No progress	No progress	No progress	Limited progress	Limited progress

Table 4: Overview of annual progress in chapter 23 in the area of freedom of expression

Source: MEP

With an evident change in the media landscape in the last ten years, especially in the part of traditional TV viewing in front of the family TV, millions of Europeans are now watching online content on different mobile devices. Therefore, in 2028, the revised Directive on Audiovisual Media Services was adopted at the European Union level, which includes a new approach to online platforms that distribute audiovisual content. The revised directive offers many new elements: the country of origin principle strengthened, harmonising derogation procedures for TV programme broadcasters and on-demand service providers and possibilities for derogations in case of public security concerns and serious risks to public health were; extending certain audiovisual rules to video sharing platforms and social media services; better protection of minors from harmful content in the online world; enhanced protection of TV and video on demand against incitement to violence or hatred and public incitement to commit terrorist acts; greater flexibility in television advertising, allowing broadcasters to choose more freely when to show ads

during the day – the general limit is set at 20% of broadcast time between 6:00 and 18:00 with the same share in prime time (18:00 to midnight); strengthened provisions to protect children from inappropriate audiovisual commercial communications; independence of audiovisual regulators, and others. With the draft of the Law on AVM Services, all the above-mentioned proposals will be transposed into to the Montenegrin legislation, and the law should be adopted during 2023.

In addition, in April 2022, the Commission published a Proposal for Directive on Strategic Lawsuits against Public Participation²². Strategic anti-public participation lawsuits, commonly known as SLAPPs²³, are a special form of harassment that is primarily used against journalists and human rights defenders to prevent or punish speech on issues of public concern. The proposed Directive provides courts and SLAPP goals with tools to combat manifestly frivolous or abusive litigation. The proposed safeguards will apply in civil matters with cross-border implications. In accordance with this newly adopted EU policy, after reviewing the experiences of EU members in this area and analysing the effects of the directive, in line with the given proposals and experiences, Montenegro will transfer these measures to the national legislative framework in the future period.

The rights to freedom of expression and media freedom are also protected by Article 10 of the European Convention on Human Rights and Fundamental Freedoms and they represent pillars of democracy and security in Europe. The Council of Europe promotes an environment that enables freedom of expression, supported by legal guarantees for the media independence and media and the safety of journalists and other media actors. Through Operational Objective 1.3 Improved system for efficient combating hate speech, online harassment, and disinformation, this strategy plans to amend the Criminal Code and adopt it with a clearly defined norm of hate speech as a criminal offense.

²² Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”), Brussels, 27.4.2022.

²³ Directive on Strategic Lawsuits against Public Participation (SLAPP)

European Convention of Human Rights

•ARTICLE 10

•Freedom of expression

- Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary

Media Strategy 2023 - 2027

- Operational Objective 1.3
Improved system for the efficient fight against hate speech, online harassment and disinformation
- Strategic goal II – Strengthened editorial and financial independence, ethics and professionalism of public broadcasters

Adopted 20 years ago and legally binding since 2009, the EU Charter of Fundamental Rights was a great step forward for the EU. It confirms in a meaningful way that the EU is based on the values of respect for fundamental rights, democracy, and the rule of law. Fundamental rights can only be effective in people's lives in a society where independent courts guarantee their protection, where open and informed democratic

debates can take place, and where the media is independent and civil society is active²⁴. The strategy for strengthening the implementation of the Charter of Fundamental Rights in the EU, primarily relying on Article 11 - Freedom of Expression and Information, envisages a series of activities, particularly contained through Strategic Objective I - Quality of informing citizens improved and media literacy enhanced, with an emphasis on Operational Objective 1.3 - Improved system for effective combating hate speech, online harassment, and disinformation, Operational Objective 1.5 - Enhanced media literacy of all segments of society, with special emphasis on youth, not limited to other strategic objectives and their envisaged operational objectives - Strategic Objective II - Editorial and financial independence, ethics, and professionalism of public broadcasters strengthened, but indirectly also through Strategic Objective IV - Framework for the work and position of media employees improved, Operational Objective 4.3 - Safe working environment for journalists ensured.

The EU Action Plan for Media and Audiovisual Media aims to encourage European media and help maintain European cultural and technological autonomy in the digital decade. It focuses on the sector of news media – printed and internet publications, radio and audiovisual services - and the sector of audiovisual entertainment - cinema, TV, video streaming, video games, and innovative formats such as virtual reality experiences. Through identified actions: Action 2 - Purpose-built platform for investment in capital to stimulate European audiovisual production; Action 3 - Better access to finances, through loans and pilot initiatives for capital, Capacity building among media; Action 4 - Creating space for media data to support media companies in data sharing and developing innovative solutions; Action 9 - Empowering citizens through practical application of new media literacy obligations, this Action Plan aims to help the media sector recover from the crisis by facilitating and expanding access to finances, to transform by stimulating investment to embrace the dual digital and green transition, while ensuring the sector's future resilience and empowering European citizens and companies. Based on the EU Action Plan, the Media Strategy also identified objectives leading to the adoption and implementation of the highest international standards in the field of freedom of expression and alignment with European Union policies. In this regard, through Operational Objective 1.2 - Improved support to commercial media reporting on public interest topics and Operational Objective 3.1 - Ensuring equal treatment of all market participants, further investment is made in stimulating audiovisual production, and all media are provided with better access to finances. Additionally, throughout all strategic objectives in the media strategy, the focus is placed on constantly improving the capacity of the media in all relevant areas. Operational objective 3.2, Systematic collection of relevant data on the media market established, focuses on collecting, systematizing, and sharing data on the media market, stemming from Action 4 of the EU Action

²⁴ EUROPEAN COMMISSION, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, Strengthening the application of the Charter of Fundamental Rights in the European Union, Brussels, 2 October 2020, p. 1.

Plan. Finally, operational objective 5.1, Enhanced media literacy among all segments of society, with a special focus on youth, was developed based on Action 9 of the EU Action Plan to empower citizens, especially young people, to increase the level of media literacy throughout Montenegrin society through the study of media literacy and a large number of campaigns that will be organized for the entire population of Montenegro.

The Creative Europe 2021-2027 Program invests in actions that strengthen cultural diversity and respond to the needs and challenges of the cultural and creative sector. The program is divided into three parts, one of which is dedicated to the media, where within the "Content" cluster, the focus is on creating and producing high-quality content that forms the basis of the European audiovisual industry, which further in the topic "TV and Online Content" provides independent producers with the opportunity to take the initiative and continue with their own original productions. This basic thesis of the program is also the cornerstone of Montenegro's Media Strategy, and thus, with the aim of creating quality content for all citizens and consequently increasing their own production, the strategy recognizes operational goals 1.1 Increased quality and quantity of media content in audiovisual and print media and 1.2 Provided support to commercial media reporting on topics of public interest. Within the specific objective 2.2 of the EU Directorate-General for Education, Youth, Sport and Culture 2020-2024 Strategic Plan, the focus is on one hand on the EC's activities related to the implementation process of recently adopted legislative reforms such as copyright reform and updating EU Directive 2018/1808 (AVMSD) to ensure that new measures are effective and that its benefits are directly felt on the ground, and on the other hand, on planned or possible future regulatory reviews or initiatives affecting the cultural sector. In relation to the set EU framework, relying on the EU Strategic Plan in this part, the Media Strategy has also recognized a series of legislative improvements aimed at creating a better regulatory framework for the implementation of media sector reforms (in accordance with PEP), and specifically in Strategic Objective 1, as part of determining the Proposal of the Law on Audiovisual Media Services, relevant parts of EU Directive 2018/1808 (AVMSD) will be fully transferred to Montenegrin legislation, and the law should be adopted in 2023.

Since 2002, media legislation in Montenegro has been continuously harmonised with European standards in this area. In July 2020, the new **Law on Media** (Official Gazette of Montenegro, No. 82/2020) and the **Law on the National Public Broadcaster Radio and Television of Montenegro** (Official Gazette of Montenegro, No. 80/2020) were adopted. In addition to them, the key regulation that governs the media is the **Law on Electronic Media** (Official Gazette of Montenegro, No. 55/2016, 92/2017 and 82/2020), which, in order to harmonise with the EU Directive 2018/1808 (AVSMD), which amends Directive 2010/13, should replace the Law on Audiovisual Media Services.

The most significant innovation brought about by LoM is the creation of the Fund for Fostering Media Pluralism and Diversity. The Law states that the state shall finance projects in the information field from the budget by providing financial resources through this Fund, as well as that the Fund is financed in the amount of at least 0.09% of the current budget. The law specifies that the Council of Regulator for AVM Services shall divide 60% of the funds between commercial and non-profit media, and 40% go to the sub fund for daily and weekly print media and online publications, and these funds shall be distributed by an independent commission of the Ministry.

The law causes controversy regarding the amount of money for the Fund, as well as due to the imposition of the obligation of journalists to reveal the source of information if that is a court decision. In addition, the lack of stipulation of accountability for media that do not register is disputed by the part of the interested public.

The Law on Media introduces the novelty that the public sector, at the local and national level, shall submit records of payments made for advertising and other services contracted in the media to the competent Ministry and publish them on the its web pages. The Ministry should publish all these reports in the annual report. Although this represents a positive step forward in theory, it still depends on practical application, in order for the advertising not to continue to be a way of political pressure on the media.

The **Law on the national public broadcaster RTCG** was adopted with the aim of strengthening the independence of that media, which will get an Ombudsperson, among other things. In that law, the method of selecting members of the Council and the criteria for selecting the nominees for members of the Council remained disputed. The public debate so far has shown that the potential areas of amendments to the Law on the National Public Broadcaster RTCG are the strengthening of the accountability of the Council, the General Director and directors of Television and Radio of Montenegro, and penal provisions for violation of programming and professional standards.

The **Law on Audiovisual Media Services** should ensure the financial sustainability and editorial independence of local public broadcasters. In the public debate, it was pointed out to the possibility to obligate municipalities to determine the minimum amount of part of the general budget that will be used to finance local public broadcasters, as well as that it is necessary to change the current way of electing councils of local public broadcasters in order to neutralise the political influence of the ruling structures in the municipalities on these media work.

The Law on Audiovisual Media Services, in addition to incorporating the provisions of the EU Directive 2018/1808 (AVMSD), should also strengthen the independence of the Agency for Electronic Media, among other things, in a way that will allow it to fine broadcasters for violations.

In order to better protect media professionals from attacks and threats, on December 29, 2021, the Parliament of Montenegro adopted the **Law Amending the Criminal Code**, which prescribe the qualified forms of criminal offenses of endangering security, aggravated murder, serious bodily injury and coercion, when committed against the person who performs the work of public information, in connection with the performance of that work.

The criminal offense of preventing the printing and distribution of printed matter, broadcast programmes and publication of information has been reformulated so that stricter punishment is provided if an official obstructs or prevents the publication of information of public importance through the media.

The concentration of market participants is regulated in more detail by the **Law on the Protection of Competition** from 2018, which states illegal dominant positions on the market of all economic entities. "Concentrations that prevent, limit or distort competition or the free development of an open market economy, and especially the creation or strengthening of a dominant position on the market" are prohibited. The Agency for the Protection of Competition leads the supervision of the application of this Law, but, according to the published decisions on their official website, it did not advertise itself regarding a possible dominant position in the media industry.

The **Law on Free Access to Information** prescribes the method and procedure for accessing information in the possession of public authorities. Access to information in the possession of public authorities is based on the principles of free access to information, transparency of the work of authorities, the public's right to know, equality and parity, and is achieved at the level of standards contained in ratified international treaties on human rights and freedoms and generally accepted rules of the international law.

Harmonisation of this law was under the competence of the Ministry of Culture, and two years ago, it was transferred to the competence of the Ministry of Public Administration - Directorate for State Administration. Consistent application of this law and transparency are important in the context of freedom of expression in Montenegro.

The **Law on Copyright and Related Rights** establishes the rights of authors of literary, scientific and artistic works, the rights of performers, producers of phonograms, film producers, broadcasting organisations, and publishers, as well as the protection of copyright and related rights.

INSTITUTIONAL FRAMEWORK

This law is under the jurisdiction of the Ministry of Economic Development and Tourism, and the Law on Medias refer to compliance with the provisions of this law.

According to the current division of responsibilities, the **Ministry of Culture and Media** - the Media Directorate took over the responsibilities of the Ministry of Public Administration, Digital Society and Media, to which this organisational unit had belonged. The Media Directorate is primarily responsible for harmonising media legislation with European standards in the field of media. The Directorate is in charge of the Law on Media, the Law on the National Public Broadcaster Radio and Television of Montenegro, (the new Law on Public Media Service of Montenegro) Law on Electronic Media (the new Law on Audiovisual Media Services) and the Law on the Ratification of the European Convention on Transfrontier Television.

In addition to regulations, this sector is also responsible for the application of the Law on Media. This primarily refers to the management of the Media Records, which has completely passed under the jurisdiction of the Ministry, as well as the introduction of the new Records on the transparency of the allocation of funds from public revenues. In addition, the Ministry shall implement the procedure for the allocation of funds from the Fund for Fostering Media Pluralism and Diversity - a sub-fund for daily and weekly print media and internet publications.

The **Agency for Electronic Media** (AEM, the future Agency for Audiovisual Media Services) is an independent regulatory body for the AVM services field. As an independent legal entity, it is functionally independent from any state body and from all legal and natural persons engaged in the production and broadcasting of radio and television programmes or the provision of other AVM services. The founder of the Agency is the state, and the rights of the founder are exercised on behalf of the state by the Council of the Agency, which is elected by the Parliament of Montenegro.

AEM shall propose a programme for the development of the AVM services sector, issue authorisations for the provision of AVM services (broadcast authorisations and authorisations for the provision of AVM services on demand), and determine the amount of fees for the issuance and use of authorisations for the provision of AVM services.

The **Agency for Electronic Communications and Postal Services** (EKIP) is an independent regulatory body for the electronic communications and postal services fields. The agency is functionally independent from any state body and from all entities that utilise electronic communication networks, provide equipment or provide services in the electronic communications and postal services markets.

The Agency carries out its activities in accordance with the competences prescribed by the Law on Electronic Communications (Official Gazette of Montenegro, number 40/13, 56/13, 2/17, 49 /19) and the Law on Postal Services (Official Gazette of Montenegro, no. 57/11, 55/16, 55/18), and based on the Work Plan.

The national public broadcaster **Radio and Television of Montenegro** has the obligation to provide public audiovisual services that satisfy democratic, social, cultural, educational and other needs of public interest of all segments of Montenegrin society. The public service media ensures the realisation of the rights and interests of citizens and other subjects in the information field, regardless of their political, religious, cultural, and racial or gender affiliation. The governing bodies are the General Director and the RTCG Council.

The appointment and dismissal of the members of the Councils of AEM, EKIP and RTCG is in the competence of the Parliament of Montenegro.

The Commission for monitoring the actions of competent authorities in investigating cases of threats, violence against journalists, murders of journalists and attacks on media property was established in December 2013, and a new Commission in the middle of 2021, by the Government of Montenegro. The Commission includes representatives of the media, journalists, NGO representative, Professional Journalists Society representative, Media Self-Regulation Council Representative, Media Trade Union representative, Agency for National Security representative, Supreme State Prosecutor's Office representative, High Prosecutor's Office representative, and Police Administration representative.

Radio-Broadcasting Centre d.o.o. performs the activity of providing services in the field of radio communications and telecommunications, by providing transmission and broadcasting of radio and television programmes, image, sound and data transmission, collocation and other modern multimedia services. The founder of RDC is the Government of Montenegro. One of the basic activities specified in the Statute of the RDC is the transmission and broadcasting of programmes of the national public service media Radio and Television of Montenegro, as well as other media in Montenegro. As for broadcasters, at the end of 2021, the users of the Radio Broadcasting Centre's services were 20 local radio and TV stations, 6 commercial TV stations, 35 commercial radio stations, which corresponds to the number of users at the end of 2020.²⁵

The Copyright and Related Rights Law establishes the rights of authors of literary, scientific and artistic works, performers, phonogram producers, film producers, broadcasting organizations, and publishers, as well as the protection of copyright and related rights. This law falls

²⁵ Radio-Broadcasting Centre d.o.o. Podgorica, *OPERATIONS REPORT for 2021*, p. 29 and *OPERATIONS REPORT for 2020*, p. 33. Reports available at: <http://rdc.co.me/wp-content/uploads/2023/01/izvijestaj-o-poslovanju-radio-difuznog-centra-doo-podgorica-za-2021-godinu-sa-izvijestajem-nezavisnog-revizora-i-predlog-odluke-o-pokricu-gubitaka-za-2021-godinu-bez-rasprave.pdf> and <http://rdc.co.me/wp-content/uploads/2021/11/izvijestaj-o-poslovanju-radio-difuznog-centra-doo-za-2020-godinu-sa-izvijestajem-nezavisnog-revizora-i-predlogom-odluke-o-utvrdivanju-raspodjele-dobiti-za-2020-godinu.pdf>

under the jurisdiction of the Ministry of Economic Development and Tourism, and media laws refer to compliance with the provisions of this law.

SITUATION ANALYSIS

In 2002, Montenegro adopted the first Law on Media, which followed the standards of developed democracies for a favourable environment for the free media work. Since then, the laws regulating the work of the media (the Law on Media, the Law on National Public Broadcaster RTCG and the Law on Electronic Media) have been amended and supplemented with the explanation that it is necessary to harmonise it with the recommendations of the EU and the Council of Europe. Formally, in a significant part it was like that (the last time in July 2020), but the practice showed the government's favouring of loyal media and, on the other hand, the economic depletion of critical media. At the same time, in the last 18 years there have been numerous attacks on journalists, most of which remained unsolved, and the economic and social position of journalists remained unsatisfactory.

According to the latest data from the Ministry of Culture and Media, there are 182 registered, recorded and active media in Montenegro, meaning those registered in the Media Records. This total number is not final because there are internet publications²⁶ that publish certain content, permanently or occasionally, but are not registered in the media records because registration is not mandatory, according to the current law. The table below shows the registered media in Montenegro divided by categories.

²⁶ As for example two relatively influential portals, IN4S and Aktuelno.

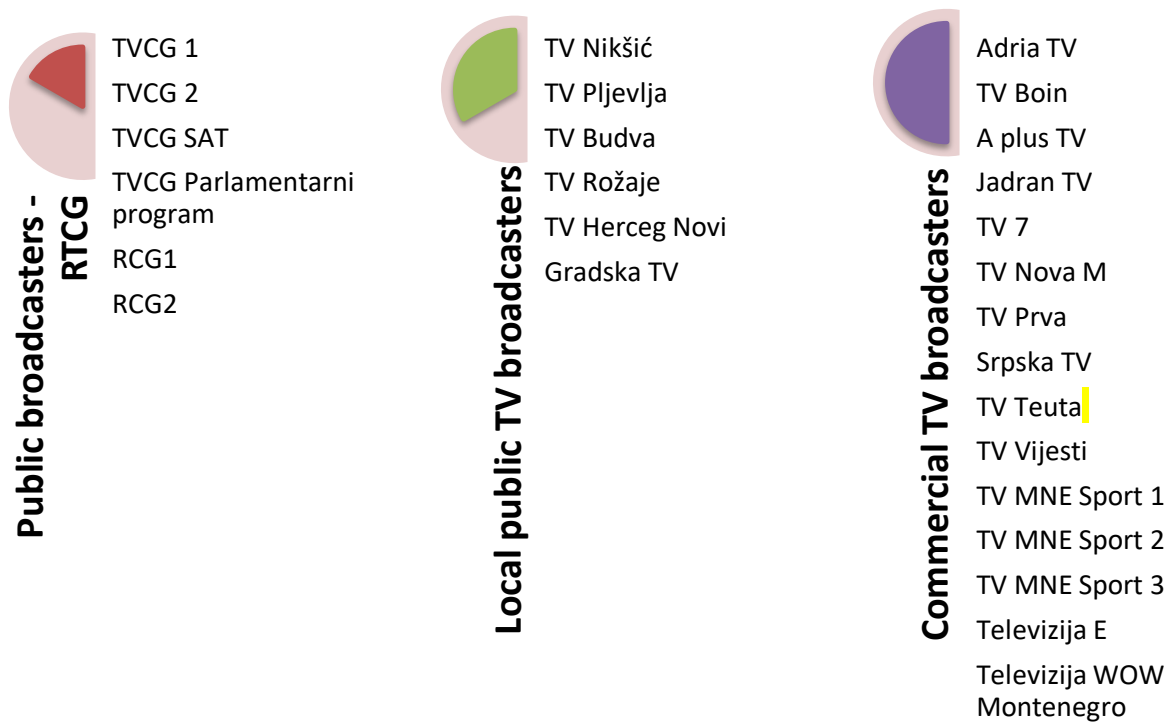


Table 5. TV programme broadcasters



Table 6. Print media



Local public radio broadcasters

Radio Andrijevića
Radio Berane
Radio Bijelo Polje
Radio Budva
Radio Cetinje
Radio Danilovgrad
Radio Herceg Novi
Radio Kotor
Radio Nikšić
Radio Pljevlja
Radio Tivat
Radio Ulcinj
Radio Bar
Radio Rožaje
Gradski radio



Commercial radio broadcasters

Radio Adriatic
Radio Star FM
Srpski Radio
Radio D
Radio D Plus
Radio Dux
Radio Jupok
Radio Plus
Radio Zeta
Radio Krš
Radio Petnjica
Radio Teuta
Mag Radio
EL Radio
Radio Antena M
Radio S3
A Plus Radio
Radio S
Radio DRS
Radio Elita
TDI Radio
PLAY Montenegro
Radio 083
City Radio
Radio Titograd
Elmag Radio
Radio Mojkovac
Arena Radio



Non-profit radio broadcasters

Radio Faith
Radio Homer
Radio Svetigora

Table 7. Radio broadcasters



Internet publications

Elita Crnogorski portal	Portal Bar Eco portal	Portal Podgorica Fenjer TV	Portal Danilovgrad Kombinat	Portal Herceg Novi Bar info
Portal Kolašin	Portal Budva	Feral Bar	Portal Luča	Portal SjeverCG
Analitika	Sportski.me	Dan Portal	Glas Mrkojevića	Aviportal
Portal Ulcinj	Portal Tivat	Portal Nikšić	Portal Pljevlja	Portal Mojkovac
FOS Media	Portal Berane	Mne Sport	Berane online	Makanje
Onogošt	Sportfem	Dnevne	Borba	Espona (Nova sloboda)
Portal Mina	Glas Zabjela	Standard	Ul-info	Vijesti Online
Novine sjevera montenegro.me	Lupa	Gracija	Volim Podgoricu	www.caffe
Fokalizator	Portal Press	Jedro portal	Radiopetnjica.me	Kolašinski pogledi
Radio Kotor portal	Bruškin radio portal	Radio Titograd portal	Bar info	Pobjeda
CDM	Etos	Montenegro.me	Romanet	TV Boin portal
PV Novine portal	Bankar.me	Slobodna riječ	Dnevno portal	Normalizuj.me
PV Informer	PR Centar	Lopta	Volim Danilovgrad	Glas Žabljaka
Vijesti iz Bijelog Polja	Čitaj između redova	Portal Press Portal	Slobodna riječ	Pljevaljske novine
Investitor	Kolektiv.me	Cetinjski list	Raskrinkavanje	Pogled.me
Mediabiro	Seljak.me	Portal CIN-CG	Roditelji.me	Libertas
Novski portal	Radio Elita portal	Organizacija KOD	Novine Nikšića	Portal Kotor
Lozen	Alo online	Avlija	Fashion mood	Srpska 24
Penzioneri	Fashion mood	Portal Novski	Portal radio Skala	Dijaspora. news
Montenegro.me	Avio portal	Portal Antena M	Biznis CG	Mir i Teuta
Boka news	MNE Magazin	Research and Inovation in Sport and Health Industry		
Primorski Prostor	Peripetija.me	A plus portal	Zrcalo.me	Portal Časopisa
	Mladi Rožaje	Najnovije.me		

Table 8. Internet publications

The Montenegrin media scene is very colourful, with a sharp polarisation of the majority of media according to their editorial policies. The media in Montenegro have been struggling to survive on the market for a number of years, so due to the unfavourable financial situation, the state has intervened several times in the last 10 years. The situation was worsened by the economic crisis due to the corona virus pandemic, and it was particularly severe in local public broadcasters and commercial media. Commercial media point out to unfair competition in the market. The consequences are that the salaries of journalists are at a low level, there is the lack of investigative journalism and topics of public interest in the original media production, and the danger that the media will be misused as "bulletin boards" of political and other power centres. Additionally, since 2014, the civil sector has pointed out AEM's inconsistencies in the application of the Law on Electronic Media, which relate to the accumulation of debts of certain broadcasters due to non-payment of annual fees for broadcasting, thus putting broadcasters who regularly fulfil their obligations in an unequal position, which ultimately encourages unfair competition and undermines the public interest.²⁷

In addition to the problem of financial sustainability, a long-standing problem is insufficiently developed self-regulation and, therefore, the observance of ethical standards is not properly ensured. Technological progress has facilitated the spread of fake news and hate speech, intolerance and attempts to discredit individuals. This is especially expressed by ad hoc launched internet publications that are not officially registered, through social media and through comments on the most read internet publications.

According to the RSF Media Freedom Index for 2022, Montenegro was ranked 63rd out of 180 countries in the world²⁸. This is an improvement of 41 positions compared to 2021. However, in the explanation of the RSF, it is emphasised that, *"the Montenegrin constitution and laws guarantee freedom of speech and expression, but the freedom of the press is still threatened by political interference, unpunished attacks on journalists and economic pressures."*

²⁷ Goran Đurović, ANALYSIS OF THE IMPLEMENTATION OF LEGAL REGULATIONS IN THE FIELD OF ELECTRONIC MEDIA AND THE WORK OF THE ELECTRONIC MEDIA AGENCY, Media Centre, Podgorica, 2022, p. 8-9 and 11.

²⁸ Reporters without borders, MONTENEGRO, <https://rsf.org/en/country/montenegro>. Accessed 1.11.2024.

Table 6. Index of media freedom for Montenegro from 2013 to 2021

Year	Ranking		Year	Ranking	
2021	104 / 180	↑	2016	106 / 180	↑
2020	105 / 180	↓	2015	114 / 180	=
2019	104 / 180	↓	2014	114 / 180	↓
2018	103 / 180	↑	2013	113 / 180	=
2017	106 / 180	=			

Source: <https://rsf.org/en/montenegro>

The European Commission document - Montenegro 2022 Report, states that in the field of freedom of expression, Montenegro has achieved a certain level of preparation in this area. During the reporting period, Montenegro generally made limited progress in terms of freedom of expression, while some progress was made in media legislation.²⁹

As for the public media service of Montenegro, the Montenegro 2022 Report³⁰, noted that: „In November 2021, the government decided to submit to Parliament several draft laws that proposed to abolish fixed budgetary allocations legally guaranteed to several institutions, including RTCG. The decision was criticised by the European Broadcasting Union as seriously undermining RTCG’s governing, managerial and financial

²⁹ EUROPEAN COMMISSION, Montenegro 2022 Report, p. 6.

³⁰ *Ibid*, p. 38.

independence. Eventually, the Ministry of Finance announced that the draft laws would be temporarily withdrawn pending additional consultations with relevant stakeholders".

In order to improve legal coherence, predictability and security, to strengthen the implementation and application of laws, increase the transparency of media financing and media ownership, provide conditions for the complete transformation of RTCG into a public media service, as well as actively emphasise and encourage freedom of expression and media, constant efforts are required.

One of them is the suspension of the practice of the Government exerting inappropriate influence on the media market through selective non-transparent funding through advertising. This is confirmed by the reports of the NGO Centre for Civic Education³¹, which indicates that such funding served to reward media that are sympathetic to the government, while funds were denied to media that question official policies and practices.

Some media continued to show their willingness to criticise the Government. However, the lack of training and unprofessional behaviour of journalists, combined with low salaries and political pressure, occasionally contributed to self-censorship and biased reporting.

According to the latest Freedom House 2023 report³², Montenegro was rated as a partially free country and was in the 67th position. It was at the same place in 2022. Compared to the year 2021, when it occupied the 63rd position, Montenegro advanced four places.

With the aim of a deeper analysis of the situation in the media sector in Montenegro, and with the aim of looking at the internal and external factors that influence the implementation of the results of this public policy, let's proceed to the creation of a PESTLE and SWOT analysis (graphics below) in order to further specifically identify problems in the media sector.

PESTLE analysis analysed political, economic, social, technological and legal factors, as well as factors affecting the environment. Through this analysis, a better understanding of the existing circumstances in various areas was achieved, and potential risks in the implementation of this strategic document were reduced.

The SWOT analysis indicated the external and internal environment in the media field as a public policy, i.e. identified strengths and weaknesses, as well as opportunities and threats in the environment.

³¹ Centre for Civic Education, Equal chances for all media in Montenegro, 2021 report, Podgorica, 22, p. 8.

³² Freedom House, FREEDOM IN THE WORLD 2023, Montenegro, <https://freedomhouse.org/country/montenegro/freedom-world/2023>, Accessed on 4/4/2023

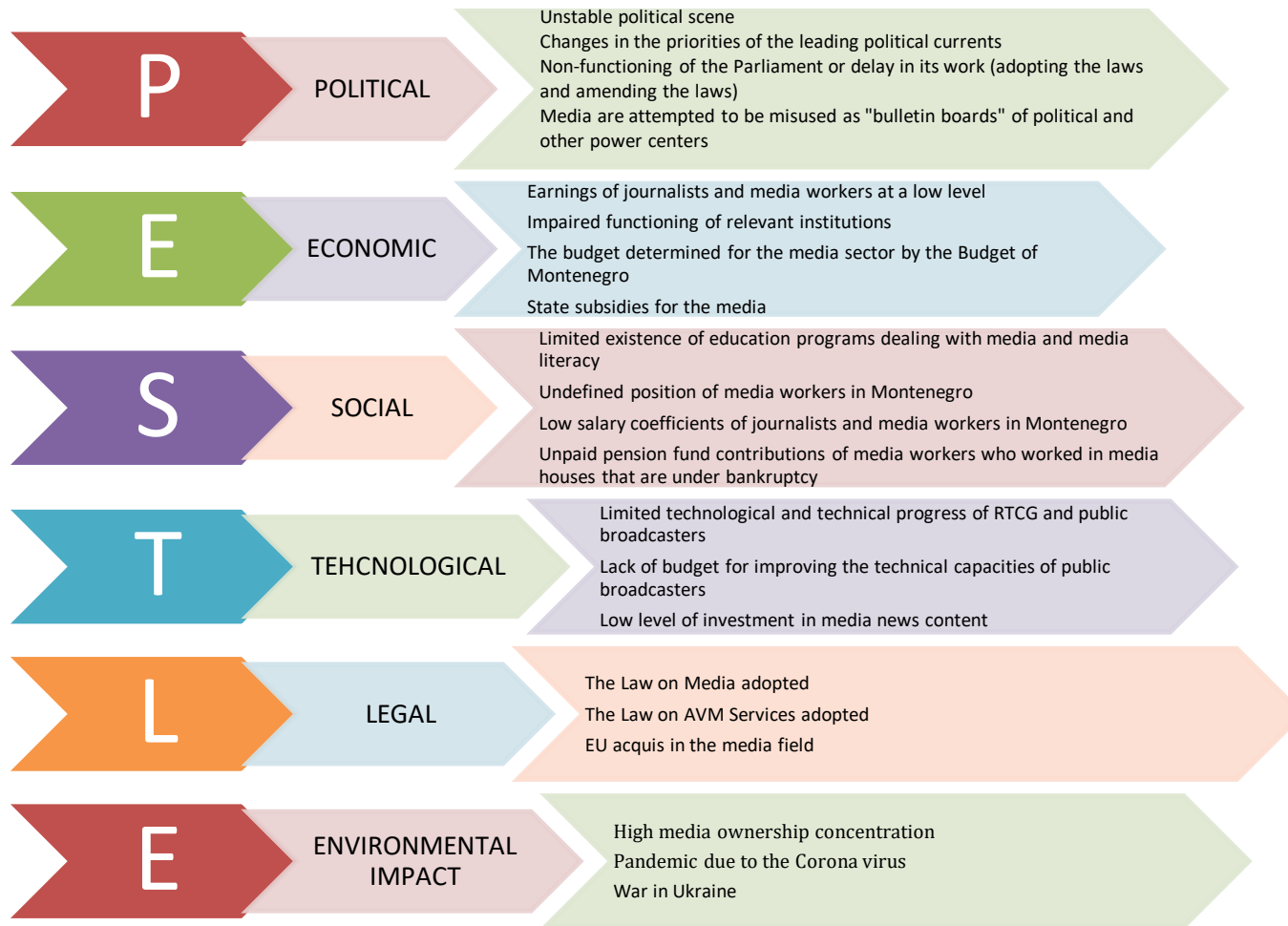


Table 7. PESTLE Analysis

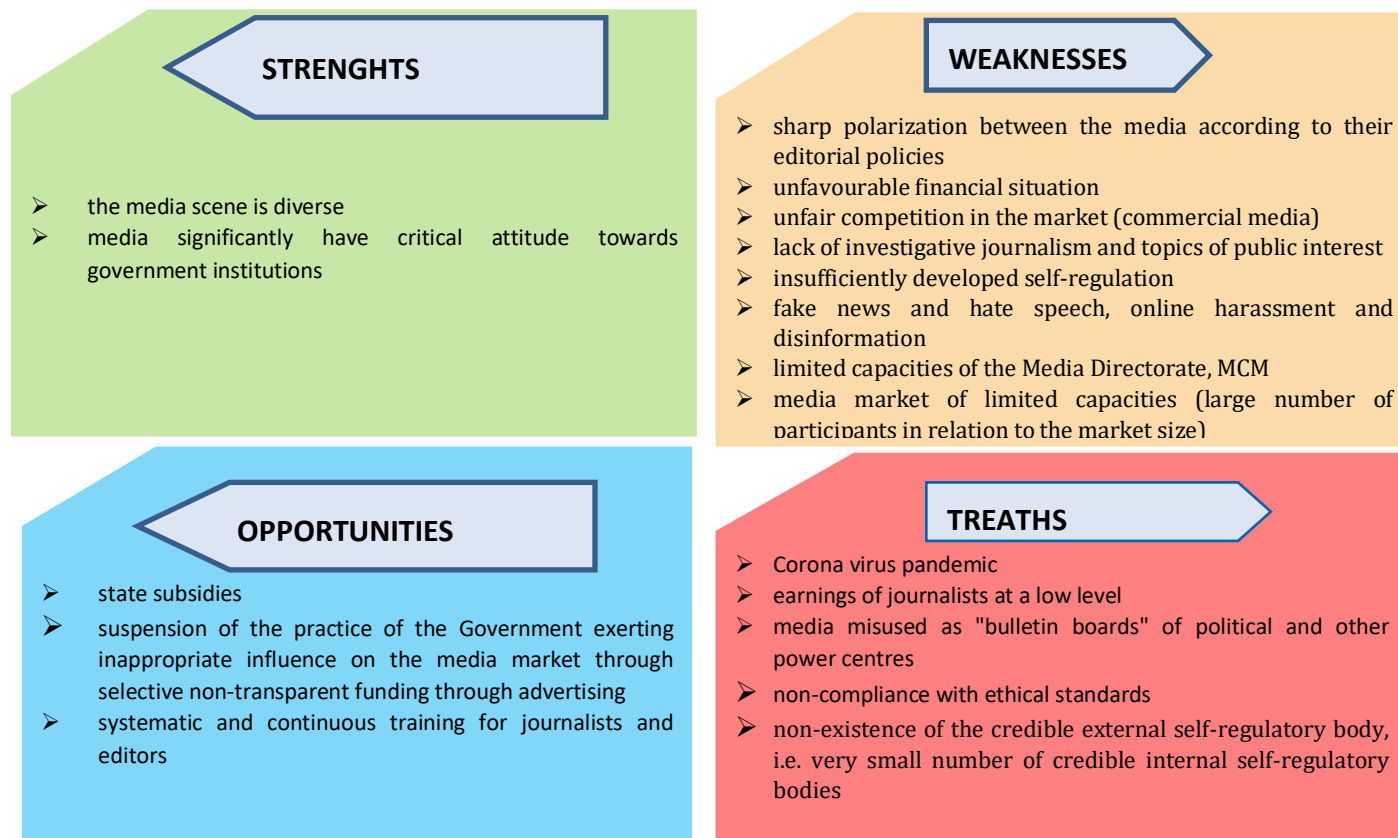


Table 8. SWOT Analysis

Media scene analysis through PESTLE and SWOT analysis identified a large number of challenges faced by policymakers in this sector, as well as shortcomings in the work of public and commercial broadcasters, and potential opportunities for risk elimination that have been identified. Due to the obvious close connection between the situation in the state and the media, there are frequent attempts of political influence and the unstable political environment may slow down the adoption of relevant legislative frameworks, which aim to improve the quality of the overall media scene. The next factor that greatly affects the broadcaster's work are economic ones, and this especially applies to budget funds intended for the media, as well as various types of subsidies. In addition, low salary coefficients, the use of different ways of employment for journalists and other workers with uncertain long-term engagement, are the basic social factors that influence this public policy. The limited technological and technical progress of broadcasters, especially public broadcasters, represents another risk of non-competitiveness on the Montenegrin and regional markets. In addition, the limited capacities of the institutions that create and implement this public policy hinder faster and more efficient progress in this sector. "Sustained efforts are needed to counter disinformation and limit the effects of online harassment and hate speech, without disproportionately limiting freedom of expression".³³ Therefore, considering the risks and threats mentioned above, but also strengths and opportunities, while prioritising identified problems and risks, and relying on available human and financial capacities, as well as keeping in mind the time limit (5 years of the strategic document) this strategic document defines 7 strategic objectives, which are elaborated into operational goals, performance indicators and targeted results. In addition, an integral part of this document is the Action Plan 2023-2024 with a series of activities, result indicators, authorities responsible for the implementation of measures and the budget.

³³ EUROPEAN COMMISSION, Montenegro 2022 Report, p. 6.

STRATEGIC OBJECTIVE I – QUALITY OF INFORMING CITIZENS IMPROVED AND MEDIA LITERACY ENHANCED

Situation in the field

Comparing the structure of the First and Second programmes of Radio Montenegro, by type of content, the news programme is the dominant feature of RCG1³⁴, while Radio 98 has a specialised music programme structure. By type of content, and according to the latest National Broadcaster RTCG Programme Structure Analysis for December 5-12, 2022 period³⁵, in the First Programme of Radio of Montenegro news content dominates in the overall broadcast programme, with a share of about 31% in non-musical programmes. The same analysis noted that there is a very little “documentary, educational and children content”. In analysing the volume of news programmes, it must be borne in mind that it is determined by a legal obligation. The news programme mainly consists of short shows (up to 10 minutes) with news from the country and the world, by content and formally separated from other programmes and recognisable as a "classic" news programme. The volume of this type of programme is increased by collage-type broadcasts, which represent a mixture of informative content (dominantly service information and other information) and music. News content is rebroadcast by a significant number of broadcasters. It should be borne in mind that the rebroadcasting of news programmes, often from the same source, does not contribute to the pluralism and diversity of this type of content.

In local public radio broadcasters, in terms of the type of non-musical content broadcasted in the all-day programme, news and entertaining content dominates, while there is the least amount of content intended for children³⁶.

Radio programmes of commercial broadcasters are characterised by uniformity. The programmes are oriented towards satisfying listeners' needs for entertainment and news content, which is the predominant form of radio offer³⁷. Only a few commercial broadcasters address specific groups of listeners and deviate from the prevailing form of radio programming. The short and concise news programme is mainly based on

³⁴ Agency for Electronic Media, *NATIONAL BROADCASTER RTCG PROGRAMME STRUCTURE ANALYSIS*, No: 02 – 2250, Podgorica, December 30, 2022.godine, p. 12

³⁵ Ibid, p.

³⁶ Agency for Electronic Media, *AGENCY FOR ELECTRONIC MEDIA 2021 WORK REPORT*, p. 21

³⁷ Agency for Electronic Media, *ANALYSIS OF PROGRAM STRUCTURE OF COMMERCIAL RADIO BROADCASTERS*, Number: 02-1475 Podgorica, December 29th, 2021, p. 6.

agency news and portals of larger media³⁸. The news programme is very similarly conceived, mainly based on agency news and portals of larger media. Relying on agency news, the average commercial radio programme broadcaster broadcasts on a weekly basis a programme that contains 71% music and 29% content of a different type (by category, genre or production source). This shows an increase in the participation of non-musical content compared to 2020, when it was recorded that these programmes had an average of 80% music and 20% content of a different kind. Of the various non-musical content, 95% is the own production. The rebroadcast programme has a participation of 4% and purchased content has 1%. Observed by the type of broadcast non-musical content represented in the all-day programme, entertainment shows and news content dominate, while the least amount of content is intended for children and entertainment and sports content.³⁹

As for non-profit radio broadcasters, in terms of the type of broadcast non-musical content represented in the all-day programme, documentary and educational, news and cultural and artistic programmes dominate, while the least amount of content is intended for children and sports content⁴⁰.

According to the production source, in the total broadcast programme of TVCG1, own production is dominant (52.22%). The purchased programme has a share of 23.18% of the total broadcast programme, while there is no rebroadcast content⁴¹.

In local public television broadcasters, by type of content, entertainment programmes dominate, on average 37% of the total broadcast content. The news programme occupies a significant place in the total broadcast programme (on average about 24%) and is characterised by classic news content with significant participation of local news. Cultural and artistic programming (the majority of which is made up of film and serial programming) accounts for an average of 19% of the total broadcast programme. The documentary and educational programme has an average participation of 7% of the total broadcast programme. There are few programmes for children on the programme of local public television broadcasters, an average of 2%. The share of sports programmes in the total broadcast programme is on average less than 2%.⁴²

As for commercial television broadcasters with national coverage, by type of content, the film and TV series dominate, on average 34% of the total broadcast content. The news programme takes a significant place in the total broadcast programme, on average about 24%), while

³⁸ Agency for Electronic Media, *COMMERCIAL RADIO BROADCASTERS PROGRAMME STRUCTURE ANALYSIS*, p. 5

³⁹ Ibid p. 3-6

⁴⁰ Agency for Electronic Media, *INFORMATION ON COMPLIANCE WITH ISSUED LICENCE REQUIREMENTS*, p. 3.

⁴¹ Agency for Electronic Media, *NATIONAL PUBLIC BROADCASTER RTCG PROGRAMME STRUCTURE ANALYSIS*, p.3.

⁴² Agency for Electronic Media, *LOCAL PUBLIC TV BROADCASTERS PROGRAMME STRUCTURE ANALYSIS*, p.12

entertainment programme takes around 22% of the total broadcasting time. Documentary and educational programmes make slightly above 3% of the total broadcast programme on average. There is little sports content on the programme of the observed television programmes, about 3%. There is a little children's content in the programme of the observed TV stations, slightly less than 2% on average.⁴³

As for commercial television broadcasters with regional coverage, the entertainment programme dominates by type of content, on average 56% of the total broadcast content. The dominant type of entertainment content, which is broadcast on the programmes of the observed TV broadcasters, is the broadcasting of music videos, as well as so-called intermezzo content (panoramic nature videos). The news programme takes about 15% of the total broadcast programme. On average, the cultural and artistic programme accounts for about 12% of the total broadcast time. Documentary and educational programmes make up about 8% of the total broadcast programme on average. There is very little children's content in the observed television stations programme, around 2% on average and most of the content intended for the youngest audience are cartoons. Sports content on the programme of watched television is the least represented, slightly above 1%.⁴⁴

AEM's analysis of the programme structure of TV broadcasters with national coverage⁴⁵, which was conducted based of data obtained from the monitoring of programme content broadcast from June 19 to 25, 2021, 00:00 to 24:00 hours, regarding the fulfilment of broadcasting authorisations, determined the following:

Name of broadcaster	Own production realised	Broadcasting authorisation
TVCG1	41.26%	52.39%
TV Vijesti	33.37%	26.28%
TV Prva	6.93%	18.15%
TV Nova M	26.02%	13.50%

AEM's analysis of the local public broadcasters' programme structure, which was conducted based of data obtained from the monitoring of programme content broadcast from October 1 to 7, 2021, in the period from 00:00 to 24:00 hours, regarding the fulfilment of broadcasting authorisation, determined the following:

⁴³ Agency for Electronic Media, *COMMERCIAL TV BROADCASTERS WITH NATIONAL COVERAGE PROGRAMME STRUCTURE ANALYSIS*, No, 2-2251, Podgorica, December 30, 2022, p. 8

⁴⁴ Agency for Electronic Media, *COMMERCIAL TV BROADCASTERS WITH REGIONAL COVERAGE PROGRAMME STRUCTURE ANALYSIS*, No. 2-1591, Podgorica, October 10, 2022, p. 13

⁴⁵ Goran Đurović, *ANALYSIS OF THE IMPLEMENTATION OF LEGAL REGULATIONS IN THE FIELD OF ELECTRONIC MEDIA AND THE WORK OF THE AGENCY FOR ELECTRONIC MEDIA*, p. 14-16.

Name of broadcaster	Own production realised	Broadcasting authorisation
Gradska TV	45.46%	40%
TV Budva	14.90%	31.15%
TV Nikšić	19.01%	26.90%
TV Pljevlja	12.27%	19.11%
TV Rožaje	15.71%	34.97%
TV Herceg Novi	22.89%	27.93%

AEM's analysis of the programme structure commercial TV broadcasters with regional coverage, which was conducted based on data obtained from monitoring the programme contents broadcast from November 1 to 7, 2021 in the period from 00:00 to 24:00 hours, regarding the fulfilment of broadcasting authorisation, determined the following:

Name of broadcaster	Own production realised	Broadcasting authorisation
Adria TV	22.60%	23.61%
TV Boin	10.39%	18.45%
TV Corona	10%	82%
Jadran TV	0%	31.65%
TV 7	27.76%	46.83%
Srpska TV	13.02%	14.63%
TV SUN	1.68%	37.50%
TV Teuta	26%	26.84%

According to survey conducted by DeFacto consultancy in 2021 for the Media Association of Southeast Europe (MASE) on a representative sample of 1,000 respondents, only 7.3% of citizens buy newspapers every day, 6.7% does it several times a week, 16.2% several times a month, while 68.7% do not buy daily newspapers at all. When asked *what would be the motivation for citizens to buy more daily newspapers*, 40.3% of them state that the content must be more interesting, 39.3% believe that there must be more coupons and gifts in the daily press, 36.2% state that it would be lower price, 34.1% talk about supplements in newspapers as an incentive to buy them more, 32.8% asked for more investigative stories, 22.50% more columns, slightly less than that asked for more analytical articles, 5.7% cited nothing would encourage them to buy the daily press and 4.10% cite other reasons. According to the results of the research, domestic news, local news and the economy are leading in what Montenegrin citizens consider relevant content in print media. International news, social topics and education, entertainment content, political events are located in the middle. The figures are slightly worse in case of culture, sports, supplements, which have a lower relevance for readers, while death notices and crime section are at the bottom of the scale of what most readers of the daily press consider relevant.

The Fund for Fostering Media Pluralism and Transparency is an institute introduced by the current Law on Media, with the aim of financing projects in the information field, through which financial resources are provided for the provision of public services, i.e. the publication of content of public interest. The Law on Media in Art. 17-23 prescribes what media content the Fund is intended for, the method and amount of financing of the Fund, the method of distribution of funds, financing of operating costs of different self-regulatory mechanisms, priority areas for which media content is financed, keeping records of allocated funds, the obligation to pass secondary legislation in order to prescribe criteria for the allocation of funds and their use, deadlines for submitting reports on the implementation of the project and the obligation to use the funds for the intended purpose. In 2021, 31 grants were awarded through the Fund for Fostering Media Pluralism and Diversity. On average, the awarded grant has 28 shows (without repeats) with an average show length of 36 minutes. The total number of minutes of the supported grants is 31,350 minutes or 523 hours of the programme⁴⁶. In 2022, the total production in print media with content of public interest is planned to be a total of 1,700 articles.

Like the rest of the world, with the advancement of technology and the media democratisation in the last few years, Montenegro is faced with an increase in hate speech, propaganda and disinformation in the public space. Democratic deficits, mistrust in institutions and processes, political instability, divided media community, vulnerability to foreign influences - these are all problems that make the fight against

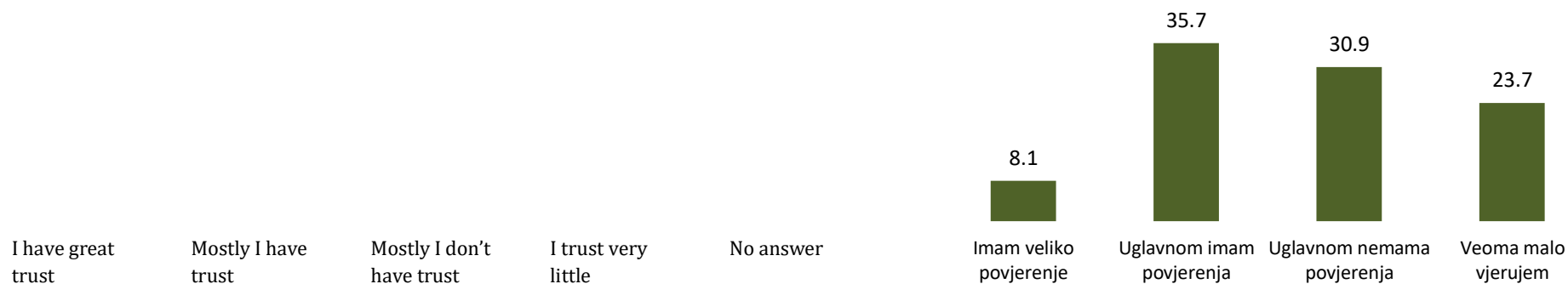
⁴⁶ Agency for Electronic Media, *REPORT ON THE DISTRIBUTION OF FUNDS FROM THE FUND FOR ENCOURAGING MEDIA PLURALISM AND DIVERSITY INTENDED FOR COMMERCIAL AND NON-PROFIT ELECTRONIC MEDIA FOR THE YEAR 2021*, p. 7.

disinformation and propaganda difficult. In addition, research shows year after year⁴⁷ that Montenegro, together with neighbouring Balkans countries, is at the bottom of the European ranking list when it comes to media literacy. According to the current Law on Media, hate speech is the subject of urgent court proceedings, but only at the request of the competent prosecutor. This is considered a shortcoming of that Law, because in practice this mechanism is used little or not at all, and it seems necessary to give the interested party, who is a victim of hate speech, the opportunity to initiate an urgent court procedure. In addition, hate speech is not represented as a separate criminal offense in the Criminal Code.

The Raskrinkavanje.me fact-checking platform, which was launched by the NGO Centre for Democratic Transition (CDT), published about 1,000 analyses in the three-year period of its work on the analysis and debunking of disinformation, in which over 5,000 suspicious or false information and publications were analysed, more than 600 media that have an audience in Montenegro is included. The Centre for Democracy and Human Rights - CEDEM, as part of the project Strengthening the capacity of local media for reporting on human and minority rights, and with the support of the US Embassy in Podgorica, conducted research on the topic of media and media freedom in December 2020⁴⁸.

For the purposes of this document, we provide an overview of the results of this research:

How much trust do you generally have in what you see/hear/read in the media - %

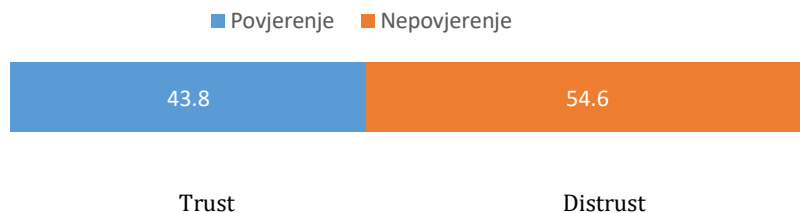


⁴⁷ Open Society Institute – Sofia, Media Literacy Index 2021, available at: <https://osis.bg/?p=3750&lang=en>

⁴⁸ The report is available at <https://www.cedem.me/wp-content/uploads/2022/02/lzvjestaj-za-medije-FINAL-small.pdf>.

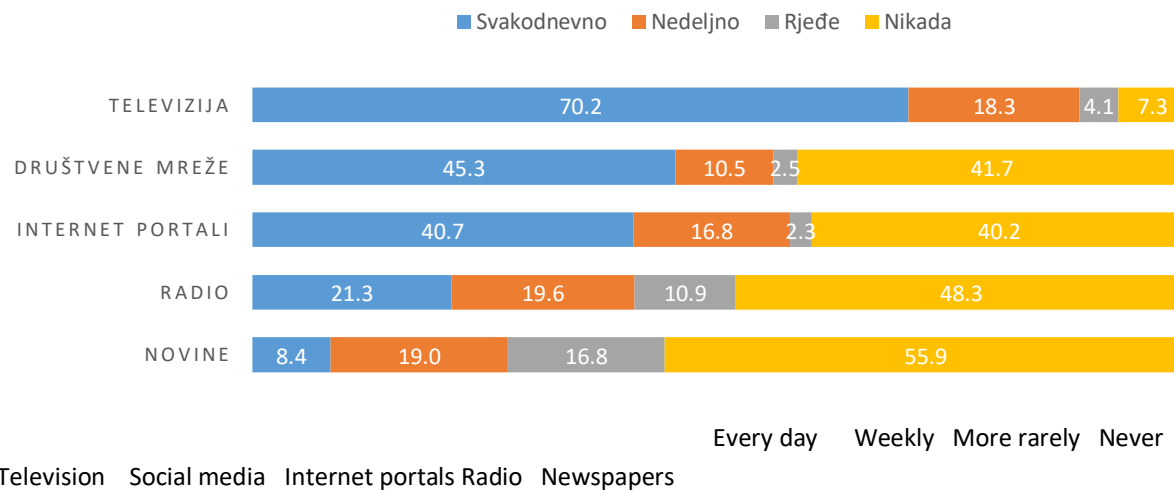
55

General trust in the media: SUM trust vs. SUM distrust - %



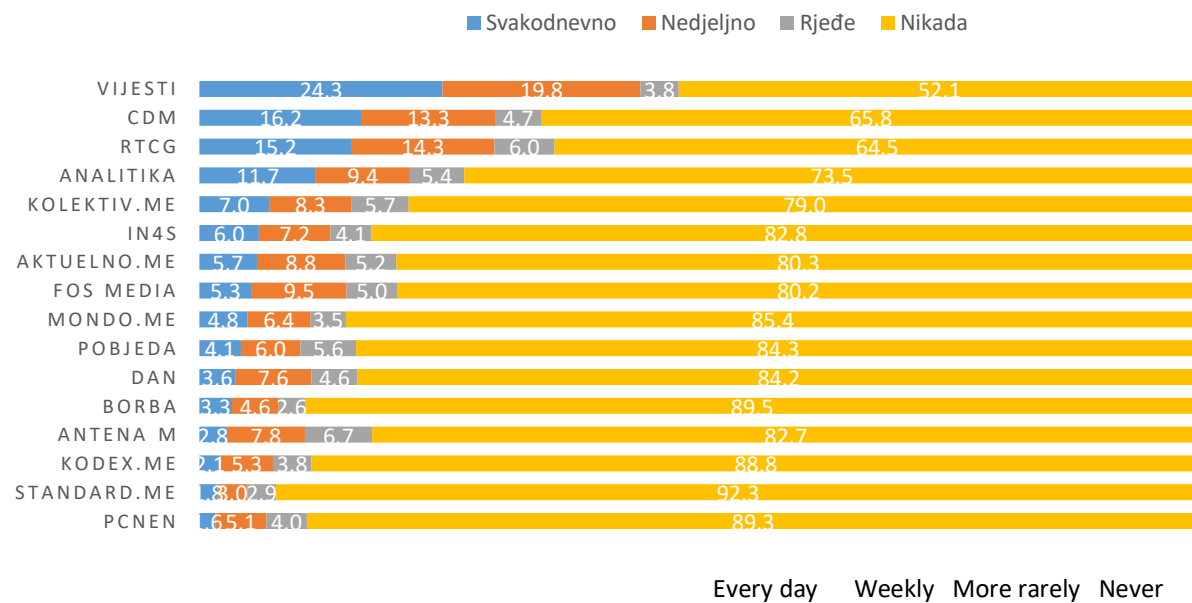
The data indicate that TV is most often watched, followed by social media and internet portals. Radio is listened to significantly less often, while newspapers are read to the smallest extent.

Frequency of following media - %

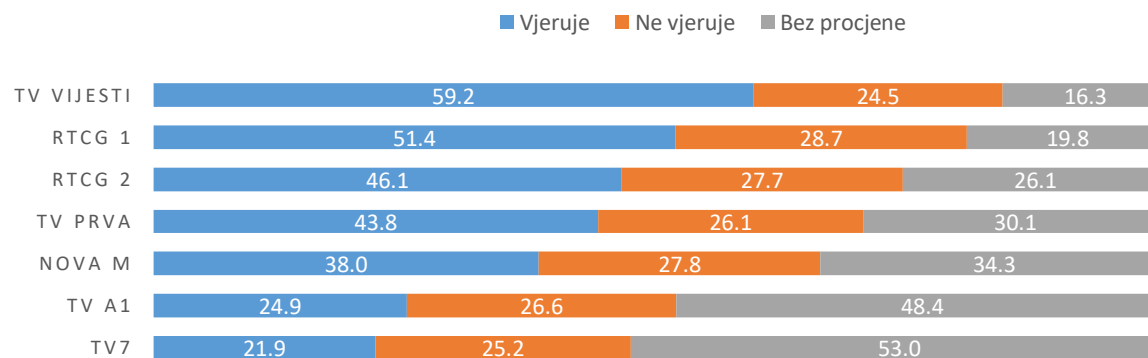


Television Social media Internet portals Radio Newspapers

Frequency of following internet portals by category - %



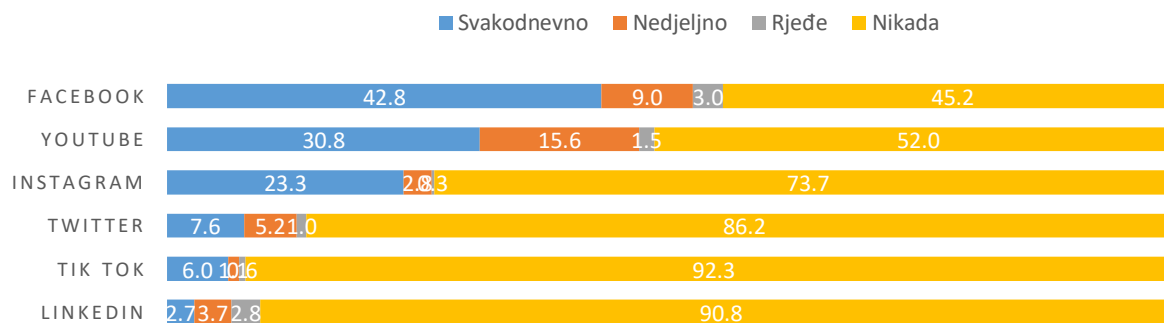
57



Trust in information on TV stations

Trust Does not trust No assessment

Frequency of following social media by category - %



Every day Weekly More rarely Never

The manual of Human Rights Action (HRA) entitled *“Suppression of hate speech, European standards and practice”* from January 2022⁴⁹, and related to hate speech in the media and on social media, recorded a total of 10 cases of hate speech in 2021. However not all cases are ultimately qualified as hate speech by the competent institutions, or the perpetrators are released from misdemeanour and/or criminal liability. Some cases have not yet been finally resolved. A study by the Media Institute, *“Hate Speech and Disinformation in Montenegro in Regulations and in Practice”*⁵⁰, stated that *“between November 2019 and April 2021, the police initiated 64 cases related to inciting national, religious and racial hatred, causing panic and disorder and jeopardising security on the Internet.”* Data published by the media show that between March 2020 and January 2021, 13 cases reached the courts. *“In April (2021), two people were sentenced to prison on charges of inciting national, racial and religious hatred. In May and June, four people were convicted on the same charge, three of whom were sent to prison, and the fourth was given a conditional sentence. According to data from the Protector of Human Rights and Freedoms, there is a trend of increasing complaints due to hate speech. In 2019, one complaint was filed due to hate speech on a national basis, seven in 2020, and by September 2021 – 13 complaints, of which seven were on a national basis, three due to gender, change of gender or gender identity, and one each based on political or of a different opinion, belonging to a group and ‘another personal characteristic’. More often than formally filed complaints, this institution receives calls from citizens asking what mechanisms they can use to remove a comment they recognize as hate speech on social media or portals as soon as possible, since they are the dominant source of hate speech.”*

Information about multilingual and PWD-friendly content is now published as part of the analysis of the broadcaster's programme structure, in the Assessments and Conclusions section. Analyses of the following programmes were published in the past period:

- Analysis of the programme structure of local public TV broadcasters - November 2022⁵¹, which stated that there is no content specially adapted for people with disabilities on the programme of local public TV broadcasters.
- Analysis of the national broadcaster RTCG programme structure - November 2021⁵², which states:

⁴⁹ Action for Human Rights (HRA), *Suppression of hate speech European standards and practice*, Manual, Podgorica, 2022.

⁵⁰ Milica Bogdanović, *HATE SPEECH AND DISINFORMATION IN MONTENEGRO IN REGULATIONS AND IN PRACTICE*, Media Institute of Montenegro, Podgorica, SEENPM, Tirana and Peace Institute, Ljubljana, Podgorica, 2021, p. 8-9.

⁵¹ AGENCY FOR ELECTRONIC MEDIA, *ANALYSIS OF PROGRAM STRUCTURE OF LOCAL PUBLIC TV BROADCASTERS* no. 02 – 1985 of 01.12.2022, p. 12, available at: <https://aemcg.org/wp-content/uploads/2022/12/02-1985-Analiza-programske-strukture-lokalnih-javnih-TV-emitera-novembar-2022.pdf>.

⁵² AGENCY FOR ELECTRONIC MEDIA, *ANALYSIS OF THE PROGRAM STRUCTURE OF THE NATIONAL BROADCASTER RADIO TELEVISION OF MONTENEGRO*, no. 02 – 1178 of November 10, 2021, available at: <https://aemcg.org/wp-content/uploads/2021/11/Analiza-programske-strukture-nacionalnog-emitera-RTVCG.pdf>.

a. TVCG:

TVCG1 broadcasts one programme content adapted to people with disabilities, while TVCG2 does not have such content, the news show "Lajmet" is broadcast in the Albanian language (weekdays with an average duration of 10 minutes), as well as the weekly, one-hour show "Mozaiku". TVCG2 does not have content in the languages of national minorities. The Content in the Romani language " Savor", lasting 23 minutes, was also broadcast.

The Agency for Electronic Media (AEM) implemented regular monitoring of the programme content structure of broadcasters with national frequency (<https://aemcg.org/obavjestenje/izvjestaji-o-monitoringu/>) and stated that in the observed period, TVCG produced 41.26% of its own production on the first channel, which is less in relation to the 52.39% in the issued authorisation.

b. Radio CG

On RCG1, the news programme in the Albanian language "Vijesti" (on weekdays and an average duration of 5 minutes), "Dnevnik" (on weekdays and an average duration of 20 minutes) is broadcast, as well as a weekly, one-hour show.

RCG2/Radio 98 does not have content in the languages of national minorities.

Analysis of the programme structure of commercial radio broadcasters - February 2023⁵³, did not process the above data, but it concluded that the radio programme primarily satisfies the listeners' needs for musical content.

Information on compliance with the conditions from the issued authorisation - non-profit broadcasters - April 2022⁵⁴, states:

- a. In accordance with the authorisations issued, the two non-profit broadcasters broadcast programmes specialised in meeting the news, educational, scientific, professional, artistic, cultural and other needs of certain social groups or communities.

⁵³ A AGENCY FOR ELECTRONIC MEDIA, ANALYSIS OF THE PROGRAM STRUCTURE OF COMMERCIAL RADIO BROADCASTERS, no. 02 – 319 of 03/02/2023, p. 3, available at : <https://aemcg.org/wp-content/uploads/2023/02/Analiza-programske-strukture-komercijalnih-radio-emitera-februar-2023.pdf>.

⁵⁴ AGENCY FOR ELECTRONIC MEDIA, INFORMATION ON RESPECTING REQUIREMENTS FROM AUTHORISATION ISSUED – NON-PROFIT BROADCASTERS – NO.02 of 20/04/2022, available at: <https://aemcg.org/wp-content/uploads/2022/05/Informacija-o-postovanju-uslova-iz-izdatog-odobrenja-Neprofitni-emiteri.pdf>.

- b. Radio Homer broadcasts about 13 hours of different content every day, including content such as Radio Novel, Radio Drama, Homer's Audio Cinema, and Foreign Language Course. These contents are of particular importance, bearing in mind that they are primarily intended for people with impaired vision and that similar programme contents are not broadcast by any other radio station.
- c. Radio Fatih broadcasts the religious programme of the Islamic community. The broadcast programme contains shows that deal with religious topics and clarify religious regulations. The broadcast content is of particular importance considering the preservation of the religious identity of the Islamic community.

Analysis of the programme structure of TV broadcasters with national coverage - December 2022⁵⁵, which states that in the programme of the observed television broadcasters, there are no contents especially adapted to persons with disabilities, while there are no news broadcasts in Albanian or Romani languages. During the Pride Week", from October 3 to 9, 2022⁵⁶, the news broadcasts of six Montenegrin television broadcasters with national coverage, based on which the Information on Television Reporting during "Pride Week" - October 2022 was published.

Almost 50% of the news related to the Pride Parade was published on the day of the Parade, while on other days the number of news published was negligibly small. Comparing with the data collected during the Pride Parade in previous years, the average number of segments is higher, as well as a total quantity of information published. The published segments were longer and more substantial. Segments were predominantly informative in nature. A significant number of contributions had an advocacy character, either in a positive or negative tone. The topic was usually presented with the participation of interlocutors, mostly representatives of the LGBTIQ community or non-governmental organizations, but also political representatives, church representatives, and citizens⁵⁷.

⁵⁵ AGENCY FOR ELECTRONIC MEDIA, ANALYSIS OF THE PROGRAM STRUCTURE OF TV BROADCASTERS WITH NATIONAL COVERAGE, no. 02-251 from 30/12/2022, p. 8, available at: <https://aemcg.org/wp-content/uploads/2023/01/Analiza-programske-strukture-nacionalnih-TV-emitera.pdf>.

⁵⁶ AGENCY FOR ELECTRONIC MEDIA, ANALYSIS OF TELEVISION REPORTING DURING "PRIDE WEEK" - OCTOBER 2022, no. 02-1746 dated October 24, 2022, p. 2, available at: <https://aemcg.org/wp-content/uploads/2022/10/Analiza-televizijskog-izvjestavanja-tokom-Nedelje-ponosa-oktobar-2022.pdf>.

⁵⁷ Ibid, p. 7

According to the media literacy index of the global Open Society Foundation for 2019, Montenegro ranks at the bottom of the list of countries in which the measurement was made, i.e. it is in 31st place out of 35 countries. This research defines the region and Montenegro as extremely vulnerable when it comes to susceptibility to fake news. Intentional or unintentional attempts by the media to influence manipulatively public opinion (one-time spread of false news) must not be an alibi for the generalisation of the media and journalists, nor bad examples of restrictions on freedom of expression.

What is needed is a stronger institutional approach aimed at strengthening the media literacy of all citizens of Montenegro. The NGO Centre for Civic Education pointed out that media literacy and protection against unverified information is insufficiently developed, despite the fact that Montenegro was one of the first to introduce media literacy into the education system.

The JUFREX analysis of the media sector in Montenegro prepared by the experts of the Council of Europe and the European Commission recommends an additional effort within the education system, especially through the engagement of Montenegrin and international non-governmental organisations that deal with the affirmation of media literacy.

In comparison to the countries of the region, Montenegro has gone the furthest regarding media literacy, if we are talking about the institutional approach and the possibility to study media literacy. The data, however, show that this process is not quick and easy. It is certainly in the public interest that every individual, even a pupil, understands the digital age in which he or her lives. However, it is up to educational institutions to constantly look at the environment and enable individuals participating in the educational process to be a part of the "digital world" in the right way.

How important media education is, we are warned by progress in the field of artificial intelligence, robotisation processes, the development and use of algorithms that increase the possibility of manipulation in the media, the spread of anti-science and mistrust towards the media, but it can also threaten the security of data and privacy.

Media literacy is not only a question of education and culture, but also a question of economic development, because it is necessary in the labour market of the 21st century and is therefore necessary for ending intergenerational poverty, and at the same time, media literacy is also a question of the development of democracy in a country, because it is necessary for civic activism in the digital age.

Research by UNICEF in Montenegro shows that 7 out of 10 Montenegrin citizens recognise media literacy as the best long-term response to misinformation. They believe that media literacy of citizens would enable them to check the accuracy of information themselves, which would

reduce the spread of misinformation. The awareness and support of the citizens exists, now it is the turn of various institutions that should respond to this request of the citizens of Montenegro.

The existence of media literacy in Montenegrin schools is the starting point for the Media Literacy Strategy. In schools, it was introduced as an optional subject in the Montenegrin education system in 2009. In 2018, Montenegro became a part of the Global Education Network of Europe (GENE), and in line with the international recommendations of Global Education, a set of modules was developed for grades II, III, and IV in secondary schools: Contemporary Upbringing, Social Networks and Globalization, and Business Culture (all three modules incorporate aspects of media literacy).⁵⁸ Grammar school students can choose this subject, and from the 2023/2024 school year, it will also be available to students in the older grades of primary schools (in the seventh, eighth and ninth grades). The problem is the small scope of that subject, insufficient promotion of the subject in schools, the lack of continuous teacher training and the fact that this type of knowledge is currently only offered to high school students. Grammar school students make up 30% of the total number of high school students (about 32,000 high school students, 11,000 of them are in grammar schools, and the optional subject of media literacy in the last 3 years was chosen by only 200 high school students on average).

Due to the existence of numerous initiatives of the non-governmental sector and the campaign "Let's choose what we watch" conducted by the Agency for Electronic Media and UNICEF in Montenegro, as well as the work of the National Coalition for Media Literacy, there have been certain developments in this field. In the last four years, 50 primary and secondary school teachers have been trained by the Institute for Education, so as of 2020, at least 260 secondary and primary school teachers have attended the Institute training. Through non-governmental sector projects, the subject was promoted in most schools in Montenegro, where numerous workshops were held.

At the initiative of the Media Institute of Montenegro, the National Coalition for Media Literacy was formed (the coalition consists of representatives of the Institute for Education of Montenegro, the Union of School Headmasters of Montenegro, the Ministry of Culture, the Agency for Electronic Media, university professors, experts in this field, teachers and representatives of non-governmental sector). They came up with a proposal on how to bring media literacy to the required level when it comes to the inclusion of students and the development of critical reading and media use competencies.⁵⁹

⁵⁸ Data obtained from Centre for Vocational Education

⁵⁹ UNICEF research and campaigns on media literacy in Montenegro

Media literacy is the only sustainable, long-term answer to the challenges of the digital age, because in this way every child acquires the basics of media literacy through school and learns to use new technologies, thus enabling them to find a job and to participate as citizens in a digital society. Various actors have their place in the development of media literacy, starting with educational institutions, media and cultural institutions, legislative and executive institutions, police and non-governmental organisations. Media literacy has recently been recognised in the Law on Media and the Draft Law on Audio-Visual Media Services. The Law on Media, in Article 20, mentions media literacy through the Fund for Fostering Media Pluralism and Diversity, so one of the criteria for awarding money to the media is media literacy and media professionalism. The draft Law on Audiovisual Media Services stipulates appointment of a competent authority responsible for the promotion of media literacy - the Agency for Audiovisual Media Services.

Identified challenges

Radio programmes cannot satisfy listeners' needs for other types of programming content. In the case of most radio programmes broadcasters, cultural and artistic, documentary and educational, sports and children's programmes are reduced to one content per week, in order to satisfy formally the diversity requirement that applies to general radio programmes. Thematic contents from the sphere of sports, culture or education that address the listeners in a typical way for radio but innovative and interesting way are rare. News content is rebroadcast by a significant number of broadcasters. It should be borne in mind that the rebroadcasting of news programmes, often from the same source, does not contribute to the pluralism and diversity of this type of content.

Local public radio broadcasters have the least amount of content intended for children. A limited number of commercial broadcasters appeal to specific listening groups of listeners and goes outside of the prevailing form of radio programmes. The short and concise news programme is mainly based on agency news and portals of larger media.

Television broadcasters are mostly dominated by entertainment programmes, with the least number of children's programmes. Due to the limited advertising space, the space for the production of new news/cultural shows is also limited, so it is not expected that the broadcasters will increase the quality and volume of content, i.e. improve production due to limited financial opportunities, caused by financial instability.

Despite the planned limited (small percentage of) own production of public and commercial broadcasters, which has a negative impact on media pluralism, it was noted that it was not realised. In 2021, based on regular monitoring of broadcast programme content, AEM noted a violation of

programming obligations and issued 13 warnings due to non-compliance with the programme scheme, i.e. the structure of the programme determined by the broadcasting license (Article 58 of the Law on Electronic Media, Article 23 paragraph 2 of the Rulebook on the Conditions and Procedure for Issuing a Broadcast License, as well as Article 11 of the Rulebook on Conditions for Determining Programme Content which are Considered Own Production).⁶⁰

In the work of the Fund for Fostering Media Pluralism and Diversity, the main challenge is the underdeveloped systematic monitoring of the implementation of projects that are annually supported by the budget of this Fund. Additionally, there is no body/team/contact person that will evaluate the performance of the supported project, the evaluation of the project's results as well as the overall effect that the project had in relation to the goal it was supposed to achieve. Finally, no tools have been developed to assess whether, in what way and to what percentage the goal of the Fund itself has been achieved each year through the implementation of selected projects.

So far, Montenegro has not dealt with hate speech and disinformation in any strategic document. The absence of cooperation and communication among the Montenegrin media, which has been preventing the establishment of effective self-regulation for many years, also adversely affects the fight against disinformation and hate speech. The best European practice indicates that it is not possible to fight this problem only with repression or regulation, but a minimum consensus in the journalistic community is necessary in order to give a credible response and differentiation between the media and factories of lies and hatred, between journalism in the public interest and those who spread propaganda and disinformation. The ombudsperson also points out that the problem is social media, because the reaction to reported inappropriate content is slow or non-existent, and that it is difficult to shut down profiles or remove content even in cases where the police act, and when it comes to locating IP addresses, most often abroad.

The main media from Montenegro (registered media, with transparent data on editors and articles and contributions with by-lines) have never been among the main producers of disinformation. Their offenses are usually related to copy-paste transmission of disinformation, or biased reporting. An additional challenge is that the Montenegrin information space is not limited by state borders, but by a much wider space, the boundaries of which are determined by a common language. This enables the information and disinformation is provided from larger regional centres. This represents an additional threat to the sustainability of the Montenegrin media, which in the conditions of such competition lose their influence on public opinion, and thus their advertising significance.

⁶⁰ Goran Đurović, ANALYSIS OF THE IMPLEMENTATION OF LEGAL REGULATIONS IN THE FIELD OF ELECTRONIC MEDIA AND THE WORK OF THE ELECTRONIC MEDIA AGENCY, p. 16.

Internet publications and social media are the most common source of disinformation and fake news. The complicated production and editorial process retained by traditional media is proving to be a solid dam for disinformation. The list of media that in this period led the way in disinforming citizens, but also spreading hate speech, was always dominated by tabloids from the surroundings, through social media and right-wing portals. Media from the "margin", tabloids from the countries of the region and a large number of actors on social media have become factories of fake news and have created an extensive network of disinformation.

Clear patterns of propaganda and disinformation motivated by geopolitical or political agendas have been observed. However, the economically motivated spread of disinformation, which brings readership and earnings to online media, is by no means negligible either. The original values of Western democracies, reform processes, constitutional rights of citizens and the secularity of the state were the target of disinformation campaigns. The creation of false narratives favouring Russia and China over the EU and NATO is constantly present during this period. The raising of national and religious tensions, often hatred, and the radicalisation of the political scene through the distribution of disinformation, is also an important feature of disinformation campaigns. In the period of the crisis caused by the corona virus pandemic, propaganda aimed at undermining trust in science and the health system, is particularly concerning and represents a serious threat to public health. The continuous activity of right-wing groups has been observed, spreading hate speech on extreme-right internet publication, in comments under articles or on social media, labelling citizens and entire nations, and launching lynching campaigns against individuals and groups that do not fit into their value system.

Appreciating the general social context and the growing problem of offensive, discriminatory and hateful speech, the Agency for Electronic Media expresses special concern and indicates the necessity of activities with the aim of strengthening the capacities of Montenegrin audiovisual media and preventing the spill over of these forms of speech from online communication channels to audiovisual media. Although rare, hate speech in the audiovisual carries a particular danger because it is direct, open, most often uttered by persons who are considered prominent representatives of society.

In television broadcasting, there are literally no programmes in sign language or programmes adapted to people with disabilities using other techniques. The only news show in sign language is broadcast as part of the TVCG1 programme, on weekdays and is approximately 20 minutes long.

As for data on specialised content in the media that use terrestrial broadcasting, the Agency for Electronic Media published the last consolidated information on the accessibility of programmes of Montenegrin broadcasters to people with hearing and vision impairment in 2018. It stated that the specially adapted programme to people with disabilities is at a worryingly low level, both in terms of quantity and variety, and cannot

even minimally satisfy the needs of people with disabilities, through news broadcasts, or entertainment, documentary and educational, children's and other content. The situation is similar with content aimed at other vulnerable categories of the population.

There are no regular measurements of media literacy in Montenegro, but numerous challenges can indicate problems and trends. Montenegro, measured by the media literacy index, has a low level of media literacy and is at the very bottom of the list of European countries. However, there is a lack of regular research and measurements in this field that could indicate the level of media literacy in Montenegro.

Media literacy and protection against unverified information remains insufficiently developed, despite the fact that Montenegro was one of the first to introduce media literacy into the education system. There are a worryingly small number of those students who chose media literacy, despite the fact that the teaching in the previous period had an extremely positive effect on all those who studied that subject.

The challenges of the digital and networked society bring problems in the form of campaigns of lies - disinformation, but also harmful content that abounds in media platforms, which very often endangers democratic societies. This kind of environment is a particular problem for young people who spend up to 9 hours a day on various media platforms.

In total, there is a lack of a strategic approach and continuous work on promotion, raising awareness and resilience of citizens to bad communication practices and education. In Montenegro, there is regional inequality, not everyone has equal access to media literacy and in many places, and there is a lack of resources, which is especially visible in schools. There is no coordination in this area (except for the efforts of the Media Institute to unite various actors in the National Coalition for Media Literacy), there are no clear and defined responsibilities for this area, and groups in a sensitive position and their needs have not been identified.

Operational objectives

The strategic objective will be achieved through the following operational objectives:

➤ *Operational objective 1.1 Increased quality and volume of media content in audiovisual media*

Regarding the development of the Draft Law on Audiovisual Media Services, it is necessary to focus on increasing the quality of content in audiovisual media. Legal and secondary legislation solutions will prescribe a minimum percentage of the production of TV television programme broadcasters' own content, i.e. content produced in-house, with an emphasis on news, cultural and educational topics. In addition, this Law

needs to define conditions when granting right to broadcast programmes with national coverage in line with the public interest, i.e. the need for comprehensively informing the citizens. The responsibilities of the Electronic Media Agency extend to the work of internet publications in the part where it is considered an audio-visual media service. In this way, it will contribute to the fulfilment of the principles of balanced development of public and commercial broadcasters, the development of competition and pluralism, applying international standards (through the announcement of competitions for granting the right to broadcast programme with national coverage), objectivity and the prohibition of discrimination. Adopting the new Law on Media needs to define who supervises compliance of print media and internet publications with legal norm and how this supervision will be carried out.

Non-profit print media will be included as beneficiaries of the Fund for Fostering Media Pluralism and Diversity.

Conducting periodic independent reports on the work of the regulatory authority in the field of audiovisual media services will provide a picture of the legality of the work of the Agency for Audiovisual Media Services. It is also necessary to carry out public opinion surveys on the quality and content of media content, and to create campaigns on strengthening the role of self-regulation in the media.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of total own production of registered TV programme broadcasters	10% (2021)	20%	25%
Percentage of registered TV programme broadcasters that have a minimum of 20% of their own production on a weekly basis	10% (2021)	20%	40%
Number of warnings issued by AEM on the work of audiovisual media	26 warnings upon complaints by subjects 128 ex-officio warnings (2021)	-20% on baseline value	-25% on baseline value

Percentage of audiovisual media that have established internal self-regulatory body or joined external self-regulation	Less than 5% (2021)	More than 20%	At least 50%
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➤ *Operational objective 1.2 Improved support to commercial media reporting on public interest topics*

Improved quality, standards and procedures of the Fund for Fostering Media Pluralism and Diversity will be the focus of this objective. By increasing the percentage of funding of the Fund primarily, through the new Law on Media, and the timely publication of the call for proposals and the increase in the number of media contents published in the commercial media financed from the Fund for Fostering Media Pluralism and Diversity. Amendments to the Rulebook on Distribution of Funds for Print Media and Internet Publications will improve the conditions for participation in the call for proposal, the Commission for the evaluation of proposals received will be established, as well as the conditions and method of evaluation of proposals. In addition, new categories/topics of public interest will be introduced.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Number of new media content of public interest produced by registered commercial TV programme broadcasters financed from the Fund for Fostering Media Pluralism and Diversity	9 (2021) ⁶¹	+ 50% on baseline value	+ 60 on baseline value
Percentage of media content of public interest produced by registered commercial radio programme broadcasters financed from the Fund for Fostering Media Pluralism and Diversity	22 (2021)	+ 50% on baseline value	+ 60 on baseline value

⁶¹ The data was obtained based on the competition documentation and the decision on the allocation of funds from the Fund for Fostering Media Pluralism and Diversity in December 2021. The same applies to the next three indicators.

The number of new media content of public interest published in internet publications entered in the Media Records, financed from the Fund for Fostering Media Pluralism and Diversity	1700 (2021)	+ 50% on baseline value	+ 60 on baseline value
The number of new media contents of public interest produced in registered commercial print media entered in the Media Records financed from the Fund for Fostering Media Pluralism and Diversity	491 (2021)	+ 50% on baseline value	+ 60 on baseline value
The amount of funds from the Fund for Fostering Media Pluralism and Diversity ⁶²	516.057,37 EUR (2021)	2,527,283.32 EUR	3,159,104.15 EUR

➤ *Operational objective 1.3 Improved system for effective combating hate speech, online harassment, and disinformation*

The aspiration not to promote or encourage discrimination is one of the basic principles of ethical journalism. Bearing in mind that the lack of respect for different cultures, traditions and beliefs leads to stereotypes in the media that strengthen extreme political, nationalist and other attitudes, and ultimately result in hate speech, it is necessary to undertake activities in the direction of increasing the inclusiveness of media content. The inclusiveness of media content implies a way of reporting that aims to include different social groups in the media sphere. It is based on concrete procedures carried out by journalists in order to produce a media content that has the capacity to influence inequalities arising from the improper functioning of social structures. The purpose of this type of reporting is also to achieve a deeper insight into social processes, strengthen social, political and cultural pluralism, as well as to recognise and accept differences.

By clearly delineating and defining the norm of hate speech as a criminal offense through the amendments of the Criminal Code, and by adopting the new Law on Media with the emphasis on the part of the initiation of urgent court proceedings by interested parties in cases of hate speech and online violence, more effective mechanisms will be established to combat these phenomena. Additionally, analysis of the need for amending existing mechanisms in order to sanction the spread of disinformation as well as establishing close coordination of relevant entities (Ministry of Justice, Ministry of Interior, State Prosecutor's Office, courts, etc.), a proactive approach will be improved to prevent these cases.

⁶² The amount of 0.09% is provided for in Article 18, paragraph 1 of the Law on Media ("Official Gazette of Montenegro", no. 82/20), while the amount of 0.20% is determined in the Draft of the new Law on Media. The amount of 0.25% will be proposed later in the amendments to the law, after the adoption of the new Law on Media, considering that it will be necessary to increase the total amount of allocated funds from the current budget proportionally to the increased number of content financed by the Fund.

Media campaigns will increase citizens' awareness of the problems of hate speech and its consequences, and organising training for journalists and other media professionals, as well as moderators on internet publications and official media accounts on social media, will contribute to easier recognition and prevention of hate speech.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Number of complaints submitted to AEM in cases of hate speech in audiovisual media	2 (2021)	15	5
Number of measures imposed in connection with complaints filed in cases of hate speech in the audiovisual media	2 (2021)	15	5
Number of complaints filed in cases of hate speech in print media	2 (2021)	5	3
Number of measures imposed in connection with complaints filed in cases of hate speech in print media	0 (2021)	5	0
Number of complaints filed in cases of hate speech in online publications	0 (2021)	30	10
Number of measures imposed in connection with complaints filed in cases of hate speech in online publications	0 (2021)	20	5

- *Operational objective 1.4 Increased availability of the media content adapted to vulnerable categories of the population (people with disabilities, LGBTIQ, people who use or have used psychoactive substances, women who are victims of domestic violence, Roma and Egyptians)*

By adopting the Law on Audiovisual Media Services and through the part related to the application of Article 7 of the EU Directive 2018/1808 (AVMSD), there will be continued and gradual increase of content accessible to people with disabilities, and by defining measures that encourage AVM service providers to create action plans that determine the gradual increase of accessible content, which will increase percentage of content adapted to the most vulnerable categories of the population. In addition, it is envisaged to establish a unique and

accessible contact point available online, that provides information on accessible content and offers the possibility of complaints in relation to accessible content. Special emphasis will be placed on information and public notices in cases of adverse climatic events, pandemics, states of emergency and natural disasters so that they are accessible to people with disabilities. Adopting the Law on Public Media Service of Montenegro and the Law on AVM Services will increase the volume of content using audio-description and sign language, as well as the percentage of programmes dedicated to the most vulnerable categories of the population. Organising trainings for journalists on reporting and producing content of importance for the most vulnerable categories and special trainings for commercial media on sensitivity towards marginalised groups will influence the quality and volume of content dedicated to these groups.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of media content adapted to PWD in total percentage of RTCG media content ⁶³	0.01% (2021)	1.5%	2%
Number of gender-responsive programmes and gender-sensitive language at local public broadcasters and RTCG (0 for 2022; 2 programmes, 50% of content for 2025; and 3 programmes, 80% of content for 2027)	0	2	3
Number of shows on the public media service that deals with vulnerable categories of the population ⁶⁴	1	2	3
Number of new media content in commercial media dealing with issues relevant to PWDs financed by the Fund for Fostering Media Pluralism and Diversity	0	20	50
Number of new contents dedicated to vulnerable categories of population, financed from the Fund for Fostering Media Pluralism and Diversity	0	27	45

⁶³ Data received from RTCG

⁶⁴ A show in the weekly programming scheme.

➤ *Operational objective 1.5 Enhanced media literacy of all segments of society, with special emphasis on youth*

What is needed is a stronger institutional approach aimed at strengthening the media literacy of all Montenegrin citizens (by forming the National Council for Media Literacy), and the creation of national policies aligned with the EU policy framework. It is necessary to include the concept of media literacy in the regulations governing the media field. The government should develop a national policy to promote media literacy in all segments of society in order to build capacities for active, critical and creative use of media and to strengthen the awareness of viewers and listeners regarding their media rights and safe use of media services, as well as a long-term funding scheme for activities that improve information and media literacy. AEM should be given the mandate and staff to monitor the development of media and information literacy and to coordinate activities aimed at researching and promoting media literacy, in strong partnership with relevant ministries.

It is considered that the introduction of media literacy in compulsory school curriculums is a prerequisite for strengthening the role of each individual in a society that tends to be democratically determined and in which dialogue is a basic feature, which should be preceded by analysing the level of media literacy by target groups with recommendations. Based on the analysis, it is necessary to develop a multi-year plan for raising the level of media literacy, as well as organising regular trainings for decision makers, policy makers, representatives of state and local institutions. Regular revision (improving) the existing curriculum and creating media literacy manuals, and specialised training for teaching staff, as well as continuous evaluation of the quality of teaching, would ensure quality and improve interest in this teaching programme. It is necessary to work further on the introduction of the subject as an elective in all other high schools and lower grades of primary schools, as well as its classification as a compulsory subject in the next period.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Media Literacy Index in Montenegro ⁶⁵	32 nd place (2021)	31 st place	30 th place
Percentage of high school students who are familiar ⁶⁶ with the basic principles of media literacy	1,8% (2021)	+ 20% on baseline value	+ 30% on baseline value
Percentage of primary school students who are familiar ⁶⁷ with the basic principles of media literacy	0% (2021)	15%	20%

STRATEGIC OBJECTIVE II – EDITORIAL AND FINANCIAL INDEPENDENCE, ETHICS AND PROFESSIONALISM OF PUBLIC BROADCASTERS STRENGTHENED

Situation in the field

Since 2002, Radio Montenegro and Television Montenegro have been public broadcasting services for citizens. The legal solution from 2016 ensured financial stability and predictability for the sustainable development of the public service media, as it is foreseen that 0.3 percent of GDP will be allocated for the financing of the public service media. The 2020 law reduced RTCG's advertising quota and prohibited advertising and teleshopping from 8:00 p.m. to 10:00 p.m. on the channels of Television of Montenegro, with the exception of broadcasting events of

⁶⁵ The data was obtained from the NGO Open Society Institute in Sofia, as part of the European Policies Initiative (EuPI), Republic of Bulgaria, and is available at the link: <https://osis.bg/?p=3750&lang=en>. The Western Balkan countries are traditionally at the bottom of the media literacy rankings in Europe. The targeted indicator values for 2025 and 2027 are set in a realistic aspect for this reason, since in 2019, for example, according to the data from the same organization, Montenegro ranked 31st in the media literacy index, and in 2022, it even dropped to 35th place, which is a decrease of three places compared to 2021..

⁶⁶ Attended the Media Literacy course.

⁶⁷ Attended the Media Literacy course.

special importance to the public. The current law also provided for the institute of RTCG Ombudsperson, which aims to improve self-regulation and encourage interactivity and dialogue with citizens. The public service media no longer has the obligation to sign the Agreement on the Provision of Public Services with the Government of Montenegro, but according to the law, it shall organise a public hearing on the Proposed Programme and Production Plan for a duration of 30 days, in order to consider the comments, suggestions and proposals of citizens and all stakeholders.

RTCG opened a correspondent office in Brussels in 2019, and in March 2021, it began broadcasting the Parliamentary Programme. In 2019, RTCG stepped into the era of modernisation and the biggest transformation in its history - digitalisation of production and technical capacities, which made it competitive in the field of digital production and audio-visual standards of the highest quality.

RTCG has four general television channels and two general radio programmes. Television channels are TVCG1, TVCG2, TVCG SAT and PARLIAMENTARY Programme, and radio RCG1 and R98. The average gross salary in February 2023 was €843.99, and the current number of employees is 739.

"RTCG's transition from a state media to a public service media is considered to be incomplete. The appointment process of the Council members ultimately resting in the hands of Parliament and the easiness of dismissals of individual members or the Council as a whole, indicates that the whole management structure, including the Editorial Board, is usually strongly tied and connected to political interests. Worth attention are also the local public broadcasters. Being funded mostly by municipalities, they, as well, are often described as the voice of local politicians in power".⁶⁸

This assessment of the Media Sector Analysis, which was prepared through the JUFREX programme of the EU and the Council of Europe, can be considered a roadmap for further strengthening the independence of the RTCG Council as the governing body of the public media service.

The recommendations from the Analysis are as follows⁶⁹:

- RTCG should continue its efforts to evolve into a public service media company, accountable primarily to the Montenegro public and actively advocating and implementing the professional journalistic and quality standards, as well as standards stemming from the AVMSD.

⁶⁸ Tanja Kerševan Smokvina, Jean-François Furnémont, Marc Janssen, Dunja Mijatović, Jelena Surčulija Milojević, Snežana Trpevska *Media Sector Inquiry in Montenegro with recommendations for harmonisation with the standards of the Council of Europe and the European Union*, Council of Europe, 2017, p. 10.

⁶⁹ Ibid.

- RTCG should continue with organisation restructuring and modernisation of business processes to keep up with social, cultural, technological and business change.
- RTCG should set an example in promotion of the European AV works, including the works of independent producers, and should strengthen production of its own or commissioned original content, addressing different social groups.
- The funding should guarantee predictability and transparency for the RTCG and local PSMs and should not be used as a means of pressure, reward or subordination.
- Apart from financial mechanisms, legal safeguards should be set up in order to guarantee the editorial independence of the local public service broadcasters.

According to the current law, adopted on July 27, 2020, the procedure for appointing members of the RTCG Council is carried out by the Administrative Committee of the Parliament of Montenegro based on the candidate's biography, interviews and the support of authorised entities for appointment. This practically means that the members of the Council are elected depending on the will of the majority in the parliamentary committee, which would achieve a direct political influence on the work of RTCG.⁷⁰

Based on *RTCG's Brand Strength Survey*⁷¹, the three aspects that have improved the most compared to 2020 are:

- a) Compared to 2020, trust in RTCG increased by 6% (from 19% to 25%)
- b) 41% of citizens believe in the accuracy and objectivity of the information presented at RTCG, which is 9% more compared to the 2020 survey
- c) 37% of respondents believe that TVCG is a station that represents the true spirit of the citizens of Montenegro, which is 9% more than in 2020.

The table below contains data on trust in TVCG based on survey by RTCG⁷²:

⁷⁰ Law on the National Public Broadcaster Radio and Television of Montenegro (ZRTCG) (Official Gazette of Montenegro, No. 80/20), Art. 40

⁷¹ OSCE, Organization for Security and Co-operation in Europe, RTCG Brand Strength Survey, available at: <https://www.osce.org/me/mission-to-montenegro/521980>.

⁷² Goran Đurović, *ANALYSIS OF RTCG WORK AND APPLICATION OF LEGAL PROVISIONS*, Media Centre, Podgorica, 2021, p. 22.

Year	2011	2012	2013	2016	2017	March 2018	December 2018	2019	2020	2021
Highest trust in TVCG	18%	26%	26%	29,7%	30.0%	31%	22.5%	22.7%	19%	25%

According to research by the NGO Centre for Democracy and Human Rights (CEDEM), local public broadcasters in Montenegro are financially weak and are exclusively financed from municipal budgets. This in turn makes local public broadcasters susceptible to political pressure, whereby some present themselves as the voice of local politicians, which ultimately affects the discourse of editorial policy. Regarding the independence of journalists, it should be emphasised that the existing legal framework does not sufficiently regulate the independence of journalists from the influence of the management structure, and therefore the editorial policy. All of these are reasons that undermine trust in local public broadcasters and the independence of their journalists.

There are several external and internal mechanisms of self-regulation in Montenegro, which can be recognised as a result of political tensions that have unequivocally divided the media landscape. Formally, there are two self-regulatory bodies: the Media Council for Self-Regulation and the Self-Regulatory Council for Local Press (which only deals with local print media), but they do not cover all relevant media. Three print media (Dan, Monitor and Vijesti), which have a significant market share, did not join these self-regulatory bodies, but they established their own internal self-regulatory bodies (one for the daily Dan and a joint one for the daily Vijesti and the weekly Monitor). Discussions were held in the period from 2010 to 2012 with the ambition to extend the self-regulation system to the entire sector, as was the case since 2003. However, representatives of self-regulatory bodies claim that the agreement could not be reached due to different views on professional standards, while representatives of the media that established their internal self-regulatory body explain the failure with political reasons, especially polarisation between media that support the government and media that criticise it.

Journalistic ethics is not only a subject of self-regulation, but also of legal regulation. According to Article 56 paragraph 4 of the Law on Electronic Media, "broadcasting of a radio or television programme must meet the following conditions: 1) events must be presented faithfully, and different approaches and opinions must be adequately represented; 2) news must truthfully and correctly present the facts and events, must be impartial and professionally correct; 3) opinions and comments must be separated and their source or author identifiable; 4) impartiality must be

encouraged, with respect for differences of opinion on political or economic issues." In implementing this provision of the Law on Electronic Media, AEM adopted the Rulebook on Programme Standards in Electronic Media. This rulebook regulates several concepts that are the essence of the activities of any self-regulatory body for journalistic ethics. When it comes to regulation, the monitoring of the broadcasted or distributed content of AVM service providers (via various platforms) represents an important mechanism of the Agency for Electronic Media in the exercise of its regulatory and supervisory functions.

The EU Directive 2018/1808 (AVMSD) adopted in 2018 represents the basis for the development of standards and principles in the audiovisual media services field, and in particular treats self-regulation instruments and co-regulation instruments, transparency of media ownership, measures for the protection of minors, protection of children by media service providers, ensuring the accessibility of audiovisual content, means to achieve the availability of audiovisual media services, editorial accountability of media service providers, measures for protection of programme integrity and audiovisual media services and others. Montenegro is currently at about 70% compliance, i.e. it has transposed these solutions into the Law on Electronic Media. In addition, the Parliamentary Assembly of the Council of Europe emphasised in the Resolution on Increasing the Transparency of Media Ownership that "transparency of media ownership is necessary to enable citizens to form an opinion on the value of information, ideas, and observations published by the media" (PSSE 2015). Transparency of media ownership is also the first step towards the effective application of media concentration rules, which are still fully relevant even in our era of abundant content that is often available at anytime, anywhere and on any device. In accordance with the EU Directive 2018/1808 (AVMSD) and the findings of the Council of Europe, further harmonisation is planned, especially the introduction of the highest standards in the area of transparency of public broadcasters.

In its Guidelines for EU support for media freedom and media integrity in enlargement countries (EC 2014a), the Directorate General for Enlargement called on editors and media owners to adhere to "clearly (and publicly) defined editorial and ethical codes" because "they should be effective mechanisms for fair and transparent handling of reader/viewer complaints".⁷³

Due to non-compliance with the Code of Ethics of Journalists of Montenegro and non-compliance with programme standards prescribed by the RTCG Council for public service media, or by AEM for radio and TV programme broadcasters, citizens submit complaints about the work of these services to the external self-regulatory body, if the media they are complaining about is a member of that body, or to the internal self-regulatory body, if the media uses that self-regulation mechanism. As for commercial radio and TV programme broadcasters, even if they are not in the

⁷³ Tanja Kerševan Smokvina et al., *Media Sector Inquiry in Montenegro with Recommendations for Harmonisation with Standards of Council of Europe and European Union*, p. 96.

self-regulation mechanism, a complaint can be submitted to the Agency for Electronic Media, in case it is estimated that the disputed content does not comply with the Rulebook on Programme Standards, issued by AEM. The public service media has an ombudsperson, to which a complaint can be submitted 30 days after the broadcast of the disputed content. Complaints about the work of the local public broadcaster are submitted to the Council of Local Public Broadcaster. Since the beginning of the year, 29 complaints have been received at the RTCG Ombudsperson's address. Out of these, 14 were accepted as justified.⁷⁴ As for filing a complaint, the procedure is very simple - on the RTCG web page, in the Ombudsperson section, there is a complaint form that must be filled out and sent electronically or by post <https://rtcg.me/rtcg/savjet/ombudsman.html> .

Regarding the number of founded/adopted complaints on audiovisual and print media work in 2021, and according to the data from the Report of the Media Council for Self-Regulation for 2021⁷⁵, out of 5 founded complaints, four found a violation of one of the principles of the Code of Ethics of Journalists. When it comes to internal self-regulatory bodies, the Dan's ombudsperson had no substantiated complaints about the work of that media in 2021⁷⁶. When it comes to the Vijesti Ombudsperson⁷⁷, the data for 2021 are as follows: out of five accepted complaints, three were accepted in full, while two were partly accepted. According to the data obtained from the Report on the Agency for Electronic Media (AEM) Work for 2021⁷⁸, a total of nine complaints were submitted about the work of local public broadcasters, out of which one each to the work of LPB TV Herceg Novi, LPB TV Budva, and LPB Radio Kotor, while six complaints were filed against LPB Gradska TV.

Identified challenges

The transformation of RTCG from a state media into a public media service is still essentially in progress. RTCG needs to implement, without exceptions, professional journalistic standards as well as the standards arising from the EU Directive 2018/1808 (AVMSD). The optimal systematisation and organisation of RTCG is necessary, as well as greater production of public interest media content. It is needed to establish mechanisms that guarantee editorial and journalistic independence.

⁷⁴All minutes with conclusions can be found on the RTCG Portal, available at: <https://rtcg.me/rtcg/savjet/zapisniciombudsmana.html>.

⁷⁵ Media Council for self-regulation, Work Report 2021, p. 1.

⁷⁶ Data available at: <https://www.dan.co.me/ombudsman>.

⁷⁷ Data received from Paula Petričević, Vijesti Ombudswomen.

⁷⁸ Agency for Electronic Media, *REPORT ON AGENCY FOR ELECTRONIC MEDIA WORK 2021*, Podgorica, 2022, p. 42.

Legal solutions that ensure the Council's independence from political party influence to the greatest extent possible are necessary. The shortcoming of the current Law on the National Public Broadcaster RTCG is the absence of closer criteria for the appointment of representatives of non-governmental organizations, so it was possible for interested individuals to register a large number of NGOs and to secure support for their appointment as a member of the Council.

Local public broadcasters, to the greatest extent, face a lack of finances and the danger of political pressure from their founders - local self-government units. As possible solutions, the introduction of a legal obligation of a minimum percentage from the local self-government budget for the financing of local public service media, and more precise regulation of the criteria for the selection of council members have been identified. Local public broadcasters are mostly financed by municipalities, and therefore are often described as the voice of local political parties.

Self-regulation is an important tool for protecting editorial freedoms, promoting quality and ensuring the credibility of the media and the reputation of journalists. It is also a vital mechanism for reducing state influence on the media to a minimum. The main drawback in terms of the concept of self-regulation is the absence of a single body that would be responsible for all printed media and internet publications. This prevents the public from having a clear awareness of the competent body to which they can complain in case of alleged violations of journalistic ethics, which leads to serious doubts among stakeholders about the efficient functioning of self-regulation. A total of 17 media are in some form of self-regulation, whether they are members of an external self-regulatory body or members of internal or external self-regulatory mechanism.

The harmonisation of national legislation with the EU Directive 2018/1808 (AVSMD) from 2018 will be finalised due to the delay in the adoption of the Law on Media. Given that the Directive represents the basis for the development of standards and principles in the field of audiovisual services in the media, it is necessary to transpose it as soon as possible. Additional challenges in this part are represented by the current political situation in Montenegro, and the accelerated harmonisation of the Law on Media as the basic normative framework in the media sector. There are also problems in the personnel capacities of the employees as well as administrative and technical ones in the preparation of the law.

The Rulebook on Programme Standards in Electronic Media also identified a rare use of complaint mechanism, so the powers of self-regulatory bodies and ombudspersons are not exercised to the greatest extent. One of the main reasons is actually the citizens' lack of information about this institute, their inertness and general lack of information. In addition, it is necessary to delineate clearly the roles and responsibilities of the public media service's Ombudsperson and the RTCG Council, so that the situation does not arise again where the RTCG Council influences changes to the decisions of the public media service's Ombudsperson.

Operational objectives

The strategic objective will be achieved through the following operational objectives:

➤ *Operational objective 2.1 Improved independence of public broadcasters*

Stable and predictable financing of the RTCG Public Media Service is necessary to ensure sustainable development, institutional autonomy and guarantee independence from any source of power, economic or political influence. Investing in high quality, independent and credible public media services should be considered an investment in the development of democratic culture, knowledge and society. On the other hand, it is necessary to define the accountability of the management bodies in case programme and production plans and financial plans are not fulfilled.

Adopting the new Law on Public Media Service of Montenegro, with emphasis on the criteria and procedures for the selection of members of the public media service Council, will affect the strengthening of the level of accountability of key management positions as well as the overall accountability of the Council. It is also necessary to ensure full depoliticisation and independence of RTCG management structures, as well as rationalisation and optimisation of employees.

By adopting the Law on Audiovisual Media Services with the prescribed obligation of local self-governments regarding the degree of financing of public local broadcasters, greater editorial independence will be ensured, and more precise regulation of criteria for election members of the council. Additionally, the amendments to the Law on Local Self-Government will improve the legal basis for regulating the establishment and operation of local public broadcasters.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
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Percentage of RTCG production and programming plans realisation	50% (2021)	70%	80%
Percentage of realisation of production and programming plans of local public broadcasters	80% ⁷⁹	85%	90%

➤ *Operational objective 2.2 Adequate media self-regulation established*

Promoting good practices in self-regulation, i.e. encouraging different forms of self-regulation and the media's obligation to respect self-regulatory mechanisms, will create professional and responsible journalism, with a focus on creating content that will deal with and inform about relevant events in a professional manner, thus avoiding tabloid reporting. Analysing the situation in this area and a deeper analysis of the challenges and reasons why the media do not have self-regulatory mechanisms will provide more information about this, and based on the recommendations from the analysis, define the next steps in this area. Additionally, the dialogue on the topic of self-regulation will be promoted, and round tables will be organised continuously with all relevant media on relevant topics regarding the responsibility of self-regulators.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of registered media that are involved in some form of self-regulation	10% ⁸⁰	70%	80%

⁷⁹ The starting value was determined by examining the average achievement of production and programming plans of public broadcasters, based on data obtained through communication with local public broadcasters. Projections for the growth of performance indicators are based on a realistic projection of multi-year reports on their achievements.

⁸⁰ The percentage is obtained by dividing the number of media registered in the Media Records that are involved in some form of self-regulation by the total number of media registered in the Media Records.

➤ *Operational objective 2.3 National regulatory framework harmonised with the relevant acquis of the European Union*

It is necessary to work further on harmonising the national legal framework with EU Directives, especially EU Directive 2018/1808 (AVMSD). It is necessary to further improve the national framework in the area of self-regulation and co-regulation instruments, transparency of media ownership, measures for the protection of minors, protection of children by media service providers, ensuring the accessibility of audiovisual content, means to achieve the availability of audiovisual media services, editorial accountability of media service providers, measures to protect the integrity of programmes and audiovisual media services. In order to improve the transparency of media ownership, it is necessary to improve provisions in the new Law on Audiovisual Media Services that refer to ownership transparency and media ownership concentration. Special attention should also be paid to the current financing model of local public broadcasters, which creates a high risk of political interference in editorial policy.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of compliance of the Law on Audiovisual Media Services with the EU Directive 2018/1808 (AVMSD), i.e. the relevant acquis of the European Union ⁸¹	70% ⁸² (2021)	100% ⁸³	100%

➤ *Operational objective 2.4 Improved information of citizens about the ways of submitting complaints to the media work*

In order to raise citizens' awareness, it is necessary to organise campaigns aimed at educating citizens about the possibilities and the steps involved in filing complaints about the media work, as well as providing free assistance when filing complaints.

The indicators used to monitor the fulfilment of this operational objective are:

⁸¹ Acquis communautaire, EU directives and regulations.

⁸² Based on the existing Law on Electronic Media.

⁸³ Based on the Draft Law on Audiovisual Media Services

Performance indicator	Baseline value	Target value 2025	Target value 2027
The number of complaints submitted on the work of commercial media ⁸⁴	38 (2021)	130	150
The number of complaints received on the work of RTCG	29 (2021)	35	25
Number of complaints on the work of local public broadcasters	9 (2021) ⁸⁵	13	7

STRATEGIC OBJECTIVE III – ENVIRONMENT FOR FAIR MARKET OPERATIONS OF THE MEDIA IMPROVED

Situation in the field

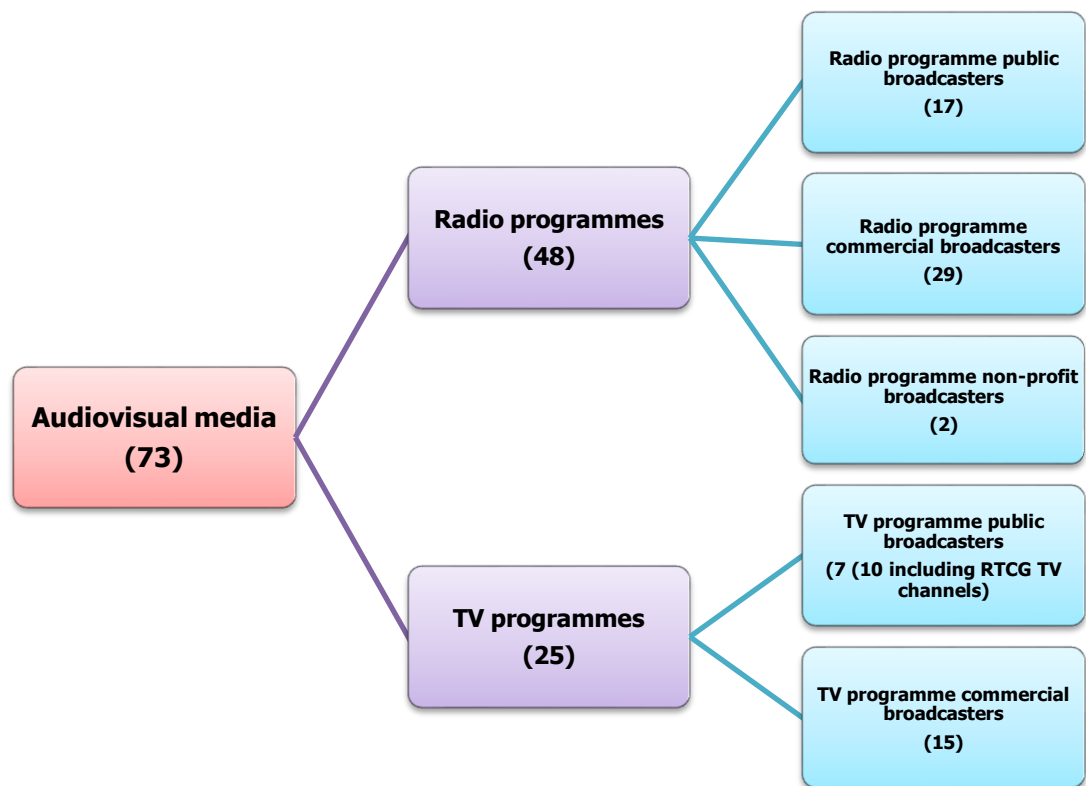
More than 182 media outlets operate in Montenegro, in a market slightly over 620,000 inhabitants. According to the latest data from the Agency for Electronic Media (AEM), the number of audiovisual media is 73, out of which 25 are television programme broadcasters and 48 radio programme broadcasters, while according to the data of the competent Ministry, the number of internet publications entered into the Media Records, is 104. There are also three printed daily media, two printed weekly media and one news agency on the market. According to the ownership structure, out of 25 television programme broadcasters, seven are public broadcasters. Radio-television of Montenegro with its channels at the national level, and local public broadcasters in the municipalities of Nikšić, Pljevlja, Budva, Herceg Novi, Rožaje and, since 2021, in the Capital Podgorica.

There are four commercial TV broadcasters with national coverage: TV Vijesti, TV Prva, TV Nova M and TV ADRIA⁸⁶. As for 48 radio programme broadcasters, 29 are commercial, while 17 are public radio broadcasters, with two non-profit radio programme broadcasters. Two TV

⁸⁴ The implementation of a campaign to raise citizens' awareness about the steps and reasons for filing complaints against media is expected to increase the number of complaints in the first two years, after which we expect a decrease

⁸⁵ AGENCY FOR ELECTRONIC MEDIA, ANNUAL REPORT OF THE AGENCY FOR ELECTRONIC MEDIA FOR 2021, p. 42. Projection of targeted performance indicator values for 2025 and 2027.

programme broadcasters and three radio programme broadcasters are in the Albanian language, as well as the printed weekly media Koha Javora.



Graph 1 - Overview of audiovisual media structure from available data

⁸⁶ In addition to these 4 broadcasters, 2 local public broadcasters, namely TV Gradska and TV Nikšić, also have national coverage outside their coverage areas as commercial broadcasters

As for financial operations of all media on the Montenegrin market, the analysis of the Media Trade Union of Montenegro, published at the end of 2021, based on the analysis of financial reports from the website of the Tax Administration of Montenegro, shows that the Montenegrin media mainly performed positively during 2020 and made a total profit of close to 2.7 million euro. Their total revenue was close to 41.8 million euro, their expenditures were almost 39.1 million, and they employed 1,806 people. Almost half of the income, or 20 million euro, came to the media from public sources, that is, from the state and municipal budgets, and the rest, or almost 22 million euro, mostly from advertising and a smaller part from other services, projects and the founder's grants.

A total of EUR 3,987,504.92 excluding VAT was paid to the media from public revenues for advertising and other contracted services and for providing public services, according to the data provided by the media from the Annual Report on Transparency of Media Financing from Public Revenues for the period from 02/15/2021 to 12/31/2021.

According to the data from the Annual Report on the Transparency of Media Financing from Public Revenues for the period from February 15, 2021 to December 31, 2021., the percentage of media that reported receiving funds from public sector bodies was 37%.⁸⁷

"The fact that many media houses are not financially sustainable has a negative impact on the quality of reporting and professionalism⁸⁸. Montenegro should ensure that there is no informal pressure on the editorial policy through the distribution of advertising funds, including through public companies, as well as through projects that are co-financed from the local self-government budget. Media sustainability should be addressed in the upcoming Law on Media."

In the IREX report⁸⁹, which evaluates the media sustainability index through various areas, in the part of the business model, the rating is 2.19, stating that the majority of Montenegrin media are struggling to survive on the media market. Additionally, it is stated that the majority of media survive not thanks to income from primary activity, but to additional income generated through domestic and international projects, recapitalisation and loans.

⁸⁷ Ministry of Culture and Media, *ANNUAL REPORT ON THE TRANSPARENCY OF MEDIA FUNDING FROM PUBLIC REVENUES FOR THE PERIOD FROM 15/02/2021 to 31/12/2021*, Podgorica, 2022, p. 4-5.

⁸⁸ Tanja Kerševan Smokvina et al., *Media Sector Inquiry in Montenegro with Recommendations for Harmonisation with Standards of Council of Europe and European Union*, p.70.

⁸⁹ IREX, *MEDIA SUSTAINABILITY INDEX 2019 Tracking Development of Sustainable Independent Media around the World*, Washington, 2019, p. 64-65. Report available at: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-full.pdf>.

JUFREX analysis of the media sector from 2017 recommends that all types of state aid to the media, including the so-called advertising of public sector institutions should be transparent and rigorously objective. Additional recommendations are⁹⁰:

- Provision of access to electronic communication networks, electronic communication infrastructure and associated facilities by the operator should be guaranteed under the same conditions to all entities that require these services.
- All necessary steps, including legislative and practical, to ensure transparency of ownership of all media outlets and proper implementation of competition rules, should be taken.
- All the relevant kinds of media concentration should be considered, in order to take into consideration cross-ownership across the whole media industry.
- Since media concentration should be regulated also in terms of the influence of the owners on editorial policies, legislative mechanisms should be adopted in order to secure editorial independence of newsrooms and legal protection of journalists when modifications of ownership and/or of editorial policy occur.
- Public authorities, with the help of international partners, should set a programme to help bolster domestic audiovisual production, including both funding and training components.
- Public authorities should assess the possibility of devising and implementing a consensually agreed system of audience ratings.
- The private media should be strongly encouraged to engage in a dialogue with the national trade union, which has been working for a long time on a branch collective agreement; a draft has been ready for a year now and the employers have not taken any further action or reaction.
- The journalists' labour and employment rights shall be respected and properly implemented by the industry.

Media pluralism basically implies a wide range of different information from all spheres of social interest that are provided to users of media services, along with a variety of political, economic, social and cultural attitudes, opinions, deliberations and analyses based on which the citizen can receive unbiased and full information, i.e. form a position based on facts. In such frameworks, the media play an important role and act as mechanisms of public control. In this sense, it is one of the most important goals of media policy in all developed democratic societies - media

⁹⁰ Tanja Kerševan Smokvina et al., *Media Sector Inquiry in Montenegro with Recommendations for Harmonisation with Standards of Council of Europe and European Union*, p. 7.

pluralism is not exclusively related to the number of media on the media market, and a large number of media does not necessarily mean functional media pluralism, but depends on numerous other factors, the most important of which is variety of media offer and media content of public interest.

The opposite of this concept, which directly threatens media pluralism, is the concentration of media and media ownership, along with a media market that is under strong pressure from the state (advertising of state bodies in the media) and is therefore not based on market principles and equal conditions. The state has a significant role in the development of media pluralism as a prerequisite for realising public interest in the media. That role is particularly important in an underdeveloped and limited media market such as Montenegrin, where private media are often focused on the production of entertainment programmes and formats that attract the attention of the audience, although they often do not have an essentially important informative and educational function. The prerequisites of media pluralism are transparent media ownership and sources of economic influence on the media, with positive actions of the state through direct or indirect subsidies, with neutral and equal access of all media.

Recommendation of the Council of Europe on measures to improve media pluralism states in the proposed measures that: "Member states could consider the possibility of introducing direct or indirect financial support schemes for print and electronic media in order to increase media pluralism ". Additionally, it is emphasised that "...Member States may also consider support measures to promote the creation of new media ventures or to help media entities that are facing difficulties or are obliged to adapt to structural or technological changes".

The Council of Europe recommended the creation of incentives for the sustainable media work in the public interest, the sustainability of the media market, the provision of resources to the media in order to fulfil their tasks, accurately and reliably report on issues of public interest, and other incentive measures aimed at strengthening the media public function.⁹¹

Audiovisual media have to pay for signal transmission services to the Radio Broadcasting Centre (RDC), as well as fees for AEM and PAM. Some of them, due to the weak media market and unfair competition, do not generate sufficient income, so debts often accumulate. In order to enable easier work and prevent the shutdown of certain media due to accumulated debts to the RDC, the Government of Montenegro continuously makes decisions on taking over part of the obligations towards RDC.

⁹¹ Media Association of Southeast Europe (MASE), *MEDIA IN MONTENEGRO Analysis of conditions for media business and business barriers for the media industry in Montenegro*, Podgorica, 2020, p. 19.

The emergence of Internet-mediated media led to the division of media into traditional and new media. Social media, in fact, are considered by theoreticians as the new generation of media. It is an indisputable fact that these media are the initiators of numerous changes, which led to the division into two currents; one stream consists of supporters of traditional media, and the other supporters of new media.⁹²

The ever-increasing availability of all kinds of content on the Internet, the development of social media, AVM services on demand in many different types and forms led to a change in the way users communicate, get informed and have fun. New formats, new rules, new screens, video and television content available via the Internet on mobile devices, personalised content offers, high definition and video quality, social media, video games, e-sports, new formats of news content, user applications, virtual reality, are only a part of the offer, or what today can already be called a hyper offer of content, which is available to Internet users and which are distributed via the Internet. To a large extent, the use of traditional distribution channels is being reduced, whether it is dedicated networks of electronic communications (e.g. cable television) or traditional ways of distributing print media.

When talking about AVM services in the context of new media, traditional media, radio and television must not be neglected. Significant changes are also occurring in these media, both on the part of the providers of these contents and of course on the part of the listeners and viewers of the offered programme contents. Today, television is a very accessible media in Montenegro, basically linear and available on all platforms of distribution, a terrestrial digital platform that offers television programmes both according to the model of free access for a certain number of media and according to the model of conditional access based on a subscription to the cable operator (DVB-C, DTH, IPTV), as well as all other platforms for the distribution of video content, which also offer AVM services on demand in addition to television content services. Although there is no detailed research in Montenegro to what extent users remain attached to these traditional media of radio and television, based on experience from more developed markets characterised by a variety of offers, it can be concluded that end users, although increasingly using AVM services on demand, remain attached to traditional media as well, to a certain extent.

The following TV and radio programme broadcasters have digital signal broadcasting equipment:

- a) TV: RTCG, Pljevlja, Gradska, Budva, Prva, NovaM, Vijesti, Herceg Novi
- b) Radio: 5 radio stations are fully equipped, 15 are partially equipped and the other radio stations are not equipped.

⁹² Jovana Vuković, *Mechanisms of social media in the field of public relations*, *Matica: magazine for social issues, science and culture*, vol. 22, no. 85, 2021, p. 106-107.

In the context of modern platforms that allow users to access media content, the AVM service on demand is in the process of significant expansion and is one of the means through which Internet users consume various video contents. These services are by definition non-linear, which means that the user of the service accesses programme contents that are arranged in the appropriate catalogue, when he wants it based on his own demand, and where the catalogue of offered programme contents is selected by the provider of this service. These services found their place in the regulatory framework of the European Union in the text of the Directive 2007/65/CE, that is, in the consolidated version of this directive from 2010, which established the provisions that apply to all AVM service providers, as well as a special provision that the representation of European works in the catalogues of providers of these services is defined. In Montenegro, these services are well developed. Almost all leading operators on the market of electronic communications and cable television offer some of the services that are by definition AVM services on demand, in addition to the television programme distribution service. These services can be classified into two types of services, which can be available on television receivers, mobile phones, video game consoles and tablet devices, specialised receivers (media player, setup box, etc.): catch-up TV and video services on demand (VOD). The first group offers programming content broadcast on television channels for a certain period of time. These services are free when they are offered by the producers of television programmes in a certain territory, e.g. public service media or commercial broadcasters, i.e. producers of television content. In the second type of service, there are several categories that can be classified based on the subscription model, e.g. subscription or user request. Most of these services are available to users under one of the subscription models, although there are also services that are free, and whose providers are financed from the income generated from some of the activities in the advertising domain.

These services also influenced changes in television as a medium and changes in user behaviour, which led to television as a traditional medium adapting to contemporary trends, through the development of various platforms that provide viewers with access to broadcast content for a certain period of time, and certain contents are available even before the broadcast of the content in the period provided by the programme scheme. Hybrid technologies that offer certain interactivity on television receivers connected to the Internet have not been a novelty for a long time and they are widespread among a large number of European television broadcasters (HbbTV, etc.).

On the other hand, providers of AVM services on demand adjust their offer, and based on various algorithms for evaluating user habits and wishes, they adjust catalogues of content offered that become personalised and adapted to each individual user. Based on the above considerations, it is clear that the application of an adequate regulatory framework in the AVM sector is becoming more and more complex and requires a deeper knowledge of all technological trends, as well as trends related to service providers and users.

RTCG modernised its technical capacities during 2018 and 2019, and on November 27, 2019, a digital signal was officially released enabling better work of the public media service. The RTCG system of production and broadcasting of programmes is fully digitalised. In this process, broadcast and studio equipment was renewed, several live reporting vehicles were acquired, and the possibility of establishing a satellite connection in 10 minutes was created. In addition, during this process, employees were trained to work autonomously on new equipment, and the technological and journalistic staff acquired all the necessary skills needed for work. RTCG equipment, i.e. the system of production and broadcasting of programmes, is fully digitalised.

The situation in the RTCG Archives is completely different, the digitalisation process has not started, and the radio alone has over 80,000 vinyl records. The steps leading to digitalisation, which is a very complex process, have been identified, so that this very important and rich archive of the Public Service will be digitalised as soon as possible.

Considering the new media formats in the era of accelerated technological changes and the ever-increasing and easily accessible range of different information on the Internet, there is a question of measures to protect freedom of expression on the Internet, as well as abuses of freedom of expression and their sanctioning.

In Montenegro, as in many other countries, the Internet is not regulated within a single legal area, but is dealt with by different legal regulations at different levels, namely the Constitution of Montenegro, the Law on Media, the Law on Electronic Communications, the Law on Electronic trade, Criminal Code. The same can be said for the institutional framework. There are several institutions within the state administration and among national regulatory bodies with competences in internet management. In addition, there are self-regulatory bodies and NGOs that are active in this area.⁹³

Identified challenges

88 companies that establish media, registered in the Central Register of Business Entities, generate EUR 22.2 million in revenue. Although the number of entered internet publications is 104, it is estimated that the real number of those operating on the market is significantly higher.

⁹³ The Council of Europe Conventions with effect on Internet traffic, which have been transposed into the national law of Montenegro through laws on their ratification, are directly applied, namely the European Convention on Human Rights (ECHR), the Convention on the Prevention of Terrorism (CoE 2005), the Convention on Computer Crime (with its Additional Protocol) (CoE 2001), the Convention for the Protection of Children from Sexual Exploitation and Sexual Abuse (CO 2012), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (with its Additional Protocol) (CoE 1981) and the Convention on Access to Official Documents (SE 2009).

However, due to unimplemented legal solutions, the media founders do not report their work and activities. Considering that many media houses are not financially sustainable, it has a negative impact on the quality of reporting and professionalism.

The small and barely sustainable Montenegrin media market, especially due to such a large number of media present in Montenegro, is affected by strong competition from neighbouring countries and sharp polarisation of the media along the lines of "being close" to the government or the opposition. This polarisation results in rather hostile relations between not only pro-opposition media and state authorities, but also between market actors from different parts of the (political) spectrum and makes it impossible to take joint steps to achieve common goals. Funding mechanisms from public revenue should not be used to support "pro-government media" because this is a very destabilising factor, which endangers not only the actors in the market, but also undermines the media main role as well as citizens' trust in the media". In addition, the write-off of the sector's debts to the state (taxes, fees) or state-owned enterprises (costs of the services of the Broadcasting Centre - RDC) is only a short-term solution. In the limited Montenegrin media market, where commercial media are often focused on the production of entertainment programming content and formats that attract the attention of the audience, although they often do not have an essentially important informational and educational function, the development of media pluralism is therefore essential.

A special danger for the survival of traditional media is also the fact that the wide audiences reached by new media, both internet publications and information intermediaries (social media), reduce their potential for direct advertising to the target audience, which leads to an increase in the trend of redirecting available advertising budgets to the new media. That is why the state should strategically design and directly help the preservation of the media and the development of media pluralism.

There is no system of collecting data on the media market established by national institutions, but data is exclusively collected by a certain number of non-governmental organisations through project activities.

The main challenge of television as a media is the aspiration to adapt to the new environment and still be competitive in the news field, education and entertainment and to contribute to the preservation of cultural identity and diversity, through increasing the availability of domestic content. This especially applies to public broadcasters and commercial broadcasters who are dedicated to the production of content with a theme and of importance to the local community and who make their programmes available to citizens via the digital terrestrial platform (DVB-T2) which is very well developed in Montenegro, in terms of the existence of appropriate networks, almost at the level of developed European countries. It should be borne in mind that not all the possibilities of this platform have been fully realised, which refers, first of all, to the availability and adaptation of programme content for people with disabilities, multilingualism, etc.

In Montenegro, an additional challenge is the limitation in terms of the possibility of producing competitive content, even at the regional level, where there are several providers of these services that have a significant market share, which can be, and it is, an additional challenge for local content producers, public and commercial broadcasters, which in such a complex environment must find a path to the end user, the consumer of the offered content.

At the institutional level, the Agency for Electronic Communications and Postal Services (EKIP) is responsible for protecting the interests of users and resolving disputes on the electronic communications market and for monitoring operators, as prescribed in Article 11 of the Law on Electronic Communications.

No detailed research has been done in Montenegro to what extent users remain attached to the traditional media of radio and television, and in what percentage they use new, modern media.

The main challenge in the further technological and technical progress of the RTCG Archive is, above all, the lack of budget funds. It is necessary to establish an entire system for the permanent storage of materials from the archive in a safe and permanent way. The production technology platform used by RTCG for day-to-day programme production is architecturally set up so that it can be easily integrated with such archive systems resources.

Operational objectives

The strategic objective will be achieved through the following operational objectives:

➤ *Operational objective 3.1 Equal treatment of all participants in the media market ensured*

The law on media will create the possibility for an authorised official to check public sector advertising in online publications and print media (prescribed penal provisions against public sector entities that advertise in media that are not registered in the media register).

Preparing periodic reports on the application of the Law on Media, and analysis of the application of legal provisions that oblige the public sector and the media to publish data on payments based on advertising and other contracted services, will monitor the legality of business and taxation of all those who are now illegally selling advertising space. In addition, it is necessary to carry out mandatory periodic controls on the spending

of state budget money that is distributed to all media, as well as to conduct research and analysis on the impact of all types of state benefits on the economic status of employees in the media.

This area will be further regulated by conducting regular financial and market control of not-entered online publications and natural persons who sell advertising space on the Internet.

The state will continue to cover part of the costs of all public and commercial broadcasters for the transmission of broadcast signals through terrestrial radiobroadcasting systems by providing funds for the signal transmission of public and commercial broadcasters.

It is necessary to enable local self-governments to establish their own funds for fostering media pluralism and transparency, which would serve as support for local media.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of provided subsidised costs of equipment storage, signals transmission and broadcasting through a network of broadcast transmitters for all local public and commercial broadcasters	60% (2021)	70%	80%
Media revenues from advertising and other contracted services and for providing public services	EUR 3.987.504,92 ⁹⁴ (2021)	+ 10 % on baseline value	+ 15 % on baseline value
Percentage of media that publish revenue received from public sector bodies	37% ⁹⁵ (2021)	85%	90%
Number of local funds established for fostering media pluralism and diversity	0 (2022) ⁹⁶	5	8

⁹⁴ PDV excluded. Ministry of Culture and Media, ANNUAL REPORT ON TRANSPARENCY OF FINANCING MEDIA FROM PUBLIC REVENUES FOR THE PERIOD FROM FEBRUARY 15, 2021 TO DECEMBER 31, 2021, pages 4-5.

⁹⁵ Ibid, p 4.

➤ *Operational objective 3.2 Systematic collection of relevant data on the media market established*

By establishing metrics for all media formats in order to measure readership, viewership, listenership, trust and other parameters for all media in Montenegro, timely and systematic measurement of all media will be provided in cooperation with the media community.

Conducting regular half-yearly surveys of public opinion on trends in the media market will provide information and suggestions for improving the situation in this area, based on which a series of new activities will be defined with the aim of improving the overall trend.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
The number of surveys conducted on readership, viewership, listeners, and trust for all media in Montenegro	0 (2022)	1	3

➤ *Operational objective 3.3 Improved media technical and technological and production capacities*

The new Law on Audiovisual Media Services must adequately define non-linear service and prescribe measures related to distributors of on-demand AVM services, which are provided for by the European regulatory framework, i.e., the EU Directive 2018/1808 (AVMSD). This would eliminate the currently present disproportion in the application of measures, i.e. the reduced application of measures to these services compared to the service of cable operators who, according to the current legal solution, are classified as providers of AVM services on demand, although a large part of their offer consists of television programme distribution services, or the distribution of linear content where the editorial responsibility belongs to third parties.

⁹⁶ The local funds for promoting media pluralism and diversity are not provided for by the current Law on Media, but their introduction is envisaged by the Draft Law on Media

By amending the legal solution and introducing the definition of distributors of radio and television programmes, conditions will be created for its adequate and balanced application in this complex market. The adoption of the Law on Audiovisual Media Services will define the services and actors on the AVM services market in terms of the applied technology and balanced regulatory measures. It is also necessary to harmonise the regulatory practice related to the service providers of the distribution of radio and television programmes, AVM services on-demand with the provisions of the EU Directive 2018/1808 (AVMSD).

The Directive that revised the 2010 Directive provided measures that aim to create a relevant regulatory framework and reduce a certain asymmetry in regulatory measures that relate to different types of services, encouraging new forms of regulation. The field of application of this directive has been extended to platforms for sharing video content. The providers of these services, in accordance with the provisions of this directive, must take certain measures that are particularly related to the protection of minors, incitement to hatred and terrorism advocacy.

Furthermore, it is necessary to create a stimulating environment for the further development of digital terrestrial television services (DVB-T2) and create conditions for the implementation of the first national multiplex for T-DAB+ technology through appropriate amendments to the Law on Digital Broadcasting.

On an annual basis, the RTCG allocates funds for the digitalisation of the most endangered, or the oldest materials in its archive, in order to transfer these materials to a more secure medium for storage, and this practice is planned to continue in the future. This is only the beginning of the whole process, because it is necessary to establish a whole system for the permanent storage of these materials, in a safe way. Such a system must enable easy searching, as well as the entry of all necessary metadata, which will increase the visibility and usability of all materials. The steps for starting the digitalisation of the archives of the Public Service have been defined, namely: 1. Listing and cataloguing every cassette, tape, VHS tape and disc; 2. Determining priorities for digitalisation; 3. A detailed description of all materials to be digitalised, including the persons appearing; 4. Procurement of a server for storing digitalised material, the standard is that three copies must be stored in three different places. This process takes several years, which requires, first of all, expert material handling, but also careful permanent digitalisation of data.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of digitalisation of RTCG Public Service archives	0% (2021)	30%	50%
Number of TV programme broadcasters that have adequate equipment for digital signal broadcasting	8 (2021) ⁹⁷	11	16
Number of radio programme broadcasters that have adequate equipment for digital signal broadcasting ⁹⁸	5 (2021)	7	10

STRATEGIC OBJECTIVE IV – FRAMEWORK FOR THE WORK AND POSITION OF MEDIA EMPLOYEES IMPROVED

Situation in the field

In accordance with the legislation, journalists in Montenegro can be employed in a number of different ways. Almost all types of employment are regulated by the Labour Law, as the umbrella law that regulates this area, but labour relations can also be regulated by different special laws. Journalists are most often employed through employment contracts for an indefinite or fixed time, through service contracts, but also through employment agencies.

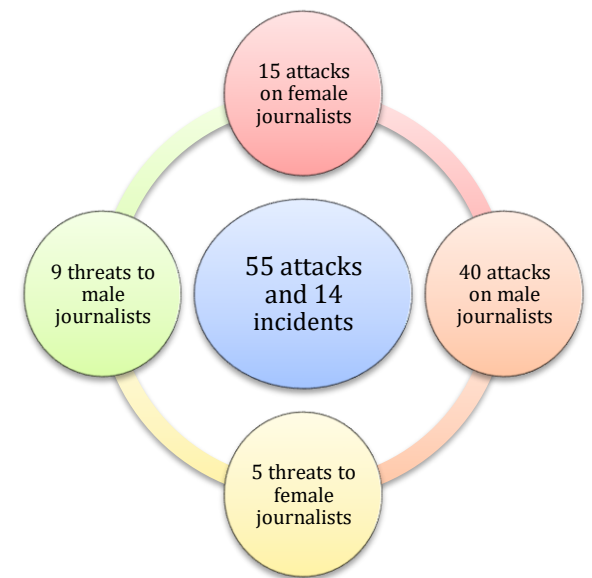
⁹⁷ Data received un communication with TV programme broadcasters

⁹⁸ Data received un communication with radio programme broadcasters

Despite the changes in Law on Media since 2020, the state of media freedom in Montenegro is still characterised by numerous problems related to the financial position of journalists and media professionals. The Law on Media improved the autonomy of journalists within newsrooms by adopting a resolution that their article/segment may not be changed without their consent, that they have the right to refuse to publish content that is in conflict with ethical principles, that they have the right to freedom of expression of opinion, without fear that their employment may end because of this. Research by the Media Trade Union of Montenegro in 2021⁹⁹ showed that the economic and social position of journalists is still characterised by poor material status, pressures, overload and fear. The average working day of journalists in Montenegro lasts about six hours for slightly more than 12% of respondents. Even 78% of journalists work overtime. The vast majority of respondents or 69% of them have never received overtime compensation. As many as 38% of journalists earn less than the average salary, that is, less than 500 euro, while 30% of those surveyed earn more than 600 euro a month. The surveyed journalists assessed that journalists in Montenegro do not show solidarity (80.5%). Almost all journalists believe that journalists in Montenegro are not even free. The research showed that as many as 45% of journalists were in a situation where they had to censor content. In addition, 37% of those surveyed feel some kind of political interference or pressure during their work.

According to data from the Ministry of Culture and Media from May 2022¹⁰⁰, the total number of employees in the media is 2,141.

Due to the corona virus pandemic, there has been an increase in the volume of work in some media. The data we obtained during 2020 indicate that, due to the change in working conditions during the corona virus pandemic, journalists were spending their own resources (e.g. internet, telephone, electricity...) doing the newsroom work, and these are not expenses which are



⁹⁹ Media Trade Union, *Socio-economic position of media workers in Montenegro*, Podgorica, 2021, p. 5

¹⁰⁰ Data obtained on the basis of applications submitted by the media to the Ministry for the call for proposals for the allocation of funds from the Fund for Fostering Media Pluralism and Diversity for 2021 and the call for proposals for the allocation of funds for the creation of news and educational content in daily, weekly, local print media and online publications and in local public broadcasters with the aim of media recovery from the harmful consequences caused by the Covid-19 pandemic from April 2022, including the number of employees in commercial broadcasters.

reimbursed in any way nor their salary is increased due to such circumstances. According to data obtained from the Revenue and Customs Administration, in December 2022, the average gross salary of employees in the media was EUR 801.23, while in 2020, that average was EUR 764.09.¹⁰¹

The fact that the NGO Human Rights Action (HRA)¹⁰² reported a total of 55 cases of attacks on media employees from May 2004 to October 2016, says a lot of the work environment of journalists. 15 of these attacks were directed against female journalists and 40 against male journalists:

- ~ 1 murder (2004)
- ~ 21 attacks on journalists and teams of journalists
- ~ 16 threats and death threats9 official and personal vehicles of journalists burned and damaged1 explosion in front of commercial media building
- ~ 1 incident against a journalist and a photojournalist
- ~ 7 stoning of vehicles or media buildings

Additional 14 cases - incidents where journalists were threatened or were otherwise hindered in their work, were not reported or the journalists gave up prosecution, out of which 5 were against female journalists and 9 against male journalists.

¹⁰¹ The calculation was made by dividing the sum of the gross amount by the number of employees (whose salary is calculated according to one of the following calculation bases: 1. Salary; 2. Salary for additional work; 3. Salary of disabled persons; 4. Salary of employees who are also beneficiaries of the old-age pension; 5. Earnings of employees who are also beneficiaries of a partial disability pension; 6. Compensation of earnings during temporary incapacity for work (sick leave) up to 60 days; 7. Compensation of earnings during temporary incapacity for work (sick leave) over 60 days; 8. Earnings compensation based on pregnancy or maternity leave; 9. Salary compensation for half-time work, in accordance with the law governing social and child protection; 10. Certain categories of newly employed persons for whom the employer obtains subsidies in accordance with the regulation of the Government of Montenegro; 11. Salaries of newly employed persons in underdeveloped municipalities; 12. Compensation of earnings for certain categories of newly employed persons for whom the employer provides subsidies in accordance with the regulation of the Government of Montenegro and 13. Persons employed in business zones for which the employer obtains benefits in accordance with the regulation of the Government of Montenegro) for which the IOPPD form has been submitted.

¹⁰² Data taken from the Human Rights Action, *PROSECUTING ATTACKS ON JOURNALISTS IN MONTENEGRO*, Podgorica, 2016. Report available at: <https://www.hraccion.org/2016/11/27/izviestaj-procesuiranje-napada-na-novinare-u-crnoj-qori-2004-2016/>.

The Commission for Monitoring Investigations of Attacks on Journalists, which was formed in mid-2021, consists of representatives of media companies, journalists, a representative of non-governmental organisations, a representative of the Association of Professional Journalists, a representative of the Media Council for Self-regulation, a representative of the Media Union, a representative of the National Security Agency, a representative of the Supreme State Prosecutor's Office, a representative of the Higher State Prosecutor's Office and a representative of the Police Administration. This composition of the Commission also influenced work that is more efficient, given that now the representatives of the prosecution are directly involved in the work of this body. An important segment is monitoring cases that happen through social media, in addition to identified attacks and threats. In addition, the Commission acts in procedures that do not end with the filing of a misdemeanour or criminal charge.

From the report on the work of the Commission for Monitoring Investigations of Attacks on Journalists,¹⁰³ the following data on cases of attacks were obtained:

September 2016 – January 2017	2 cases (jeopardising security and a threat)	1 case with unknown outcome and 1 case when a criminal charge was rejected
September 2017 – January 2018	1 case (attack)	ongoing case
January – May 2018	6 cases (3 attacks, 1 threat, burning of vehicle and wounding of a female journalist)	1 case processed, 1 criminal charge rejected, 2 people convicted in one case, ongoing investigation in 2 cases
May 2018 – February 2019	9 cases (3 attacks and 6 threats)	4 ongoing proceedings, 1 fine, 4 charges rejected
February 2019 – May 2020	6 cases (harassment, attack, 4 arrests of journalists)	1 ongoing proceeding, 1 proceedings attacker punished for misdemeanour, 3 journalists released, 1 person convicted

¹⁰³ Reports available on the Government of Montenegro website.



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June – October 2021	11 cases (10 attacks, 1 threat)	6 convictions, 2 ongoing proceedings, 3 cases with no proceedings initiated
October 2021 – February 2022	1 case (attack)	No proceedings initiated
February 2022 – June 2022	5 cases (threat, attack, stoning)	One criminal charge rejected, 4 ongoing procedures

Concerning the above data, 14 threats were against female journalists and 31 against male journalists.

In the last three years (2020-2022), the Safejournalists network registered¹⁰⁴ 73 (2020 - 17; 2021 -28, 2022 - 28) attacks, threats and pressures on journalists and media outlets, out of which 31 threats and attack in the online environment (2020 - 9; 2021 - 10; 2022 – 12), and 19 attacks happened during protests and demonstrations (2020 - 5, 2021 - 10, 2022-4), out of which 9 were against female journalists and 64 against male journalists.

The Police Administration and State Prosecutor's Office are competent for cases of attack, since they are responsible for the investigative procedure, and based on it, a request for initiating a misdemeanour procedure or criminal report is submitted, which is finally decided by the competent court, which renders a decision for each case.

*“The violence against journalists is a very worrying trend and shall be put high on the priority list of policymakers, legislator, judiciary and industry. The unresolved violent attacks on some journalists have shaken the profession in the last years, but there are also reports of undue and intrusive pressures from media management and from politicians, exercised in the newsrooms on a daily basis... Despite the decriminalisation of defamation, which was a positive development, there are indications that in some instances the judicial branch does not provide for independent judicial review of defamation cases, and is deemed to be under the influence of political and other power structures.”*¹⁰⁵

¹⁰⁴ Data available at: <https://safejournalists.net/search/#sf%7B%221%22:%22MN%22,%225%22:%22022%22,%22wpml%22:%22en%22,%22search-id%22:%224%22,%22page%22:%223%22%7D>

¹⁰⁵ Tanja Kerševan Smokvina, Jean-François Furnémont, Marc Janssen, Dunja Mijatović, Jelena Surčulija Milojević, Snežana Trpevska *Media Sector Inquiry in Montenegro with recommendations for harmonisation with the standards of the Council of Europe and the European Union*, Council of Europe, 2017,, p. 11.

These are some of the findings of the analysis of the media sector through the JUFREX programme, so the following recommendations were made¹⁰⁶:

- The Government should secure a safe and enabling environment for journalists to perform their job.
- The Government should vigorously, openly and promptly condemn and process any threat to the safety of journalists.
- The efforts to implement the Montenegrin Journalists' Code of Ethics by the industry should be continued, preferably with the support of the relevant international organisations (EU, Council of Europe, OSCE Representative on Freedom of the Media and UNESCO).
- The Government should provide full support to effective and efficient work of the Commission for investigation of crimes against journalists, as well as the full transparency of the work of the Commission.
- There should be trainings ensured for the Prosecution office of Montenegro in relation to crimes committed via social networks, as well as those related to technical and legal aspects of safety of journalists.
- Full transparency of the work of the Government and public administration bodies, respecting the citizen's right to information.
- The defamation cases shall be properly dealt with and shall not be used to silence media. Related to that, a full transparency of data and information from Prosecution office of Montenegro on cases of investigation against journalists should be guaranteed.
- The industry shall safeguard journalists and promote implementation of the Code of Ethics and professionalism in journalism.
- The media professionals and journalists of Montenegro should seek to overcome political divisions in favour of the common goals of their profession, such as higher levels of professionalism, media pluralism, healthy working environment and best possible conditions for media freedoms.

Identified challenges

In addition to the standard poor working conditions, accompanied by illegal work, unpaid overtime or work during holidays, pressures, self-censorship and fear of possible attacks, during 2020, Montenegrin journalists had an additional fear for their lives considering that they worked

¹⁰⁶ Ibid.

in corona virus pandemic conditions. There are no mechanisms to provide journalists with social protection in the event of a change of ownership or newsroom. The economic and social position of journalists is still marked by poor material status, pressures, work overload and fear. In addition to poor wages, the problem is also the lack of equipment, opportunities for training and advancement. All this leads to a large number of journalists leaving the profession. The lack of employees leads to a work overload of journalists to meet the "daily schedule" and publish a large number of articles/segments daily, which ultimately affects the decline in the quality of journalism and the almost shutdown of investigative endeavours in newsrooms.

A big problem in the media scene is still the completely unregulated status of freelancers (journalists that perform journalistic activity as a free profession) and part-timers, i.e. journalists and other media professionals who are engaged on a project basis or under service contracts. In addition to mainly not being recognised by law, neither the media community nor the research conducted in the media offer any data that reflects their specific position: there is no data on the number, earnings and/or insurance of freelancers, and the same is true of part-timers. Uncertain earnings, which are below the national average and which depend on the number of articles, are accompanied by insufficient legal protection. The position of employees in other sectors is perhaps best described by the fact that half of them are forced to work for more than one newsroom in their parent media, while the same number of them is employed in more than two media. Representatives of these professions also do not have the opportunity for training and education.

In the last year (2022), and according to data from the NGO Centre for Civic Education¹⁰⁷, 19 attacks and threats against journalists and media outlets were recorded, out of which 8 were attacks on journalists, 7 threats to journalists via the Internet, three attacks on media outlet and one threat to media outlet.

Since the formation of the Commission in September 2021, no proceedings against police officers regarding attacks on journalists have been initiated before the Disciplinary Commission of the Ministry of Interior, nor in the period before the formation of the Commission. In addition, there is no information that there were any disciplinary procedures.

The work of the Commission for Monitoring Investigations of Attacks on Journalists is hampered due to the failure to provide the necessary data in order to assess the overall situation and define the exact actions to be taken in certain cases. In addition, the fact that two members of the Commission still do not have permission to access confidential data presents a challenge, so they cannot work and exchange information in full

¹⁰⁷ Vijesti, CGO: This year 19 attacks and threats against journalists and media outlets, <https://www.vijesti.me/vijesti/drustvo/637035/cgo-ove-godine-19-napada-i-prijetnji-novinarima-i-medijima>, accessed on February 2, 2023

capacity. In the reports of the Commission for Monitoring Investigations of Attacks on Journalists the lack and delay in responding to recommendations and non-delivery or incomplete delivery of data and limiting their access by other state authorities - the State Prosecutor's Office, the Ministry of Interior, the Police Directorate, the Agency for the Protection of Personal Data and the Government itself, are stated as the main challenges in their work. Thus, especially in the earlier period, the Commission's work was extremely limited, which often contributed to the lack of efficiency and effectiveness in its work. The Commission does not have records or registers on the percentage of implemented recommendations, due to the previously mentioned difficulties in obtaining feedback from competent institutions.

No specialised trainings have been organised for the State Prosecutor's Office of Montenegro and the Ministry of Interior regarding criminal offenses committed through social media.

Operational objectives

The strategic objective will be achieved through the following operational objectives:

➤ *Operational objective 4.1 Strengthened socio-economic position of media employees*

Adopting the new Law on Media is planned to achieve better protection of the rights of journalists in Montenegro, it is also planned to introduce the employer's obligation that the number of employees in the media cannot be reduced for a period of at least six months before applying for the distribution of funds from the Fund for Fostering Pluralism and Diversity. An analysis will be made of the current challenges in the work of the media, and the adoption of the new Branch Collective Agreement for the media filed will improve the status and working rights of employees in the media. In addition, by filling the gaps in the paid contributions to the pension fund of journalists, photojournalists and videographers in those media houses that were bankrupt or whose companies were liquidated, the material and legal position of these persons will be improved. Salary coefficients for employees in the media and accelerated retirement plan for journalists and other media professionals engaged in high-risk jobs will also be defined.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Average earnings of media employees ¹⁰⁸	764.09 (2020)	+30 on baseline value	+40 on baseline value
The percentage of compliance of the salary coefficients of photojournalists and other technical professions with the salary coefficient of journalists in the Branch Collective Agreement	0%	100%	100%

➤ *Operational objective 4.2 Independence and capacities of journalists and other media employees improved*

Adopting the new Law on Media will affect the strengthening independence of journalists and media employees. The establishment of special ethical mechanisms could additionally strengthen professionalism of journalistic work or bodies within professional associations that would deal with the issue of applying the Code of Ethics of Journalists of Montenegro and professional standards will further strengthen the professionalism in the work of journalists and their integrity. In addition, it is necessary to organise a wide range of trainings for existing employees in the media, in order to strengthen existing capacities. In addition, the establishment of new study programmes and subjects for the field of media would directly affect the quality, knowledge and skills of media employees.

It is necessary to strengthen the role of professional associations of journalists, who should have an educational as well as a corrective role within their membership. In addition, they would participate in the drafting of the new Code of Ethics of Journalists of Montenegro. Considering that the dominant view of the profession is that it is not advisable to introduce accreditation of journalist or taking a professional exam, it is necessary to strengthen the corrective role within professional associations, which would correct errors in the work of journalists in such a manner.

The indicators used to monitor the fulfilment of this operational objective are:

¹⁰⁸ Gross earnings. Data received from the Revenue and Customs Administration

Performance indicator	Baseline value	Target value 2025	Target value 2027
The percentage of registered media that adopted statutes in accordance with the law and ensured the protection of the Editor-in-Chief	Baseline value will be determined in 2024 ¹⁰⁹	+ 10% on baseline value	+20 % on baseline value
The percentage of compliance of the Code of Ethics of Journalists of Montenegro in the part of reporting on violence against women with international standards	0% (2021)	50%	100%
Percentage of sanctioned/unaired/unpublished misogynist content	0% (2021)	100%	100%
The number of employees in the media who are trained on an annual basis	Baseline value will be determined later	At least 20	At least 30

➤ *Operational objective 4.3 Safe working environment for journalists ensured*

It is necessary to provide a healthy, safe and fair environment for the work of journalists in Montenegro, to standardise the reporting of the Supreme Court on final judgments in proceedings where journalists appear as injured parties, and in this way, the penal policy of the courts and solving of these crimes will be regularly monitored. Based on this data and data from other relevant entities, it is necessary to develop annual reports on all types of cases where journalists appear as victims, through regular annual reports of the Commission, the Police Administration and the Supreme State Prosecutor's Office on the results in solving attacks on journalists. In addition, it is necessary to define exactly the contact persons in the Police Administration and the State Prosecutor's Office, and to form specialised teams with trained persons who will monitor and investigate cases of attacks on journalists.

¹⁰⁹ After adopting the new Law on Media

In order to raise the awareness of citizens and institutions in charge of investigating attacks, relevant media campaigns, round tables for courts, State Prosecutor's Office and the media, as well as trainings for relevant institutions, will be organised.

It is necessary to provide further support to the Commission for Monitoring Investigations of Attacks on Journalists, and to analyse their performance, and monitor the commission's work more closely. Promoting their work through the presentation of reports on their work to the Parliament of Montenegro and explanation of the findings and conclusions that this Commission makes, will additionally influence the general public's understanding of the pressures that the journalistic profession suffers, with the aim of creating healthy and safe working conditions. It is needed to invest in skills and knowledge of journalists, in order to raise the standards in the journalism profession in Montenegro.

The indicators used to monitor the fulfilment of this operational objective are:

Performance indicator	Baseline value	Target value 2025	Target value 2027
Number of prosecuted cases for endangering journalists ¹¹⁰	11 (2021)	8	5
Number of attacks punished in cases of endangering journalists	3 (2021)	8	5
Number of initiated disciplinary proceedings against responsible persons in competent institutions ¹¹¹ due to inefficiency in investigating attacks on journalists	0 (2021)	2	5
Percentage of implemented recommendations of the Commission for Monitoring Investigations of Attacks on Journalists	Baseline value will be determined later ¹¹²	30% recommendations implemented	50% recommendations implemented

¹¹⁰ Source obtained from the Commission for Monitoring Cases of Attacks on Journalists.

¹¹¹ Data obtained from the Ministry of Interior, the Police Administration and the Prosecutor's Office.

¹¹² The Commission for monitoring investigations of attacks on journalists does not yet have the records on the percentage of recommendations implemented

**ACTION PLAN FOR THE PERIOD
OF 2023-2024 FOR
THE IMPLEMENTATION
OF
THE MEDIA STRATEGY 2023-2027**

STRATEGIC OBJECTIVE I – QUALITY OF INFORMING CITIZENS IMPROVED AND MEDIA LITERACY ENHANCED

OPERATIONAL OBJECTIVE 1.1

Increased quality and scope of content in audiovisual and print media

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of total own production of registered TV stations	10% (2021)	20%	25%
Percentage of registered audiovisual media that have a minimum of 20% of their own production	10% (2021)	70%	100%
Number of warnings issued by AEM on the work of audiovisual media	26 warnings upon subjects' complaints 128 ex officio warnings (2021)	-10% on baseline value	-15% on baseline value
Percentage of audiovisual media that have internal or external self-regulation	Less than 5% (2021)	More than 20%	At least 50%

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
1.1.1 Determining the Proposal of the Law on Audiovisual Media Services	Proposal of the Law on Audiovisual Media Services determined	MCM	IV Q 2023	I Q 2024	No funds needed	/
1.1.2 Analysing the content of televisions with national frequencies	Analysis of the content of television with national frequencies (news, cultural and artistic, entertainment, sports, children's programmes, cultural content, etc.) prepared	AEM	IV Q 2023	I Q 2024	No funds needed	/
1.1.3 Defining requirements when allocating national frequencies in accordance with the public interest, i.e. the need for comprehensive information of citizens	Law on Audio-Visual Media Services and relevant secondary legislation adopted with details on the announcement of a national competition for the allocation of national frequencies by the AEM Council	AEM	IV Q 2023	I Q 2024	No funds needed	/
1.1.4 Implementation of periodic independent reports on the work of the regulator in	At least 1 annual report on the work of the regulator in the field of audiovisual media services prepared	NGO	I Q every year	II Q every year	EUR 30,000	Donor funds

	the field of audiovisual media services						
1.1.5	Introduction of supervision over legal norms compliance of all media	Law on Media with defined supervision over compliance with the law by print media and online publications adopted	MCM	IV 2023	Q I Q 2024	EUR 15,000	Budget MNE (MCM)
1.1.6	Organising a campaign to emphasise the role of self-regulation in the media	An awareness-raising campaign conducted on the role of self-regulation in the media	MCM AEM NGO	IV 2023	Q IV 2024	EUR 17,000	Budget MNE (MCM)
1.1.7	Conducting an analysis of the factors that affect the jeopardising the media market in Montenegro	Analysis of the factors that affect the jeopardising of the media market in Montenegro completed and published with recommendations for further development of the action plan	MCM AEM NGO	IV 2023	Q IV 2024	No funds needed	/
1.1.8	Conducting public opinion survey	Analysis of the quality and volume of content placed in the media completed	AEM	IV 2023	Q I Q 2024	EUR 15,000	Budget MNE (AEM)
1.1.9	Analysis of effects and influence of foreign media on public opinion in Montenegro	Analysis of effects and influence of foreign media on public opinion in Montenegro with recommendations completed	MCM AEM	II Q 2024	IV Q 2024	EUR 21,000	Budget MNE (MCM)
1.1.10	Developing an analysis of development directions and participation in the market of global platforms for the exchange of video content and AVM services on demand, and the possibilities of cooperation in this field	Analysis of possibilities and models of cooperation with global platforms for electronic communications prepared	MCM AEM	I Q 2024	IV Q 2024	No funds needed	/

OPERATIONAL OBJECTIVE 1.2

Improved support to commercial media reporting on public interest topics

Performance indicator	Baseline value	Target value 2025	Target value 2027
Number of new media content of public interest produced by registered commercial TV broadcasters financed from the Fund for Fostering Media Pluralism and Diversity	9 (2021)	+ 50% on baseline value	+ 60 on baseline value

Percentage of media content of public interest produced by registered commercial radio broadcasters financed from the Fund for Fostering Media Pluralism and Diversity	22 (2021)	+ 50% on baseline value	+ 60 on baseline value
The number of new media content of public interest produced in registered commercial online publications financed from the Fund for Fostering Media Pluralism and Diversity	1700 (2021)	+ 50% on baseline value	+ 60 on baseline value
The number of new media contents of public interest produced in registered commercial print media financed from the Fund for Fostering Media Pluralism and Diversity	491 (2021)	+ 50% on baseline value	+ 60 on baseline value
The amount of funds from the Fund for Fostering Media Pluralism and Diversity	516.057,37 EUR (2021)	2,527,283.32 EUR	3,159,104.15 EUR

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
1.2.1 Preparing the Rulebook amending rulebook on distribution of funds for printed media and internet publications	The amended Rulebook amending rulebook on distribution of funds for printed media and internet publications prepared in terms of conditions for participation in the competition, thematic content, project management bodies, etc	MCM	IV Q 2023	I Q 2024	No funds needed	/
1.2.2 Preparing the Proposal of the Law on Media	Proposal of the Law on Media determined with emphasis on increasing the percentage of funding of the Fund for Media Pluralism	MCM	IV Q 2023	I Q 2024	No funds needed	/
1.2.3 Fostering increase in the number of media contents financed from the Fund for Fostering Media Pluralism and Diversity	Number of new media contents published in commercial media financed from the Fund for Fostering Media Pluralism and Diversity	MCM	IV Q 2023	IV Q 2024	EUR 5.054.566.64	Budget MNE (MCM)
1.2.4 Establishing mechanisms for evaluating projects financed from the Fund for Fostering Media Pluralism and Diversity	Decision adopted on the members of the body for monitoring and evaluating the results of projects financed from the Fund for Fostering Media Pluralism and Diversity	MCM	IV Q 2023	IV Q 2024	No funds needed	/
1.2.5 Conducting evaluation of the outputs of	At least 1 evaluation finalised of the outputs of	MCM	II Q 2024	III Q	No funds	/

	projects financed through the Fund for Fostering Media Pluralism	projects financed through the Fund for Fostering Media Pluralism			2024	needed	
1.2.6	Preparation of analysis and creation of a policy for the full implementation of gender equality in the media	Analysis and guidelines of development policy prepared for the full implementation of gender equality in the media	MCM NGO	II Q 2024	IV Q 2024	EUR 8,000	Budget MNE

OPERATIONAL OBJECTIVE 1.3			
Improved system for efficient combating hate speech, online harassment, and disinformation			
Performance indicator	Baseline value	Target value 2025	Target value 2027
Number of complaints submitted to AEM in cases of hate speech in audiovisual media	2 (2021)	15	5
Number of measures imposed in connection with submitted complaints in cases of hate speech in the audiovisual media	2 (2021)	15	5
Number of complaints filed in cases of hate speech in print media	2 (2021)	5	3
Number of measures imposed in connection with complaints filed in cases of hate speech in print media	0 (2021)	5	0
Number of complaints filed in cases of hate speech in online publications	0 (2021)	30	10
Number of measures imposed in connection with complaints filed in cases of hate speech in online publications	0 (2021)	20	5

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
1.3.1 Preparing the Proposal of the Law amending the Criminal Code	The Proposal of the Law amending the Criminal Code determined, with a clearly defined norm of hate speech as a criminal offense	Ministry of justice	II Q 2024	III Q 2024	No funds needed	/
1.3.2 Preparing the Analysis of the needs for	The Analysis of the needs for changes to existing	MCM	IV Q	II Q 2024	No funds	/

	changes to existing mechanisms in order to sanction the spread of disinformation	mechanisms in order to sanction the spread of disinformation developed with recommendations		2023			needed	
1.3.3	Preparing the Proposal of the Law on Media in order to more effectively counter hate speech, online harassment and disinformation violence	The Proposal of the Law on Media determined with the emphases on the initiation of urgent court proceedings by stakeholders in cases of hate speech, online harassment and disinformation	MCM	IV Q 2023	I Q 2024		No funds needed	/
1.3.4	Preparation of the Proposal of the Law on Media with the aim of prohibiting the dissemination of media content displaying misogynistic and harmful content directed at women	The Proposal of the Law on Media adopted with the provision of prohibiting the dissemination of media content displaying misogynistic and harmful content directed at women, with the aim of suppressing and fighting against gender stereotypes	MCM	IV Q 2023	I Q 2024		No funds needed	
1.3.5	Establishment of a close coordination mechanism for fighting hate speech online harassment and disinformation with the obligation of periodic reporting on these cases and the preparation of recommendations for improving the conditions in the media	The network for combating hate speech, online harassment and disinformation established, the network's founding documents defined and adopted with the action plan	MCM Universities in Montenegro	IV Q 2023	IV Q 2024		EUR 150,000	Budget MNE (MCM)
1.3.6	Organising trainings for journalists and media professionals on recognising and preventing hate speech	At least 4 trainings held	MCM AEM	IV Q 2023	IV Q 2024		EUR 26,500	Budget MNE (MCM)
1.3.7	Organising training sessions for future moderators on internet publications and official accounts of internet publications on social media sites on recognising and preventing hate speech	At least 30 moderators attended training	MCM AEM	I Q 2024	II Q 2024		EUR 11,700	Budget MNE (MCM)
1.3.8	Organising a campaign to prevent hate speech and increase citizens' awareness of the problem of hate speech	At least one campaign realised per year for citizens of Montenegro on preventing hate speech and increasing citizens' awareness of the problem of hate speech	MCM AEM	I Q 2024	IV Q 2024		EUR 18,000	Budget MNE (MCM)
1.3.9	Developing an analysis on the directions of cooperation with global Internet companies and social media networks with the aim of	Analysis of possibilities and models of cooperation with global Internet companies and social media networks developed, aiming to define	MCM	I Q 2024	IV Q 2024		No funds needed	/

combating misinformation and hate speech

accountability for placing information on these channels

OPERATIONAL OBJECTIVE 1.4

Increased availability of the media content adapted to vulnerable categories of the population (people with disabilities, LGBTIQ, people who use or have used psychoactive substances, women who are victims of domestic violence, Roma and Egyptians)

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of media content adapted to PWD in total percentage of RTCG content	0.01% (2021)	1.5%	2%
Number of gender-responsive programmes and gender-sensitive language with the local public broadcasters and RTCG	0 (2021)	2	3
Number of shows on the public media service dealing with vulnerable categories of the population ¹¹³	1 (2021)	2	3
Number of new media content in commercial media dealing with issues relevant to PWDs financed by the Fund for Fostering Media Pluralism and Diversity	0 (2022)	20	50
Number of new contents dedicated to vulnerable categories of population, financed from the Fund for Fostering Media Pluralism and Diversity	0 (2022)	27	45

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
1.4.1 Preparing the Proposal of the Law on Audiovisual Media Services	The Proposal of the Law on Audiovisual Media Services determined, with emphasis on the part related to the application of Article 7 of the EU	MCM	IV Q 2023	I Q 2024	No funds needed	/

¹¹³ A show in the weekly programming scheme.

		Directive 2018/1808 (AVMSD) adopted (measures with the aim of continuous and gradual increase of accessible content for PWDs)					
1.4.2	Preparing the Proposal of the Law on Public Media Service of Montenegro	The Proposal of the Law on Public Media Service of Montenegro determined with amendments in the part of increasing the volume of content using audio-description and sign language (i.e. the determined percentage of content intended for PWDs).	MCM	II Q 2023	IV Q 2023	No funds needed	/
1.4.3	Organisation of trainings for journalists on reporting and production of content suitable for PWDs	At least 50 journalists trained in standards to produce PWD content in the media	MCM	IV 2023 Q	IV 2024 Q	EUR 8,000	Budget MNE (MCM)
1.4.4	Preparing the Proposal of the Law on Audiovisual Media Services	The Proposal of the Law on Audiovisual Media Services determined with a prescribed obligation of public broadcasters on a mandatory percentage of programmes dedicated to more vulnerable groups	MCM	IV 2023 Q	I Q 2024	No funds needed	/
1.4.5	Organisation of systematic and continuous trainings for journalists of commercial media	At least 60 journalists attended training on sensitivity towards marginalised groups and topics of interest to this group of citizens	MCM AEM NGO	IV 2023 Q	IV 2024 Q	EUR 14,500	Budget MNE (MCM)
1.4.6	Organisation of training for journalists on gender equality issues	Two trainings for at least 60 journalists held	MCM NGO	II Q 2024	IV Q 2024	EUR 15,000	Budget MNE (MCM)

OPERATIONAL OBJECTIVE 1.5**Enhanced media literacy of all segments of society, with special emphasis on youth**

Performance indicator	Baseline value	Target value 2025	Target value 2027
Media Literacy Index in Montenegro ¹¹⁴	32 nd place (2021)	31 st place	30 th place
Percentage of grammar school students who are familiar ¹¹⁵ with the basic principles of media literacy	1,8% (2021)	+ 20% on baseline value	+ 30% on baseline value
Percentage of primary school students ¹¹⁶ with the basic principles of media literacy	0% (2021)	15%	20%

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
1.5.1 Formation of the National Council for Media Literacy in order to establish systematic planning and monitoring of activities related to the improvement of media literacy	Decision on the formation of the National Council for Media Literacy adopted, with the Rulebook on the work of the NCML, appointment of a coordinator from MCM who would provide technical support to the work of NCML	ME MCM AEM NGO	IV Q 2023	IV Q 2024	EUR 105,000	Budget MNE (MCM)
1.5.2 Preparation of a comprehensive analysis of the level of media literacy by target groups and gender structure, with recommendations	The analysis of the level of media literacy by target groups and gender structure, with recommendations prepared and presented at a round table	NCML MCM AEM	IV Q 2023	II Q 2024	EUR 24,000	Donor funds

¹¹⁴ The data was obtained from the NGO Open Society Institute in Sofia, as part of the European Policies Initiative (EuPI), Republic of Bulgaria, and is available at the link: <https://osis.bg/?p=3750&lang=en>. The Western Balkan countries are traditionally at the bottom of the media literacy rankings in Europe. The targeted indicator values for 2025 and 2027 are set in a realistic aspect for this reason, since in 2019, for example, according to the data from the same organization, Montenegro ranked 31st in the media literacy index, and in 2022, it even dropped to 35th place, which is a decrease of three places compared to 2021.

¹¹⁵ Attended the Media Literacy course

¹¹⁶ Attended the Media Literacy course

			NGO Media				
1.5.3	Development of a multi-year plan for raising the level of media literacy	Based on activity 7.1.2 a plan for improving media literacy developed	MCM AEM NCML	II Q 2024	IV Q 2024	EUR 8,000	Donor funds
1.5.4	Preparation of annual analyses and reports on the application of measures with recommendations for improving policies in the field of media literacy	Annual reports prepared on the application of measures with recommendations for improving policies in the field of media literacy and sent to the Government of Montenegro for adoption	AEM NCML	II Q 2024	IV Q 2024	No funds needed	/
1.5.5	Organising regular annual trainings for decision-makers, policy makers, representatives of the judiciary and local self-government, journalists and media professionals	At least 40 participants of trainings on an annual level in the field of media literacy based on the plan from activity 7.1.3 attended training	AEM MCM NCML NGO	IV Q 2023	I Q 2024	EUR 42,000	Budget MNE (MCM)
1.5.6	Organising a campaign to raise citizens' awareness of the importance of media literacy and acquiring knowledge and skills in that area	At least one campaign organised to raise citizens' awareness of the importance of media literacy and acquiring knowledge and skills in that area	AEM MCM NCML NGO Media	IV Q 2023	IV Q 2024	EUR 8,000	Budget MNE (MCM)
1.5.7	Analysing existing teaching curriculums in the field of media literacy and creating the necessary media literacy manuals for primary and secondary schools	Media literacy subject manuals for primary and secondary schools revised and improved	ME Institute for Education NCML	IV Q 2023	IV Q 2024	EUR 12,000	Budget MNE (ME)
1.5.8	Continuous education of teaching staff	Number of educators for the subject of media literacy increased by 30	ME Institute for Education MCM	IV Q 2023	IV Q 2024	EUR 17,000	Budget MNE (ME)
1.5.9	Continuous evaluation of the quality of the implementation of media literacy curriculums in schools and learning	At least one external test of students who chose the subject of media literacy conducted	ME NCML	IV Q 2024	IV Q 2024	EUR 36,000	Budget MNE (ME)

	outcomes		NCML				
1.5.10	Sending of initiative to the Ministry of Education	Initiative to the ME and other relevant institutions sent with the aim of identifying steps for the introduction of the subject of media literacy in all secondary schools in Montenegro, as well as lower grades of elementary schools	MCM	IV Q 2023	I Q 2024	No funds needed	/
1.5.11	Sending an initiative to the University of Montenegro for the introduction of a media literacy module at the Faculty of Philology and Philosophy	The initiative sent to the University of Montenegro and at least one meeting was held aiming to consider the introduction of a media literacy module at the Faculty of Philology and Philosophy	MCM UCG	IV Q 2023	I Q 2024	No funds needed	/
1.5.12	Introduction of compulsory elective subject Media Literacy for all primary and secondary schools	Media literacy introduced in all primary and secondary schools as a compulsory elective subject	ME Institute for Education	IV Q 2023	IV Q 2024	No funds needed	/
1.5.13	Continuous education of teaching staff	A minimum of 30 educators per year have undergone media literacy training	ME Institute for Education	IV Q 2023	IV Q 2024	EUR 18,000	Budget MNE (ME)
1.5.14	Conducting regular revision (adjustment) and improvement of existing teaching programmes and creation of necessary media literacy manuals for primary and secondary schools	All programs for primary and secondary schools in the area of media literacy revised and improved	ME Institute for Education	IV Q 2023	IV Q 2024	EUR 17,000	Budget MNE (ME) Donor funds
1.5.15	Preparing an initiative to the University of Montenegro to introduce media education for teachers and educators and to analyse the need and opportunities for continuous training of researchers in higher education institutions in the field of media literacy and media pedagogy.	The initiative sent to the University of Montenegro and at least one meeting was held aiming to introduce media education for teachers and educators and to analyse the need and opportunities for continuous training of researchers in higher education institutions in the field of media literacy and media pedagogy	ME UCG NCML	IV Q 2023	I Q 2024	No funds needed	/

STRATEGIC OBJECTIVE II – EDITORIAL AND FINANCIAL INDEPENDENCE, ETHICS AND PROFESSIONALISM OF PUBLIC BROADCASTERS STRENGTHENED

OPERATIONAL OBJECTIVE 2.1

Improved independence of public broadcasters

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of RTCG production and programming plans realisation	50% (2021)	70%	80%
Percentage of realisation of production and programming plans of local public broadcasters	80% (2021)	85%	90%

ACTIVITIES

Activity		Indicator	Responsibility	Start	End	Budget	Source of funding
2.1.1	Preparing the Proposal of the Law on Public Media Service of Montenegro	The Proposal of the Law on Public Media Service of Montenegro determined with the emphases on the part of improving the selection criteria and procedures of the Public Media Service Council election, the responsibilities of key management positions along with the depoliticisation of the work of the Council	MCM	IV Q 2023	I Q 2024	No funds needed	/
2.1.2	Preparing the Proposal of the Law on Audiovisual Media Services	The Proposal of the Law on Audiovisual Media Services determined with prescribed obligations of local self-government units on financing of local public broadcasters	MCM	IV Q 2023	I Q 2024	No funds needed	/
2.1.3	Standardisation of the adoption of annual plans of public broadcasters and reports on the implementation of annual plans	Model of the annual plan and annual report of public broadcasters prepared and adopted	AEM	II Q 2024	IV Q 2024	EUR 19,500	Donor funds

OPERATIONAL OBJECTIVE 2.2**Adequate media self-regulation established**

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of registered media that are involved in some form of self-regulation	10% (2021)	70%	80%

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
2.2.1 Conducting an analysis on compliance with the standards of the Code of Ethics of Journalists of Montenegro and the overall situation in the field of self-regulation	The analysis developed with fact-finding research on compliance with the standards of the Code of Journalists and the situation in the field of media self-regulation, comparative practices and recommendations for strengthening self-regulation/respect for professional standards	MCM AEM NGO	I Q 2024	III Q 2024	EUR 21,000	Budget MNE (MCM)
2.2.2 Analysis on the challenges of joining a self-regulatory body	Analysis on the challenges of joining a self-regulatory body with recommendations prepared	MCM	I Q 2024	III Q 2024	EUR 8,000	Budget MNE (MCM)
2.2.3 Conducting periodic analyses and research on the work of self-regulatory bodies	At least one annual study on the work of self-regulatory bodies finalised	MCM NGO	IV Q 2023	IV Q 2024	EUR 14,000	Donor funds
2.2.4 Promotion of good practices in self-regulation	At least one media campaign on benefits of self-regulation realised	MCM NGO	IV Q 2023	IV Q 2024	EUR 8,000	Donor funds
2.2.5 Organising round tables on the responsibility of self-regulators	At least 2 round tables held on specialised topics on self-regulation	MCM	IV Q 2023	IV Q 2024	EUR 6,000	Budget MNE (MCM)

OPERATIONAL OBJECTIVE 2.3**National regulatory framework harmonised with the relevant acquis of the European Union**

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of compliance of the Law on Audiovisual Media Services with the EU Directive 2018/1808 (AVMSD), or the relevant acquis of the European Union	70% ¹¹⁷	100%	100%

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
2.3.1 Transformation and the Agency for Electronic Media into the Agency for Audiovisual Media Services in accordance with EU regulations	The Law on Audiovisual Media Services adopted with prescribed competences of the Agency for Audiovisual Services and its full financial and operational independence ensured	MCM	IV Q 2023	IV Q 2024	EUR 45,000	Budget MNE (MCM)
2.3.2 Organising meetings of the working group for the harmonisation of national legislation with the EU Directive 2018/1808 (AVMSD)	At least 6 meetings of the working group for the harmonisation of national legislation with the EU Directive 2018/1808 (AVMSD) held	MCM	IV Q 2023	IV Q 2024	EUR 7,000	Budget MNE (MCM)
2.3.3 Adopting conclusions/recommendations on further harmonisation of national legislation with EU Directive 2018/1808 (AVMSD)	Conclusions/recommendations on further steps adopted	MCM	I Q 2024	IV Q 2024	No funds needed	/
2.3.4 Organising a media campaign to raise awareness of important aspects of the newly harmonised legislation	At least one media campaign conducted to raise awareness of important aspects of the newly harmonised legislation	MCM	III Q 2024	IV Q 2024	No funds needed	/
2.3.5 Improve human capacities in the Media Directorate, MCM	Number of employees in the Media Directorate increased	MCM	I Q 2024	IV Q 2024	EUR 42,500	Budget MNE (MCM)

¹¹⁷ Based on the existing Law on Electronic Media.

2.3.6	Strengthening the administrative, human and technical capacities of employees in the Media Directorate and AEM with the aim of harmonising the national normative framework with EU standards	Staff at Media Directorate and AEM trained through at least 3 specialised trainings for harmonising normative framework with the EU standards and on the best regional practices	MCM AEM	II Q 2024	IV 2024	EUR 12,000	Budget MNE (MCM)
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OPERATIONAL OBJECTIVE 2.4			
Improved information of citizens about the ways of submitting complaints to the media work			
Performance indicator	Baseline value	Target value 2025	Target value 2027
The number of complaints submitted on the work of commercial media	38 (2021)	130	11
The number of complaints received on the work of RTCG	29 (2021)	35	25
Number of complaints on the work of local public broadcasters	9 (2021)	13	7

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding	
2.4.1	Provision of free assistance services for filing complaints about the media work	At least 100 citizens used the free support service for filing complaints about the media work and violation of professional standards	NGO	I Q 2024	IV Q 2024	EUR 30,000	Donor funds Budget MNE (MCM)
2.4.2	Organising workshops to educate citizens on procedures for filing complaints	At least 60 citizens participated in one-day trainings on professional standards in the media and procedures for filing complaints	NGO	I Q 2024	IV Q 2025	EUR 16,000	Donor funds
2.4.3	Organisation of training for employees of local public broadcasters	2 training sessions organised on topics of importance for employees of local public broadcasters	AEM MCM	IV Q 2023	I Q 2024	EUR 12,000	Budget MNE (AEM)
2.4.4	Implementation of a media campaign on the possibilities of filing complaints and	Published at least one TV clip with information on how to submit complaints about the media	MCM	I Q 2024	III Q 2024	EUR 7,000	Budget MNE (MCM)

steps for all citizens

work and on available services

STRATEGIC OBJECTIVE III – ENVIRONMENT FOR FAIR MARKET OPERATIONS OF THE MEDIA IMPROVED

OPERATIONAL OBJECTIVE 3.1

Equal treatment of all participants in the media market ensured

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of provided subsidised costs of equipment storage, signals transmission and broadcasting through a network of broadcast transmitters for all local public and commercial broadcasters	60% (2021)	70%	80%
Media revenues from advertising and other contracted services and for providing public services	EUR 3,987,504,92 ¹¹⁸ (2021)	+ 10 % on baseline value	+ 15 % on baseline value
Percentage of media that publish revenue received from public sector bodies	37% (2021)	85%	90%
Number of local funds established for fostering media pluralism and diversity	0 (2022)	5	8

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
3.1.1 Analysis of the application of the legal norm obliging the public sector and the media to publish data on payments based on advertising and other contracted services	At least one annual analysis prepared of the application of legal norms on the obligations of the public sector and the media to publish data on payments based on advertising and other contracted services	MCM	IV Q 2023	IV Q 2024	No funds needed	/
3.1.2 Preparation of periodic reports on the application of the Law on Media and the	At least one annual report on the implementation of the laws prepared, which contains data on	MCM AEM	IV Q 2023	IV Q 2024	EUR 34,000	Budget MNE (MCM)

¹¹⁸ Excluding VAT

	Law on Audiovisual Media Services by the regulatory authority for AVM services field	ownership in audiovisual media, compliance with the provisions on the minimum percentage of own production and advertising	NGO					
3.1.3	Conducting an analysis of the financial effects and consequences of unfair media competition from countries in the region	Analysis made on the possibilities of protecting the domestic market from unfair competition	MCM NGO	IV Q 2023	II Q 2024	EUR 18,000	Budget MNE (MCM)	
3.1.4	Preparation of periodic reports on the application of the Law on Media	At least one annual report on the implementation of the Law on Media prepared, containing data on compliance with the provisions on public sector advertising, the obligation to display the impressum, transparency of ownership in online publications	MCM	IV Q 2023	IV Q 2024	No funds needed	/	
3.1.5	Raising media awareness on novelties in the Law on Media and the Law on Audiovisual Media Services in the part of transparent financial operations	At least 1 campaign conducted on the necessity of transparent financing from public revenues At least 3 round tables with media organised, dedicated to these topics	MCM	IV Q 2023	IV Q 2024	EUR 13,000	Budget MNE (MCM)	
3.1.6	Research on the impact of all types of state allocations on media development, economic status of media employees	At least one annual report on the impact of all types of state allocations on the economic status of media employees	NGO Media Trade Union	IV Q 2023	IV Q 2024	EUR 44,000	Donor funds	
3.1.7	Conducting an analysis on the functionality and sustainability of local public broadcasters	Analysis with recommendations adopted	MCM	I Q 2024	III Q 2024	EUR 23,000	Donor funds	
3.1.8	Conducting research on the establishment of local funds for fostering media pluralism and diversity	Research with recommendations finalised	MCM	III Q 2024	II Q 2024	EUR 14,000	Donor funds	
3.1.9	Development of recommendations/guidelines for the establishment of local funds for fostering media pluralism and diversity	Guidelines/recommendations for the establishment of local funds for fostering media pluralism and diversity adopted	MCM	II Q 2024	IV Q 2024	No funds needed	/	

OPERATIONAL OBJECTIVE 3.2**Systematic collection of relevant data on the media market established**

Performance indicator	Baseline value	Target value 2025	Target value 2027
The number of surveys conducted on readership, viewership, listeners, and trust for all media in Montenegro	0 (2022)	2	5

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
3.2.1 Establishing metrics for all media formats in order to measure readership, viewership, listenership, trust and other parameters for all media in Montenegro	Methodology for conducting research completed with the media participation prepared in order to measure readership, viewership, listenership, trust and other parameters for all media in Montenegro	AEM MCM	IV Q 2023	II Q 2024	No funds needed	/
3.2.2 Conducting regular half-yearly surveys of public opinion on trends in the media market	A methodology of independent regulatory authority for AVM services field for conducting research on trends in the media market developed, quarterly surveys conducted and published	AEM	IV Q 2023	IV Q 2024	EUR 32,000	Budget MNE (AEM)

OPERATIONAL OBJECTIVE 3.3**Improved media technical and technological and production capacities**

Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of digitalisation of RTCG Public Service archives	0% (2021)	30%	50%
Number of TV programme broadcasters that have adequate equipment for digital signal broadcasting	8 (2021)	11	16

Number of radio programme broadcasters that have adequate equipment for digital signal broadcasting	5 (2021)	7	10
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ACTIVITIES

Activity		Indicator	Responsibility	Start	End	Budget	Source of funding
3.3.1	Defining services and actors on the AVM services market in terms of applied technology and balanced regulatory measures	Law on Audiovisual Media Services adopted	AEM	IV Q 2023	I Q 2024	No funds needed	/
3.3.2	Creation of an encouraging environment for the further development of digital terrestrial television services (DVB-T2)	Law on Audiovisual Media Services adopted	MCM	IV Q 2023	I Q 2024	No funds needed	/
3.3.3	Creation of conditions for the implementation of the first national multiplex for T-DAB+ technology	Law on amending the law on digital broadcasting adopted	MED	II Q 2024	IV Q 2024	No funds needed	/
3.3.4	Harmonisation of regulatory practice related to distributors of linear AVM services, AVM services on demand with the provisions of the relevant EU regulations	Law on Audiovisual Media Services adopted with emphasis on the part of obligations and responsibility of distributors of linear AVM services and AVM services on demand	MCM	IV Q 2023	I Q 2024	No funds needed	/
3.3.5	Digitisation of the RTCG Archives	Cassettes, tapes, VHS tape and vinyl records listed, catalogues made and partly digitalised.	RTCG	IV Q 2023	IV Q 2024	EUR 2,500,000	Budget of RTCG Donor funds

STRATEGIC OBJECTIVE IV – FRAMEWORK FOR THE WORK AND POSITION OF MEDIA EMPLOYEES IMPROVED ACTIVITIES

OPERATIONAL OBJECTIVE 4.1			
Strengthened socio-economic position of media employees			
Performance indicator	Baseline value	Target value 2025	Target value 2027
Average earnings of journalists	764.09 (2020)	+30% on baseline value	+40% on baseline value
The percentage of compliance of the salary coefficients of photojournalists and other technical professions with the salary coefficient of journalists in the Branch Collective Agreement	0% (2022)	100%	100%

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
4.1.1 Preparing a new Branch Collective Agreement for the media and graphic activities field, which will improve the economic status and labour rights of the media employees	New Branch Collective Agreement for the media field and graphic activities adopted (defined salary coefficients for employees in the media, defined accelerated retirement for journalists and other media professionals who perform their work with an increased degree of risk)	Media Trade Unions Employers' Union	IV Q 2023	IV Q 2024	No funds needed	/
4.1.2 Proposing the decision of the Government of Montenegro on filling the gaps in the paid contributions to the pension fund of journalists, photojournalists and videographers	Decision adopted on filling the gaps in the paid contributions to the pension fund of journalists, photojournalists and videographers of media houses that were bankrupt and whose companies were liquidated	MCM	I Q 2024	III Q 2024	No funds needed	/
4.1.3 Conducting an analysis of challenges in the work of journalists and other media professionals	Analysis with recommendations for improving the socio-economic position of media professionals adopted	MCM	I Q 2024	III Q 2024	EUR 17,000	Budget MNE (MCM)

4.1.4	Public opinion survey on the media work and the independence of journalists	At least one survey on the media work and the independence of journalists conducted and presented at the round table	MCM	IV Q 2023	III Q 2024	EUR 14,000	Budget MNE (MCM)
4.1.5	Conducting trainings for journalists of employed at public broadcasters	Organising at least 2 trainings for journalists employed by public broadcasters	MCM AEM	I Q 2024	IV Q 2024	EUR 4,000	Budget MNE (MCM)
4.1.6	Implementation of training for the RTCG and local public broadcasters Ombudspersons	At least one specialised training organised in order to improve the work of the RTCG Ombudsperson. Capacity of RTCG ombudsperson members increased in order to strengthen their responsibility	MCM RTCG	I Q 2024	IV Q 2024	EUR 6,000	Budget MNE (MCM)

OPERATIONAL OBJECTIVE 4.2			
Independence and capacities of journalists and other media employees improved			
Performance indicator	Baseline value	Target value 2025	Target value 2027
Percentage of registered media that adopted statutes in accordance with the law and ensured the protection of the Editor-in-Chief	Baseline value will be determined in 2024	+ 10% on baseline value	+20 % on baseline value
Percentage of alignment of the Code of Ethics of Journalists of Montenegro with international standards in the part of reporting on violence against women	0 % (2021)	50%	100%
Percentage of banned misogynistic content	0 % (2021)	100%	100%
The number of employees in the media who are trained on an annual basis	Baseline will be determined later	At least 20	At least 30

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
4.2.1 Preparing the Proposal of the Law on Media	The Proposal of the Law on the Media determined with emphases on the part of standardising the definition of journalists, amending the structure of the Media Statute with the aim of guaranteeing the	MCM	IV Q 2023	I Q 2024	No funds needed	/

		protection of editors, separation of newsroom and advertising sections, improvement of the procedure for the protection of journalistic sources of information					
4.2.2	Preparation of analysis of needs for improvement of the Code of Ethics of Journalists of Montenegro	Analysis developed of needs for improvement of the Code of Ethics of Journalists of Montenegro with recommendations for improvement of the Code	MCM Journalistic associations	I Q 2024	III Q 2024	No funds needed	/
4.2.3	Application of norms on gender sensitivity and prohibition of discrimination	- Adopted guidelines for reporting on violence against women in relation to the Code of Ethics of Journalists of Montenegro, with the aim of reducing abuse and violation of international standards in the field of freedom of expression, and identified the number of cases of non-compliance with the Code of Journalists of Montenegro in the application of norms on the use of gender-sensitive language in print media and online publications - Methodology on the use of gender-sensitive language in commercial audiovisual media developed	Mechanisms of self-regulation AEM MCM	IV Q 2023	IV Q 2024	EUR 15,000	Budget MNE (AEM)
4.2.4	Implementation of Analysis of existing study programmes/training in the media sector	Analysis of existing study programmes/training in the media sector completed with recommendations for their improvement and systematisation	MCM UCG	II Q 2024	III Q 2024	EUR 15,000	Budget MNE (MCM)
4.2.5	Implementation of a wide range of trainings for existing employees in the media in order to strengthen existing capacities	At least 8 trainings conducted, for at least 150 journalists and other media employees	MCM AEM Media organisations	IV Q 2023	IV Q 2024	EUR 75,000	Budget MNE (MCM)
4.2.6	Conducting research on the capacities (education, experience, skills, etc.) of media professionals in Montenegro	Comprehensive research presented at the round table	MCM	II Q 2024	IV Q 2024	EUR 42,000	Budget MNE (MCM)
4.2.7	Initiating a proposal for the establishment of a training centre for young journalists	Initiative for establishing a training centre established at the Faculty of Political Sciences, which would provide an opportunity to young people who have completed other educational programmes and	University of MNE ME MCM	II Q 2024	IV Q 2024	EUR 38,000	Budget MNE (UCG)

are interested in a career in journalism

OPERATIONAL OBJECTIVE 4.3

Safe working environment for journalists ensured

Performance indicator	Baseline value	Target value 2025	Target value 2027
Number of prosecuted cases for endangering journalists	11 (2021)	8	5
Number of attacks punished in cases of endangering journalists	3 (2021)	8	5
Number of initiated disciplinary proceedings against responsible persons in competent institutions ¹¹⁹ due to inefficiency in investigating attacks on journalists	0 (2021)	2	5
Percentage of implemented recommendations of the Commission for Monitoring Investigations of Attacks on Journalists	Baseline value will be determined later	30% recommendations implemented	50% recommendations implemented

ACTIVITIES

Activity	Indicator	Responsibility	Start	End	Budget	Source of funding
4.3.1 Monitoring of the penal policy of the courts through regular annual reporting of the Supreme Court on final judgments in proceedings where journalists appear as injured persons	Annual reports on final judgments in proceedings where journalists appear as injured persons adopted	Commission for monitoring investigations of attacks on journalists	IV Q 2023	IV Q 2024	No funds needed	/
4.3.2 Initiative sent to Amend the Decision on the Formation of the Commission for Monitoring Investigations of Attacks on Journalists	The amended decision on the formation of the Commission adopted with the obligation of the relevant institutions to submit data on reported and processed cases of attacks on journalists	MCM Commission for monitoring investigations of attacks on journalists MUP	IV Q 2023	I Q 2024	No funds needed	/

¹¹⁹ MUP, Police Directorate and Prosecutor's Office

			Courts State Prosecutor's Office				
4.3.3	Initiating the establishment of a budget for the Commission for Monitoring Investigations of Attacks on Journalists	Funds for the work of the Commission for Monitoring of Investigations Attacks on Journalists identified within the relevant budget unit	MUP MF	IV Q 2023	I Q 2024	No funds needed	/
4.3.4	Organising a media campaign on cases of attacks on journalists	At least one campaign on cases of attacks on journalists implemented	MCM	I Q 2024	IV Q 2024	EUR 12,000	Budget MNE (MCM)
4.3.5	Organising round tables for the court, State Prosecutor's Office and media on cases of attacks	At least 2 round tables organised on the topic of attacks on journalists	MCM	IV Q 2023	IV Q 2024	EUR 9,000	Budget MNE (MCM)
4.3.6	Organising an SOS line to help journalists, victims of hate speech, persecution or illegal behaviour by the employer (media founder or managers)	Free SOS line to help journalists, victims of hate speech, persecution or illegal behaviour by the employer (media founder or managers) established	Media Trade Union	I Q 2024	IV Q 2024	22.000 EUR	Donor funds
4.3.7	Improving the work of the Commission for monitoring investigations of attacks on journalists	Finalised Analysis of the Commission's performance with recommendations for improving their work At least one media campaign implemented aiming to promote the work of the Commission The reports of the Commission presented in the Parliament	MUP MCM Commission for Monitoring Cases of Attack on Journalists	IV Q 2023	IV Q 2024	EUR 7,000	Budget MNE (MUP)
4.3.8	Improving the structure of the reports of the Commission for monitoring investigations of attacks on journalists, the Police Administration and the Supreme State Prosecutor's Office, which include special sections with reference to the results in solving attacks on journalists	Annual report of relevant institutions with special sections on the results in solving attacks on journalists prepared and adopted	MCM Commission for Monitoring Investigations of Attacks on Journalists Police	IV Q 2023	IV Q 2024	No funds needed	/

			Administration SSP's office				
4.3.9	Formation of specialised teams/contact persons in the Police Administration and the State Prosecutor's Office that will monitor and investigate cases of attacks on journalists	A team formed to investigate cases of attacks on journalists, consisting of representatives of the Police Administration and the State Prosecutor's Office	Police Administration SSP	IV Q 2023	IV Q 2024	No funds needed	/
4.3.10	Organising training for the Police Administration and the Prosecutor's Office	At least 2 specialised trainings organised for contact persons and relevant persons dealing with cases of attacks on journalists in the Police Administration and the State Prosecutor's Office	Police Administration SSP	I Q 2024	IV Q 2024	EUR 12,000	Budget MNE (MUP)
4.3.11	Conducting a comprehensive analysis on attacks on journalists in Montenegro	Analysis on cases of attacks on journalists with recommendations for improving protection mechanisms finalised	MCM Media Trade Union	I Q 2024	III Q 2024	EUR 21,000	Budget MNE (MCM)

BUDGET

Estimated costs of the strategy, i.e. the Action Plan 2023-2024 for the implementation of the Media Strategy was developed by applying the *Methodological Guidelines for Estimating the Costs of Government Strategies - with examples from strategies for the public administration reform*^[1] developed by ReSPA in 2018.

The total estimated costs of implementing the Strategy in the period from 2023 to 2027 will amount to €24,230,000. Costs of activities planned in the ACTION PLAN 2023-2024, which is an integral part of the Strategy, amount to €8.926.266.640, the detailed structure by strategic objectives is given in the table below.

Funds for the implementation of this strategy are planned in the budgets of all institutions recognised as institutions carrying reform goals and activities, as well as in the budget of the Ministry of Culture and Media - the coordinator of the development of this strategic document and reporting on it, thus ensuring financial and fiscal sustainability.

The activities of the action plan 2022-2024 will be financed from the Budget of Montenegro, as well as from allocated donor funds. Recognised donors who will provide support in the implementation of strategic activities are the EU, RCC, OSCE and others. Selected activities, for which NGOs have been recognised as its bearers, will be financed through a public competition for the allocation of funds to NGOs, which the Ministry of Culture and Media publishes on an annual level, with a prior dialogue with this ministry.

Strategic objective	Name	Cost in EUR
I	QUALITY OF INFORMING CITIZENS IMPROVED	5.691.266.640
II	EDITORIAL AND FINANCIAL INDEPENDENCE, ETHICS AND PROFESSIONALISM OF PUBLIC BROADCASTERS STRENGTHENED	248.000
III	ENVIRONMENT FOR FAIR MARKET OPERATIONS OF THE MEDIA IMPROVED	2.678.000.000
IV	IMPROVED FRAMEWORK FOR THE WORK AND POSITION OF MEDIA EMPLOYEES	309.000
	TOTAL	8.926.266.640

The policy planning process is coordinated with the budget planning process, and is specifically for the 2023 Budget Law made in accordance with the planned activities of the Action Plan for the implementation of the Media Strategy 2023-2027. The anticipated funds of all institutions are in accordance with the established expenditure limits set by the medium-term budget framework, based on the Fiscal Policy Guidelines defined by the Ministry of Finance.

In accordance with the Methodology for developing policies for drafting and monitoring the implementation of strategic documents, a monitoring, reporting and evaluation plan for the Media Strategy of Montenegro 2023-2027 was defined.

Monitoring will ensure the collection of data on the achievement of goals and results during the implementation of activities. Monitoring will be focused on action plans, semi-annual and annual reports with special reference to performance indicators.

A Commission for Monitoring the Implementation of the Media Strategy of Montenegro 2023-2027 will be formed to monitor the implementation of the strategy and supervise the quality and dynamics of the planned activities. In addition to representatives of the Ministry responsible for media field, the members of the Commission will be representatives of institutions whose activities are recognised by the Strategy: Ministry of Justice, Ministry of Finance, Ministry of Economic Development and Tourism, Ministry of Public Administration, Ministry of Education, Agency for Electronic Media, Agency for Electronic Communications and Postal Service, Radio broadcasting centre, NGO representatives (attention will be paid to including approximately equal number of female and male representatives). Representatives of international organizations, Ombudsman for human rights and freedoms, and other institutions can be members of the Commission as observers

The commission will be formed after the adoption of the Media Strategy of Montenegro 2023-2027. The Ministry of Culture and Media will coordinate the work of the Commission, it will also provide technical and expert support in organizing meetings and preparing quarterly and annual reports. The Commission should meet quarterly and prepare a report on the activities carried out for each meeting. The Commission meeting report summarizing the main conclusions should be published on the website of the Ministry of Culture and Media, with the aim of respecting the principles of transparency. Within the Commission, if necessary, working sub-teams can also be established with the aim of better and more efficient implementation of certain strategic and operational objectives.

Commission members and their deputies should have prior knowledge and experience in the area they report on. If this is not the case, they are required to undergo training, and it is desirable for them to have experience in implementing strategic or action plans. Within a maximum of one year from the day of appointment, Commission members and their deputies should complete the Program of Education for Professional Development of Civil Servants for Strategic Planning, which is conducted by the General Secretariat of the Government in cooperation with the Human Resources Administration. These obligations should be part of the job description of Commission members. In this way, the aforementioned principles are also respected, as well as the capacity of staff for strategic planning and implementation of public policies, monitoring, reporting, and evaluation is strengthened.

In addition, Commission members should regularly report to the heads of the institution/authority that appointed them on the progress of the Media Strategy and the obligations that the institution

has in its implementation, monitor the implementation of the strategy in their institution, and regularly report to the Commission. This ensures respect for the principles of responsibility of state administration bodies responsible for the development and implementation of strategic documents. In order to efficiently implement all activities, it is necessary to timely identify and report potential risks and obstacles in the implementation with the relevant authorities during the implementation of the Strategy and at Commission meetings.



The implementation of the Media Strategy of Montenegro 2023-2027 will be realised through two two-year and one one-year Action Plan containing an overview of activities, activity holders and partners, deadlines for implementation, performance indicators, amount of funds and sources of financing. The institutions responsible for the implementation of the activities will submit semi-annual and annual reports on the implemented activities and other data, at the request of the Ministry. The Ministry shall prepare annual reports on the implemented activities in accordance with the Methodology and submit them to the Government for adoption. Institutions identified through the Media Strategy will monitor individual objectives of the reform as well as related indicators. In the following five-year period, they will report to the Ministry and submit all necessary data. In order to provide timely reporting, the Ministry, which will provide professional and administrative support,

will designate contact persons in all responsible institutions who will provide and deliver all requested information. Regarding the identified responsibilities, each member of the Commission is expected to provide the requested information and attachments for the report in order to prepare annual reports on the implementation of the Strategy. In order to create an objective report, different sources of data will be used - starting with data provided by relevant institutions, materials from the Government, reports on the implementation of the work programme of the authorities, interviews with contact persons, focus groups with relevant stakeholders, NGO materials, as well as research and reports of international organisations.

The annual monitoring report, in accordance with the Methodology, will contain the following elements:

- A short introductory summary with a general assessment of the implementation of the strategic document;
- Concrete values and fulfilment of result indicators (and performance indicators if available);
- Information on the used financial resources, compared to the planned ones, with sources of funding;
- Identified challenges and recommendations for more efficient realisation of goals;
- Changes, if any, in the deadlines for the realisation of goals;
- Gantt chart or other tabular display of realised goals;

After the expiration of the implementation deadline for the strategy, a final report will be prepared, which, after being presented to the Commission, will be submitted to the Government for adoption. The monitoring of the implementation of the strategic document will also include a gender component, in order to see whether the programme activities addressed the different priorities and needs of women and men in accordance with the plan, which will further help in identifying and monitoring differences in the results and impacts of implementation from a gender perspective.

In order to determine the degree of fulfilment of the objectives, effectiveness and sustainability of the Strategy, an evaluation of this strategic document is also foreseen. The evaluation will be conducted at the end of the implementation period of the Strategy in order to assess the real effects and performance. The evaluation will be carried out by independent experts, and the report will be submitted to the Government for approval. The evaluation will also include an answer to the question of whether the strategic document was conceived in a way that respects gender differences, and whether it responded to them with adequate goals, activities and indicators. The necessary budget for conducting evaluations in the amount of EUR 40,000 will be planned from the funds of the Ministry of Culture and Media in the years when the evaluation is planned.

