



september

**2012**

**2014**

MONITORING OF JOURNALISTIC  
SELF-REGULATORY BODIES  
IN MONTENEGRO





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SELF-REGULATORY BODIES  
IN MONTENEGRO**  
**September 2012 – September 2014**  
Podgorica 2015

**Publisher**

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[www.hraction.org](http://www.hraction.org)

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This project was funded by the Government of the United Kingdom through the British Embassy in Podgorica. Opinions presented in this publication represent exclusively views of the authors and do not necessarily correspond to the views of the donor.

# MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

**September 2012 – September 2014**

**Dragoljub Duško Vuković / Marijana Buljan**



**Podgorica 2015**



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## PREFACE

Within the project “Monitoring of Journalistic Self-Regulatory Bodies in Montenegro”, from September 2012 to September 2014 Human Rights Action (HRA) conducted intensive monitoring of the media and the work of self-regulatory bodies observing the application of ethical standards in journalism in Montenegro. In that period HRA released four semi-annual reports containing recommendations for the media and self-regulatory bodies, published herein integrated. In addition, forty-two bulletins were published on the practice of the European Court of Human Rights in the areas of freedom of expression and the right to privacy, which are of particular importance to journalistic practice.<sup>1</sup>

The aim of the project was to encourage self-regulation in the media and help the media and their self-regulatory bodies to objectively apply the Code of Montenegrin Journalists and understand human rights standards in order to adequately ensure the citizens’ right to information.

The project is based in the idea that self-regulation in the media can and should benefit the protection of human rights and prevent their violation. If done professionally and impartially, self-regulation can prevent litigation, contribute to responsible dissemination of information and improve trust in the media. When the media adopt self-regulation, it implies the willingness to accept responsibility and promote professionalism in journalistic profession. Citizens, on the other hand, have the right to act as a part of the system for establishing responsibility of the media (Claude-Jean Bertrand) by requiring that the media be subject to an impartial self-regulation.

Citizens’ associations, such as HRA, can encourage the media to inform the public in a responsible manner if such associations observe whether the media comply with ethical standards, lodge complaints with media self-regulatory bodies, analyse how these bodies implement the code of ethics and encourage debate on these topics. Such activity was particularly important in Montenegro, given the noticeable gap between the media in relation to their political polarisation, as well as the erosion of application of ethical standards in the media. On the other hand, after the break-up of a single self-regulatory body in 2010, self-regulation in the media in 2012, when the project began, was once again in its infancy.

Media Council for Self-Regulation, self-regulatory body established in 2012, which gathered the largest number of media in Montenegro, did not include the media that were prominent critics of the government. During its first two and a half years .....

<sup>1</sup> Bulletins are available at: [http://www.hraction.org/?page\\_id=7536](http://www.hraction.org/?page_id=7536). Author of the bulletins is Peter Noorlander.

of operation, the Council almost exclusively dealt with the media who were not its members, while neglecting the violations of the Code by its members. Human Rights Action has drawn attention to that, with the intention to advocate for impartial, professional self-regulation in the media, which is the only means to ensure the trust of citizens and the media that the Council should have an impact on.

All influential Montenegrin media, which were outside the system of self-regulation in beginning of the project in 2012, have established their self-regulatory bodies by the end of the project. TV *Vijesti* established its Ombudsman in 2013, whose office ceased to operate a year later. The only media outlet that did not accept self-regulation was daily *Informer*, which started publishing in Montenegro in 2014.

During the two-year monitoring of the work of media self-regulatory bodies, Human Rights Action also conducted its own monitoring of media content in order to verify whether the self-regulatory bodies have managed to fully and impartially respond to violations of the Code within their competences. Monitoring and the reports covered print media (*Blic* - Montenegrin issue, *Dan*, *Dnevne novine*, *Pobjeda*, *Vijesti* and weekly *Monitor* and, to some extent, *Informer*<sup>2</sup>), portals (*Analitika*, *Cafe del Montenegro*, *IN4S*, *Vijesti* portal and *RTCG* portal) and news programmes of five most watched<sup>3</sup> television station: *TV Atlas*, *RTCG*, *TV PINK M*, *TV Prva* and *TV Vijesti*.

Special thanks go to our associates who made sure that the reports be well-grounded and professional: Dragoljub Duško Vuković, freelance journalist, media analyst and journalism instructor, author of all four reports relating to the print media and portals; Marijana Buljan, media expert, author of the second, third and fourth report relating to television news programmes; Mirjana Radović, legal expert with HRA, who monitored the content of the print media and Ksenija Brković, legal expert, who monitored the content of the portals.

We wish to thank everyone who has read the reports and helped us through constructive criticism or otherwise. We hope that the observations and recommendations published in the reports shall contribute to complying with the standards of ethics in informing the citizens of Montenegro and continuing debate about it in future.

We owe special thanks to the support of the British Embassy in Podgorica and the Open Society Foundation, who enabled the implementation of this project.

Tea Gorjanc Prelević, LL.M.  
HRA Executive Director and Editor of the Report  
In Podgorica, 2015

.....

<sup>2</sup> Daily *Informer* – Montenegrin issue, started publishing in March 2014. We monitored sporadically the content of the said newspaper, which did not accept any form of self-regulation, in the last phase of the project.

<sup>3</sup> Based on the research of CEDEM (OSCE), July 2012, Extra TV, February 2013 and IPSOS Strategic Puls, March 2013.

# CONCLUSIONS AND RECOMMENDATIONS



## CONCLUSIONS AND RECOMMENDATIONS

### On self-regulation in the media in Montenegro

There was a single Journalistic Self-Regulatory Body operating in Montenegro, which used to bring together almost all the journalists and periodically publish reports on the respect of the Code of Montenegrin Journalists.<sup>4</sup> This body was established in 2003 and ceased its operation in March 2010, following the resignation of representatives of daily *Vijesti* and weekly *Monitor* from its Council.<sup>5</sup>

Two years later, in March 2012, representatives of 19 print, broadcast and internet media outlets<sup>6</sup> established the Media Council for Self-Regulation (MCSR). A month later the Self-Regulatory Local Press Council was formed, encompassing 11 of the print media outlets, most of which published periodically.<sup>7</sup> In late May 2012, dailies *Vijesti* and *Dan* and weekly *Monitor* established the Press Council, but this body has never started operating.

Since the beginning of its project “Monitoring of Journalistic Self-Regulatory Bodies” in September 2012, Human Rights Action (HRA) has urged the media to accept some form of self-regulation, including a singular model of self-regulation - ombudsman, given the lack of willingness to re-establish a unified self-regulatory body that would encompass all the most influential media.

In January 2013, the public was informed that Ombudswoman of TV *Vijesti* had started operating. She ceased operation a year later, in February 2014, and at the time TV *Vijesti* did not announce whether she would have a replacement. Daily *Vijesti* appointed the Protector of the rights of readers - Ombudswoman in early November 2013. In late February 2014 daily *Dan* also announced that it had opted

.....  
 4 For more information, see the First Report on the Monitoring of Journalistic Self-Regulatory Bodies in Montenegro, p. 8 and 9.

5 Ibid.

6 RTCG, local public service Radio Tivat, commercial television and radio stations In, Atlas, MBC, Elmag, Montena, Boin, Teuta 10, Radio Antena M, Radio Montena, Skala Radio, Radio Dux, Radio Jadran, daily Pobjeda (at the time of the establishment of MCSR still majority-owned by the government), privately owned daily *Dnevne novine* and privately owned internet portals *Café del Montenegro* and *Analitika*.

7 Komuna, Pljevaljske novine, Mojkovačke novine, Mozaik, Tokovi, Glas Berana, Cetinjske novine, Danilovgradske novine, Novske novine, Alav and *Medijska kultura*.

for a singular model of self-regulation and established the Protector of the rights of readers. Furthermore, in July 2014 weekly *Monitor* appointed their Ombudswoman. The only newspaper that did not accept any form of self-regulation was *Informer*, which started publishing in Montenegro in March 2014 and stood out immediately by committing violations of the Code.<sup>8</sup>

In addition to the aforementioned bodies, Public broadcaster Radio and Television of Montenegro (RTCG) has its own self-regulatory body - the Commission of RTCG Council for Petitions and Complaints of Listeners and Viewers. Established back in late 2002, this self-regulatory body does not assess the application of the Code of Montenegrin Journalists by *RTCG*, but Program principles and professional standards of *RTCG*. Bearing in mind that *RTCG* has been a member of self-regulatory body MCSR since its establishment, the work of the Commission of RTCG Council was not particularly monitored within the HRA project.

.....

8 See Fourth Report by HRA, p. 228-229 and XI, XII and XIII reports of MCSR (<http://medijskisavjet.me>).

## Media Council for Self-Regulation

### Conclusions

Media Council for Self-Regulation (MCSR) was established in March 2012 and brought together the largest number of media in Montenegro - nineteen<sup>9</sup>, but not all of the most influential media, identified as the critics of the government.<sup>10</sup> By September 2014 and the final phase of HRA monitoring, MCSR had released a total of 12 reports on operation. Reports included findings of violations of the Code of Montenegrin Journalists, established by MCSR on the basis of complaints submitted by citizens and legal entities (including ministries), and on the basis of own monitoring of media content. MCSR initially presented its reports only in press conferences, but later also on its website (<http://medijskisavjet.me>).

During the first two and a half years of its operation (to September 2014) MCSR decided on 60 complaints, 46 of which were adopted and 14 rejected. In its reports HRA has also analysed the manner in which MCSR had been deciding on the complaints.

MCSR did not provide for the obligation of its members to publish a decision adopting a complaint against them, or any sanctions for violation of the Code. Such obligation has been accepted by the media who founded their own singular self-regulatory bodies in Montenegro (*Vijesti*, *Dan* and *Monitor*).<sup>11</sup>

Contrary to the spirit of self-regulation, MCSR had been deciding on complaints against the media who were not its members at a time when these media were not subject to such self-regulation, but also later, after they have established their own self-regulatory bodies. We recorded MCSR forwarding a complaint to another self-regulatory body only once,<sup>12</sup> but that practice did not continue. MCSR considered and decided on the complaints against the media who were not its members even after the ombudsmen of these media have already decided on them.<sup>13</sup>

9 See footnote 3. MCSR was later joined by 4 more media outlets (daily Blic Crna Gora, TV Prva and TV Pink M, as well as RTCG Portal), but 4 of its members subsequently ceased to exist (Blic Crna Gora, TV In, TV Elmag and TV Montena).

10 Dan, Vijesti, Monitor, TV Vijesti are not MCSR members.

11 See Rules of Procedure of Ombudsmen of Vijesti, Dan and Monitor. The obligation of the media to publish the decision on violation of the Code is also prescribed by the Rules of Procedure of the Appeals Commission of the Press Council in Serbia.

12 It was a complaint filed with MCSR against daily Dan in May 2014 (see p. 227).

13 This practice continued until the end of 2014 and in 2015.

In the process of considering complaints, MCSR, as a rule, sought an opinion on allegations in the complaint of its members only, although the Statute obliged this body to deliver any complaint for a response to a media outlet to which it refers, and, therefore, the media who were not its members.

In its first report HRA showed that during its first year of operation, of the total number of established violations of the Code on the basis of own monitoring, MCSR observed only 13.6% in the media (19) who were its members, and as many as 86.4% in daily *Dan* and daily, portal and TV *Vijesti*, who were not.<sup>14</sup> A similar situation was maintained until July 2014, when MCSR noted only 10% of violations in the media who were its members.<sup>15</sup> On the other hand, during almost the same time period (September 2012 - July 2014), HRA monitoring pointed to far more examples of violations of the Code by members of MCSR in comparison to those established by MCSR.

Although the Statute of MCSR provided that this body should carry out the monitoring of all media, MCSR only exceptionally observed electronic media (radio and television stations and portals<sup>16</sup>), although the largest number of its members belonged to this very type of media (as many as 16 of the total of 19, and later 3 new members). Thus, on its own initiative MCSR monitoring included practically only the print media, most of which were not its members up to the end.<sup>17</sup>

The results of media monitoring that MCSR conducted in the first year of operation indicate that the print media who were its members (*Pobjeda*, *Dnevne novine* and *Blic*) and those who were not (*Dan* and *Vijesti*) had been involved in the total number of violations approximately in the ratio 1:5. In the second year, up to July 2014, this ratio changed to 1:6.

On the other hand, the results of media monitoring conducted by HRA from September 2012 to September 2014 showed equivalent violations of the Code by the print media who were MCSR members and others who were not its members. In March 2013 the first HRA report revealed that the ratio between members and "non-members" of MCSR in the total number of established infringements of the Code was about 1:1.4, and until September 2014 this ratio changed slightly to 1.3:1. Bearing in mind this comparison only with regard to the print media, as it was the only type of media regularly monitored by MCSR<sup>18</sup>, one can conclude that monitoring carried out by MCSR on own

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14 See p. 53.

15 MCSR then found 63.7% of violations with *Dan* and *Vijesti*, and 26.5% with daily *Informer*, which did not exist in the first year of operation of MCSR (MCSR, XII Report).

16 MCSR monitored the work of three portals (*Vijesti*, *Analitika* and *Café del Montenegro*), but not continuously; it did not monitor radio stations, and television stations only exceptionally (details below).

17 Originally, *Pobjeda*, *Dnevne novine* and *Blic* were members of MCSR, while *Dan* and *Vijesti* were not, but in the meantime *Blic* ceased to operate and *Informer* appeared, which did not become a member of MCSR.



initiative had been biased in relation to its own members, by way of overlooking their ethics violations, and dealing mainly with the media who were not its members.

In the first two and a half years of operation, on the basis of own monitoring, MCSR found a violation of the Code by TV stations only in three cases and none by radio stations. In the same period MCSR received a total of six complaints concerning four television stations, of which it has adopted two, establishing thus a total of five cases of violation of ethical norms in television.

Unlike MCSR, during a two-year period from September 2012 to September 2014, HRA recorded as many as 244 violations of the Code in different TV stations (these findings were presented in detail in the second, third and fourth report)<sup>19</sup>. Hence, bearing in mind that essentially MCSR did not carry out the monitoring of television and radio stations, it is obvious that recognizing and condemning violations of ethical norms in this type of media is up to the willingness of the very citizens to file complaints.

MCSR monitoring results indicated that the media most often violated Principles 1 and 3 of the Code, relating to accuracy and balance in reporting, and the inviolability of facts, which are crucial for media credibility. In a number of cases HRA agreed with the assessments of MCSR in this regard. However, MCSR did not pay equal attention to violations of each of the Code principles, failing to provide explanation for such selective approach. HRA analysis showed that MCSR had ignored numerous violations of Principle 10 (respect for the presumption of innocence) and almost completely numerous violations of Principle 12 (plagiarism - using other people's information, words, ideas and images without proper quoting of the source). During the two years of monitoring, HRA noticed 3 to 5 times more examples of violations of the Code as compared to MCSR and concluded that the media most frequently violated the presumption of innocence (Principle 10), followed by the duty to cite the original source of information (Principle 12), while the violation of Principle 1 (accuracy) came in third.<sup>20</sup>

MCSR is the only self-regulatory body which received € 67,000 at the proposal of the Ministry of Culture for the three-year funding (2012-2014) from Ministry of Finance, although it did not represent a complete media industry. Since the establishment of MCSR until the end of 2014, its members have failed to fund its work by paying a monthly membership fee of € 50, as prescribed by the Statute of MCSR.<sup>21</sup>

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18 MCSR also monitored the work of three portals, but not continuously, making it impossible to fully compare the results of monitoring of MCSR and HRA.

19 During this period HRA monitored on a daily basis the content of four portals (Analitika, Café del Montenegro, IN4S and Vijesti online), and from March 2013 to September 2014 also primetime news programmes of five most watched television stations in Montenegro (Atlas TV, RTCG, Pink M, Prva, Vijesti).

20 First Report (p. 61, 72, 77); Second Report (p. 92); Third Report (p. 154); Fourth Report (p. 253).

21 See p. 50 of report A needs-assessment of the media councils in South East Europe, by Catherine Speller, June 2015.

## Recommendations

- MCSR Monitoring Team should declare itself not competent in deciding on complaints concerning articles in the media who are not its members and advise the complainant to address the self-regulatory body of the media outlet to which the complaint refers.
- Prior to deciding on a complaint or on the basis of its own assessment that certain media outlet has violated the Code, in accordance with the Statute and Rules of Procedure of the Commission for Complaints and Appeals, MCSR should seek the opinion of the party to which the appeal or complaint refers. The decision should be objective and adopted on the basis of the contested journalistic material, not only the allegations of the media outlet to which the complaint refers.
- MCSR should pay more attention to monitoring of the electronic media, especially those who are its members, and if unable to do so, MCSR should emphasize this in their reports, as it is otherwise implied that this body does not consider that these media violate the Code.
- MCSR website should include information on all the activities of this organisation and its Monitoring Team, as well as official announcements and press releases given by representatives of this self-regulatory body, including interviews to the media.
- Regardless of whether in future MCSR will monitor the work of its members only or continue to monitor the work of the media who are not, its Monitoring Team should not consist of journalists from certain media, but independent media experts and / or representatives of the interested public.
- MCSR Statute should provide for the existence of the Commission for Complaints and Appeals as a special body that will be different from the Monitoring Team with respect to its organization and personnel. The number of members of MCSR body dealing with appeals and complaints should be greater than three. *The Media Self-Regulation Guidebook* (OSCE, Vienna, 2008, p. 57) suggests that the optimal number is between 7 and 11 members.
- Amendments to the Statute of MCSR should envisage a second instance body that decides on appeals.

- MCSR Monitoring Team should pay equal attention to violations of each of the fundamental principles of the Code and guidelines developing and explaining these principles or at least state reasonable grounds for its selective approach.
- In addition to presenting its reports at press conferences and publishing them on its website, MCSR should also deliver them to the relevant addresses of media outlets which are not its members, but have been mentioned in these reports on any grounds.
- Prescribe an obligation in MCSR Statute and / or Rules of Procedure of the Commission for Complaints and Appeals to publish decisions to adopt a complaint in the media to which the complaint refers. Prescribe the manner and deadline for publishing the decision.

## Self-Regulatory Local Press Council

### Conclusions

Self-Regulatory Local Press Council (SRLPC) was established in April 2012 and encompassed 11 print media, most of which published periodically.<sup>22</sup> In January 2014, 11 new members joined SRLPC.<sup>23</sup>

Since SRLPC did not report on its operation or have a webpage during the project implementation for the purpose of informing the public of its activities, it seems that this self-regulatory body exists only on paper. Also, SRLPC has not adopted a special act prescribing the work of its Court of Honour, the body envisaged by the Statute, and procedures for filing complaints and acting upon them. The existence of such document could encourage potential complainants.

### Recommendations

- SRLPC needs to critically examine its current work, if it wishes to establish itself as a credible self-regulatory body for the local press.
- It is necessary that the appropriate body of SRLPC adopt an act which would regulate the work of the Court of Honour and the procedure for filing complaints and acting upon them.

## Ombudsman/Ombudswoman of *TV Vijesti*

### Conclusions

Although *TV Vijesti* established a singular self-regulatory body - Ombuds-woman, informing the public on it on 25 January 2013, it was noted that the Ombudswoman of *TV Vijesti* withdrew from her office in February 2014; *TV Vijesti* failed to inform the public on the withdrawal in a timely manner. There was also no information on whether any complaints had been filed in the meantime and what happened to them, or what would happen to potential complaints in the new circumstances.

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22 See footnote 4.

23 Novine Nikšića, Medijska politika (Nikšić), Regionalne novine (Šavnik, Plužine and Žabljak), Novine podgoričkebaštine, Prosvjetni rad and Medijski dijalozi (Podgorica), Kolašinske novosti, More (Budva), portal Barinfo, Sloboda and electronic newspaper E spona (Berane).

## Recommendations

- *TV Vijesti* should appoint another person to the office of ombudsman as soon as possible, if they wish to continue this form of self-regulation. If for some reason this is not possible, this media outlet is obliged to give notice to its viewers.
- Ombudsman should carry out all official communication with its viewers in the manner envisaged by the founding act, as it is important to keep an archive of decision making and communication with the audience.
- It would be useful that the ombudsman/ombudswoman, in her preventive work mentioned in her report, draw journalists' attention to the errors (disclosure of the names of traffic accident victims, note by HRA), so that they are not repeated.
- Taking into account earlier statement of *TVVijesti* Ombudswoman that journalists often contacted her in order to eliminate ethical dilemmas, this could be an additional incentive to draft and adopt as soon as possible an internal code of ethics and programme guidelines for this TV station.

## Ombudsman/Ombudswoman of daily *Vijesti*

### Conclusion

Since its establishment in November 2013 until September 2014 the Protector of the rights of *Vijesti* readers (Ombudsman / Ombudswoman) insisted on a mediating, rather than adjudicative aspect of her role, and made efforts to reach an agreement between the complainants and media which would lead to the publication of a correction and response, which is more in the spirit of self-regulation and promotion of a relationship of trust between the media and citizens. In the said period daily *Vijesti* Ombudswoman failed to always indicate in her decisions which basic principle of the Code had been violated and in which way, or consistently use terminology of the Code, making it difficult to understand her decisions. Ombudswoman has also, in the interest of the complainants, considered the complaints which did not meet formal conditions under the Rules of Procedure of the Protector of the rights of *Vijesti* readers, i.e. complaints which did not contain the name of the person who had filed it (if a natural person) or full name and registration number if a legal entity.

## Recommendations

- In order to accurately define this mediating role of daily *Vijesti* Ombudsman / Ombudswoman, it would be necessary to define more precisely in the Rules of Procedure the duties of editorial board, as well as to emphasize the complainants' obligation to first try to use the right to correction and reply, whenever possible, guaranteed to them by the Code and the Media Act, and mediation services of the Ombudswoman, and only ultimately require her to determine whether the Code had been breached.
- When a violation of the Code is established, it should always be specifically stated which principle and guidelines had been violated and in which manner. It is also desirable to consistently adhere to the Code terminology.
- Although the position of the Ombudswoman to also consider those appeals that did not meet the form provided for in the Rules is understandable in the interest of the complainants, it would be advisable to adhere to the Rules and thus have an educational impact on the complainants.

### **Ombudsman/Ombudswoman of daily *Dan***

#### ***Conclusion and recommendation***

Bearing in mind that the Ombudsman of daily *Dan* was founded in late February 2014, establishing his practice only in the final phase of HRA monitoring, our recommendation refers to a more active participation in the establishment of trust between the readers and editorial staff. HRA also noted that in his initial decisions confirming violations of the Code, he failed at times to identify the principle and guideline that had been violated and in which manner. Hence, we recommend that in future the Ombudsman improve his practice.

### **Ombudsman/Ombudswoman of weekly *Monitor***

#### ***Conclusion and recommendation***

Weekly *Monitor* Ombudswoman began her operation in July 2014, near the end of monitoring conducted by HRA. By the end of September the public received no information about her decisions or work reports. No information has been published on the procedures and rules according to which interested parties can lodge their complaint, or what are Ombudswoman's rights and obligations in this regard.

We recommended that *Monitor* publish a document as soon as possible to set out the rights and obligations of the Ombudswoman and prescribe the procedure for filing complaints or objections, which has since been done by uploading "Rules of Procedure of the Ombudsman/Ombudswoman of weekly *Monitor*" to their website.

## **RECOMMENDATIONS RELATING TO SELF-REGULATION IN THE MEDIA IN MONTENEGRO**

- It is necessary to aim at re-establishing a single self-regulatory body for Montenegro, which would bring together all the media interested in self-regulation. This does not preclude the establishment of self-regulation at the level of individual media outlets, i.e. editorial staff.
- All journalistic self-regulatory bodies should specify their competence in the founding documents.
- State participation in the financing of self-regulatory bodies is desirable, particularly if public media are also represented in these bodies, but then, as indicated in the OSCE Media Self-Regulation Guidebook, “such involvement should be controlled by strong mechanisms to prevent state interference” in their work. The state should not favour any self-regulatory body in any way, and certainly not when it comes to financial support.
- In addition to observing examples of the most common infringements of Principles 1 and 3 (balanced and unbiased reporting) of the Code (following the violation of the presumption of innocence), self-regulatory bodies should intensify a campaign within the media and journalistic community about the necessity of consistent application of ethical and professional standards in Montenegrin journalism and thus contribute to overcoming the current antagonisms the roots of which are outside this profession.
- Self-regulatory bodies should meet their voluntary commitments in terms of transparency and create their websites or ensure that the media who are their members publish all relevant information related to their work, including reports or decisions.
- Self-regulatory bodies should make sure that citizens be informed of their right to file a complaint with them with regard to conduct of the media and to help them to do so when necessary. Therefore, in addition to regular informing of the public on their activities, it is necessary to periodically conduct appropriate public campaigns.
- Self-regulatory bodies should not deal with violations of the law by the media, as this is the responsibility of the courts. This can be done exceptionally, when the media, having violated a specific principle or ethical standard, also violate a statutory norm corresponding to the ethical principle or standard.

- When a self-regulatory body records an example of violation of the Code, it should accurately state what is it that constitutes this violation and which principle or guideline of the Code has been violated. In the event that the Code is inconsistent in this part, it should offer an appropriate amendment and initiate a professional debate on the matter.
- Self-regulatory bodies should avoid assessing professional and ethical value of the media content if such assessment cannot be properly supported by referencing the Code or relevant authorities, such as the jurisprudence of the European Court of Human Rights.
- In case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate joint debates with a view to a uniform interpretation of the Code and improvement of the respect for professional standards and human rights by the media.
- For the assessment on a violation of the Code to be justified and convincing, as well as to prevent similar conduct in future, it is crucial to always specify in the reports which basic principle of the Code has been violated and which guidelines have been violated, and in which manner.
- The composition of journalistic self-regulatory bodies (especially organs that decide on complaints or conduct monitoring) should confirm that they are strong and independent from the owner and editor of the media, as this is the only way to gain the trust of the public, whose interests they should be representing.
- Self-regulatory bodies should have the rules which precisely regulate the procedure of mediation between an injured party and media outlet that the complaint or appeal refers to, and a primary goal of this mediation should be reconciliation of the conflicting parties and resolving of the problem by publishing a correction, apology and the like.
- The role of self-regulatory bodies should not be exhausted in the monitoring and analysis of the media practice, but primarily in response to complaints and appeals of injured or interested individuals and legal entities, prevention of violations of the Code by timely identification of violations of ethical standards and helping the media and journalists to correct their mistakes or reduce their harmful effects.
- The reports should interpret as accurately as possible viewers' complaints and their arguments, as well as the decision and arguments in favour or against the viewer's complaint, so that the professional and lay public could themselves assess the validity of arguments. This is important both for the establishment of credibility of self-regulatory bodies and increasing media literacy among television audiences, citizens, as well as journalists themselves.



**GENERAL RECOMMENDATIONS RELATING TO ALL MEDIA**

- The media should try harder to reduce the number of examples of violations of the presumption of innocence to a negligible extent. Editors violate the presumption of innocence in an attempt to deliver an attractive and short headline. Mitigating circumstance in this case is that this violation is relatively easy to recognize, and can therefore be easily avoided with good will. By using a question mark at the end of a statement suggesting someone's guilt it is possible, at least partially, to reduce the ultimate effect of that statement.
- It is essential that journalistic reporting, in addition to ethical criteria, also meet the criteria of objectivity, meaning that the public is presented with the clearest possible image of the concrete reality of an event, plus the elements (background and redundancy/clarification) that allow the event to be given proper context and that it is understood. Clear image of concrete reality that "took place" in the courtroom does not exist, for example, if the press reports only noted the statements of the accused, but not statements from the defence and witnesses, who are also the victims of the crime.
- In order to keep the reporting balanced and to enable journalism to meet its purpose - the "search for truth", the media must immediately give the opportunity to the other side to respond to the accusations, and not just leave the possibility that the respondent subsequently reacts. Also, the media themselves must verify the merits of the charges.
- As they clearly point out their authorship when it comes to texts and images, it is desirable that the media do the same when using other people's articles or parts of these texts, photographs and other graphic illustrations.
- The media should pay much more attention and consideration to the victims of accidents or crime as according to the Code they have the right to special protection of their names, except in cases of special circumstances, which should always be carefully considered.

## PROPOSALS FOR REVISION OF THE CODE OF MONTENEGRIN JOURNALISTS

Within the recommendations contained in its four reports on the work of self-regulatory bodies, HRA proposed a total of five amendments to the Code of Montenegrin Journalists.

Under the patronage of the OSCE Representative on Freedom of the Media, Dunja Mijatović, and the Council of Europe, a working group was formed and in 2015 this group worked on the proposal for amendments to the Code of Montenegrin Journalists. Members of the working group were: Ranko Vujović, Branko Vojičić and Gordana Borović of Media Council for Self-Regulation, Nikola Marković, editor in chief of daily *Dan*, Mihailo Jovović, editor in chief of daily *Vijesti* and Dragoljub Duško Vuković, as a representative of weekly *Monitor*.

Proposal for amendments to the Code of Montenegrin Journalists was finalized in late November 2015, when it was announced that the proposal was to be revised and presented to professional and lay public prior to its final adoption.

Below are HRA recommendations for amendments to the Code of Montenegrin Journalists.

- Self-regulatory bodies should propose new guidelines for the application of the Code, following the final advice in the current Code, which reads: “These guidelines are not final, but can be developed further in compliance with ethical dilemmas arising from practice”. For example, given the need to prevent and punish offensive speech in the media through a process of self-regulation, which in its profanity and offensiveness “lowers the level of public communication to street level”, as correctly pointed out by MCSR, and bearing in mind that this type of speech cannot always be subsumed under what is defined as hate speech in the Code and otherwise, it would be necessary to amend the existing Code in line with the comparative practice, in a way that would facilitate the job of those evaluating ethics of media content.

*Proposal for amendments to the Code contains significant amendments to guidelines for the interpretation of Principle 1 (guidelines “Treatment of sources” and “Rallies during election campaigns”), Principle 2 (guidelines “Letters to the Editor” and “Online commentary”), Principle 3 (guideline “Correction and response”), Principle 4 (guidelines “Hate speech” and “Insult and defamation”), Principle 5 (guideline “Research”), Principle 7 (guideline “Right to privacy”), Principle 9 (guideline “Reporting on violence”), Principle 10 (guidelines “Invitations and gifts”, “Pressure or influence”, “Conflict of interest”, “Transparency of media interest”), Principle 11 (guideline “Originality”). Guideline “Hate speech” provides that: “A journalist should not publish details and derogatory qualifications of race, colour, ethnicity, nationality, religion, gender, sexual orientation, gender identity, physical and psychological conditions or illnesses, as well as political affiliation, unless it is in the public interest.”*

- As suggested by MCSR, the Code of Montenegrin Journalists should be amended so that it includes the new media, but this should be done with consensus or biggest possible agreement, as previously done in case of the Code. It should be noted that *The Online Media Self-Regulation Guidebook* was adopted at the international conference “Internet 2013 - Shaping policies to advance media freedom”, organized by the Office of the OSCE Representative on Freedom of the Media, Vienna, on 14 and 15 February 2013. Since the basis of self-regulation is the principle of voluntary acceptance of rules, those rules are more easily accepted and observed by a smaller and more cohesive collective such as a media organization or editorial board, rather than by an imaginary collective such as “the whole profession”, especially if there are political or ideological divisions within the profession, and therefore the self-regulatory practice should first be cultivated and developed among journalists in the editorial boards of the media.

*The Proposal stipulates: “The owners and editors-in-chief of the media are obliged to introduce editors and journalists of their media to the content of the Code.”*

- HRA reiterates its recommendation to specify Principle 2 of the Code through appropriate guidelines, which should clearly distinguish when journalists are expected to work in the spirit of the above principle, and when not, since some forms of journalism (news, reports) are not always suitable for that.

*Principle 2 was deleted from the Code of journalists, but a sentence was added in the preamble (previously contained in Principle 2) that “a journalist must be a critical observer of the holders of social, political and economic power when reporting about them in the public interest”*

- HRA believes that the Code should be amended so as to provide clear guidelines for ethical conduct of the media in cases of disclosure of information which may affect the deterioration of security conditions or threats to public order (such as disclosure of the route of PRIDE Parade in Budva, 2013).

*This proposal was not included in the Proposal for amendments to the Code.*

- It is necessary to raise the question of possible amendments to the guidelines to Principle 8 of the Code to take into account that, according to the practice of the European Court of Human Rights, violations of one’s honour and reputation could constitute the violation of privacy.

*In order to protect the honour and reputation, proposed amendments to the Code suggest revision of guidelines 4.3 “Insult and defamation” and 7.1 “Right to privacy”.*

# 1

# FIRST REPORT

## MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

September 2012 – March 2013



## 1. HISTORY OF MEDIA SELF-REGULATION IN MONTENEGRO

Restoration of discussion within the profession about journalistic ethics and self-regulation in Montenegro began in 2001, with the commencement of operation of the Montenegro Media Institute (MMI), an umbrella media organization established by relevant journalists and media organizations in Montenegro from that time, as well as all relevant public and commercial media at national and local levels<sup>1</sup>.

One of the first projects of MMI was the development of a journalistic code of ethics. After several months of work by representatives of various journalistic associations in the working group, and with the help of international experts, the Code of Montenegrin Journalists (hereinafter "The Code") was formally signed on 21 May 2002.

The Journalists' Associations of Montenegro, the Association of Professional Journalists of Montenegro, the Association of Young Journalists of Montenegro, the Independent Union of Journalists of Montenegro, the Association of Independent Print Media of Montenegro (MONTPRESS) and the Association of Independent Broadcast Media of Montenegro (UNEM) participated in the development of the Code and signed it.<sup>2</sup>

The Code, containing 12 basic principles and several appropriate guidelines that explain and specify these principles, is still in force. Although it is noted at the end of the Code that these guidelines are not final and may be updated in accordance with ethical dilemmas brought by practice, in the meantime this did not happen. There was an attempt in this regard, which foiled the termination of the Journalist Self-Regulatory Body (JSB).

Under the auspices of the MMI and with assistance of foreign experts, the project of completing the process of self-regulation by establishing a transitional form of a self-regulatory body was continued, nearly a year after the adoption of the Code. After a transitional solution that lasted for a period of time, the JSB was established and registered as an NGO. The JSB Council for monitoring and complaints consisted of representatives of journalistic associations, signatories of the Code and founders of the .....

1 Among founders of the Montenegro Media Institute were: the Association of Professional Journalists of Montenegro, the Association of Young Journalists of Montenegro, the Independent Union of Journalists of Montenegro, the Association of Independent Print Media of Montenegro (MONTPRESS), the Association of Independent Broadcast Media of Montenegro (UNEM), daily "Vijesti", "Dan" and "Pobjeda", RTV of Montenegro, Radio Antena M, RTV Elmag, NTV Montena, MINA – MNNews, weekly "Monitor", bi-monthly "Polja", portal PCNEN, etc.

2 "The signatories described the adoption of a common Code as a 'historic' act in the commencement of the process of self-regulation of the journalistic profession, as well as a contribution to the harmonization of Montenegrin society (as stated in MMI press release).

self-regulatory body, the daily “Vijesti” and “Pobjeda”, Atlas TV and weekly “Monitor”. The JSB published the total of 17 reports on the observance of the Code. First report was published in March 2006, and the last report in January 2010. This self-regulatory body ceased to operate in March 2010, after the withdrawal of representatives of daily “Vijesti” and weekly “Monitor” from its Council.<sup>3</sup> The immediate cause was the disagreement in terms of decision-making and interpretation of Principle 2 of the Code, which stipulates that a journalist should be a sharp observer of those who have social, political and economic power.<sup>4</sup>

Until the end of its operation, the JSB Council had eight members, although the Statute prescribes that this body should have 9 to 11 members. The Statute does not prescribe what happens in case that a representative of the media withdraws from the Council, or under which circumstances the JSB ceases to operate.

Although it ceased to operate, the JSB did not formally cease to exist, and its website is periodically updated. In time of the completion of this report, the process of registration of the JSB in accordance with the new Law on Non-Governmental Organizations was underway.<sup>5</sup>

.....

3 At the moment when this self-regulatory body ceased to operate, members of the JSB Council were: Mirsad Rastoder (Association of Professional Journalists of Montenegro), Vesna Pejović (Independent Union of Journalists of Montenegro), Rajko Šebek (Association of Independent Electronic Media), Jovan Plamenac (Journalists' Associations of Montenegro), Nedeljko Rudović (daily “Vijesti”), Savić Jovanović (daily “Pobjeda”), Milka Tadić Mijović (weekly “Monitor”) and Vuk Perović (ATLAS TV). At the moment of conflict and end of operation, members of the Journalist Self-Regulatory Body Board of Directors were: Ranko Vujović (Association of Independent Electronic Media), Jovanka Kovačević – Đuranović (Association of Professional Journalists of Montenegro), Senko Čabarkapa (Journalists' Associations of Montenegro), Jelica Pantović (TVCG) and Boris Darmanović (Association of Young Journalists of Montenegro). Source: <http://www.nstcg.org>

4 Namely, there was a disagreement over whether the Code had been violated in an interview broadcast by “TV IN”, with Serbian businessman Stanko Subotić Cane, who is considered a controversial person, close to the Prime Minister of Montenegro, and was at that time wanted on an international arrest warrant by the Republic of Serbia. Members of the JSB Council from “Monitor” and “Vijesti” considered that the manner in which journalist Rajko Šebek, also a member of the JSB Council, asked questions to his interlocutor violated Principle 2 of the Code, which states in the second paragraph: “a journalist should be a sharp observer of those who have social, political and economic power”. In a statement for Radio Free Europe, member of the JSB Council Nedeljko Rudović said: “In the end, Mr Subotić told only what suited him. Mister Subotić was not faced with unpleasant questions that could show or at least hint that not everything is as he wanted to present to the Montenegrin public. Unfortunately, the colleague who conducted the interview is also a member of the JSB and I think that he failed his task. The theory that Principle 2 of the Code, which states that a journalist should be a sharp observer of those who have social, political and economic power, had not been violated was ungrounded. The author of the interview and member of the JSB, Rajko Šebek, expressed his attitude towards accusations made by his colleagues about his violation of the Code, also for the Radio Free Europe: “The discussion about the interview and its contents was not disputable, but colleagues considered that the Code had been violated because I asked few questions that were not good. I think that no article of the Code prescribes this, because in that case we could analyse every interview in Montenegro or the world and say that the Code had been violated because someone did not ask a certain question.” ([http://www.slobodnaevropa.org/content/stanko\\_subotic\\_intervju\\_tv\\_in\\_novinarsko\\_samoregulatorno\\_tijelo/1993722.html](http://www.slobodnaevropa.org/content/stanko_subotic_intervju_tv_in_novinarsko_samoregulatorno_tijelo/1993722.html))

5 According to information HRA gathered, the re-registration process was initiated by the last president of the JSB Council, Mirsad Rastoder.



## 2. RESTORATION OF SELF-REGULATION

Restoration of self-regulatory practice on new bases in Montenegro was encouraged by the OSCE Mission to Montenegro and its media division, and the Delegation of the European Union to Montenegro<sup>6</sup> and the President of Montenegro Filip Vujanović as well.

President Vujanović invited the representatives of relevant media, journalists and media associations to a meeting held on 30 May 2012, which was dedicated to this issue.<sup>7</sup> The meeting, attended by a large number of influential people in the media, did not lead to a consensus for the establishment of a self-regulatory body, competent for all media in Montenegro. The efforts from aside have not led to a restoration of journalistic self-regulation at the level of the entire media industry and media community. Instead of the restoration of the unified self-regulatory body, several new self-regulatory bodies were established in 2012 and in the beginning of 2013 in Montenegro.

■ **In early March 2012, representatives of 18 print, broadcast and online media established the Media Self-Regulation Council (MCSR).<sup>8</sup>**

■ **One month after the establishment of the MCSR, the Self-Regulatory Local Press Council (SLPC) was established, joined by 11 print media, most of which are published periodically.<sup>9</sup>**

6 More details available in a press release of the Delegation of EU at: <http://www.delme.ec.europa.eu/code/navigate.php?Id=1808>.

7 Vujanović urged "everyone who is directly or indirectly involved in the establishment and development of the Montenegrin model of self-regulation", to "intensify and establish mutual cooperation and communication and prove their full commitment to this process" (<http://www.predsjednik.me/?action=news&id=3699>).

8 The MCSR was established by: Radio Television of Montenegro, local public broadcasting service Radio Tivat, commercial televisions and radio stations "In", "Atlas", MBC, "Elmag", "Montena", "Bojin", "Teuta", "Radio Antena M", "Radio Montena", "Skala Radio", "Radio Dux", "Radio Adriatic", daily "Pobjeda" owned by the government, private daily "Dnevne novine" and private web portals "Café del Montenegro" and "Analitika". (Decision on the establishment was adopted at the inaugural session on 7 March 2012 in Podgorica.)

9 The SLPC was established by print media: "Komuna", "Pljevaljske novine", "Mojkovačke novine", "Mozaik", "Tokovi", "Glas Berana", "Cetinjske novine", "Danilovgradske novine", "Novske novine", "Alav" i "Medijska kultura".

■ In late May 2012, two private daily newspapers “Vijesti” and “Dan” and weekly “Monitor”, established the Press Council (PC)<sup>10</sup>, registered as NGO on 6 August 2012.<sup>11</sup>

■ Television “Vijesti” formed a single self-regulatory body - the Ombudsman, and informed the public about its establishment on 25 January 2013.<sup>12</sup> The Executive Director of Television “Vijesti”, Slavoljub Šćekić appointed a prominent journalist and editor of this media outlet Aida Ramusović as the first Ombudsman. Previously an amendment to the Statute of TV Vijesti established this form of self-regulation.

The Council’s Commission for Petitions and Complaints of the Listeners and Viewers operates within the national public broadcaster Radio Television of Montenegro (RTCG), and its main task is to monitor the compliance to programme principles of this media outlet.<sup>13</sup> The existence of such a commission in the RTCG is an obligation arising from Article 15 of the Law on Public Broadcasting Services “Radio of Montenegro” and “Television of Montenegro” from 2008 and 2012. Such commissions also exist in local public broadcasting services (e.g. Radio Bijelo Polje, RT Nikšić), but they do not fall into the category of self-regulatory bodies that deal primarily with issues of journalistic ethics and are voluntarily established and therefore have not been the focus of report.<sup>14</sup>

#### **Conclusion:**

*There are currently five media self-regulatory bodies in Montenegro for monitoring the implementation of the Code of Montenegrin Journalists, three of which are active. Media Self-Regulation Council, Self-regulatory Local Press Council and TV Vijesti Ombudsman are active, while the inactive ones include Journalistic Self-Regulatory Body and Press Council.*

#### **Recommendation:**

**The aim should be the re-establishment of a single self-regulatory body for Montenegro, which would bring together all of the media interested in self-regulation. This does not exclude the establishment of self-regulation at the level of individual media, i.e. editorial boards.**

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10 Statute of NGO Press Council, Article 2.

11 Source: Decision of the Ministry of the Interior of Montenegro from 6 August 2012

12 Source: <http://www.vijesti.me/vijesti/tv-vijesti-dobija-ombudsmana-clanak-110681>

13 Statute of Radio Television of Montenegro, Article 33

14 For example, see records of the operation of the Council’s Commission for Petitions and Complaints of the Listeners and Viewers, available at: <http://rtcg.me/rtcg/biltena-casopis.html>

### **3. DESCRIPTION AND ACTIVITIES OF NEWLY ESTABLISHED SELF-REGULATORY BODIES**

#### **3.1. Form of organization and membership**

The Media Self-Regulation Council (MCSR), the Self-Regulatory Local Press Council (SLPC) and Press Council (PC) have been established and registered in the Ministry of the Interior of Montenegro as non-governmental associations, i.e. non-governmental organizations (NGO).

The *TV Vijesti* Ombudsman is appointed from the ranks of journalists by the Executive Director for a period of minimum two years.

Membership in the MCSR is voluntary and a member of this organization may be any legal entity from the field of media activities in Montenegro if they accept its Statute and programme aims. It was stipulated, however, that the principle of consent applies only to media that meet certain requirements.

Radio and television stations must be registered for minimum six months and cover at least 10% of the territory of Montenegro with their signal. In addition, they must have at least 5% of their own production within the daily news programme.

In order to fulfil the conditions, the print media must have been published for minimum six months on a daily or week basis and their minimum circulation must be 3,000 copies.

When it comes to Internet media, the conditions for membership in the MCSR include: they must be registered in Montenegro, they must have operated for at least one year, they must have at least 5% of their own production in their content and the number of daily visitors must be at least 5,000.<sup>15</sup>

Although the SLPC is organized as a self-regulatory body of the local press, the Statute of this NGO states that its member may be "any legal entity in the field of media activities in Montenegro if they accept its Statute and programme aims of the Coun-

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<sup>15</sup> Statute of the Self-Regulatory Media Council, Article 9.

cil,” and that members “may be print media that meet the well-known conditions of registration”.<sup>16</sup>

Statute of the PC leaves a possibility that a media outlet may join the founders (daily “Vijesti” and “Dan” and weekly “Monitor”) and acquire the founder status, provided that it “exceeds 15% market share or 15% confidence of readers, in accordance with relevant polls of public opinion”. However, it stipulates that members of other similar organizations in Montenegro cannot be founders and members of the association, and if they become so, they will automatically lose their status in the PC.<sup>17</sup>

**Conclusion:**

*In contrast to the once unified Journalist Self-Regulatory Body, whose founders, alongside with the media, were journalistic and media organizations, new journalistic self-regulatory bodies in Montenegro have been established only by the media.*

**3.2. Organizational structure**

The Media Self-Regulation Council (MCSR) has an assembly, a board of directors, an executive secretary/director<sup>18</sup> and a monitoring team. The MCSR Assembly consists of all the members of the association, with equal voting rights, and it is prescribed that the Assembly shall meet regularly once a year. The Board of Directors is elected for four years, has seven members (including the President of the Assembly), and manages the Association between two regular sessions of the Assembly. The Monitoring Team consists of the Executive Director and, as stated, “three media experts”. This team is in charge of monitoring the compliance with the Code, and developing reports (for more details, see section 4.5 below).

Internal organizational structure of the Self-Regulatory Local Press Council (SLPC) is identical to that of the MCSR. The SLPC also has an assembly, a board of directors and a monitoring team, except the monitoring team is called the Court of Honour and its composition is different – it consists of the president of the association, and “four representatives from among the media experts, prominent cultural and public workers, university professors, media analysts and journalists selected by the Board of Directors for a term of four years”.<sup>19</sup> The competences of this body are defined by the Statute of the SLPC, as is the case with the MCSR.

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16 Statute of the Self-Regulatory Local Press Council, Article 10.

17 Statute of the Press Council, Article 10.

18 Statute of the MCSR in some places states Executive Secretary, and in some Executive Director.

19 Statute of the Press Council, Article 10.

The Press Council (PC) has its assembly, “as the highest governing body of the association”, a board of directors (whose president is authorized to represent the association), an appeal commission and a director.<sup>20</sup> The Assembly consists of all the founders of the association, and it convenes regularly once a year. Each founder and member of the association has the right to delegate two members to the Board of Directors, with one delegated by the owner of media outlet or by administration, and the other by editorial board or journalists. The Appeals Commission of the association has odd number of members (3 to 7). The Board of Directors elects the Appeals Commission with direct invitation or through public competition. According to the Statute of the PC, members of the Appeals Commission may not be owners, members of administration or editorial boards and members of the association. Director of the PC is a person who is professionally engaged.

### **Conclusions:**

*Although journalists inside editorial boards should essentially be most interested for the issues of self-regulation, of collective self-regulatory journalistic bodies only the Press Council (PC) provides for mandatory participation of journalists as well, i.e. representatives of editorial staff in its management structure, in addition to representatives of the founder or management of the media.*

*Only the PC Statute expressly stipulates that members of the body for handling of complaints and monitoring of the compliance with the Code shall be independent persons who are not owners, members of management or founder's board or members of the Council, which, according to experts in matters of media self-regulation, contributes to public confidence in the self-regulatory body.<sup>21</sup> According to the Statute of the Media Self-Regulation Council (MCSR), the Monitoring Team should include three media experts, however, in practice this body is composed of two professional journalists from the media who are members of MCSR and executive secretary/director of the MCSR.*

*The Statute of the Self-Regulatory Local Press Council (SLPC) stipulates that its Court of Honour shall be composed of representatives from among the media experts, prominent cultural and public figures, academics, media analysts and prominent journalists. This is only partially fulfilled, as the Court of Honour of the above includes only prominent local journalists.*

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20 PC Statute, Article 13.

21 “In a truly independent system, those who manage them should not have any interest in the outcome of regulation. If the public does not believe that some media regulation represents their interests, and not interests of others, then a system of regulation in the long run can not work” (Philip Harding, consultant, former journalist and editor of BBC World Service, at a workshop for journalists organized by Human Rights Action in December 2012).

### 3.3. Aims

The Media Self-Regulation Council (MCSR) and the Self-Regulatory Local Press Council (SLPC) have defined their aims for which they were established identically. Their statutes provide that their aim is to improve and develop media self-regulation in Montenegro, to implement the Code in order to protect the public from unethical reporting in the media and to raise awareness about the importance of true and timely reporting.

The Press Council (PC) defined its aims more precisely. The Statute of the association as the first objective listed monitoring of compliance with the Code and resolving complaints of individuals and institutions, and then mediation between damaged entities, on one side, and editorial boards of print media, on the other. The third specified objective is education for acting in accordance with ethical standards and enhancement of the reputation of the media.<sup>22</sup>

The decision of *TV Vijesti* on the establishment of the Ombudsman does not specify objectives to be achieved, but the description of the field of its operation suggests that the aim is to improve the ethical and professional standards in this media outlet.<sup>23</sup>

### 3.4. Competences

Although the Media Self-Regulation Council (MCSR) is an association of only a part of media industry, this self-regulatory body and its competence extended to those media outlets in Montenegro, that are not its members.<sup>24</sup> Thus defined competence necessarily goes beyond the scope of the term self-regulation, and as such is not common.<sup>25</sup> Additionally, in practice the MCSR excludes a part of smaller media outlets .....

22 PC Statute, Article 12.

23 "The ombudsman deals with the establishment and use of the Internal Code of the media outlet. The Internal Code aligns with the Code of journalists and complements the internal rules of Television Vijesti. The Ombudsman deals with establishing and use of Style and production handbook containing practical rules. Ombudsman's job is to ensure that the Style and production manual is observed, to control its accuracy and further development". (Decision on the Establishment of Ombudsman of TV Vijesti).

24 MCSR Statute, Article 21 "...Monitoring Team decides on appeals filed against any media organization in Montenegro when it comes to violations of the Code of Montenegrin Journalists and informs the public on this. Monitoring team mediates in disputes between media organizations or journalists and physical and legal entities in cases when media organizations or journalists had violated the basic principles of journalistic ethics, so that these disputes would not end up in court ...".

25 "Self-regulation may exist at the level of the entire media industry or within individual media outlets" (Media Self-Regulation Guidebook, OSCE, Vienna, 2008, p. 10). The guidebook, as an answer to what is necessary for the functioning of a media council, states: "It should include representatives of all stakeholders — journalists, editors, media owners and members of the public. All should be publicly acceptable and dedicated to building trust in the concept of self-regulation." (Self-Regulation Guidebook, OSCE, Vienna, 2008, p. 45). In article "Closed model of self-regulation of open journalistic profession", Đorđe Obradović, PhD, said: "The main characteristic of a media council is a voluntary membership and voluntary acceptance of the arbitration it has. The fines imposed are not benign and can seriously damage media outlets, but they accept a self-regulatory body because it is a better solution than to go to court" (magazine "Media Culture", Self-regulation, 02/2011, p. 48).

that are its members from its regular monitoring, which is especially confusing. Namely, the first report of the MCSR noted that the Monitoring Team monitored only “major media outlets”<sup>26</sup> (electronic media with national coverage, print media with a circulation of more than 3,000 copies and web portals with more than 5,000 visits a day), which means that it did not monitor the operation of a large number of media outlets that are its members, and which do not fall into this category.

The Self-Regulatory Local Press Council (SLPC) stated that this self-regulatory body monitors only the operation of “local press and their relevant web portals”<sup>27</sup>, although the Statute does not specify whether it applies only to the local print media that are members of the SLPC or to those who are not.<sup>28</sup>

On the basis of the Press Council (PC), it is also not clear whether the Appeals Commission of the association will deal only with complaints relating to print media that are members of PC or to other print media.<sup>29</sup>

There is only no dilemma in the case of the Ombudsman of Television Vijesti, who will, according to the decision on establishment, deal only with issues of ethics in contents of this electronic media and with mediation between this body and the audience, i.e. the public.<sup>30</sup>

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26 “Media Council Monitoring Team monitored only the operation of major media outlets: a) electronic media with national coverage; b) print media with a circulation more than 3.000 copies (four daily newspapers were monitored); c) web portals with more than 5.000 visits a day.” (Report on the operation of Montenegrin media from 1 April to 15 May 2012).

27 President of the SLPC Board of Directors, Amer Ramusović said in an interview with the author of this report that this self-regulatory body deals only with media outlets that are its members in its operation, although this is not specified in the Statute.

28 SLPC Statute, Art. 22 “...Monitoring team decides on appeals filed against any of the local print media in Montenegro when it comes to violations of the Code of Montenegrin Journalists and informs the public. The Monitoring Team acts as a mediator in disputes between media organizations or journalists and physical and legal persons in cases where a media organization or a journalist violated the basic principles of journalistic ethics, so that these disputes would not end up in court...”.

29 PC Statute Art. 37: “...The Appeals Commission receives appeals from readers on unprofessional, unethical and misleading texts published in the print media that violated the Code of Montenegrin Journalists.”

30 “The Ombudsman communicates directly with the audience of Television Vijesti. The audience is the main source of information and the legitimacy of the Ombudsman. The communication is conducted through direct correspondence, i.e. by mail, e-mail and fax. The Ombudsman collects comments and suggestions of media users as well as explanations of editors, management or administration, and attempts to reconcile the two sides. In addition to acting as a mediator, the Ombudsman also considers the functioning of the media.” Source: <http://www.vijesti.me/vijesti/tv-vijesti-dobija-ombudsmana-clanak-110681>



**Conclusion:**

*While the MCSR is not the only media self-regulatory body, nor has it been accepted by the entire media industry in Montenegro, it acts as the exclusive arbiter in questions of professional ethics in the media that are not its members, but not in all the media who founded it, contrary to the principle of self-regulation.*

**Recommendations:**

- **The Media Self-Regulation Council (MCSR) should only be engaged in the work of media outlets that founded it, in accordance with the principle of self-regulation. On the other hand, the Press Council should start its operation.**
- **All journalistic self-regulatory bodies should specify their competences in their founding documents.**
- **The composition of journalistic self-regulatory bodies (especially authorities that handle appeals and monitoring) should prove that they are strong and independent from owners and editors of the media, because that is the only way to gain trust of the public, whose interests they should represent.**

**3.5. Models of self-regulation**

The Monitoring Team of the Media Self-Regulation Council (MCSR), according to the Statute of the Association, consists of the Executive Secretary and “three media experts”<sup>31</sup> appointed by the Board of Directors for a period of four years, and is in charge of “monitoring and keeping records” of violations of the Code in a great number of media outlets<sup>32</sup>, responding to “applications and appeals” and the development of reports, which are then presented to the public at least once every 60 days. In the development of the report, the Monitoring Team, in accordance with the provisions of the Statute, shall “request the opinion of the media outlet that is accused of violating the Code of Montenegrin Journalists in an application filed by viewers/readers/listeners or on the basis of Monitoring Team”.

The MCSR Statute does not specify what happens after the Monitoring Team receives the opinion of the media outlet that is accused of violating the Code, and there is still .....

31 The MCSR Monitoring Team by the end of March 2013 consisted of only three members: Ranko Vujović, Gordana Borović and Miodrag Bubreško. Vujović is the Executive Secretary/Director of MCSR, and also the President of the Council of the Agency for Electronic Media. Borović is a journalist of portal “Analitika” and Bubreško is a journalist of radio “Antena M”. Both media outlets are members of the MCSR.

32 MCSR Statute, Art. 21: “...the report of the Monitoring Team covered the operation of electronic media, daily and weekly print media and related web portals...”.



no adequate document that specifies this procedure<sup>33</sup>. In the practice so far, the Monitoring Team failed to observe this part of the procedure prescribed by the Statute, because it never sought the opinion of the daily “Vijesti” and “Dan”, which are often labelled as violators of the Code in its reports.<sup>34</sup>

The Court of Honour (Monitoring Team) of the Self-Regulatory Local Press Council (SLPC) consists of the President of the Association, and “four representatives from among the media experts, prominent cultural and public figures, university professors, media analysts and prominent journalists selected by the Board of Directors for a period of four years”.<sup>35</sup> The obligations of the Court of Honour are defined in the same way as those of the MCSR Monitoring Team, provided that the Statute of this Council does not prescribe specifically when the developed reports should be published.<sup>36</sup> As in the case of MCSR, the procedure of resolving appeals and complaints is not specified.

The Statute of the Press Council (PC) prescribes the establishment of the Appeals Commission that shall have an odd number of members and shall be composed of prominent journalists, representatives of civil society, the judiciary, professional and educational organizations. This Commission shall receive appeals from readers for unprofessional, unethical and misleading texts published in the print media that violate the Code, and decide on complaints within 30 days.

The PC Appeals Commission has not yet been constituted, and the rules on its operation, prescribed by the Statute, have not yet been established.

The Ombudsman of *Television Vijesti* will, as announced, gather criticism and suggestions of media users, as well as explanations of editors, management and administration, and attempt to reconcile the two sides, but will also act preventively to avoid errors.

The description of *TV Vijesti* Ombudsman’s operation states that he/she may: forward correspondence and request from the author of the article/journalist/editor to respond

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33 The MCSR on its website announced the development of a special rulebook that will further define how the appeals are submitted and how the competent team will act upon receiving appeals.

34 On HRA question: “Did the Media Self-Regulation Council request an opinion, and how many times in total, regarding the application that the Council received from readers, related to the content that you published, or in other cases where the Council has assessed that you have violated the Code of Montenegrin Journalists?”, the Editor in Chief of daily “Vijesti” Mihailo Jovović and the Deputy Editor in Chief of the daily “Dan” Nikola Marković replied that such opinion has never been requested from them.

35 The President of the SLPC Court of Honour is Draško Došljak, PhD, professor of literature at the University of Montenegro, while the members of the Court of Honour are the once prominent local journalists Boro Jovanović, Milorad Joknić and Dino Tuzović, now retired and Amer Ramusović, Editor in Chief of “Komuna” (Article SLPC) and the President of the SLPC.

36 The SLPC Statute, Article 22: “...Monitoring Team monitors and keeps records and at regular press conferences publishes reports on violations of the Code of Montenegrin Journalists, including the answers to readers’ applications and complaints submitted to the Monitoring Team...”.

to the appeal, which would be the minimum “punishment”; request the correction of the error (normal “punishment”); publish an excerpt from the correspondence that contains criticism as a letter of the viewer (strict “punishment”); expose the error and the apology in the programme in which the error was made, which would be very strict “punishment”.<sup>37</sup>

#### **Recommendations:**

- **Self-regulatory bodies should have rulebooks that precisely regulate the process of mediation between the injured party and the media that the complaint or appeal is related to, and the main aim of the mediation should be the reconciliation of confronted parties and solving the problem by publishing a correction, apology, etc.**
- **Self-regulatory bodies should not be dealing with violations of the law by the media, because that is in the competence of the courts. They may do so only if the media, while violating a certain principle or ethical standard, also violated the legal norm which corresponds to the ethical principle or standard.**
- **The MCSR should observe its own Statute and, before deciding on appeals or on the basis of its own assessment that a media outlet breached the Code, seek the opinion of the party to which the appeal or complaint relates to.**
- **Regardless of whether the MCSR continues to monitor only the work of its members, or the work of the media who are not its members, the Monitoring Team should not be composed of active journalists from certain media outlets, but of independent media experts and/or representatives of interested public.**

### **3.6. Transparency**

Every newly established self-regulatory body has committed to transparency in their founding documents.

According to the Statute of the Media Self-Regulation Council (MCSR), all necessary information are published on the official website of the MCSR<sup>38</sup>, including the reports of the Monitoring Team. These reports shall be presented at press conferences and forwarded to all members of the MCSR. However, it is not specified whether the reports should be forwarded to media outlets that are not members of the MCSR, alt-

37 Source: <http://www.vijesti.me/vijesti/tv-vijesti-dobija-ombudsmana-clanak-110681>

38 Statute of the MCSR, Art 21 and 22.

though they are mentioned in these reports. The MCSR did not publish the first four reports on their website (it did not exist then), nor they were forwarded to the press that were mentioned in them.

The Statute of the Self-Regulatory Local Press Council (SLPC), in the same way as the MCSR, prescribes the transparency, provided that the Statute of this Association added that all necessary information will be published in the media that are members of SLPC, in addition to the official website.<sup>39</sup>

The Statute of the Press Council (PC) prescribes that the transparency shall be achieved through press releases, by publishing the annual financial statements and other data relevant to the operation of the Association on the website.<sup>40</sup> However, the Statute does not regulate the manner in which the public will have access to the work of the Appeals Commission.

The decision on establishment of the *Television Vijesti* Ombudsman, published on the web portal "Vijesti"<sup>41</sup> states that the decisions of the Ombudsman will be public, and that the Ombudsman will publish reports on his/her operation every four months. It was not specified how the reports will be available to the public.

Although the MCSR, the SLPC and the PC in their founding documents envisaged the development of websites, by the end of March 2013 only the MCSR fulfilled this statutory obligation. The MCSR published its latest (fifth) report covering the period from 1 December 2012 to 1 March 2013 on the new website<sup>42</sup>, where the previous reports are now available, but were previously only presented to the public at press conferences. (Only the first of these reports was published in full in the daily "Pobjeda", a member of the MCSR).

In addition to the *Television Vijesti* Ombudsman<sup>43</sup>, none of the newly established self-regulatory bodies led any campaign during the period covered in this report that would inform the public on their mission and the opportunities that their existence provides to physical and legal entities in case the media violated their rights. In the first report of its Court of Honour, SLPC encouraged the submission of applications

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39 SLPC Statute, Articles 22 and 23.

40 PC Statute, Article 1.

41 <http://www.vijesti.me/vijesti/tv-vijesti-dobija-ombudsmana-clanak-110681>

42 <http://medijskisavjet.me/>

43 More than a month before and after the establishment of the Ombudsman, Television Vijesti broadcasted a message with duration of 1'20 minutes, several times a day. At the same time, it repeatedly published advertisements in print and online editions of the daily "Vijesti".

and appeals<sup>44</sup>, and the MCSR on their website<sup>45</sup> gave instructions for filing appeals and enabled it to be done directly through the website.

### Recommendations:

■ **All self-regulatory bodies should fulfill their voluntary commitments in regard to transparency of their operation and develop their own websites or ensure that the media, which are their members, publish all relevant information related to their work, including reports.**

■ **In the future, in addition to presenting their reports at press conferences and publishing them on their website, the MCSR should also forward them to relevant addresses of media outlets which are not their members, but have been mentioned in those reports on any grounds.**

■ **Self-regulatory bodies should ensure that citizens are informed of the possibility to complain to them about the conduct of the media and to help them do so when necessary. Therefore, in addition to regularly informing the public about their activities, it is also necessary to periodically conduct certain public campaigns.**

### 3.7. Funding methods

Statutes of the Media Self-Regulation Council (MCSR) and the Self-Regulatory Local Press Council (SLPC) stipulate that these associations, except from the membership fee (50 euros per month per member), are financed from the State budget, contributions, gifts, donations and other sources, that are in accordance with the law.<sup>46</sup> In the Press Council (PC), the founders make decisions on the collection of funds for the operation of the Association, but the Statute does not specify in what manner.

The Ombudsman of Television Vijesti is funded by this media organization, as prescribed by its Statute.

Upon the proposal of the Ministry of Culture, the Ministry of Finance has approved 30,000 euros for a three-year funding for the Media Self-Regulation Council .....

44 "Since this is the first report of the SLPC Court of Honour, we would like to use the opportunity to incite those who believe that the Code of Montenegrin Journalists was violated in the first quarter of 2013 in publications of local print media, that are members of the Self-Regulatory Local Press Council, for any reason, that they may file an application or appeal so the Monitoring Team could accuse a representative of the Council for a violation of the Code of Montenegrin Journalists".

45 <http://medijskisavjet.me/zalbe-i-postupci/>

46 Statute of the MCSR, Article 24; SLPC Statute, Article 25.

(MCSR)<sup>47</sup>, regardless of the fact that this self-regulatory body does not represent the whole media industry.

The MCSR Statute prescribes that the Executive Secretary/Director and members of the Monitoring Team shall receive a monthly compensation, if financial resources allow. The Executive Secretary shall be entitled to a compensation of up to two and a half average salaries, and members of the Monitoring Team to two average salaries.<sup>48</sup> In the case of the Self-Regulatory Local Press Council (SLPC), the Statute does not prescribe any compensation for the operation of the Court of Honour.

Statute of the Press Council (PC) prescribes that only the Secretary of the Association is professionally employed, and the founders and members of the Board of Directors work voluntarily. The PC Statute does not specify whether the members of the Appeals Committee receive a compensation in money for their work.

The Journalist Self-Regulatory Body (JSB), the first self-regulatory body, from its establishment to March 2010, when it ceased to operate, was funded by foreign donations.

#### **Recommendations:**

- **Participation of the State in funding self-regulatory bodies is desirable, especially if public media are represented in those bodies, but in such cases, as specified in the OSCE “Media Self-Regulation Guidebook” – “such involvement should be controlled by strong mechanisms to prevent interference of the State” in their work.**
- **The State should not favour any self-regulatory body in any way, especially not when it comes to financial support.**

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47 The explanation of the decision states, inter alia, the following: “On the basis of measures from the Action Plan for monitoring the implementation of recommendations from the European Commission - the area of the media, which states “the definition of a transparent and independent funding of self-regulatory bodies’, working group composed of representatives from the Ministry of Culture, Ministry of Finance, OSCE experts and media professional organizations (UNEM Montenegro Media Institute) defined the three-year transparent and independent funding model of self-regulatory bodies in the area of media”.

48 MCSR Statute, Articles 20 and 21

## 4. RESULTS OF OPERATION OF SELF-REGULATORY BODIES

Since the establishment in March 2012 to the end of March 2013, the Media Self-Regulation Council (MCSR) has published a total of five reports on its operation. The Self-Regulatory Local Press Council (SLPC) since its establishment in April 2012 to the end of March 2013 published only one report, while the Press Council (PC), established in August 2012, and the Ombudsman of *Television Vijesti*, established in January 2013, have not yet published a single report. The report of the *TV Vijesti* Ombudsman will be published in May 2013.

### 4.1. Reports of journalistic self-regulatory bodies

#### 4.1.1. Frequency of reporting

The Media Self-Regulation Council (MCSR) should have published monthly, semi-annual and annual reports on compliance with the Code, under Article 7 of the Statute. However, there is a contradiction in the Statute, because Article 21 states that “the Monitoring Team monitors and keeps records and publishes reports on violations of the Code of Montenegrin Journalists at regular press conferences (at least once every 60 days)”.

The first report of the MCSR covers the period from 1 April to 15 May 2012, the second report covers the period from 15 May to 31 July 2012, the third covers the period from 1 August to 1 October 2012, the fourth the period from 1 October to 1 December 2012, and the fifth covers the period from 1 December 2012 to 1 March 2013.

The MCSR presented its reports to the public at press conferences usually every 60 days, as required by the Statute. However, three months passed between the fourth and the fifth report.

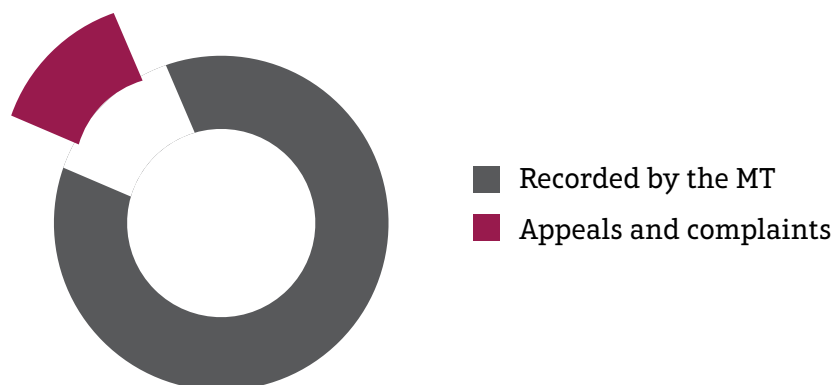
The Self-Regulatory Local Press Council (SLPC), as one of its activities, envisaged annual reports on compliance with the Code. The first such report was published on 3 March 2013. On less than three pages the report covered a period of eight months (May 2012 - December 2012) and referred to nine local print media outlets, members of the SLPC. Two members of the SLPC were not published during the period covered in the report and therefore the report does not refer to them.

The Press Council (PC) and the Ombudsman of *Television Vijesti* did not publish any reports on their operation from their establishment to the end of March 2013.

#### 4.1.2. Number of recorded violations of the Code

In the periodic reports from 1 April 2012 to 1 March 2013, the Media Self-Regulation Council (MCSR) reported a total of 140 specific examples of violations of the Code, 117 of which were recorded by the MCSR Monitoring Team and 23 by organizations or individuals who have addressed this body.

##### Code Violations



Of violations of the Code that the MCSR Monitoring Team recorded, only 13 or 11.1% relate to media outlets that are members of MCSR, while the rest (89.9%) are from media outlets that are not members of this self-regulatory body. (We emphasize the limitation of the MCSR in the monitoring of its own members mentioned in section 4.4.)

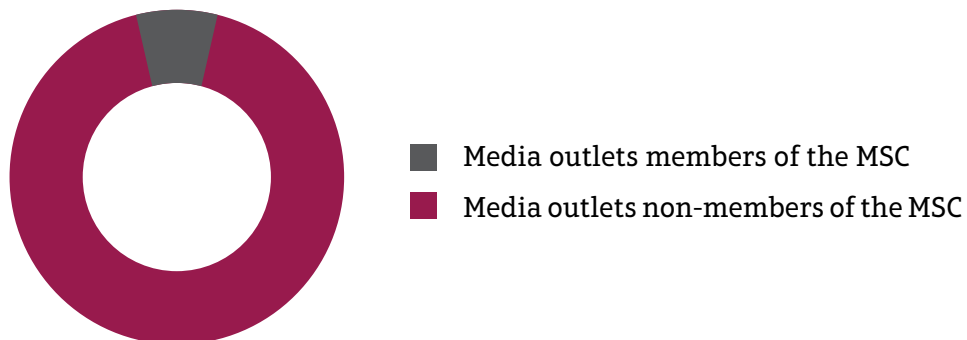
In case of daily “Dan”, that is not a member of the MCSR, there were a total of 40 violations of the Code, and in case of daily “Vijesti”, also not a member of the MCSR, 14 violations. In the case of web portal “Vijesti Online” 46 examples of violations of the Code have been recorded in comments by readers under articles. Of media outlets that are not members of the MCSR, the most examples of violations of the Code have been recorded in the case of daily “Pobjeda” (5) and the daily “Dnevne novine” (3).

From a total of 18 media outlets that are members of the MCSR, examples of violations of the Code have been recorded only with five (5). In addition to the aforementioned “Pobjeda” and “Dnevne novine”, violations have been recorded in cases of portals “Analitika” and “Cafe del Montenegro” and in case of *Television of Montenegro*.

According to reports, in the period from 1 April 2012 to 1 March 2013, the MCSR received a total of 23 appeals, applications and complaints of citizens and legal entities. Two cases only state that appeals have been filed, but not to what they relate to, or what was the position of the MCSR in regard to them. Namely, the appeals were filed

by NGO Civic Alliance<sup>49</sup> and former member of the MCSR Board of Directors Dritan Abazović<sup>50</sup>, and they were both mentioned in the first report of the MCSR. Among other complaints and appeals, the MCSR did not determine a violation of the Code in two cases, in one case it concluded that the law was violated, and in two cases that the Code was partially violated. In one case, there was no complaint, but an appeal, however, the MCSR treated it as a complaint and acted in accordance with that. Namely, it was an appeal of the President of the Parliament of Montenegro Ranko Krivokapić that the media should use the official Montenegrin language.

### Code Violations



Nine (9) appeals were filed by individual persons and 14 by institutions. The majority of appeals (16) were related to daily newspapers “Dan” (9) and “Vijesti” (7), media outlets, non-members of the MCSR. *Television of Montenegro* is the only media outlet, member of the MCSR that appeals were filed against. Two appeals were filed and both related to the TV show “Robin Hood”. One of the appeals, filed by the Democratic Party of Socialists, which was accepted and considered by the MCSR, did not relate to the Code, but to the Law on Election of Municipal Delegates and Deputies.

The first and so far the only report by the Self-Regulatory Local Press Council (SLPC) on two pages stated that the Court of Honour (Monitoring Team) did not receive any appeals, and concluded that the local press observed the Code.<sup>51</sup>

.....

49 According to information provided to HRA by NGO Civic Alliance, MCSR never responded to their first appeal, which referred to the article “Milo ballerina”, published in the daily “Pobjeda”. On 26 September 2012, the Civic Alliance filed an appeal about the writing of the web portal “Analitika” because the text “List of calls confirmed that the murder was planted to her” listed the phone numbers of the victim and the girl suspected of murder. This case was covered in the report by the MCSR, but it did not state that the Civic Alliance filed an appeal in regard to that, and it was analysed as an example recorded by the Monitoring Team.

50 Dritan Abazović confirmed to the HRA that when he was a member of the MCSR, he filed an appeal against the daily “Pobjeda”, but never got a response to the appeal. He said that this case was presented in the first report of the MCSR, but, according to the information the HRA gathered, the report only mentioned that Abazović filed an appeal, but not to what it referred to.

51 “The analysed period has shown that the local print media completely observe the Code of Montenegrin Journalists. In the past period, this body did not receive any complaint or appeal from readers. According to our findings, no case related to a journalists of this media outlet has been prosecuted in court”.



#### 4.1.3. Identifying violations of the law

The reports of the Media Self-Regulation Council (MCSR) stated examples of violations of certain laws (*Media Law, Law on Election of Municipal Delegates and Deputies, and the Personal Data Protection Law*), although the Statute does not specify that the Monitoring Team is competent for these matters. It was stated that the media violated laws in 16 occasions, of which only one example refers to a media outlet that is a member of the MCSR (“Dnevne novine”), and others relate to media outlets that are not members of the MCSR (daily newspapers “Dan” and “Vijesti” and TV Vijesti).

For example, in the fourth consecutive report, the MCSR stated that the daily “Vijesti” violated the election silence by publishing on election day texts on cover page and page 12, and quoted the titles of these texts (“Đukanović approved the apartment to Vukčević” and “Strategic partner in the network of influential persons”) and concluded that these articles “attempted to discredit the head of the coalition European Montenegro Milo Đukanović”.

In the fourth consecutive report, the MCSR stated that it received an appeal by the DPS concerning several aspects of violations of the Code by a number of media outlets, and issues of abuse of media ownership concentration.<sup>52</sup> The MCSR concluded that “sanctioning monopoly ownership in the media” is not in its competence.

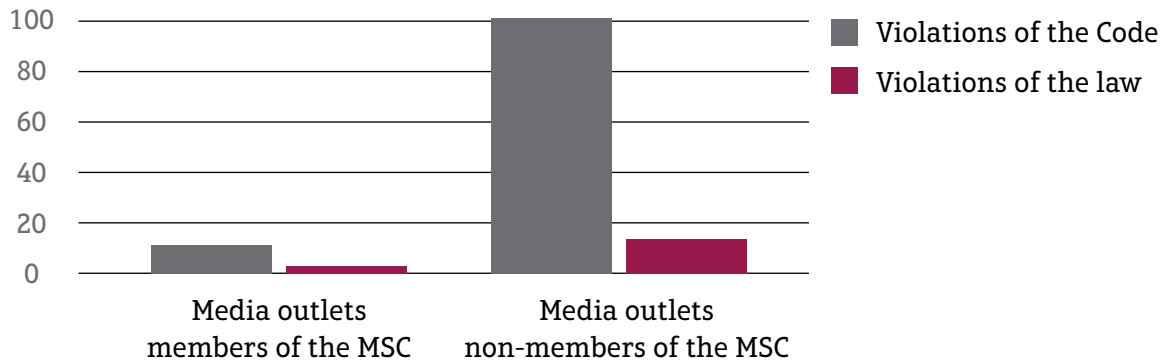
In its first and second reports, the MCSR crossed the border of its statutory competence and evaluated relations in the market of daily press, protecting its member “Dnevne novine” that had been prohibited to distribute its newspapers on kiosks.<sup>53</sup> Although the issue of the use of a language has nothing to do with journalistic ethics, the MCSR allowed itself the freedom to, at the initiative of the President of Parliament of Montenegro, urge the media “to enable the use of the official language in a manner used by Montenegrin state institutions”.

In parts of the report, the MCSR stepped out of the boundaries of its role in evaluating ethics of media organizations in Montenegro and tried to arbitrate in matters .....

52 “The MCSR received an appeal from the DPS due to a number of articles and television reports published during the election campaign in the newspapers “Vijesti” and “Dan”, weekly “Monitor” and the Television “Vijesti”, as stated in the letter, “for violation of the Code of Montenegrin Journalists, abuse of ownership concentration in the media for political purposes, spreading hate speech, unfair representation of the Coalition for European Montenegro in these media outlets, biased informing and violations of the legal institute of election silence”.

53 “The previous period was marked by an attempt to obstruct the distribution of daily “Dnevne novine”. In Montenegro, one company holds almost 100 percent of the daily distribution of circulation and therefore has a monopoly over this activity, which is a big problem when it comes to the liberalization of the newspaper market. In such a situation, the distributor was publicly blackmailed by two daily newspapers - not to distribute free newspapers. Such an attempt to obtain a monopoly in the daily newspaper market has not recorded by now in Montenegro. The Media Self-Regulation Council strongly condemns this blatant attempt to endanger media pluralism in the State and calls for the authorities to protect the “Dnevne novine” on the market and allow it equal treatment with other print media in distribution” (the MCSR Report for the period 1 April - 15 May 2012).

relating to freedom of expression in the media, guaranteed by the Constitution and various international treaties, and strongly affirmed by the Principle 2<sup>54</sup> of the Code. An example of this is the introduction section of the second report which criticizes the daily "Vijesti" and "Dan" because of the in which they had written on the occasion of the sixth anniversary of Montenegrin independence.<sup>55</sup>



Example for this can be found in the report covering the period from 1 December 2012 to 1 March 2013. The MCSR concluded that the author of the article "Branislav Đuranović gave five thousand for the album of the DPS", published in "Vijesti" on 6 February 2013 violated Principle 3 of the Code.<sup>56</sup> The MCSR emphasized the parts of the text and polemicized with the author<sup>57</sup>, but also ignored some key information from the text<sup>58</sup> that spoke in favour of her critical attitude in relation to the sponsorship of monograph that was discussed.

.....

54 The Code of Montenegrin Journalists, Principle 2: "A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power".

55 "Assessment of journalists to subsume the sixth anniversary of independence under the concept of "State decline or shipwreck" can hardly be accepted as impartial and objective journalism. The point is not in the value judgments: even statistics that were stated in these texts (double salaries and pensions, as well as a large influx of foreign investments in the past six years) did not prevent the authors of these texts to describe the last six years of Montenegrin independence with the most pessimistic words."

56 The Code of Montenegrin Journalists, Principle 3: "The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment."

57 "The MCSR believes that it is malicious and untrue to refer to this monograph as the album of DPS. The author of the text was not guided by the idea that the facts should be presented fairly, but tried to cover up the true picture of this monograph with classical manipulation. If a couple of pages from the total of 400 total contain pictures of the local leadership, it can hardly be conclude that this is an album of the ruling party". (MCSR Report for the period of 1 December 2012 to 1 March 2013).

58 "While there was no economization from the municipal budget to help print the books of Đuranović's advisor, for complete programme activities of the Cultural Centre, including publishing, for 2011 the six times lesser amount was allocated, only 856.58 euros". (<http://www.vijesti.me/vijesti/branslav-durano-vc-dao-pet-hiljada-album-dps-a-clanak-112890>).

#### 4.1.4. Most frequent violations of the Code according to reports of self-regulatory bodies

From a total of 12 basic principles of the Code, according to reports of the Media Self-Regulation Council (MCSR), the media violated eight (8), mostly Principle 5<sup>59</sup> and a number of standards recommended in the guidelines for this Principle. In the case of Principle 5, this guideline concerns the hate speech.<sup>60</sup> In regard to violations, Principle 5 is followed by Principles 8 and 4<sup>61</sup> of the Code.

The report of the Self-Regulatory Local Press Council (SLPC) stated that there were no violations of the Code.

#### 4.1.5. Violations of the Code by electronic media

In the first report, the MCSR stated that violations of the Code have not been recorded in programmes of the electronic media, and this position is corroborated by the fact that “during the period of analysis there were no applications or appeals filed by viewers or listeners”. Part of the report concerning the electronic media stated that the member of the Board of Directors of the MCSR and Editor in Chief of the daily “Pobjeda” Srđan Kusovac publicly distanced himself from the work of the Monitoring Team.<sup>62</sup>

The second report of the MCSR does not contain a specific analysis of the electronic media operation, with the exception of one case of violation of the Code by *TVVijesti*, for publishing a photo of a “man washing the blood of the killed juvenile N. S. (15) off the sidewalk with a hose”.

.....

59 Principle 5 of the Code of Montenegrin Journalists: “One’s race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information”.

60 (a) The media must not publish materials intended to engender hostility or hatred against persons because of their race, ethnic origin, nationality, gender, physical disability, religion or political affiliation. The same is true if there is a strong likelihood that the publishing of a material will cause the above mentioned hostility and hatred. (b) Journalists must take special care to avoid contributing to the spread of ethnic hatred when reporting about events and developments that contain elements of ethnic hatred. The obligation of journalists is to respect other states and nations.

61 Principle 8 of the Code of Montenegrin Journalists: A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well. Principle 4 of the Code of Montenegrin Journalists: It is a duty of a journalist to complete an incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner.

62 Pobjeda, on whose behalf I am obliged to react especially after a full consensus of the Editorial Board on the issue in question, distances itself from the part of the report of the Self-Regulation Media Council, which states that in the period from 1 April to 15 May “there were no recorded violations of the Code in programmes of the electronic media. ‘Pobjeda is not doing so because it is itself criticised by this self-regulatory body. On the contrary’”. (Pobjeda, 30 May 2012)

In the third report, the MCSR does not mention any electronic media outlets. The fourth report states the electronic media (*TV Vijesti* and *Television of Montenegro*) as violators of the Code only on the basis of filed appeals. In the fifth and latest report the electronic media are not mentioned.

#### 4.1.6. Violations of the Code by web portals

In the first report, the MCSR stated (as mentioned) only a few examples to illustrate the abuse of anonymous comments in defamation of individuals or groups on web portals that were the subject of attention of the Monitoring Team. In other reports the analysis of web portal was reduced to broad assessment by listing examples of problematic comments of visitors.

The fourth report listed 22 examples of violations of the Code in the case of comments under articles published on web portals, but it did not state whether all the examples were taken from the web portal “Vijesti”, as can be concluded from the statement in the introductory text.

The fifth report listed seven examples of articles published on the web portal “Vijesti” commented by visitors in a manner that violates the Code. The MCSR also emphasized that the editors of this web portal delete improper comments generally, but also rightly concluded that this is done “with a great delay”, after these comments “remain for hours under the information to which they refer”. In its latest report, the MCSR supported the editorial position of web portal “Vijesti”<sup>63</sup> that visitors of the portal should be warned about the rules, finding that “the part in which the editors disclaim any responsibility for what is written as unacceptable”<sup>64</sup>. In its latest report, the MCSR rightly concluded that “it is essential to amend the Code of Montenegrin Journalists in order to clearly define the rules of administration of comments”.

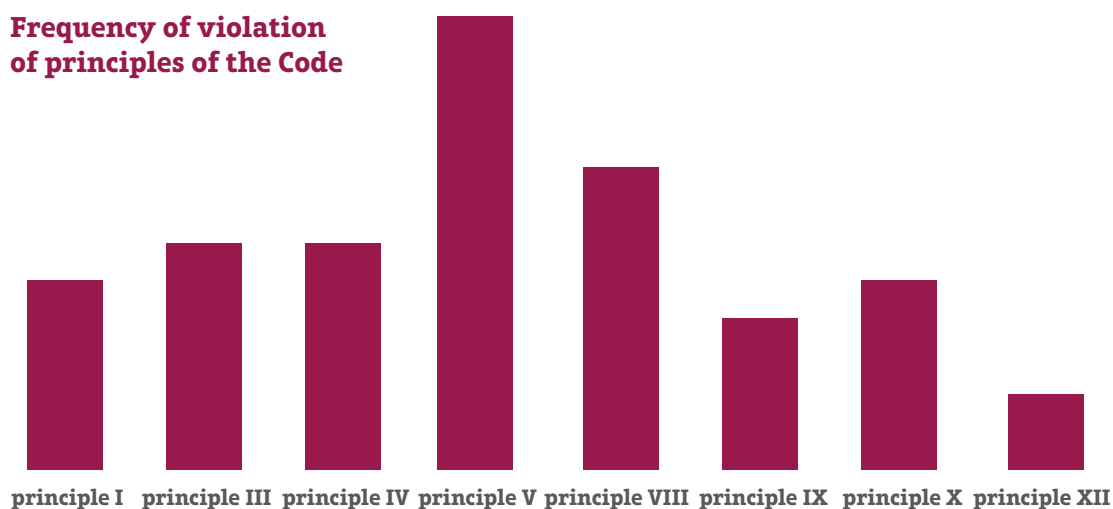
Reports of the MCSR do not yet state which principle of the Code has been violated, i.e. the guidelines for this principle.

.....

63 “Comments are published on the web portal in real time and Vijesti online news can not be held responsible for what is written. Hate speech, swearing, insulting and defamation are prohibited. Such content will be removed as soon as it is observed, and the authors may be reported to competent institutions”.

64 “The MCSR supports the idea to warn the readers of the web portal, finding that the part in which the editors disclaim any responsibility for what is written as unacceptable... This is not in accordance with professional standards or with the principles of editorial policies: the editorial boards are always responsible both for their own texts and texts that they publish as well as for the published comments of readers, i.e. the entire contents published in the media”. (From the MCSR report for the period 1 December 2012 – 1 March 2013).

### Frequency of violation of principles of the Code



#### 4.1.7. Distinction between hate speech and offensive speech

The Media Self-Regulation Council (MCSR) in its reports mentioned several examples of alleged hate speech in articles published in daily newspapers and comments under articles published on web portals. However, it is evident that the MCSR does not make a clear distinction between hate speech, as defined in the Code<sup>65</sup> and the Recommendation on hate speech of the Committee of Ministers of the Council of Europe from 1997<sup>66</sup>, and offensive speech, i.e. it was noticed that the offensive speech is qualified as hate speech.

For example, the report covering the period from 1 August to 1 October 2012, stated parts of the text “Draža’s front (DF)” by Marko Udovičić (Marko Vešović) and Šeki Radončić, published in daily “Pobjeda” as an example of hate speech. According to the authors of the report, these parts contained insults against the leader of the Democratic Front, Miodrag Lekić.

The same mistake was made in case of the qualification of insults from the polemic correspondence published in the press, led by Janko Vučinić, the former leader of the .....

65 Guidelines for interpretation of Principle 5 of the Code, Hate Speech (a) Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred. (b) Journalists must take utmost care to avoid contributing to the spread of ethnic hatred when reporting events and statements of this nature. It is journalist’s duty to respect other states and nations.

66 Recommendation on hate speech of the Committee of Ministers of the Council of Europe from 1997: “the term ‘hate speech’ shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin”.

Union of Ironworks from Nikšić, on one side, and the former director of this factory Vojin Đukanović and Editor in Chief of the daily “Pobjeda” on the other side. This was also done in the case of the polemical text “Percentage and a half of fear” (“Vijesti”, 28 September) by Miodrag Perović, in which he expressed his opinion of the leader of the Democratic Party of Socialists Milo Đukanović.

In its first report, the MCSR stated that “a great number of insults was registered on personal accounts in some Montenegrin media, and especially in columns by Marko Vešović, Željko Ivanović, Blagoje Grahovac, Balša Brković, Miodrag Perović”, but it did not specify these insults, and how they, in specific cases, constituted a violation of the Code.

The report of the Self-Regulatory Local Press Council (SLPC) stated that some media outlets “published several texts from pre-election rallies that contained certain parts that were on the verge of hate speech”, but they also stated that “these were obviously statements of the participants in the rally, and should therefore be considered as such”. The report did not, however, mention in what media were these texts published nor did it quote parts that were “on the verge of hate speech”, so it cannot be assessed whether they actually were examples of such speech.

#### **Recommendations:**

- **The role of a self-regulatory body should not be exhausted in the monitoring and analysis of media practice, but primarily in response to complaints and appeals of injured or interested physical and legal entities, the prevention of violations of the Code by timely pointing out the violations of ethical standards and helping the media and journalists correct the mistakes<sup>67</sup> they made or reduce their harmful effects.**
- **When a self-regulatory body records an example of violation of the Code, it should precisely specify what the violation involves, as well as what principles and ethical standards had been violated. In the event that the Code is deficient in that area, it should offer an appropriate amendment and initiate a professional debate on this matter.**
- **Self-regulatory bodies should avoid assessment of professional and ethical values of contents of the media if they cannot validly argue the assessment by referencing the Code or relevant authorities and sources relevant to these issues, such as the European Court of Human Rights.**

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67 The example of the Editorial Board of “Vijesti” that removed the homophobic comments from the text published on 17 October 2012 after the HRA pointed out the problematic content of these comments is a good example that the media are ready to react when mistakes are pointed out to them.

## 5. COMPARATIVE MONITORING AND ANALYSIS BY HUMAN RIGHTS ACTION

In contrast to the results of monitoring of the MCSR, which showed that most violations relate to the Principle 5 (hate speech), then 8 and 4, according to the monitoring conducted by the Human Rights Action (HRA) from 1 September 2012 to 1 March 2013, violations mostly regarded Principle 10 of the Code, i.e. violation of the presumption of innocence is the most common form of violation of the journalistic standards on ethics. By frequency of violations, according to the HRA, Principle 1 of the Code is at number one – one-sidedness and selective approach to facts.

### 5.1. Principle 1 of the Code: selective approach to facts, one-sidedness

The Media Self-Regulation Council (MCSR) in the report covering the period from 1 October to 1 December 2012 overlooked the violation of Principle 1 of the Code in reports on exit polls published on the online edition of “Vijesti”, conducted by pollster Miloš Bešić, PhD, and his colleagues from the Faculty of Political Sciences. Web portal “Vijesti” on 14 October 2012 published an article titled “Maraš: Team of the Faculty of Political Sciences does not violate the law by conducting polls, if it respects the rules”, which stated the facts selectively and on that basis the report was inaccurate and unethical. Namely, the report only partially quoted Article 2 of the Law on Election of Delegates and Deputies, and the public was misled to believe that the so-called exit polls are illegal and punishable in Montenegro.

During the period covered by this report, besides the above mentioned, other examples were also recorded where in various ways and in a more pronounced manner Principle 1 of the Code<sup>68</sup> and some guidelines<sup>69</sup> that specify the ethical standards of .....

68 Principle 1 of the Code of Montenegrin Journalists: “Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity”.

69 Guidelines for Principle 1: 1.1 - General standards: “Journalists must maintain the highest professional and ethical standards. They must take all reasonable steps to ensure that they disseminate only accurate information, and that their comments on events are genuine and honest. They must never publish information that they know to be false or maliciously make unfounded allegations about others that are intended to harm their reputations. It is journalist’s right to refuse an assignment being opposite to the ethic codex”. 1.2 - Accuracy: (a) “Before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavour to provide full reports of events and must not be silent about or suppress essential information”. (b) “The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must



this principle were also violated. Examples noted by the HRA associates were not recorded by the MCSR.

The first example refers to unconfirmed rumours that a journalist of "Blic", Montenegrin edition, "picked up" in Rožaje and took for granted, without trying to find out the truth. This daily, on 26 November 2012 (in section "Chronicles", page 11) published an entrefilet (fact box) with a text titled "Alleged links with BS", which states: "There is a speculation in Rožaje that Safet Kalić financed the Bosnian Party in recent elections. This speculation is supported by the fact that two days before the elections, employees of hotel "Rožaje" and cafe "Tajson" wore t-shirts with "I choose my 10" written on them. Citizens of Rožaje say that workers are not allowed to do so without Kalić's knowledge, even though he is not currently in Rožaje. In addition, allegedly the former Kalić's security provided personal protection to the President of the RS Rafet Husović".

The following example concerns putting certain facts in an inappropriate context, i.e. in the context that would justify the accusations against a certain person.

Daily "Pobjeda", on 31 October 2012 in section "News", page 6, published an article with subtitle "Prince" and "analyst" Mirko Vuletić Kujavski spoke about our country at a conference in Germany" and title "Daka, Carević, Zaimović and Čelebić paid for slander of Montenegro". In the subtitle of the article the mentioned Vuletić is accused of "regularly speaking the worst untruths about Montenegro in Germany" and states that the activities of this, as said, controversial person, are "paid by some of the leading Montenegrin businessmen". The article also disclosed which companies transferred money to the account of Vuletić's NGO and how much.

The text presented accusations on account of one man and quoted the alleged untruths stated against Montenegro at a meeting, even though the article noted that he "regularly states these untruths in Germany". "Pobjeda" did not ask Vuletić to comment on the accusations made against him. Quotes are taken out of the context and presented in a manner that proves the position that Vuletić is "smearing" Montenegro. In the same one-sided manner, the money paid to Vuletić's NGO is associated with the alleged "slander". This text violated Principle 1 of the Code, in the context explained in the guideline which states that "the public's right to be informed does not justify sensational reporting" and that "therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story".

The following examples concerns a different nature of one-sidedness, reflected in the omission of the other party or relevant sources.

Daily "Pobjeda", on 3 November 2012 (in section "In Focus") published an article with subtitle "President of MASA presented a harsh assessment of our country to his Ma-

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avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred".



cedonian counterpart in Skopje” and title “Momir Đurović: Montenegro is unsustainable and should not exist”. The text, based on the testimony of unnamed sources, quotes and paraphrases statements from a dispatch that the Ministry of Foreign Affairs received from the Ambassador to Skopje, who, according to the text, witnessed what the President of MASA said. At the end of the article it is stated that the President of MASA “Momir Đurović was not available to journalists of Pobjeda on Friday”, thereby offering an explanation as to why the other side is not present in the text.

However, this story does not pertain to those that need to be urgently published, since the public would not be at a loss if it was published at a later date, on the contrary, the public would gain more because of the information that the other side would have provided, especially the side that serious accusations had been made against. This is a minimum that should be applied in such cases in order to maintain a level of basic professional and ethical standards of journalism.

Daily “Vijesti”, on 31 October 2012 (in section “Society”, page 11) published an article titled “Hopefully it will not start before the tender”, which speaks about the readiness of Montenegro to welcome the stormy winter weather similar to the one from the previous year. The article questions the role of the “Crnagoraput”, the company responsible for cleaning of roads, and poses a question whether it learned a lesson from the previous winter. The article then states that it was not possible to obtain an answer to this question from “Crnagoraput” the previous day because the head of the company Željko Leković did not respond to calls and text messages from journalists of “Vijesti”.

This story also does pertain to those whose relevance and importance would diminish in 24 hours, which is the usual period of time between two issues of daily newspapers, so there was no reason not to wait for the response of relevant sources on such an important issue. The journalists did not make an effort to seek the answer to the question from someone else in the company, or to try to find out from persons in charge of relations with the media and the public the reason why Leković is not available.

Daily “Vijesti”, on 24 October 2012 (in section “Economy”, page 5) published an article titled “Combine in charge of cleaning”, in which the owner of a private company “Čisto” Neđeljko Koprivica accused the Aluminium Combine that they did not meet the financial obligations from the contract, which is the reason they left the Combine.

This text offers the readers only one side of the dispute, not supported by material evidence. According to the content of the article, journalists did not even attempt to obtain the position of the other side, although there were no reasons for urgency in publishing this text, nor did they attempt to verify the accuracy of statements of the source that made the accusations.

Daily “Dan”, on 2 November 2012 (in section “Society”, page 12) published a story titled “Selling weapons to Assad regime” while the subtitle stated “Montenegro Defence Company exported missiles from port Bar to Syria despite the blacklist of the United States”.

The story was announced at a prime location on the cover page (upper left) next to a photograph of the President of Syria. The report, in an entrefilet (fact box), emphasized that the representative of Montenegro Defence Company (MDI) Zoran Damjanović denied a year before that this company is reselling weapons to states under international embargo. The current story does not, however, contain a newer statement of the MDI representatives, nor is it stated that journalists attempted to obtain their position.

Daily "Dan", on 7 November 2012 (in section "Chronicles", page 9) published a story with subtitle "Command of Helicopter Unit ignored warnings that the gazelle in which three officers of the Army of Montenegro (VCG) were killed is not for use" and title "Test pilot hinted at the fault three times". The next issue from 8 November (section "Chronicles", page 9) published a continuation of the story about the death of helicopter crew with subtitle "Deputy Minister of Defence, Colonel Željko Fušić, a member of the committee that examines the cause of death of officers, even though he is directly responsible for the failure of the helicopter" and title "The accident is investigated by those responsible for it". The issue from 9 November published (section "Chronicles", page 9) a third text dealing with the same topic with subtitle "After the texts published in "Dan" a super analysis of the cause of helicopter crash in Luštica is in preparation" and title "The plaintiff holds the evidence on the death of pilots". The major part of the text are reaction from the Ministry of Defence on allegations from previous two articles, and their denial.

The first story "Dan" published is based on an unnamed source, whose allegations "Dan" did not even attempt to verify, nor did it obtain a secondary source (document) to confirm the story of the primary, unnamed source. Although there was no reason for haste, because the story would not have lost relevance and importance, "Dan" did not even wait for the Ministry of Defence to express their opinion. The continuation of the story presented direct accusations against the Deputy Minister of Defence, but they were not supported with evidence in the text, nor is the effort to check the incriminating version of the story with other relevant sources or on the basis of documents and secondary sources evident.

In this story, "Dan" dealt with an important and controversial topic, but the story remained an incomplete and one-sided example of research attempt, which ignored the ethical standards from Principle 1 of the Code and guidelines to this principle.

During the period covered by this report, in addition to the above mentioned, there were several other examples where, more or less, the border between professionally correct and sensationalist reporting prescribed by the Code<sup>70</sup> was crossed. The following examples were also not mentioned in the reports of the MCSR.

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70 Principle 1 of the Code of Montenegrin Journalists, Guideline 1.2 Accuracy, under b): The public's right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.

Daily “Dan”, on 5 November 2012 (section “Occasions”) published an article titled “Five gays infected with AIDS”, which presented research results of the Institute of Public Health concerning the gay community and the risk of sexual diseases. Data disclosed in the title are part of the data obtained during the research, but there is no professional justification for extracting this information in the title and it serves only to achieve a sensational effect, further stigmatizing members of a vulnerable population group.

Daily “Dan”, on 29 November 2012 (section “Chronicles”) published an article with subtitle “DPA reported that the smuggling of cigarettes through Montenegro severely hit European states” and title “Milo damaged the German budget for \$10 billion”. The text is, basically, the authorship of the German news agency DPA, processed by the Editorial Board of “Dan”. The content of the text suggests that the State of Montenegro was involved in the smuggling of cigarettes, but that does not justify the personalization in the headline. Such headline gives a sensationalist tone and makes it one-sided.

Daily “Dan”, on 10 January 2013, published an article with subtitle “Inmate Simo Žižić passed away in the Clinical Centre” and title “Died of grief for the woman he killed”. The text is, for the most part, a reminder of the crime of murder of a woman in the village Strug near Šavnik, and it contains the sentence: “According to his colleagues in the cell, he kept saying he was sorry for killing his wife, and that the grief will kill him”. Only one sentence, which contains a paraphrase of the testimony of unidentified sources, and whose authenticity can reasonably be questioned, was used for the heading. It is this part of the text that re-actualized this crime and served for a sensationally formulated headline.

## **5.2. Principle 2 of the Code: critical attitude toward individuals in power**

None of the published reports of self-regulatory bodies (the MCSR five reports and the SLPC one report) recorded a violation of Principle 2 of the Code<sup>71</sup> that caused a dispute within the JSB Council and led to the end of operation of this self-regulatory body (*See Section 2 and footnote 6 of this Report*).

The HRA monitoring proved that a part of Montenegrin journalists, according to the second sentence of Principle 2 of the Code are “sharp observers of those who have social, political and economic power” (more or less observing professional standards or violating them) while to others, this kind of journalism is less or not at all important. Bearing in mind that this part of Principle 2 of the Code in self-regulation practice so far was interpreted in different ways, it is necessary to specify this principle through appropriate additional guidelines.

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71 “A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.”

These guidelines should clearly distinguish when the journalist is expected to work in the spirit of the mentioned principle, and when not, because some forms of journalism (news, reports) are not always suitable for it. In addition, it should be noted that this principle embodies the very essence of quality journalism, and it is questionable whether this quality could be standardized and secured with coercion, i.e. whether its violation could be sanctioned in any way.

### 5.3. Principle 3 of the Code: news and commentary together

During the period since the HRA monitors the media within the project, three characteristic examples of violations of Principle 3 of the Code that the news and comments should be clearly separated were recorded.<sup>72</sup>

The first example is from daily "Dan" (29 September 2012), which published the report from the session of the Inquiry Committee of the Parliament of Montenegro, before which, at the time former Montenegrin Prime Minister, Milo Đukanović testified in the case of corruption in the privatization of Telekom Montenegro. Title of the report title was on the cover page and the report was published in its entirety in the "Economy" section with heading "Milo talked nonsense for four hours".

Another example is from daily "Vijesti" (24 October 2012). In section "Society" it published an article titled "Who does not want the murderers to be found" and subtitle "Crime without punishment: Six years from the murder of Srđan Vojičić and attacks on Jevrem Brković". The text, in the first two paragraphs, states: "For six years the Montenegrin police and the Prosecutor's Office do not want to shed light on the murder of Srđan Vojičić and an assassination attempt on the writer Jevrem Brković"/"For six years the crime is without punishment, but apparently new changes in the top of the police will make any improvements in finally solving the murder, and putting the killers where they belong".

The third example is from daily "Dan" (20 November 2012). In section "Chronicles", page 9, it published a report from the trial of Metropolitan of Montenegro and the Littoral Amfilohije. The subtitle of the report contained: "The metropolitan of Montenegro and the Littoral punished for alleged hate speech on Christmas Eve".

In case of the text "Milo talked nonsense for four hours", the title of the report contained a journalistic quality assessment of the testimony of former Prime Minister Đukanović, who is not included in the report, nor is it mentioned that these words had been uttered by some of the participants of the session, so we can reasonably conclude that this assessment was made by the journalist or editor. In the case of the

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72 "The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment."

published article, it is clear that it belongs to the category of news or report, as one of the informative journalistic genres, in which, as required by the Code, it is not desirable that the journalist expresses his/her own value judgments, but rather to present the facts of the event.

The article from daily "Vijesti" titled "Who does not want the murderers to be found" is a genre hybrid, composed of parts of the interview or statements of the interested party and journalistic commentary, which essentially reflects the opinion of the interested party, in particular uncle of the person killed, that he stated in the same text. In the subtitle of the report from the trial of Metropolitan of Montenegro and the Littoral Amfilohije, daily "Dan" commented the sentence using the word "alleged". Commenting the judgment is, of course, legitimate, but it is not ethical to do so in the report of the trial, especially in the news headlines. None of these examples were recorded in the reports of the Media Self-Regulation Council (MCSR).

#### **5.4. Principle 4 of the Code: correction, denial, avoidance of apology**

During the period covered by this report, there were several examples where the media published reactions of the injured party and thus corrected the previously made mistakes, but they did not offer an apology in the manner suggested in the guidelines for Principle 4 of the Code<sup>73</sup>, and this was not recorded in the reports of the Media Self-Regulation Council (MCSR).

The Media Law also prescribes the right to response and correction, including the right to press charges for the publication of a correction or response.

Daily "Dan" on 3 November 2012 continued to write about the operation of the Montenegro Defence Company (mentioned earlier in this report), provided that the new story (published on page 13 in section "Society") was announced as exclusive on the cover page with title "30,000 guns sent to cartels in Mexico" and subtitle "Government's company resold weapons from China, despite the U.S. embargo". The story was announced on the upper half of the cover page and illustrated with a photograph of Zoran Damjanović, Director of the MDI.

In the issue from 5 November 2012, "Dan" published a denial of the MDI in section "Chronicles", on page 10, in the lower half of the page. The denial was not announced on the cover page of the issue, although in the disputed issue, the story was anno-

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<sup>73</sup> Guideline (b) for Principle 4 of the Code of Montenegrin Journalists: "If a media institution discovers that it has published an erroneous report that has caused harm to a person's or institution's reputation, it must publish an apology promptly and with due prominence".

unced on that side, which would be in the spirit of Principle 4 of the Code<sup>74</sup> and the guidelines<sup>75</sup> which explains the interpretation of this principle.

In the issue from 8 November 2012, “Dan” published the opinion of the other side regarding the allegations stated in the article titled “30,000 guns sent for the cartels in Mexico” and in an entrefilet along with the new text dealing with the same subject, titled “Investigation because of texts in Dan”.

“Dan” has not acted ethically when it published the story without the opinion of the other side, in this case the company it accused, and did not verify the allegations of the source that made the accusations. The mistake was partially corrected through subsequent publication of the opinion and the denial of the accused side, but new mistake was made with inappropriate treatment of subsequently received information.

### **5.5. Principle 5 of the Code: issues of ethnicity and nationality**

The Media Self-Regulation Council (MCSR) in its latest report recorded a case of unethical mention of nationality/ethnicity of persons suspected for certain crimes. This case is also noted by the associates of the Human Rights Action (HRA). It concerns news published on the web portal Café del Montenegro on 20 January 2013 at 10:48, which states that an Albanian, who has been living in the United States in the state of New York for years, raped a dog of one tenant in whose building he worked as a janitor. The news stated the full name of the accused, his age and photo, and the headline was worded as follows: “USA: an Albanian raped his neighbour’s Labrador!”

During the period covered by this report, the HRA associates recorded two more cases that, among other things, mentioned nationality/ethnicity of persons suspected for certain crimes in non-ethical manners and thus violated Principle 5 of the Code<sup>76</sup>.

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74 Principle 4 of the Code of Montenegrin Journalists: “It is a duty of a journalist to complete an incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner”.

75 Guidelines for the Code of the Montenegrin Journalists: (a) “If a media institution discovers that it has published a report containing a significant distortion of the facts, it must publish a correction promptly and with comparable prominence. This correction must refer to the previous incorrect report.” (b) “If a media institution discovers that it has published an erroneous report that has caused harm to a person’s or institution’s reputation, it must publish an apology promptly and with due prominence.” (c) “Due prominence” in this context means publication of the correction in the same space (in the case of print media) or within the same programme (in the case of broadcast media).”

76 The Code of Montenegrin Journalists in Principle 5 states: “One’s race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information” and the guidelines for this principle states that: “when reporting crimes, it is not permissible to refer to the suspect’s religious, ethnic or other minority membership unless this information can be justified as being relevant to the audience’s understanding of the incident”.



Daily “Blic”, Montenegrin edition, on 6 October 2012 (section “Chronicles”) published a news article titled “Albanians stealing in the villages of Cetinje”, stating that the police had arrested three Albanian nationals suspected of committing theft in Cetinje.

Daily “Dan” on 16 November 2012 (section “Chronicles”, page 11) published a news report titled headline “A Romani beaten to death” which stated that the suspected Adović were caught stealing from Miraš Selimović (Romani from the news headline), and they beat him to death. However, the report does not mention that Selimović is also a Romani by nationality, and highlighting this fact in the title sounds like pandering to the stereotype that Roma people are thieves and that this case may involve a hate crime.

### **5.6. Principle 6 of the Code: unethical gathering of information**

During the period covered by this report, another example was recorded of an offence in regard to the standard prescribed by the Code<sup>77</sup> when it comes to gathering information. In the report of the Media Self-Regulation Council (MCSR), this case was also emphasized as unethical, but only in regard to the violation of Principle 3 of the Code 3 because of, as stated, tendentious nature of the text (referring to the headline) “that distorts the facts of the text in an inappropriate manner”.

Daily “Dan”, on 18 September 2012, published an article titled “Cynic, your face damages our cause”. Text announced on the cover page contains quotes and paraphrases from a letter that President of the Church community in Podgorica of the Montenegrin Orthodox Church (CPC) Igor Koljenšić sent to Metropolitan of the CPC Mihailo, making harsh accusations on his account.

Daily “Dan” on 26 October 2012 published a reaction by the author of the letter, in which he accuses them of illegally coming into possession of his letter that, as he claimed, had the character of private correspondence, and by publishing it, they violated his constitutional rights. Daily “Dan” did not mentioned in how they came into possession of the letter, but on basis of claims of its author it was clearly not intended for the public.

Although private in nature, the letter raised some issues of public importance, because they concern the relations within the CPC, a religious organization that brings together a significant number of people. Daily “Dan” did not, however, act ethically when it, without the knowledge of the author, published the letter. We cannot claim that “Dan” came in possession of the letter in a dishonest way, but it would be ethically right to inform the author about the possession and ask for his consent to publish it. In case the author denied such consent, on the basis of its findings, “Dan” could address the topic of conflict in a way that would not necessarily imply quoting the letter, but it could serve as initial information for legitimate professional research.

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<sup>77</sup> Principle 6 of the Code of Montenegrin Journalists: “In order to collect information in any form, a journalist should use professionally honourable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public”.

### 5.7. Principle 7 of the Code: protection of sources

The reports of the MCSR and the SLPC there were no recorded examples of violation of Principle 7 of the Code, which regulates the attitude toward the source of information<sup>78</sup>. Such examples were also not observed by the HRA associates.

### 5.8. Principle 8 of the Code: protection of privacy

The report of the Media Self-Regulation Council (MCSR), covering the period from 1 August to 1 October 2012, stated as problematic the publication of the list of alleged “double voters” in daily “Dan”, which contains full names, identification numbers and addresses of these persons, but this was recognized as the only violation of the Personal Data Protection Law. The report, however, overlooked that the above case, as well as two more that are not even mentioned, violated ethical standards prescribed by the Code.<sup>79</sup>

In issues from 19 September 2012, daily newspapers “Dan” and “Vijesti” published excerpts from the Central Voter Registration List that the NGO Network for Affirmation of NGO Sector (MANS) forwarded to them, containing identification numbers of citizens and their addresses of residence.

Daily “Vijesti”, on 10 October 2012 (section “Politics”) published an article with subtitle “Phantoms: After the analysis of the concluded Central Voter Registration List, MANS stated that the State authorities have made minimal alterations, despite their warnings that there were numerous irregularities in the final List” and sub-headline “the other army of duplicate voters”. The article revealed the identity of several person with same names and their private addresses.

The same was published by daily “Dan” on 10 October 2012 (section “Politics”) with subtitle “After a thorough analysis, MANS discovered numerous irregularities in the final version of the Voter List”, and headline “14,000 phantoms were not deleted”.

Publication of full names of persons and their private addresses was not in the function of finding the truth about whether there are abuses in the list. Daily newspapers “Vijesti” and “Dan” did not properly counterbalance the public’s right to know with the personal rights of the persons whose identification numbers had been disclosed, and they especially did not comply with the guideline of the Code, which refers to the special protection of private addresses.

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78 “It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.”

79 Principle 8 of the Code of Montenegrin Journalists states that: “a journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs...” and the guidelines for this principle emphasize that “the public’s right to information must always be weighed against the personal rights of those involved” and that “people’s private addresses enjoy special protection”.



Daily newspapers could have pointed out the problem of validity of voter lists without revealing the identification numbers and addresses of persons, stating that they have evidence, but not sharing it with the public.

The report of the MCSR covering the period from 1 October to 1 December 2012 did not record the case of ethically problematic reporting<sup>80</sup> of three daily newspapers in editions from 8 October 2012 about the suicide of a woman in Podgorica.

In section "Society", daily "Dan" published a news report with the subtitle "Vidosava Jovanović committed suicide out of bitterness for the outcome of the trial for the murder of her son", and headline "Mother killed herself after an acquittal".

The report presented details of the death of this woman. "Dan" also published a photograph of the tragically deceased wife, and the news was announced on the cover page of the edition, along with the same photograph.

News of the suicide was published in the daily "Vijesti" (section "Society") with subtitle "Tragedy: Vidosava Jovanović committed suicide the day after the trial for the murder of her son", and title "Mother could not accept the verdict". Along with the news, which did not contain too many details, "Vijesti" also published a photograph of the location where the body of the tragically deceased woman was found.

Daily "Dnevne novine" published the news of the suicide of the woman (section "Chronicles") with subtitle "After the acquittal", and title "Mother of the killed man committed suicide". The subtitle of the news contained a sentence: "After the verdict, Jovanović screamed and swore in the hallway of the High Court". Along with the news, "Dnevne novine" also published a photograph from the police investigation of the site where the body was found. The news from with the same photograph was announced on the cover of "Dnevne novine".

The tragic death of this woman and the circumstances that led to it are not of great interest to the public, so this case cannot be subsumed under the exceptions mentioned by the Code, concerning the disclosure of identity of the person who took his/her own life. The news reports have also ignored the suggestions of the Code, to exercise the utmost restraint and reservation in these cases.

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80 In guidelines for Principle 8, the Code of Montenegrin Journalists states that "reporting on suicides calls for restraint" and suggests that "this applies in particular to the publication of names and detailed descriptions of the circumstances". The Code emphasizes that "the exceptions are justifiable only if the case is of public interest".

### **5.9. Principle 9 of the Code: disclosure of identity of juveniles, who are perpetrators or victims of crimes**

The Monitoring Team of the Media Self-Regulation Council (MCSR) properly noted and condemned the unethical examples of disclosing the identity of juveniles when reporting about crimes.

The report of the MCSR covering the period from 1 August to 1 October 2012 stated that in the editions from 4 and 5 September 2012, daily "Dan" revealed the identity of a juvenile suspected of murder, and in the editions from 11 and 12 September 2012, the same daily newspaper, reporting on the case of infanticide, revealed the identity of the children of the woman suspected of infanticide. (Regarding the latter case, the MCSR received an appeal of an interested citizen.)

In principle 9 of the Code states that the journalist "obliged to protect the integrity of adolescent persons, different and disabled persons" and the guidelines for this principle oblige the media "to comply with the principles of the UN Convention on the Rights of Children and to research with special care the information that effect children's interests".

The principles of UNICEF concerning the reporting on children<sup>81</sup>, the journalist are suggested, among other things, that "the dignity and rights of every child are to be respected in every circumstance" and not to additionally characterize any child. One of the guidelines states always to change the name and obscure the visual identity of any child who is identified as "charged or convicted of a crime".

### **5.10. Principle 10 of the Code: violation of the presumption of innocence**

In texts of various genres, but mostly in informative genres (news), published from 1 September 2012 to 1 March 2013 in five daily newspapers distributed in Montenegro and in the weekly "Monitor", associates of the Human Rights Action recorded 103 cases of violation of the presumption of innocence. The presumption of innocence was violated by claims or suggestions in the composition of the title (headline, title, subtitle), in the first paragraph or elsewhere in the text, that someone, whose identity is revealed in full or only by initials, committed a criminal offence, although it is clear from the whole text or source to which the author of the article calls for (police press release, for example) that the person is only a suspect, suspected or accused, but not convicted.

In more than 54% of recorded examples, the presumption of innocence was violated in a manner in which some part of the title composition (headline, title, subtitle) was worded, which often happened in the title, and rarely in the headline and subtitle.

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81 UNICEF, Reporting guidelines - Reporting guidelines to protect at-risk children: [http://www.unicef.org/media/media\\_tools\\_guidelines.html](http://www.unicef.org/media/media_tools_guidelines.html)

Examples of this are the titles: "Jovanović stole cars", "Bulatović seriously wounded a fellow citizen with a knife", "A man slaughtered a woman", "Killed for the Mafia", "Psychiatric treatment for the murderer of the girl", "Double killer questioned in private". These and similar titles highlight in a sensational manner some of the information with a problematic overtone in order for the title to be more attractive.



*"Two men have beaten and robbed a boy"*

*"Two times murderer questioned in a closed court"*

*"Stabbed his cousin"*

*"Robbed a gambling parlor then bought a cell phone"*

In more than 15% cases, the presumption of innocence was violated by problematic wording of some parts of the composition of the title or the text. In six cases it was violated by a problematic wording of the composition of the title and first paragraph of the news (lid). In two cases it was violated by the manner in which a sentence in the first and in some other parts of the text was worded.

In two cases it was done in the caption (explanation) that accompanies the photo. In one of these two examples, the photograph shows the arrest of one of two women accused of bribery and the caption below the photo stated: "We took 50 to 1,300 Euro: During the arrest of the accused".

In the examples of violations of the presumption of innocence, according to data gathered during the monitoring of the HRA, the most violations were made by daily newspapers "Vijesti"<sup>82</sup> and "Dan"<sup>83</sup> that violated the presumption of innocence, 23, i.e. 22 times.

82 "Montenegrin tourists rampaged in Venice", 14 September 2012; "Stole water heaters and fittings", 20 September 2012; "Spent the tax money on fun", 4 October 2012; "Stole classified documents", 4 October 2012; "A Russian who was arrested in Bar offered the police officers a bribe to release him from detention", 4 October 2012; "Broke into houses and stole", 4 October 2012; "Thieves that rummaged weddings arrested", 9 October 2012; "Father wanted to add subuteks", 22 October 2012; "Wounded two men in self-defence?", 22 October 2012; "Jovanović stole cars", 1 November 2012; "Robbed a betting shop and bought a mobile phone", 8 October 2012; "Stole and then sold for petty cash", 7 November 2012; "Killed her husband and said: There you go, Ms", 16 November 2012; "Attacked inmates with a sharp spoon", 16 November 2012; "Sole broke his fellow citizen's nose", 5 December 2013; "Shared money among themselves and their folk", 29 December 2012; "Took a reservoir from a farm", 29 December 2012; "Stole alcohol from Merkator and Albona", 29 December 2012; "Arrested for theft in Nikšić", 25 January 2013; "Stole cameras from school", 25 January 2013; "Božović behind bars for attempted murder", 25 January 2013; "Stole doors from school", 31 January 2013; "Juveniles robbed a holiday house of a police officer", 7 February 2013; "Raković arrested for theft", 13 February 2013.

83 "Stole a motor bike and mobile phones", 15 September 2012; "Resold stolen gold", 15 Septem-

They are followed by “Dnevne novine”<sup>84</sup>, 18 times, and Montenegrin edition of “Blic”<sup>85</sup>, 13 times. Daily “Pobjeda”<sup>86</sup> violated the presumption of innocence eight times.

In all case, the violation of the presumption of innocence relates to persons who are suspects or defendants suspected of conducting minor or serious criminal offenses. In at least two cases, the presumption of innocence was violated in news titles of persons who were also victims of the crime, which is contrary to Principle 10 of the Code, and with the recommendation of the Committee of Ministers to Member States on assistance to victims and prevention of victimization.

The first three reports of the MCSR did not state any violation of the presumption of innocence. It was only in the fourth and fifth reports that examples of this type of violation of the Code were recorded, provided that in the period from 1 December 2012 to 1 March 2013 the MCSR recorded only two cases, while in the same period the HRA associates recorded 28 examples of violation of the presumption of innocence in the daily newspapers “Vijesti”, “Dnevne novine”, “Pobjeda”, “Dan” and the weekly “Monitor”.

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ber 2012; “Robbed flats and houses”, 4 October 2012; “Stabbed a cousin with a knife”, 30 October 2012; “Stole jewellery”, 30 October 2012; “Psychiatrists examining the killer”, 8 November 2012; “Those who did the beating denied their guilt”, 15 November 2012; “Caught the murdered in front of her house”, 16 November 2012; “Beaten a Romani to death”, 16 November 2012; “Brother and sister sold heroin”, 24 November, 2012; “Arrested for drugs, then attended her class”, 28 November 2012; “Killed for Mafia”, 4 December 2013; “Caught in the act”, 18 December 2012; “Among themselves shared 114.000 euros”, 29 December 2012; “Slaughtered his wife”, 3 January 2013; “Abused their positions”, 4 January 2013; “Bought heroin in Montenegro”, 5 January 2013; “Juveniles robbed school”, 8 January 2013; “Mother in law committed a murder because of torture”, 24 January 2013; “Skank hidden in the buses”, 29 January 2013; “Robbed a priest”, 31 January 2013; “Embezzled 34,500 Euro”, 1 February 2013.

84 “Cocaine in the wallet of Muša’s fellow traveller”, 2 October 2012; “Stole a Ford in Maine”, page 15, 2 October 2012; “Entered through windows and stole gold and guns”, 4 October 2012; “Damaged the investors for more than a million euros”, 4 October 2012; “Killed out of irritation and anger”, 4 October 2012; “Saved herself from rape with a knife”, 9 October 2012; “Car stolen by a highwayman from Rožaje”, 30 October 2012; “Robbed in Old town”, 30 October 2012; “Paid a loan with a knife in the stomach”, 30 October 2012; “Cause a fire, an olive plantation burnt down”, 31 October 2012; “Stole two guns”, 31 October 2012; “Brother and sister in street sales”, 24 November 2012; “Run away from the store with an unpaid coat”, 1 February 2013; “Bomber from Podgorica arrested”, 1 February 2013; “Hidden heroin in spare tire”, 5 February 2013; “Plaintiff killed a pedestrian by car”, 12 February 2013; “Serbs robbed banks in Slovenia”, 12 February 2013; “Mugoša willingly killed his best-man”, 12 February 2013.

85 “Guns thief arrested”, 4 October 2012; “Murderer of the girl in court on 24 October”, 4 October 2012; “Albanians robbed the villages of Cetinje”, 6 October 2012; “Double murderer questioned in private”, 6 October 2012; “Raised 9,500 euros with fake credit cards”, 7 November 2012; “Psychiatric treatment for the murderer of the girl”, 10, 8 November 2012; “Murderer of neighbour detained”, 26 November 2012; “A citizen of Podgorica committed 16 robberies in Budva”, 27 November 2012; “Beaten an old lady until she gave him 100 euros”, 27 November 2012; “Thief arrested”, 29 December 2012; “Bulatović seriously wounded a fellow citizen with a knife”, 5 January 2013; “Plaintiff caught stealing expensive cosmetics”, 19 January 2013; “Beaten and tied down an old lady”, 19 January 2013.

86 “Arrested for robbery in Montefarm pharmacy”, 7 October 2012; “Put expensive creams in boxes of the cheap ones”, 18 January 2013; “Plaintiff cosmetics still under investigation”, 23 January 2013; “Worker of the ‘De Luks’ taxi robbed a customer”, 23 January 2013; “Stole a coat from a store”, 1 February 2013; “Plaintiff before the judge for stealing cosmetics”, 7 February 2013; “A man from Nikšić stole everything he could”, 7 February 2013; “Sold four wheels from other people’s van”, 7 February 2013.

The fourth report of the MCSR, covering the period from 1 October to 1 December 2012, the violation of the presumption of innocence in the case of teacher Marija Fatić from Podgorica was not mentioned, but a member of the Monitoring Team, after it was announced that the Prosecutor's Office dismissed the police charges against the teacher and lawyers brought to attention that she can sue the media, said that this was a flagrant violation of the presumption of innocence. In its latest report, covering the period from 1 December 2012 to 1 March 2013, the MCSR did not mention that it had overlooked this case, but in the introduction stated that the teacher Fatić "was demonized by certain newspapers after the arrest that dedicated to her case the main pages with sensational headlines".

This case is a classic example precisely because after the dismissal of charges it again came to light and showed how serious an ethical offense can be when the media condemn someone with no authorization to do so, before those who are competent in such matters, and therefore it deserves to be analysed in more detail.

Daily "Dnevne novine", on 24 November 2012 (section "Chronicles", page 12) published a news report titled "Brother and sister in street sales". The introductory paragraph (lid) stated that "the Podgorica police arrested a brother and sister Branimir (30) and Marija (32) Fatić on suspicion that they were engaged in a long term purchase and sale of heroin". The next sentence says that the suspects purchased heroin, and allegedly, repackaged it in their apartments into smaller bundles for further street sale at a price of 10 euros.

Daily "Dan" published a news report on the same day (section "Chronicles", page 9), titled "Brother and sister selling heroin". The first paragraph stated that the inspectors of criminal police, in two separate actions in Podgorica and Nikšić, arrested Branimir (30) and Marija (32) and Jovan Božović (37), for drug trafficking. It was further stated that Fatić was found with 150 grams of heroin, while a search of the car that was used by Božović, 39 kilos of skunk was found.

Daily "Dan", on 28 November 2012 (section "Occasions", page 14), published a story that dealt with the anxiety of parents of students of primary school "Dragiša Ivanović" in Podgorica because the teacher Marija Fatić returned to work just days after she was arrested along with her brother, on suspicion of unauthorized production, possession and distribution of narcotics. The text also contained information from police reports, on which the police suspicion was based. "Dan" in the article stated that it failed to provide an opinion of the suspected teacher or the school administration.

The web portal Café del Montenegro, on 28 November shared the news from the daily "Dan", titled "Teacher arrested for dealing drugs, and afterwards came to class".

In the published news, the wording of the title, and the first paragraph, violated the presumption of innocence of suspects, and in the case of Professor Fatić it was additionally done in the subsequent story published in the newspaper "Dan". Contrary to

Principle 10 of the Code, which is clear in the sense that “a journalist has to respect the assumption that everyone is innocent until is proved differently” and “should by no means not pre-adjudicate the outcome of a court procedure”, in the published texts teacher Fatić was described as guilty.

Of course, parents fear for the safety of children and their health was justified, as it is justified that the media dealt with this case, but it is problematic that, on one hand, the manner in which they dealt with the story further upset the parents, and on the other this violated the human rights of teacher Fatić.

Some news that contained recorded violations of the presumption of innocence also contained violations of some standards of professional journalistic ethics. In this sense, this can be illustrated with the example of the news published in the daily “Vijesti” of 20 September 2012 titled “Kicked their friend in the head”. The news contained a photograph of the boy victim, which suggests that he was seriously injured, because in the photo he used crutches, while the news stated that he ascertained minor injuries.

During the period covered by this report, one typical example of a violation of the presumption of innocence was recorded, and a number of violations of principles and standards of the Code, with no reaction from the MCSR, although the violations were committed by a media outlet that is a member of this self-regulatory body.

In an article titled “Scandalous: The kindergarten teacher pulling ears and slapping children”, published on the web portal Café del Montenegro (CDM) on 3 January 2013 at 15:23, it was reported that an unnamed mother accused a teacher (published first initial) of one of the kindergartens in Podgorica for beating her son and that it was the reason why he got diabetes.

The text commented on the case as if the truth had already been established: “We found out that teacher S. has family problems, but it certainly does not give her the right to torture and beat children who have been entrusted to her care”.

The author of the text took for granted what she heard from the mother of the child and did not attempt to verify her claims that the teacher beat the child, or allegations that this was the reason why the child got diabetes. The reporter did not consult the doctor who treated the child or any doctor specialist in this field. She did not even try to hear what the teacher had to say.

This article violated Principles 1<sup>87</sup>, 3<sup>88</sup> and 8<sup>89</sup> of the Code.

87 Principle 1 of the Code of Montenegrin Journalists states that it is “the duty of a journalist to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity”.

88 Principle 3 of the Code of Montenegrin Journalists states that “it is a duty to clearly separate news from a comment”, which was not applied in the case of the mentioned article. Additionally, the comment was grounded on information whose truth was not established.



### 5.11. Principle 11 of the Code: accepting privileges

The reports of the MCSR and the SLPC did not record any examples of violations of Principle 11 of the Code<sup>90</sup>, relating to the possible privileges that adversely affect the journalistic independence and credibility. These examples have not been recorded by the HRA associates during the monitoring of the Montenegrin media content.

It is generally difficult to determine the violation of this principle because there are often only indications in the content or intonation of news stories, but not conclusive evidence, which would have to be obtained through a special research.

### 5.12. Principle 12 of the Code: journalistic solidarity and plagiarism

The reports of the MCSR and the SLPC did not record any examples of violations of Principle 12 of the Code<sup>91</sup>, which regulates the issue of journalistic solidarity and plagiarism, although there were public accusations of plagiarism by the web portal *Café del Montenegro* and news agency MINA.<sup>92</sup>

The monitoring of the HRA proved the widespread practice of using whole texts or parts of texts without stating where the texts were taken from, or at least the referencing to the source is not done in a clear and unambiguous manner. An illustrative example of this is recorded in the daily "Dan"<sup>93</sup>, which took almost the entire text of the "Case: "Set-up crime": Vujanović in conflict with Mandić through his underage

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89 Principle 8 of the Code of Montenegrin Journalists suggests that " a journalist is obliged to be very careful when dealing with private life of people", and that "a right to private life is disproportional to the importance of a public function that an individual performs, but in those case, it is necessary to respect human dignity as well".

90 "A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions."

91 "It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist code.

92 "Montenegrin journalists often "borrow" a thought, a sentence or a whole text, without stating its real author, although this is contrary to the code of journalistic ethics. It is not rare that a report or information gathered by the Editorial Board of CdM appears in another media without naming the source" (Source: <http://www.cdm.me/drustvo/crna-gora/krada-novinarskih-tekstova-normalna-pojava>). In a statement for CdM, the Editor of the MINA Agency Milan Žugić emphasized that they encounter these problems on a daily basis: "Especially in local radio and TV stations, that although they are not subscribers, in "many ways" publish our information, without naming the source. Although we have problems with plagiarism every day, we have not sought protection of our copyrights on court. We believe that this problem could be solved with an appropriate law, and the education of journalists that the Code has to be observed".

93 <http://www.dan.co.me/?nivo=3&rubrika=Drustvo&datum=2013-03-09&clanak=370790>

son – reactions” from the web portal “IN4S”<sup>94</sup> (published on 8 March 2013), without specifying where the text was originally published.

The HRA Monitoring Team noticed an illustrative example of the text signed by a journalist of “Vijesti”, which contains statements and even photos of interlocutors from abroad without naming the source, so the impression is that the extensive research on the complex topic was conducted by this journalist.<sup>95</sup> In a similar example, a part of the text indirectly stated that a journalist of London’s “The Guardian” dealt with the same topic and cited his comment.<sup>96</sup> I case of daily newspapers “Dnevne novine” and “Pobjeda”, unlike the others, there is a highlighted practice of naming the sources from which something had been copied. However, it is not always possible to accurately determine plagiarism and journalistic lack of solidarity if the journalists who were victims of such treatment by their colleagues do not publicly testify.

### Recommendations:

■ **When constrained by time, editors often violate the presumption of innocence trying to provide an attractive and short title. Putting a question mark at the end of the statement that suggests someone’s guilt, can, at least partially, reduce the ultimate effect of the statement.**

■ **As suggested by the MCSR, the Code of Montenegrin Journalists should be amended so that it includes the new Internet media, but this should be done with consensus or biggest possible agreement, as previously done in case of the Code. It should be noted that “The Online Media Self-Regulation Guidebook” was adopted at the international conference “Internet 2013 - Shaping policies to advance media freedom”, organized by the Office of the OSCE Representative on Freedom of the Media, Vienna, on 14 and 15 February 2013.**

■ **Since the basis of self-regulation is the principle of voluntary acceptance of rules, those rules are more easily accepted and observed by a smaller and more cohesive collective such as a media organization or editorial board, rather than by an imaginary collective such as “the whole profession”, especially if there are political or**

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94 <http://in4s.net/index.php/akcenat/osvrt/35102-sluaj-podmetnuti-zlo-in-vujanovii-u-obraunu-sa-mandiem-preko-njegovog-maloljetnog-sina-reakcije-2>

95 “Randi: If the water could actually “remember”, the remedy would flow from the tap”, Vijesti, Science, p. 36-37, 17 February 2013.

96 This concerns a text titled “Height is important on the political scene” (Vijesti, 5 November 2012), which represents a recycled text previously written by journalists Nic Fleming in “The Guardian”. It also used the illustration from “The Guardian”, which discretely cited the primary source. The original text is available at: <http://www.guardian.co.uk/news/datablog/2011/oct/18/world-leader-heights-tall>



ideological divisions within the profession, and therefore the self-regulatory practice should first be cultivated and developed among journalists in the editorial boards of the media.

■ It is crucial that journalistic reporting, in addition to ethical criteria, also meets the criteria of objectivity, meaning that the public is presented with the clearest possible image of the concrete reality of an event, plus the elements (background and redundancy/clarification) that allow the event to be given proper context and that it is understood. Clear image of concrete reality that “took place” in the courtroom does not exist, for example, if the press reports only noted the statements of the accused, but not statements from the defence and witnesses, who are also the victims of the crime.

■ Bearing in mind that a single Journalist Self-Regulatory Body ceased to function due to different interpretations of the paragraph from Principle 2 of the Code, “a journalist should be a sharp observer of those who have social, political and economic power”, the guidelines for this principle should explain what this precisely means, so there would be no more misunderstandings, or in some other way prevent possible new misunderstandings and new conflicts within the journalistic profession.

■ Self-regulatory bodies should pay more attention to the practice of plagiarism in the media and should encourage journalists and the public to indicate such examples.



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## SECOND REPORT

# MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

March 2013 – October 2013



## 1. CURRENT SITUATION OF MEDIA SELF-REGULATION

### 1.1. General overview

In the period covered by this report, the **Media Council for Self-Regulation** (hereinafter **MCSR**), founded at the beginning of March 2012 by representatives of 18 print, broadcast and internet media outlets in Montenegro, continued its operation. In the meantime, daily “Blic” – Montenegrin edition, TV “Prva”, TV “Pink M” and portal RTCG joined this self-regulatory body. There has also been personnel changes in the Executive Board of MCSR, because Srđan Kusovac, editor in chief of daily “Pobjeda”, resigned from the post due to the transition to the position of Head of the Public Relations Bureau of the Government of Montenegro.

**Self-Regulatory Local Press Council** announced that several new print media outlets will become its members<sup>1</sup>, and that it received requests for membership from local electronic media, although membership of electronic media is not prescribed by the current Statute of the body.

**Press Council**, established at the end of May 2012 by daily “Vijesti” and “Dan” and weekly “Monitor” and included in the register of NGOs on 6 August 2012, did not begin to operate.

“Vijesti” decided to appoint a **Protector of the rights of readers**, i.e. the **Ombudsman**, following the practice of TV “Vijesti” that had done so at the end of January 2013. “Vijesti” informed the public about this decision on 4 November 2013 in its print edition and on its website<sup>2</sup>. The duties of the Ombudsman were entrusted to Božena Jelušić, a professor of literature and media literacy from Budva, and a regular columnist for daily “Vijesti”. Rules of Procedure of the Ombudsman were developed by Božena Jelušić and Mihailo Jovović, editor in chief of daily “Vijesti”. The Rules prescribe the method of operation of the Ombudsman in proceedings initiated upon complaints about articles published in the print edition of “Vijesti” and “their releases on all platforms, when they are contrary to provisions of the Code of Montenegrin Journalists”<sup>3</sup>.

1 During a conversation with the author of this report, Amer Ramusović, President of the Self-Regulatory Local Press Council, announced that the Council will be joined by: “Kolašinske novine”, “Novine Nikšića”, “Sloboda”, “More”, “Podgoričke novine” and “Prosvjetni rad”.

2 <http://iptv.vijesti.me/vijesti/vijesti-dobile-ombudsmana-clanak-158502>

3 Rules of Procedure of the Ombudsman for readers of Vijesti.

Article 2 of the Rules of Procedure of the Protector of the rights of daily “Vijesti” readers specifies that the Ombudsman is “competent to decide on complaints filed against specific content published in “Vijesti” and states the criteria that complaints are required to meet”<sup>4</sup>. Article 13 of the Rules of Procedure states that “except for dealing with complaints, the Ombudsman may on his/her initiative react with a written indication to the editorial board on violations of the Code” and “may, when he/she deems it appropriate, publish an article in daily “Vijesti” on the negative and positive trends in compliance with the Code by journalists and the editor of Vijesti”.

In the 2013 Montenegro Progress Report, the European Commission noted: “Some mainstream media have not established any self-regulation. Promotion and enforcement of professional and ethical standards remains a challenge for most media outlets”<sup>5</sup>.

Between two HRA reports, no self-regulatory body nor any media outlet or press community raised the issue of amending the Code of Montenegrin Journalists in order to improve and adapt it to new ethical challenges, nor was it announced that there has been any discussion on the re-establishment of a single journalistic self-regulatory body for all media outlets in Montenegro.

### 1.1.1. Conclusions and recommendations

- *After daily “Vijesti” appointed the Ombudsman for its readers, among the relevant media outlets in Montenegro, only daily “Dan” and weekly “Monitor” remained outside of any self-regulatory process.*

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4 “Complaints must meet the following criteria in order to be processed: 1. must be in written form or sent via e-mail; 2. must be related to specific content published in “Vijesti”, considered to be contrary to the Code of Montenegrin Journalists; 3. if the complaint is filed in written form, it must contain printed content published in “Vijesti” considered to be contrary to provisions of the Code, and if sent via e-mail, it must include the link to published content, considered to be contrary to provisions of the Code, or a scanned copy of content or attached otherwise; 4. the complaint must be filed in due time, and: - if content was published in print edition – within 30 days from the day it was published; - if content was published on the Internet or other platform available to the public, until it is removed; 5. must be personally related to the person filing the complaint, or be filed with written consent of the person who believes that he/she had been damaged by the published content; 6. must contain e-mail address or post address; 7. if content is related to a juvenile, the complaint must be filed by a parent or legal advisor of the juvenile, or with parents’ written consent given to a third person to file the complaint instead of the juvenile; 8. must contain full name of the person filing the complaint, if a physical entity, or full title and ID number if a legal entity; The complaint on the content that the complainant believes to be in violation of the Code of Montenegrin Journalists may contain a request in which he/she will state a settlement proposal for prompt correction of violations of the Code of Montenegrin Journalists and elimination of consequences of such damage. The proposal shall specify the obligations of “Vijesti”, manner and deadlines for carrying out these obligations”.

5 “Some mainstream media have not established any self-regulation. Promotion and enforcement of professional and ethical standards remain a challenge for most media”, 2013 Montenegro Progress Report, p. 42.

- **Both media outlets should opt for a model of self-regulation as soon as possible, especially having in mind that daily “Dan” has the most recorded cases of violations of the Code of Journalists of Montenegro.**

## 1.2. Activities of the Media Council for Self-Regulation (MCSR)

In accordance with its Statute, which prescribes bi-monthly publication of reports, MCSR published three reports from 1 March to 1 October 2013 (sixth, seventh, and eighth since the beginning of its operation)<sup>6</sup>. These reports dealt with monitoring the content of some of the media outlets members of the MCSR, as well as those that are not its members and do not accept its authority. (More on the competence of the body is available in the first HRA report, p. 11).

In contrast to previous reports, in the last three reports the MCSR failed to mention that it did not monitor the content of broadcast media (radio and TV) that constitute the majority of its members, but in only one case registered a violation of the Code by this type of media. In the same period, HRA observed 69 cases of violations of the Code only by the five monitored TV stations, four of which are members of the MCSR, but only within their major news programmes (detailed later in the report).

Although Article 7 of the Statute provides that MCSR, in addition to periodic reports, shall publish semi-annual and annual reports on compliance with the Code, it has not yet published them.

The MCSR presented its periodic reports at press conferences, but did not regularly publish them on its website (<http://medijskisavjet.me>). Despite several requests by HRA, the MCSR did not publish its sixth report (for the period from 1 March to 15 May 2013) on the website or sent it to HRA, although it debated some paragraphs from the first HRA report “Monitoring of Journalistic Self-Regulatory Bodies in Montenegro”. This and the subsequent report (for the period from 15 May to 15 July 2013) the MCSR published on its website only after 18 September 2013, after HRA submitted the third written request for the reports to be submitted or published on the website. MCSR published the eighth report, covering the period from 15 July to 1 October, on the website shortly after it was presented to the media.

During the period from March to October 2013, the MCSR received and processed eight complaints about conduct of media. The decision of MCSR on the appeal of HRA stated that it was adopted by the Commission for Complaints and Appeals of the MCSR, a body not prescribed by the Statute.

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<sup>6</sup> The sixth MSS report covered the period from 1 March to 15 May, the seventh from 15 May to 15 July, and the eight from 15 July to 1 October.

The MCSR did not conduct a public campaign to educate citizens and encourage them to complain about the unethical behavior of the media. On the MCSR website there is a section “Complaints and procedures”<sup>7</sup> where visitors are informed that complaints may be submitted by post to address Boulevard Svetog Petra Cetinjskog 9, Podgorica, to fax 020 220 273 or e-mail [zalba@medijskisavjet.me](mailto:zalba@medijskisavjet.me). Interested parties have the convenience of sending the complaint via e-mail directly from the webpage, but the procedure is not explained. Instead, a note states that “a special rulebook that will define in more detail the manner in which complaints are filed and processed by a competent team is being developed”<sup>8</sup>.

During the period covered by this HRA report, the MCSR continued to violate the provisions of its Statute in relation to the provision which stipulates that the MCSR Monitoring team is obliged to “seek the opinion of the media that was accused of violating the Code of Montenegrin Journalists in the application of viewers/readers/listeners or based on the monitoring of the Monitoring team”<sup>9</sup>. According to information HRA gathered from editors of daily newspapers “Vijesti” and “Dan”, which are commonly referred to as violators of the Code in MCSR reports, MCSR did not ask them for any statements regarding the complaints on the published content, neither on the findings of the MCSR Monitoring team. This provision was not violated only in the case of a complaint submitted to MCSR by HRA on the conduct of daily “Pobjeda”. In its report, the MCSR stated that it had asked “Pobjeda” for a statement on this complaint, but did not receive it by the time the report was finished and presented to the public<sup>10</sup>. (The report does not state whether there is a document prescribing the time limit within which the media, on the conduct of which a complaint had been filed, must respond to MCSR).

### 1.2.1. Conclusion and recommendations

- *The MCSR did not establish violations of the Code by the broadcast media (radio and TV) except for one instance, when it acted on a complaint in relation to RTCG. At the same time, limited HRA monitoring of news programmes of five most watched televisions in Montenegro showed that violations of the Code in those televisions’ news programmes are frequent. Therefore, it would be necessary to include TV stations in active self-regulation.*

7 <http://medijskisavjet.me/zalbe-i-postupci/>

8 Information available on the website of Media Council for Self-Regulation on 26 November 2013, at: the <http://medijskisavjet.me/zalbe-i-postupci/>.

9 According to information HRA gathered from editors of daily “Vijesti” and “Dan”, which are commonly referred to as violators of the Code in MSS reports, MSS did not ask them for statements regarding the complaints on the published content, neither on the findings of the Monitoring team of MSS.

10 [http://www.hraction.org/wp-content/uploads/Odgovor-na-%C5%BEalbu.pdf](http://www.hrraction.org/wp-content/uploads/Odgovor-na-%C5%BEalbu.pdf)



■ **The MCSR should pay more attention to monitoring broadcast media outlets, especially those that are its members, and if it is not able to do so, then it should announce this fact in its reports, as it is otherwise allowing for the conclusion that it does not recognize such incidents as violations of the Code.**

■ *Although earlier this year the Media Council for Self-Regulation (MCSR) announced the development of a special rulebook, it still does not have defined procedures for dealing with complaints. The MCSR generally does not comply with provisions of its Statute, stipulating that it should provide the media outlet, referred to in the complaint, with the opportunity to comment on the complaint directed against it (from 1 March to 1 October 2013, MCSR has done so in only one of eight cases).*

■ **The MCSR should adopt a rulebook precisely defining the procedure for dealing with complaints and appeals as soon as possible. Such rulebook should also regulate the issue of sanctions against those media outlets – members who do not cooperate in this process with MCSR. We repeat the previous recommendation that MCSR should comply with its Statute and allow all media outlets in relation to which it receives complaints to comment on them.**

■ *Complaints submitted to the MCSR are decided by the Commission for Complaints of the MCSR, a body not prescribed by the MCSR Statute. Art. 4 of the Statute only states that the Monitoring team, among other things, “decides on complaints submitted against any media organization in Montenegro, when it comes to violations of the Code of Montenegrin Journalists and informs the public about such cases”.*

■ **The MCSR Statute should prescribe the existence of the Commission for Complaints and Appeals as a special body personally and organizationally different from the Monitoring team. This is particularly important because the existing Monitoring team consists of two active journalists from media outlets that are members of the MCSR, and the Commission for Complaints and Appeals should be independent from editorial teams of the media and build its authority on that independence. In addition, the number of members of the MCSR body dealing with complaints and appeals should be greater than three. The Media Self-Regulation Guidebook (OSCE, Vienna 2008, p. 57) suggests that the optimal number is between 7 and 11 members.**

### 1.3. Activities of TV *Vijesti* Ombudsman

TV *Vijesti* Ombudsman<sup>11</sup> has published two reports, the first covering the period from 25 January to 10 May 2013, and the second from 11 May to 30 September 2013. Both reports are quite short – the first has 35 lines, the second 32.

Ombudsman's reports were presented to the public in TV "*Vijesti*" news programmes, on "*Vijesti*" web portal, and distributed to non-governmental organizations dealing with human rights, as well as to relevant international addresses.

In the period covered in Ombudsman's reports, TV "*Vijesti*" continued the campaign of informing the public (through advertising) about the existence of its self-regulatory body and the opportunities it provides.

TV "*Vijesti*" have not yet adopted an internal code of ethics, although the decision on the establishment of the Ombudsman stated it would do so.

### 1.4. Activities of the Self-Regulatory Local Press Council

Statute of the Self-Regulatory Local Press Council prescribes publishing annual reports on the compliance with the Code. This self-regulatory body published the first such report on 3 March 2013 and it covered the period from May 2012 to December 2012, which was also discussed in our first report on page 18. This year it has not made comments on violations of the Code.

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11 TV "*Vijesti*" established a single self-regulatory body – Ombudsman, and informed the public on this on 25 January 2013. The Executive Director of the television, Slavoljub Šćekić, appointed a prominent journalist and editor of this media outlet, Aida Ramusović, as the first Ombudsman. This form of self-regulation was previously established through an amendment to the Statute of TV *Vijesti* (Monitoring Journalistic Self-Regulatory Bodies in Montenegro, first HRA report, from September 2012 to March 2013).

## **2. RESULTS OF OPERATION OF SELF-REGULATORY BODIES**

### **2.1. Results of operation of the MCSR**

#### **2.1.1. Dealing with complaints about content published in the media**

From 1 March to 1 October 2013, the MCSR received eight complaints about the content of the media, its members and non-members. Of the total number of received complaints, six were related to the content published in "Vijesti" and "Dan", non-members of the MCSR, one concerned daily "Pobjeda", member of the MCSR, and one "Blic", Montenegrin edition, which in the meantime became a member of the MCSR.

The MCSR proclaimed itself competent for a complaint concerning "Blic", finding that the complaint concerned an article published in the edition of "Blic" for Serbia. The complaint was filed by I.D. from Budva about an article published on 30 April 2013 titled "Murder of Nikola Bojović is revenge of mafia from Budva".

MCSR fully or partially accepted complaints filed by the Supreme Court of Montenegro (one), the Mayor of Podgorica Miomir Mugoša (two), assistant to businessman Zoran Bećirović (three) and Executive Director of HRA (one). The MCSR rejected one of the complaints filed by Bećirović's lawyer.

According to HRA, MCSR dealt properly with all the cases.

The complaint of the Supreme Court of Montenegro referred to an article published in daily "Vijesti" on 15 June 2013 titled "They mixed the dates and knew in advance that the judges will write to them", in which a false information was knowingly published, according to the complainant, for which the author knew it was a technical error "on the correction of which was promptly informed".

The Mayor of Podgorica complained on the conduct of daily "Dan" in case that began when "Dan" published an article on 6 June 2013 titled "Mugoša hid a million from taxes", dealing with the issue of debt of the Capital to the Department of Public Revenues. The MCSR concluded that "Dan" did not act professionally because the texts, professionally correct according to the MCSR, had inadequate and tendentious headlines.

The MCSR partially accepted the complaint of the Mayor of Podgorica, related to writing of daily "Vijesti" on 13 June 2013, in an article titled "Mugoša wanted to cheat the Chinese for a million" and the general conduct of "Vijesti" in reporting on this topic. The MCSR found that the first denial of the disputed text was not published in a proper manner, as prescribed by the Code, but "Vijesti" published the second reaction related to the same topic in an ethical manner.

The first complaint of businessman Zoran Bećirović's lawyer that MCSR accepted was related to treatment of denials published in daily "Dan" titled "The Government in debt of 25 million because of Čočo". The MCSR concluded that the text was "manipulative and tendentious as was the main headline" and that Bećirović's denial was not published "in the manner prescribed by the Code and the law". The second complaint was filed because of the manner in which daily "Dan" dealt with Bećirović's denial about the article published on 29 May titled "Čočo asking 20 thousand". MCSR stated that "Dan" made a mistake in the headline "when it published that Zoran Bećirović sued Basketball Club Budućnost", and that the new violation of the Code occurred when "the publication of the denial was followed by new unfounded accusations, although the editorial board indirectly admitted making the mistake".

The MCSR also pointed out a mistake made by daily "Dan" in confusing the names of Zoran Bećirović and his murdered brother Dragan.

The third complaint of Zoran Bećirović's lawyer concerned an article published in daily "Vijesti" on 8 June 2013 titled "The Ministry of Sustainable Development legalized Bećirović's complex above Jaz", i.e. the denial of that text that "Vijesti" did not publish. MCSR did not accept claims by the complainant, but accepted the reasoning of daily "Vijesti", whose editor in chief Mihailo Jovović sent a letter to the complainant, according to MCSR, saying that "Vijesti" will publish a denial "when the Media Law is amended". The MCSR concluded that "Vijesti" "could have published the reaction, but did not have an obligation", given the serious charges stated in the denial, which MCSR did not state.

The MCSR fully accepted the complaint of Human Rights Action (HRA), i.e. its Executive Director Tea Gorjanc Prelević, about the conduct of daily "Pobjeda", which never published her reaction to the article by Stevan Lilić from 7 September 2013 titled "Lilić: The business group *Vijesti* – NGO sector does not like the existence of the Institute", in which he claims that there is a dominance of "business group *Vijesti* – NGO sector" which "receives enormous donations and money for literally any project, as long as it meets the component 'democratic opposition to the Government'". The reaction to this article was sent on 10 September 2013, but it was never published in daily "Pobjeda". Instead, on 24 September it published a new text by Lilić, as a reaction to the unpublished reaction of HRA director. MCSR concluded that daily "Pobjeda" violated the Code by not publishing the reaction, but that the gravity of the violation is even greater because "Pobjeda" published a reaction to the unpublished text.

### 2.1.2. Findings of the MCSR Monitoring team

The MCSR Monitoring team recorded 113 examples of violations of the Code during the period from 1 March to 1 October, of which 92 (81%) were by the media non-members of the MCSR that do not recognize its authority.

The MCSR monitors noticed the majority of violations of the Code (49) in daily “Dan”, followed by portal “Vijesti” (29), and daily “Vijesti” (14), non-members of MCSR. According to findings of the MCSR monitors, daily “Pobjeda”, a member of the MCSR, violated the Code seven times, but in the report for the period 15 July – 1 October, MCSR noted that it chose only “two illustrative examples” of the texts of the Association of Gambling Providers that “Pobjeda” occasionally publishes, which are “often filled with insults”, as MCSR observed.

In more than one third of violations of the Code (37), noted in MCSR reports, it was not specified which basic principles and guidelines of the Code were violated and in what manner. Based on the cases MCSR was specific about, it can be concluded that, according to the assessment of the MCSR, violations of Principle 112 of the Code (23 examples) were most frequent, followed by Principle 313. According to MCSR’s monitors, Principle 10 of the Code (presumption of innocence<sup>14</sup>) was violated only six times.

MCSR also recorded an instance of violation of the law shortly before the presidential elections, although violations of law are not within its competence. Violations were recorded in the double issue of “Dnevne novine” from 6/7 April, that, as MCSR assessed, violated the election silence by “repeating the main messages of both candidates made before the elections, in addition to other relevant information related to the election process”.

### 2.1.3. HRA analysis of MCSR’s conduct

Based on its monitoring in the reported period (March 1 – October 1 2013), MCSR recorded 113 violations of the Code, while HRA monitors in the same period recorded 646 such cases.

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12 Principle 1: “Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.”

13 Principle 3: “The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.”

14 Principle 10: “When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure.”

Comparison of monitoring results by the MCSR and HRA

<b>Violations of the Code of Montenegrin Journalists</b>	<b>Monitoring by MCSR</b>	<b>Monitoring by HRA</b>
<b>Principle br. 1</b>	<b>23</b>	<b>49</b>
<b>Principle br. 2</b>		
<b>Principle br. 3</b>	<b>11</b>	<b>24</b>
<b>Principle br. 4</b>	<b>6</b>	<b>1</b>
<b>Principle br. 5</b>	<b>9</b>	<b>8</b>
<b>Principle br. 6</b>	<b>4</b>	
<b>Principle br. 7</b>	<b>1</b>	
<b>Principle br. 8</b>	<b>10</b>	<b>19</b>
<b>Principle br. 9</b>		<b>4</b>
<b>Principle br. 10</b>	<b>6</b>	<b>508</b>
<b>Principle br. 11</b>		<b>21</b>
<b>Principle br. 12</b>		<b>12</b>
<b>Violated principle of the Code not specified</b>	<b>37</b>	
<b>Violation of a principle established upon a complaint</b>	<b>6</b>	
<b>Total</b>	<b>113</b>	<b>646</b>

In contrast to findings of MCSR monitors, HRA associates found that in this period most frequent were violations of Principle 10 of the Code – the presumption of innocence. While MCSR recorded only six violations of this principle, HRA associates observed 508.

MCSR recorded 23 examples of violations of Principle 1 of the Code, while HRA recorded 49. In regard to Principle 3 of the Code, there is also a significant difference between the number of violations recorded by MCSR and those recorded by HRA associates – MCSR recorded 11 and HRA 24 violations. MCSR, unlike HRA, did not record any violations of principles 9, 11 and 12 of the Code, while HRA did not record violation of principles 6 and 7 of the Code. Neither MCSR nor HRA recorded violations of Principle 2 of the Code. (A more detailed analysis will follow later in the report.)

In the report covering the period from 1 March to 15 May 2013, MCSR noted that the guideline for Principle 1 of the Code, related to reporting on events of the election campaign<sup>15</sup>, was “completely ignored” and that only listing the violations “would encompass an entire report”. However, MCSR did not illustrate its assessment with a single characteristic example.

In the same report, MCSR established insult in two cases, without quoting the specific principle and/or guideline of the Code. In the first case, it qualified as insult writings of daily “Pobjeda”, which in a box next to the text of the article “Dan paid Lekić 11 000 euros per year”, signed by the editorial board, repeatedly referred to the opposition political alliance Democratic Front as a “political-interest-criminogenic group”. As a second example of insult, MCSR stated that in an article published by “Vijesti”, Miodrag Perović referred to the Supreme State Prosecutor Ranka Čarapić as the “Supreme servant of the regime”. MCSR concluded that the first case constitutes insult, “because it is an editorial text, and not a quote of political opponents” and that the second case constitutes insult “because it is a text of one of the owners of the newspaper and not a quote of political opponents”.

In addition to two mentioned examples, MCSR recorded offensive language in many other texts, although the Code in the principles or guidelines does not address the issue of insult in any way. (Insult can be considered a violation of honour for which civil proceeding may be initiated for damages or other compensation – Articles 205-207 of the Law of Obligations, *Official Gazette of Montenegro*, 47/08. However, it should be noted that according to practice of the European Court of Human Rights, freedom of expression protects offensive speech, when it does not represent a gratuitous personal attack, and is related to the debate of public interest).

In its report for the period from 1 March to 15 May, MCSR assessed that daily “Dan” “lead a media campaign with an apparent intention to create and strengthen a public opinion on irregularities of the election process, and thus the election results”, without specifying the violation of any principle of the Code. After such accusations, it stated that “it was completely impossible to determine with precision what was accurate in

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15 Guideline 1.4: “When contributing from rallies organized during an election campaign, the reporters will also report on the views and values with which they may not agree. Such an approach is a matter of reporter’s fairness; it serves the citizens’ right to the freedom of information and supports the principle of equal opportunities for all political parties and other participants in the election process.”



the vast amount of published material and what was media manipulation, wrong interpretation or facts put into desired context". Opting not to support its critical assessment with a single example, MCSR knowingly exposed itself to criticism that it fails to operate objectively and based on facts, especially since the media outlet related to the case is not its member.

At the same time, the MCSR overlooked that daily "Pobjeda", which is its member, again published in its July editions parts of the series of articles originally published a little more than two years ago, which contained a one-sided and biased analysis of the operation and editorial policy of daily "Vijesti" and weekly "Monitor", and the owners of the media outlets were accused of "tax evasion, stock manipulation and illegal loans"<sup>16</sup>, although it was never officially published that criminal proceedings were initiated against those persons. In the announcement about the new publication of the series of articles under the joint headline "How a media empire was established in Montenegro", the former editor in chief of "Pobjeda", Srđan Kusovac, qualified the co-owners of "Vijesti" as "organized crime group of the co-owners of tabloid Vijesti"<sup>17</sup>.

In our opinion, in its assessment concerning daily "Dan", MCSR stepped out of boundaries of its competence and dealt with the editorial policy of the media outlet, without specifying the cases of violations of the Code and the manner in which they were done. MCSR also stepped out of boundaries prescribed by its Statute in the case of offensive qualification of a journalist of "Monitor", Marko Milačić, "considering that the editorial board made a mistake when signing the author as a journalist"<sup>18</sup>.

In its report for the period from 15 May to 15 July, MCSR found that, when it comes to three web portals it monitors (Portal "Vijesti", CdM and "Analitika"), "there is still no consistency in deleting improper comments" and that "during the monitored period, portal "Vijesti" was at the forefront in publishing improper comments". Later, in contrast to that, it stated that, in regard to other two web portals (CdM and "Analitika"), MCSR "did not observe any oversights and concluded that editors and administrators continually observe professional standards and have a restrictive editorial policy on the publication of comments that could represent a violation of professional principles".

If web portal "Vijesti" was at the forefront, as stated, that means that there were unethical comments on other two monitored portals, and, as an illustration, it should have specified at least some of them.

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16 "The entrance of WAZ" (Pobjeda, 5 June 2013).

17 "How the law was violated by Vijesti" (Pobjeda, 5 June 2013).

18 The reason for this suggestion of the MSS was an article by Marko Milačić in "Vijesti" from 16 April titled "I'll see you on the street". The MSS assessed that "the text is rich in heavy insults against the leading persons of the DPS", and that "the language used very frequently in his texts has nothing to do with the journalistic profession and could rather be characterized as a political performance by a party soldier".



#### 2.1.4. Conclusions and recommendations

■ *The MCSR only sporadically observes violations of the Principle 10 of the Code – the presumption of innocence, which are, according to HRA records, by far the most common violations by the media of norms prescribed by the Code of Montenegrin Journalists. In comparison to the previous HRA report, the number of recorded examples of violation of the presumption of innocence in the print media has increased almost five times. This situation requires finding solutions to overcome it.*

■ **The MCSR and other self-regulatory bodies should support the proposal that, in case that the upward trend in violations of the presumption of innocence by the media continues, the court should be authorized, through an amendment to the Criminal Procedure Code, to observe and punish violations of the presumption of innocence by the media, in accordance with the obligation of the media to observe it under the Criminal Procedure Code.**

■ *Monitoring conducted by the HRA and MCSR shows that, after the violation of the presumption of innocence, media outlets most often violate principles 1 and 3 of the Code, and thus the basic standards of journalistic profession. These violations are most visible in examples of unbalanced reporting, favouring one side and avoiding to verify the information obtained from the named or unnamed sources.*

■ **Besides observing examples of violations of these principles of the Code, the self regulatory bodies should also intensify the campaign within journalistic and media community about the necessity of proper application of ethical and professional standards in Montenegrin journalism and thus contribute to overcoming the current antagonism rooted outside the profession.**

■ *In more than one third of the examples of violations of the Code noted in the reports of the MCSR (37), it was not precisely stated which basic principles and guidelines of the Code were violated and how. It also happens that the MCSR generally criticizes actions of particular media without citing specific examples for such claims.*

■ **In order to avoid the impression of being biased and to act educationally and preventively, whenever a violation of the Code or relevant guidelines is established, a full and detailed description of the violation should be given in the reports, as well as an explanation why the action represents a violation of ethical norms.**

## 2.2. Results of operation of TV Vijesti's Ombudsman

### 2.2.1. Dealing with complaints of viewers

The first report, covering the period from 25 January to 10 May 2013, stated that the Ombudsman received a written complaint of a viewer, and "about a dozen phone calls" with complaints, mostly about the work of journalists. It was not specified who made the calls.

The mentioned letter was a complaint of an anonymous viewer about the alleged inaccuracy in the information that was posted in a news programme. The Ombudsman noted that "the viewer wrongly concluded that there was a violation of journalistic standards, as was explained to them in a telephone response".

As for the phone calls with complaints about the work of journalists, the Ombudsman noted that, after the calls, "no viewer or state institution that called wanted to initiate formal proceedings and call for the accountability of journalists". (This concerned proceedings stipulated by the Decision on the Establishment of TV Vijesti Ombudsman.)

During the period covered by the second report, the Ombudsman<sup>19</sup> stated that she had received two complaints from citizens, one of which was dismissed as unfounded. Both examples were interpreted in the report in detail, but with no mention of dates.

The first complaint was, in fact, a criticism of the Organizing Committee of the symposium "Days of Njegoš", submitted to the editor of news programme "At half past six", for not broadcasting the material from the press conference that announced the event. The criticism concerned the editorial policy. In the case of the other complaint, the Ombudsman accepted the claims of the complainant, who pointed out the unethical use of video material, recorded during the "Night of beer drinkers" in the Scottish pub in Podgorica. This material was broadcast in news programme "At half past four" as "video illustration for the report on a press conference on the use of alcohol in Montenegro", and the Ombudsman explained that this violated Principle 3 of the Code of Montenegrin Journalists<sup>20</sup>.

The report noted that the Ombudsman drew attention to this violation of the Code to the editor in chief and apologized via e-mail to the person who submitted the complaint.

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19 Since the Ombudsman is female (Aida Ramusović) female pronouns will be used hereinafter.

20 Principle 3: "The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment."

### 2.2.2. Self-initiated conduct of the Ombudsman

In the first report, the Ombudsman stated that she reacted on her own initiative 12 times “in cases of improper display of faces of juveniles without hiding their identity, inaccurately published information, imprecise announcements of reports or ambiguous ‘headlines’, i.e. announcements of news programmes”. The report noted that in most cases the response was in the form of conversations with journalists, and that in one case the editor/author of a news programme “publicly explained the context of the statement that seven days earlier a part of the audience found offensive”.

In its second report (11 May to 30 September 2013), the Ombudsman noted on her own initiative that in several cases news programmes “At half past six” and “At ten” broadcasted “inaccurate information”, as well as that several reports did not observe the rule to provide the position of the other side. The report noted that a number of committed errors was corrected the next day. It was also stated that “in some cases the public was not warned about disturbing images from the crime section of news programmes”.

### 2.2.3. HRA analysis

During the period covered by this report, which is not the same as the period covered by the Ombudsman’s report, in 15 cases TV “Vijesti” violated the Code, mostly Principle 1 and the corresponding guidelines. (This case will be presented in more detail below, in Section 4, in relation to the violation of individual principles of the Code.)

The first report of the Ombudsman, when stating that a viewer’s complaint was assessed as unfounded since it concerned the editorial policy, does not provide specific details and arguments of viewer’s complaint. In addition, it is not clear why the Ombudsman did not use the written form of communication when responding to the complainant, as is prescribed by the Decision on the establishment of the Ombudsman (letter, e-mail or fax), rather than a phone conversation.

In case when the content of viewer’s complaint was precisely specified (complaint of the Organizing Committee of symposium “Days of Njegoš”), it is clear that the Ombudsman had the proper position, meaning that it represented an interference in the editorial policy of the media, and not a violation of ethical norms.

In the second report, the Ombudsman, without specifying, stated that during the covered period she “noted inaccurate information in a number of cases in the news programmes “At half past six” and “At ten”, and that “several reports did not comply with the rules of providing the position of the other side”, and that a number of committed errors was corrected the next day.

We believe that it was necessary to illustrate typical examples of some of the noted oversights, why they occurred and what was specifically undertaken in this regard.

The Ombudsman's reports did not specify whether the journalists, editors or management consulted her when making decisions they considered to be controversial, but noted that the Ombudsman acted on her own initiative. However, it is not clear whether this was always done after the broadcast, or there were preventive reactions.

#### 2.2.4. Conclusions and recommendations

- *The Reports of TV "Vijesti" Ombudsman are somewhat general and seem to be written for internal use and for those who are already familiar with the details of their content.*
- **The Ombudsman's reports should be methodologically unified and detailed. The reports should precisely interpret complaints of viewers and their arguments, as well as the reactions of the Ombudsman and the arguments in favour or against the viewer's complaint, so that laymen as well as professionals in the public could assess the validity of arguments themselves. This is important for the building of the Ombudsman's credibility, as well as for increasing media literacy among television audiences, citizens and journalists themselves.**
- *The TV "Vijesti" Ombudsman did not respond in writing to a viewer's complaint that was assessed as ungrounded, but did so in a telephone conversation, although the act on the establishment of the Ombudsman prescribed communication with viewers through letters, e-mail and fax.*
- **The Ombudsman should officially communicate with the audience in a manner prescribed by its act of establishment, as it is important to keep the archive of the decisions on complaints and their communication.**

### 3. COMPARATIVE MONITORING AND ANALYSIS OF HUMAN RIGHTS ACTION

#### 3.1. Principle 1 of the Code: selective approach to facts, one-sidedness

***“Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.”***

##### 3.1.1. Violations of Principle 1 in print and online media

According to MCSR findings, from 15 July to 1 October, three daily newspapers in Montenegro violated Principle 1 of the Code in 23 cases. Three cases were found during procedures initiated upon complaints, while other cases were observed by MCSR monitors.

The MCSR found that daily “Dan” violated this principle 17 times, daily “Vijesti” three times, and “Pobjeda” once. On two occasions MCSR observed violations of this principle, not attributing it to any media outlet in particular. The first time it was done in the report covering the period from 1 March to 15 May 2013, in a review of the media coverage of the electoral campaign for the presidential election. MCSR noted that the reporting “completely ignored” Principle 1, i.e. its Guideline 1.4<sup>21</sup>, “and that only listing the violations could encompass an entire report”. In another case, also in the report covering the period from 1 March to 15 May, the MCSR pointed out the violation of this principles (and others) in reporting on the affair of the President of the State Audit Institution, Miroslav Ivanišević.

HRA associates who monitored the conduct of the media during the same period recorded 28 violations of this principle in the print media and on web portals. There were 12 violations by daily “Dan”, eight by daily “Vijesti”, three by daily “Pobjeda”, two by “Blic” – Montenegrin edition and “Dnevne novine”, and one violation by web portals *Café del Montenegro* and *In4S*.

Violations of other principles of the Code, mostly Principle 10<sup>22</sup>, were also recorded in some texts.

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21 Guideline 1.4: “When contributing from rallies organized during an election campaign, the reporters will also report on the views and values with which they may not agree. Such an approach is a matter of reporter’s fairness; it serves the citizens’ right to the freedom of information and supports the principle of equal opportunities for all political parties and other participants in the election process.”

22 Principle 10: “When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure.”

Assessment of the MCSR and HRA associates match when it comes to the quality of media coverage of political activities during the election campaign, for which the MMS stated that they were not in line with suggestions of Principle 1 of the Code and its guidelines. HRA considers that MCSR had done a proper assessment in most cases observed in relation to Principle 1 and agrees with that assessment.

The examples noted by the MCSR Monitoring team and HRA associates, which have the same assessment of ethics, also include those by daily newspapers “Dan” and “Pobjeda”, the analysis of which follows below.

In its report for the period from 15 May to 15 July, the MCSR recorded unethical reporting by “Dan” on the alleged irregularities in the export of weapons from Montenegro by the state-owned company “Montenegro Defence Industry”. HRA associates also noted that, in the case of the text titled “Minister smuggled documents on export of weapons”, published on 14 May, “Dan” failed to seek the opinion of persons it accused and to verify the claims, which would make its story completely ethical from the start.

There is also a concurring opinion of the MCSR and HRA associates on the reporting of daily “Pobjeda” in the statement of the EU Commissioner for Enlargement and European Neighbourhood Policy Stefan Fule in relation to an article published in daily “Vijesti”<sup>23</sup>. “Pobjeda” violated Principle 1 of the Code and related guidelines by twisting the facts and maliciously re-interpreting and commenting on them.

Some assessment of the MCSR in cases mentioned in their reports were not, according to HRA, sufficiently grounded and argued. The difference in approach between MCSR monitors and associates HRA is illustrated in the following case.

MCSR concluded that daily “Dan” violated Principle 1 of the Code by publishing an interview with the former leader of the Liberal Alliance of Montenegro, Slavko Perović, in which he claimed that police officer Božidar Jauković, who once arrested Perović and hurt him on this occasion exceeding his authority, did not commit suicide, but was killed: “It is an obvious lie that police officer (Božidar) Jauković committed suicide, but the only truth is that he was murdered. I am sure he was murdered because he publicly threatened to reveal who ordered him to kill me”, “said Perović.

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23 The edition from 20 June, “Pobjeda” published an article titled “Fule denied tabloid Vijesti”. The article stated that “on Thursday morning, the EU Commissioner for Enlargement and Neighbourhood Policy Stefan Fule clasified as nonsense the claim of the director of tabloid Vijesti, Željko Ivanović made on Wednesday in that print thing, that he had seen evidence that Miodrag Lekić won the presidential election”. The text quoted Fule: ‘It is complete nonsense, I do not deal with such matters, nor it is my job to get into that. I especially did not talk about that if it was presented in such a way as you told me’. The text published in Pobjeda stated that “in an article published on Wednesday under the title ‘The only one remaining’, Ivanović wrote to Commissioner Fule saying that “he took a good look at all the documentation on the presidential elections that took place in April in Montenegro, and that he thinks that the opposition candidate Miodrag Lekić won, and that by controlling the electoral process, Đukanovic managed to turn the defeat of his candidate Vujanović into victory”. However, in Ivanović’s text, this statement was not attributed to Fule, but to an unnamed diplomat, who was quoted before Fule in the text.

HRA considers that “Dan” did not violate professional ethical standards when it considered important to publish the claim put forward by the interviewed source, who was involved in the event. Also, Perović did not accuse anyone specifically for the alleged murder. Moreover, “Dan” acted professionally by publishing reactions to Perović’s claims.

HRA disagrees with the assessment of the MCSR in case of the article published in “Dan” on 30 August 2013, titled “Gačević: Special Unit beat up my brother and stabbed him with bayonets”. In the report (July 15 - October 1), the MCSR only stated that the text is actually a conversation “with Goran Gačević from Bijelo Polje, who claimed, citing unnamed sources and unofficial sources from the Ministry of the Interior, that his brother was beat up by ‘the black troika and stabbed with bayonets’ and assessed that “Dan” violated Principle 1 of the Code. However, no arguments for such an assessment were found.

According to violations noted by HRA associates, and not always by MCSR monitors, they range from allegations falsely outlined in the headline, publication of incomplete information that may mislead the public, sensationalist, inaccurate or one-sided presentation of facts and presentation or emphasizing of one aspect of the story<sup>24</sup>.

An illustration example of sensationalist reporting, not observed by MCSR monitors, is the one from “Dnevne novine” from 13 May with the headline “Forbidden Love” and the title “By holding hands, they jumped in the river”. The subtitle of the report stated: “Because the girl’s parents did not allow their marriage, a young couple from Podgorica jumped in Cijevna”. The first paragraph of the text reads: “A couple from Podgorica, girl A.K. (18) and her boyfriend Z.T. (20) almost ended their forbidden love like Romeo and Juliet from Shakespeare’s novel. The family of the girl was against their great love from the beginning, and that is why these two young people jumped into the swollen river Cijevna yesterday. Due to quick and efficient reaction of police from Tuzi, everything ended without major consequences”. The second paragraph reads: “Young and inexperienced, but filled with love – A.K. and Z.T. decided to defend their relationship and love until the end. Allegedly, after a quarrel with her parents who opposed their marriage, a boy and a girl came to the bridge on river Cijevna yesterday after 12:00, where they, overwhelmed by emotion, showed that their love is stronger than any prohibition. Holding hands, the two jumped into the swollen and muddy river. Shortly after, the police unit from Tuzi pulled out the young couple from the water, and after that they were transported to the emergency room”.

The report was written as if the reporter was an eyewitness and, without making reference to the source, informed in detail about the relationship of the two young persons, which represents exaggeration characteristic of sensationalist reporting,

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<sup>24</sup> Guideline 1.2 (b): “The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.”



while paying no attention to a generally known fact – that Shakespeare did not write novels but plays.

An example of text in which the information was published as verified and obvious from the context that it was a rumour, was published in daily “Pobjeda” on 23 May titled “Mercy, Lord, have mercy”. The article is a commented report<sup>25</sup> on the arrival of the director of daily “Vijesti”, Željko Ivanović at the reception hosted by the Prime Minister Milo Đukanović, on the occasion of the Statehood Day. The paper stated that Ivanović was condescending in the conversation with Đukanović. The text also, without reference to a credible source, attributed Ivanović with certain behaviour, and on that ground made a conclusion in the headline that Ivanović asked mercy from the Prime Minister, whom his newspaper and he himself criticize. The Prime Minister did not deny the testimony of Ivanović that followed about what he said to him (published in “Vijesti” and its web portal<sup>26</sup> on May 23) which is completely contrary to what “Pobjeda” wrote.

One of the typical examples of one-sidedness in reporting recorded by HRA associates is in a report published by daily “Dan” on 15 May with subtitle “Police prevented the incident at the Serbian Orthodox cemetery in Martinovići near Plav” and headline “Albanians attacked the Orthodox”. The report was based on only one source, an Orthodox priest, Željko Savić. The journalist did not attempt to hear the other side of the story from the local Albanians whom the priest accused of attacking him and the residents of the Orthodox religion. Communal police officer, mentioned by priest Savić, was asked for opinion, but the police, whose members stopped the incident, were not.

In order for the report on these events to be complete, it cannot be based on only one source, especially if the source is an interested participant in the event. The formulation of the headline further increases the one-sidedness of the report.

Another illustration is an article published in “Vijesti” on 29 June with subtitle “Shareholders’ Assembly” and headline “Vukotić voted against the Government due to dividends in Plantaže”. The article stated: “The Assembly of Shareholders of Plantaže rejected the Government’s proposal not to pay dividend for 2012, which caused a heated debate after which the Government’s representative left the meeting” and the President of the Board of Directors and representative of state funds in the Board voted against the Government’s proposal because he has a share in “Plantaže” and expects the dividend. The article stated that Vukotić and the Minister of Agriculture Petar Ivanović have a large shares in “Plantaže” and specified that Ivanović has 1.25 million in shares and that he would receive a dividend in cash amounting to 4500 euros, while the nominal value of shares is 16 000. Nothing was mentioned about Vukotić.

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25 More information available at: <http://www.vijesti.me/vijesti/vijesti-ce-opstati-makar-vlasnike-str-pali-zatvor-ili-pod-zemlju-clanak-129840>

26 More information available at: <http://www.vijesti.me/vijesti/vijesti-ce-opstati-makar-vlasnike-str-pali-zatvor-ili-pod-zemlju-clanak-129840>



This is an example of an incomplete and one-sided reporting. Saying that Vukotić has a large number of shares, the audience expects the exact number, their amounts, and those expectations must be met, especially as it reveals the shares of Minister Ivanović. In addition, Vukotić is a regular columnist for “Vijesti”, so this omission could be interpreted as his protection. Meeting the highest professional and ethical standards prescribed by Principle 1 of the Code in such cases requires that Ivanović and Vukotić should be asked for answers, without speculating why they voted against the Government’s proposal, and to check how much shares they have in “Plantaže”.

Except the analysed illustrative examples, violations of Principle 1 were also recorded by HRA associates in texts:

- daily “Dan”: “Anđelić has been smuggling for six years”, “Unfit for custody after talking about bribe”, “Asked and then forgot about the registration”, “Diminished the value of three factories 11 times”, “They regret selling Telekom”, “Žarko Rakčević deprived of his beach”, “Daliborka introduces diet”, “Pressed charges against brother and sister in law for abuse”, “Again without a roof over his head”, “Minister worked in name of the State, but on account of Kroling”;
- daily “Vijesti”: “Tender for the Institute will be annuled”, “Divanović won proceedings against Prva”, “Fežić claims that Mujević organized smuggling in Rožaje”, “They have to know who directed ‘Marathon Runners’”, “I have no money for electricity, and will have to go to prison”, “Beaten a juvenile”, “National Security Agency officers threatened tourists to kill them”;
- daily “Blic”, Montenegrin edition: “Šarić has access to Internet in his cell, gets food from a restaurant”, “LGBT progress: Montenegrins to be brides to the French”, “50 millions for agriculture”;
- daily “Pobjeda”: in parts of re-printed series of articles under a common headline “How a media empire was established in Montenegro”;
- daily “Dnevne novine”: “Normal cheated buyers of flats”;
- web portal *Café del Montenegro*: “Granite slabs in Hercegovačka broken by a truck”;
- web portal *In4S*: “Bishop Janjić from Kotor threatens the coordinator of the Montenegrin Catholic Church, Zanković replies: I’m under attack by gay lobby from Vatican”.

### 3.1.2. Violations of Principle 1 in TV programmes

In its reports covering the period from 1 March to 1 October, MCSR did not record any violations of the Principle 1 in news programmes of radio and television stations.

According to HRA monitoring of major news programmes of leading television stations in Montenegro<sup>27</sup>, Principle 1 of the Code has been violated 21 times.

TV PINK M: INFOMONTE (May 15) In the announcement for the film "Witness" by Š. Radončić, it was stated that the hero of the film, former police inspector Slobodan Pejović, claimed to have saved the Bosnian refugees from deportation from Herceg Novi, and that "the truth is quite the opposite". The film is about a police inspector Slobodan Pejović, the alleged hero, who insists that, while risking his life during the war, he saved three Muslims for which he received numerous awards. However, the truth is quite the opposite".

However, facts about events discussed in the film are not established by a court judgement, in order to be presented as positions or opinions of one side, and not as undeniable truth.

TVCG: NEWS 2 (17 May) In the announcement for a report on charges of the Montenegro Customer Care Center against Alpe Adria Bank, the claim of plaintiff was interpreted as undeniable fact, although the court had not yet made a decision. It was stated that clients consider that "Hypo Alpe Adria Bank had to inform them on all the risks of the loan", but the next sentence contains a claim that "the bank did not do so, and due to that and the changes in exchange currency franc – euro, the clients were put in a situation that they are unable to return the loan".

The claim was not repeated in the report.

TV PINK M: INFOMONTE (31 May) The main news programme broadcasted allegations of illegal operation of publishers of "Vijesti", which were based on data of company VAZ, allegedly submitted to television "Pink" by an unnamed source from VAZ. Although TV "Pink" broadcasted serious accusations "about operation through black funds and tax evasion", there is no statements from the other named party, nor information whether journalists of "Pink" asked "Vijesti" to comment.

TVCG: NEWS 2 (2 June) In the report on the landslide in Podi near Herceg Novi, the journalist says that the cause of moving of soil is unknown, and that it is yet to be proven in court. She presented no evidence, but merely stated the belief of the locals. "The most persistent struggle to survive in the village that has slipped down the slope after the builders of road Meljine - Petijeвиći burdened it with 90 tons of debris, but also to prove this claim in court."

27 We monitored primetime news programmes of five most watched TV stations, according to the latest three researches: TV Vijesti (At half past six); RTCG (News 2); PINK M (INFOMONTE); RTV ATLAS (FORUM); PRVA (NEWS).

TV PINK M: INFOMONTE (5 June) The editorial board of “Blic”, headed by Veselin Simonović, was accused in a report of implementing a negative campaign against Montenegro for years. The report presented a claim that “Blic” from Belgrade and “Vijesti” from Podgorica published “a series of panic-filled articles about a deadly virus mers”, thus spreading “panic among citizens, with the apparent aim to harm the upcoming season”.

Although it represents serious accusations, positions, comments or reactions of the other side were not broadcasted, as well as information whether the other side was asked to comment.

TV VIJESTI: NEWS AT HALF PAST SIX (6 June) In a report on the quality of fuel in Montenegro, the reporter states: “It is a public secret that fuel in Montenegro is generally not of high quality, because water is added to it”.

This information was not checked or confirmed by any other source in the report.

TV VIJESTI: NEWS AT HALF PAST SIX (10 June) The reporter presented allegations of a person (“The story of smuggling from ten days ago has left heavy scars on his body and even harder in his head – he was kidnapped”) to the public as a fact, i.e. correct information, although police investigations or court decision did not confirm the allegations of M.F., nor the reporter discovered and published data substantiating his allegations.

TV VIJESTI: NEWS AT HALF PAST SEVEN (11 June) The report, in which the journalist covered a dispute over the right to lease of a beach in Petrovac, broadcasted statements by both parties in the dispute, owner of the hotel “Villa Oliva” and representative of the Coastal zone management agency of Montenegro, but the reporter clearly takes the side of the owner, without showing the audience how he came to such a conclusion. The report stated: “The lease of the beach was first given to them, but then mysteriously taken away. Therefore, this is brutal theft and discrimination”.

PRVA TV: NEWS (17 June) The report broadcasted accusations that daily “Blic” from Belgrade has been leading negative campaigns against Montenegro before and during the summer season for several years. The chief editor of “Blic”, Veselin Simonović, was named responsible. The report did not include statements from the accused side.

TV CG: NEWS 2 (19 June) The report on the “13 July award” broadcasted only criticism of the decision, without statements of members of the jury or winners.

TV CG: NEWS 2 (20 June) In the report on reactions to the 13 July award, critics referred to members of the jury as manipulators, but without information on positions and comments of members of the jury, and the information whether they had been asked to comment.

TV PINK M: INFOMONTE (12 July) The report broadcasted information that the NGO "Euromost" accused "Vijesti" and its correspondent from Bijelo Polje, Jadranka Četković, of "spreading national and racial discrimination". The accused side did not have an opportunity to respond and react.

TV VIJESTI: NEWS AT HALF PAST SIX (9 August) The report on the killing of fish in Lake Slano near Nikšić broadcasted claims of fishermen that it was EPCG's fault, which thus broke the law. However, there were no comments of the accused side.

TV PINK M: INFOMONTE (26 August) TV Pink broadcasted the reaction of the former Director of the Police Directorate Veselin Veljović about accusations made against him that he ordered the beating of political opponents and journalists, and concluded: "The case Brajušković is just another attempt to construct a new affair". Thus, one person's biased position was presented as proven fact.

TVCG: NEWS 2 (28 August) On the alleged attack of a journalists of "Dan" on Goran Perović, the report stated: "After the interview was broadcasted in our primetime news programme, a journalist of "Dan", who published information that Perović later denied, called him and threatened him on the phone". Claims of Goran Perović that the journalist of "Dan" threatened him were broadcasted as a fact, not a claim of only one side. There was no information on what the mentioned journalist of "Dan" said or whether his colleagues from RTCG contacted him to ask for a comment.

TV VIJESTI: AT HALF PAST SIX (3 September) The report on the alleged attack of the Director of NGO Public Policy Institute, Vladimir Beba Popović, on journalist and photographer of "Vijesti", broadcasted only statements of the journalist, photographer and their lawyer, and no statements of the other side. Claims of the journalist of "Vijesti" were broadcasted as an indisputable fact, and not as one version of the event.

TV VIJESTI: AT HALF PAST SIX (4 September) The report on developments in the case Beba Popović - journalists of "Vijesti", presented only the version of journalists, without Popović's position, his lawyer, nor it was stated whether they attempted to contact them.

TV PINK M: INFOMONTE (7 and 8 September) Reporting on the case Popović - journalists of "Vijesti" and "TV "Pink", the report broadcasted one-sided information, presenting only the version of the event by Vladimir Beba Popović and his lawyer, and comments in which "Vijesti" were attacked. Positions of journalists of "Vijesti" and their legal or other advisors were not broadcasted, nor was it stated whether they attempted to ask a statement from them.

### **3.2. Principle 2 of the Code: critical attitude toward individuals in power**

***“A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.”***

#### **3.2.1. Violations of the Principle**

MCSR monitors and HRA associates did not record violations of Principle 2 of the Code (See conclusions and recommendations at the end of the report in relation to a proposal to amend this principle of the Code with guidelines for its interpretation).

### **3.3. Principle 3 of the Code: news and comments not separated**

***“The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.”***

#### **3.3.1. Violations of Principle 3 in print and online media**

In the period from 1 March to 1 October, MCSR recorded 11 violations of Principle 3 of the Code and its guidelines. Daily “Dan” violated the principle nine times, and daily “Vijesti” two times. None of these media outlets is a member of MCSR. MCSR recorded the most violations of this principle in its report for the period from 15 July to 1 October 2013.

Violations established by MCSR Monitoring team and observed by HRA associates are only partly similar and related to articles published in daily “Dan” on 16, 17 and 23 May, which dealt with the controversial topic of selling weapons in which the state-owned company “Montenegro Defence Industry” took part. Among the seven typical examples of violations of Principle 3 observed by HRA associates (three in “Dan” and “Pobjeda” each, and one in “Vijesti”), there are also those in relation to which HRA agrees with the assessment of the MCSR Monitoring team that “Dan” violated Principle 3 in specific cases.

We also believe that MCSR correctly concluded that Principle 3 of the Code was violated in an article of daily “Dan” with the subtitle “Citizen of Cetinje, Dragan Bracanović, warned the authorities that it has not yet been revealed who beat him in 1999” and with headline “MP from the SNP victim of the black troika”. MCSR specifically stated that the claim from the headline was not mentioned in the article as Bracanović’s statement, which means it was attributed to him.

The following examples illustrate the different approach of MCSR and HRA in interpretation of violations or non-violations of this principle.

In its report for the period 15 July – 1 October, MCSR stated that “Dan” violated Principle 3 of the Code because it omitted a note in the subtitle, which exists in the text to which the subtitle pertains to. As MCSR stated, the subtitle of the article states “that the SNP’s MP Vasilije Lalošević said that Duško Jovanović was beaten in 2000 by members of the so-called black troika, and four years later he was brutally liquidated (Jovanović)”, while the text stated that Lalošević said that by quoting the media: “This should be done due to the fact that in 2000 he was beaten, according to the press, by the so-called black troika”. MCSR concluded that “the facts were not put in proper context, but that Lalošević’s statement was taken out of context, which is not without significance, as it was used in the subtitle, i.e. in the layout of the article”.

In the same way, MCSR assessed that, by omitting one piece of information in the subtitle of the text, but not in the text itself, “Dan” violated Principle 3 of the Code. This concerned an article with the testimony of a police officer who worked in the Administration for Execution of Criminal Sanctions (AECS), who confessed to a journalist of “Dan” that he was asked to beat one opposition member, and to wire the car and party premises of the other.

HRA believes that the headline composition of the text (heading, title, subtitle) can only be unethical if it does not essentially match the content and intonation of the text, nor if it omits any information contained in the text. The latter was not the case here, thus making MCSR assessment unfounded and exaggerated.

In our opinion, MCSR made a mistake in its assessment of two other texts of daily “Dan”. The case concerned texts with testimonies of persons (poet Momir Vojvodić and painter Tomo Pavićević), who were beaten several years ago, and their findings and assumptions about who was behind the beatings. The text made clear that “Dan” does not deal with rumours, but published testimonies and doubts of persons who are beaten, in the context of cases that have never been resolved or processed.

HRA associates have recorded two illustrative examples of violations of Principle 3 in relation to disclosure of recorded conversations, in which interlocutors were not warned, nor approved the recording. In this regard the Code has been violated once by a journalist of “Dan”, and the second time by a journalist of “Pobjeda” (both instances were overlooked by MCSR Monitoring team).

In case of daily “Dan”, this was done in an article titled “Covering up the embezzlement of 150 000 for a year”, which is part of a transcript of a telephone interview with the former Supreme State Prosecutor Ranka Čarapić. The journalist introduced himself and asked a question about the case in which prosecutor Čarapić’s husband was suspected of misuse of money, which was allegedly covered up by the prosecution. The

journalist did not announce that he was going to record the conversation, or to use it in the way he did, thus violating the guidelines relating to interview.<sup>28</sup>

“Pobjeda” made the same ethical violation on 25 April by publishing transcript of a telephone interview with subtitle “I don’t give a f... about Montenegro and its public”. The occasion for the interview with Ivan Zanković from Berane was his application for registration of the Montenegrin Catholic Church. A journalist of “Pobjeda” called Zanković on telephone, saying he was a journalist, but not his full name. However, he did not say that the conversation was going to be recorded, or published, especially not in its entirety. During the interview Zanković clearly pointed out: “I did not give you a statement, I accepted your call and told you that you’ll get a written statement for the public, did we agree?”, as was published in “Pobjeda”. At the end of the conversation, Zanković again drew attention that the conversation was not formal and should be treated as such: “This is just you and me talking, having fun, because we have nothing else to do, do you understand me? But I appreciate your interest, just like I respect daily “Pobjeda”, and I want to do you a favour, you understand...” The journalist of “Pobjeda” ends the conversation with: “Okay, okay, talk to you later...” None of the two above mentioned cases of undercover interview can be justified in Guideline 1(c) of Principle 6 of the Code, which stipulates that “undercover research may only be used where other methods have failed to yield information of particular public interest”. The guideline lists examples when it is allowed to resort to undercover gathering of information “when they will help to detect or expose criminal activity, abuse of power, or will bring to light information that will protect the public against serious threats to public health and safety and the environment”.<sup>29</sup>

The MCSR did not record another typical instance of violation of Principle 3 of the Code by daily “Pobjeda”, which is its member. In the edition of 17 August, “Pobjeda” published an article titled “The support for Montenegro’s entry into NATO is growing”, which presented results of research by “Ipsos Strategic Marketing” agency from Belgrade, but without stating who commissioned the research. By concealing who commissioned the research (TV Vijesti), clearly listed on the website of the agency ([http://www.ipsos.rs/nato\\_cg](http://www.ipsos.rs/nato_cg)), “Pobjeda” violated Principle 3 of the Code, i.e. the guidelines relating to the results of public opinion polls.<sup>30</sup>

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28 Guideline 3.2 (a): “An interview is completely journalistically correct if the interviewee or his/her representative has authorized it, or if it is obvious that there is interviewee’s approval for the intention to publish unauthorized interview. If time is short, it is also correct to publish statements in unauthorized interview form if it is clear to both the interviewer and the interviewee that the statements are to be published either verbatim or as an edited version. If the text of an interview is reproduced in full or in part, the publication concerned must state its source. If the basic content of verbally expressed thoughts is paraphrased, it is nonetheless a matter of journalistic honor to state the source.”

29 The latest amendments of the Criminal Code from August 2013 should be taken into consideration, in relation to the offense Unauthorized wiretapping and recording, which excludes punishment for this offense if it prevents or detects an offense for which imprisonment to five years or more may be sentenced in accordance with the law (Article 176a, Criminal Code, Official Gazette of Montenegro, 40/2013).

30 Guideline 3.5: “In publishing findings by opinion poll agencies, the media should give the number



An illustrative example of violation of the same principle was observed in daily “Vijesti”, edition of 23 August, in an article under the headline “Comedy: The Director of the National Park Skadar Lake urged the guard service yesterday to catch journalists in a serious offense” and with title “Škatarić sent a manhunt on reporters of Vijesti”. The article stated that reporters of “Vijesti” went aboard a sightseeing boat without tickets for the National Park, and that is why the boat was controlled and a report filed to the owner of the boat. The fact box stated that this was a revenge of the NP director due to previous writings of “Vijesti”, which stated that the director of the NP “Skadar Lake” was responsible for the death of a rare eagle because he allegedly estimated that the wounded bird was in fact a spy because it had a tracking device attached.<sup>31</sup>

On the basis of the published story, and the history of relations of the management of the National Park with “Vijesti”, also mentioned in the article, it is reasonable to assume that the event unfolded the way it was explicitly stated in the title of the story, but it is not professionally viable to claim that only on the basis of assumptions, without any confirmation, in a situation where it is recognized that journalists actually committed an offense, so the story was one-sided and biased.

In addition to the above mentioned, Principle 3 was violated in the following articles:

- “Pride Parade on the Day of Saint Parascheva”, “Mušika must have a defectologist” (“Dan”).

### 3.3.2. Violations of Principle 3 in TV programmes

In the reports covering the period 1 March – 1 October, MCSR did not record any violations of Principle 3 in news programmes of radio and television stations. The TV “Vijesti” Ombudsman observed one violation of Principle 3 of the Code by this media outlet, pointed out by a damaged viewer, whose complaint the Ombudsman accepted.

According to HRA monitoring of major news programmes of leading TV stations in Montenegro, Principle 3 of the Code was violated 18 times. In 13 cases it was done by TV “Pink”, in three by TV “Vijesti”, a twice by TVCG.

TV VIJESTI: NEWS AT HALF PAST SIX (17 May) In the report on the study on media freedom in Montenegro, the facts were not put into proper context, i.e. the report was incomplete because it did not include information on who commissioned the study.

TV PINK M: INFOMONTE (18 May) Challenging the accuracy of the report on press freedom published on TV “Vijesti”, together with the information about the authors of the report, a number of comments were stated that were not separated from the

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of respondents, the date of the poll, the identity of the person or organization that commissioned it, and the questions asked. If the agency was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the agency.”

31 <http://www.vijesti.me/vijesti/orao-bruzda-nije-bio-spijun-nosio-je-uredaj-pracenje-clanak-105871>



information, but presented as facts: "This is another desperate attempt, by sponsoring individuals that 'Vijesti' brings to Montenegro and presents as independent experts, to hide from the public the collapse of an empire, which is reflected not only in decline of viewership and circulation, but also in daily transfers of journalists to other editorial boards. At the same time, this is an attempt to prevent the investigation against Miodrag Perović, Željko Ivanović, and other related persons by all means."

TV PINK M: INFOMONTE (22 May) The report on the attendance of the director of "Vijesti" to a reception organized in honour of the Independence Day contained a comment that was not separated from the information nor announced as a comment. "His presence was interpreted by some as an attempt to prevent the deterioration of the company, but also to stop the investigation, conducted by the Prosecutor's Office against him and Miodrag Perović".

TV VIJESTI: AT HALF PAST SIX – SPORT (23 May) In the round-up of sports events of the day, the report contained a comment on incidents at the final match of the Montenegrin cup between "Čelik" and "Budućnost" ("Shameful behavior of the management of 'Čelik' and the fans of 'Budućnost'"). The comment was not announced, nor were the information about what happened at the stadium separated from the comments.

TV VIJESTI: AT HALF PAST SIX (31 May) Prior to the meeting of the Prosecutorial Council, the report published a comment on the work of the Supreme State Prosecutor Ranka Čarapić, but it was announced as a comment, i.e. position of the journalist. The comment contained an assessment "The representatives of the Government who violated the law may be calm".

TVCG: NEWS 2 (20 June) The report on the reactions to winners of 13 July awards, the journalist, after a series of negative assessments of interviewees, did not state the facts, but commented: "To begin with, let it be an answer to the question of who has the right to play with social significance and symbolism of 13 July, one of the brightest dates in our history, and thus discredit the highest national recognition. Is the jury the only to blame?"

TV PINK M: INFOMONTE (10 June) While broadcasting the denial of the Ministry of Culture regarding articles in "Dan" on the number of advisors in the Montenegrin Government, the report stated a comment that was not separated from the information: "This is another example of a connection of the media between Serbia and Montenegro, which in Montenegro is led by 'Vijesti', 'Dan' and 'Monitor', that, by inventing and falsifying facts from Montenegro, enable 'Blic', B92 and 'Večernje novosti' to continue the campaign of stigmatization of Montenegro due to the declared independence in 2006".

TV PINK M: INFOMONTE (21 June) The report on the detention of members of NGO MANS after they spilt red paint in front of the Parliament contained a comment as an integral part of the report, and not separated from the news. At the end of the report it was stated: "While MANS in many ways struggles to make life better and more peaceful, a

logical question is who should be fighting for the health of maintenance workers who at 50 degrees had to clean the mess that the activists of MANS left behind. Why didn't the members of MANS that were not arrested help them?"

TVCG: NEWS 2 (22 June) The report that did not separate commentary and news, stated an assessment of the journalist on the quality of winner of the 13 July award as an indisputable fact, not opinion: "The fact that Montenegro decided to give the highest award of the State, the 13 July award, to two mediocre writers and an anonymous scientist shocked the national hero Jovo Kapičić, one of the few still living participants of the 13 July uprising".

TV PINK M: INFOMONTE (24 June) In the report on the text by Darko Šuković in "Pobjeda" that dealt with the events of the conference on freedom of the media in Brussels, the viewers were not provided with facts put in their proper context – what Šuković wrote and what it referred to, but it gives an interpretation of the text, i.e. commentary: "This is how "Pobjeda" today completely reveals the director of tabloid 'Vijesti' Željko Ivanović, by publishing numerous evidences which show that Ivanović, after the denial of Stefan Fule, hastily renounced his text, claiming that the person mentioned in the article was not Stefan Fule, which led to a scandal at the conference, as the European commissioner unreservedly believed Ivanović".

TV PINK M: INFOMONTE (24 August) The story on 'case Brajušković' was presented in the form of commentary, and was not announced as commentary with opinions and qualifications. The comment contained an assessment that "with the help of tabloids 'Vijesti' and 'Dan' and certain politicians, Brajušković has been trying for days to initiate new affair in the public life of Montenegro, which, like in the previous months, would occupy the public life in Montenegro".

TV PINK M: INFOMONTE (26 August) In the report on the "case Brajušković" news and commentary were together, and it was assessed that the case concerned a "media-political soap opera", that Brajušković is "the new favourite of the opposition media", and that he "poured insults and threats to Veselin Veljović and the leaders of the State", although it did not specify what he said.

TV PINK M: INFOMONTE (27 August) In the report on the "case Brajušković" the news and commentary were broadcasted together. Information about the statement of the Administration for Execution of Criminal Sanctions (AECS) that Brajušković and his son terminated employment upon agreement were broadcasted within the commentary, which, among other things, stated that "Brajušković has been creating an atmosphere of anxiety without any evidence for days".

TV PINK M: INFOMONTE (28 August) In the report on the "case Brajušković" news and commentary were broadcasted together. "While numerous witnesses deny the allegations of Brajušković and even strictly accuse him by presenting extensive evidence, media allies, patrons of 'Dan' and 'Vijesti' are still trying to help him in his

role play 'I will tell the names and give the evidence as soon as possible'".

TV PINK M: INFOMONTE (29 August) The news and commentary were again broadcasted together in the report dealing with the "case Brajušković". The information that the two police officers denied allegations that they were members of the so-called black troikas was broadcasted within the commentary that, among other things, stated: "The media soap opera produced by 'Vijesti' and 'Dan' that, supported by the economic and political centers, these media outlets tried to turn into a new affair, is entering into a new stage of comedy. Since all the witnesses and evidence uncovered all the inconsistencies and lies, which have been overwhelming the public life in Montenegro these days, the creators of this joke are starting to make desperate measures".

TV PINK M: INFOMONTE (29 August) The report analyzed the language used by politician Nebojša Medojević, and before the analysis of experts, a comment was broadcasted that was not separated from the news qualifying Medojević's behaviour: "The representative of the Democratic Front Nebojša Medojević continues with media rampage, spreading hate speech, for which this representative of the DF is becoming known even beyond the borders of Montenegro".

TV PINK M: INFOMONTE (8 September) In the report that lawyers of Vladimir Beba Popović released footage from surveillance cameras showing the event for which the journalists of "Vijesti" reported to the police that they were attacked by Popović, the news were broadcasted together with commentary which, among other things, stated: "The owners of 'Vijesti' continue to inform the domestic and international public on made-up stories about some brutal attack and seizure of equipment. Having in mind that, by releasing inaccurate information through established schemes, they put pressure on state institutions, using the method of fear and blackmail..."

TV PINK M: INFOMONTE (12 September) In the report on the upcoming local elections in Cetinje, the journalist concluded that the citizens are satisfied with the Democratic Party of Socialists (DPS) and the current municipal government, based on a poll of three citizens. "The citizens of Cetinje would not change a thing. They are satisfied with what has been done so far, so they would give the DPS another chance. CITIZEN 1: "I do not expect a change of government, this current one has done great things for Cetinje. CITIZEN 2: "It should be as the people decide". CITIZEN 3: "Life should be better. If it is not better, it cannot be worse than this". Although only one questioned citizen unequivocally praised the authorities, the reporter presented the poll as evidence that the citizens of Cetinje will vote for the DPS again.

#### **3.4. Principle 4 of the Code: correction, denial, apology**

***"It is a duty of a journalist to complete an incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner."***

### 3.4.1. Violations of Principle 4 in print and online media

In its reports, MCSR recorded six violations of Principle 4 of the Code. According to MCSR, this principle was violated three times by daily “Vijesti”, two times by daily “Dan”, and once by daily “Pobjeda”. In each of these case, MCSR found violations of the Code after considering complaints about articles published in “Dan”, “Vijesti” and “Pobjeda”.

Of violations recorded by MCSR, HRA associates recorded only one that refers to “Pobjeda”, because HRA was a victim of unethical conduct of this daily newspaper. the MCSR extensively described this case in its report for the period from 15 July to 1 October and assessed that “the violation of the Code is even greater, because after two weeks ‘Pobjeda’ published a response of Professor Lilić to the response of HRA, which was never published”<sup>32</sup>.

Of the other five cases concerning improper conduct of the media in relation to reactions, i.e. denials, according to the opinion of HRA, MCSR acted properly in four cases, but not in one concerning “Vijesti” of 13 April 2013.

According to MCSR, “Vijesti” violated Principle 4 of the Code by not publishing a denial of the President of the Committee on EU Affairs in the German parliament Gunther Krichbaum as prescribed by the Code. Namely, “Vijesti” published a denial as news with headline “The Government announced that Krichbaum sent a denial of the answers of his cabinet to Vijesti” and title “He denies himself”. According to an article published in daily “Vijesti” on the same web portal<sup>33</sup>, it is clear that the information previously published by this media outlet about Krichbaum not inviting the Montenegrin Prime Minister Milo Đukanovic to visit was not sent to “Vijesti” with a request to be published. As MCSR confirmed, the denial was published by other media outlets, and “Vijesti” copied the information, and then wrote its version of the story about the whole event.

### 3.4.2. Violations of Principle 4 in TV programmes

In its report for the period 1 March – 1 October, MCSR did not record any violations of Principle 4 in news programmes of radio and television stations that are its members, and of the relevant broadcast media that are not its members.

According to monitoring of major news programmes of leading televisions in Montenegro, HRA also did not observe violations of this principle.  
.....

32 Executive director of HRA, Tea Gorjanc Prelević, complained to MSS on the conduct of “Pobjeda”, which did not publish her response to the letter of Professor Stevan Lilić, President of the NGO Public Policy Institute, which was published on 10 September. Despite not publishing the response of HRA executive director, on 24 September “Pobjeda” published a response of dr Lilić on the unpublished response of HRA.

33 <http://www.vijesti.me/vijesti/put-berlin-krihbaum-demantuje-samog-sebe-clanak-123157>

### 3.5. Principle 5 of the Code: issues of ethnicity and nationality

***“One’s race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information.”***

#### 3.5.1. Violations of Principle 5 in print and online media

According to MCSR reports for the period from 1 March to 1 October 2013, media outlets monitored by this self-regulatory body violated Principle 5 of the Code in 10 occasions. They assessed that “Pobjeda” did so three times, “Dan” and portal “Vijesti” twice, and once by daily “Vijesti”, portal RTCG and portal *Café del Montenegro*.

During the same period, HRA associates recorded three violations of Principle 5 of the Code in print and online media, including the one observed by MCSR on portal “Vijesti”, on which MCSR and HRA have the same opinion. The violation concerns three anti-Semitic comments of visitors, on which the Jewish community in Montenegro also reacted. MCSR and HRA believe that it is important that portal “Vijesti” admitted the mistake, deleted the controversial comments and published a response of the Jewish community of Montenegro and apologized to it.

Two other examples were observed by HRA, in contrast to MCSR, in daily newspapers “Dan” and “Blic” – Montenegrin edition, in which, without specific professional reasons<sup>34</sup>, the title featured ethnicity of the suspect to a crime. “Dan” did so in news published on 17 May, which had the headline “Skank seized at the border crossing Debeli brijeg” and titled “Albanian smuggling drugs”. “Blic” – Montenegrin edition published on 2 August news titled “Arsonist set fires in Tivat”, and in the first paragraph, the suspect was identified as an Albanian from Kosovo.

In its report for the period from 15 July to 1 October, MCSR noted that a number of marketing texts of the Association of Gambling Providers (UPIS), occasionally published in “Pobjeda”, contained violations of Principle 5 of the Code, but that it singled out two illustrative examples of dealing with persons from public life “that are filled with insults and extremely inappropriate language”. In its report, MCSR called for the editorial of “Pobjeda” “to stop the practice of publishing paid articles which uncontrollably insult and label people”.

The MCSR assessed that Principle 5 was violated in the column of Marko Vešović, published in “Pobjeda” on 4 August under the headline “Sonja Biserko and friends, the payment of humanism” and the title “The defender of Sarajevo”. MCSR qualified the author’s language as offensive and hate speech. MCSR noted that this text “repeated .....

<sup>34</sup> Guideline 5.2, concerning reporting on crimes, states: “When reporting crimes, it is not permissible to refer to the suspect’s religious, ethnic or other minority membership unless this information can be justified as being relevant to the audience’s understanding of the incident. In particular, it must be borne in mind that such references could stir up prejudices against groups in need of protection.”

taunting and insulting names that the author uses for journalists and owners of 'Monitor' and 'Vijesti', as well as university professor Milan Popović – calling them Milka Kilomudić or Goveče sa Krštenicom (ox with birth certificate) and Milan Avetinja (fool)".

HRA believes that the MCSR rightly condemned as unethical the practice of publishing texts of UPIS in the form of paid marketing, and supports its call for the editor of "Pobjeda" to "stop the practice of publishing paid articles which uncontrollably insult and label people". HRA also agrees with the assessment of MCSR that the publication of such content is unacceptable "due to extremely vulgar vocabulary, which lowers the level of public communication to level of the street and is certainly not in line with the profile of a serious political media, which is, in addition, funded by the state".

HRA believes that texts of UPIS and Vešović's column can be rightfully assessed as having offensive and vulgar language, but it is difficult to classify them as violations of Principle 5 of the Code, because they do not concern hostility and hatred defined in the guidelines for this principle and relevant international documents<sup>35</sup>. It could rather be considered as violations of Principle 1, or the guideline that states that journalists "must take all reasonable measures to make sure they publish only accurate information, and that their comments are honest". Therefore, it is our opinion that in the above mentioned case represents a violation of Principle 1 of the Code.

HRA believes that MCSR did not act properly when, in its report for the period from 15 July to 1 October, it concluded that daily "Dan" violated Principle 5 of the Code by using hate speech in an unusual discussion with the Prime Minister Milo Đukanović. This concerned a mocking poem<sup>36</sup> illustrated with a caricature of Đukanović, which was the answer of the editor of the newspaper to Djukanović's indirect accusations against "Dan", in which he characterized this media outlet as "bulletin board for intelligence military structures from Belgrade". In this case one can argue about whether the public communication of Prime Minister and the chief editor of a daily newspaper was at an appropriate level, but, in our opinion, in this case "Dan" cannot be accused of hate speech<sup>37</sup>.

.....

35 Recommendation on hate speech of the Committee of Ministers of the Council of Europe from 1997: "The term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin".

36 "When the dictator starts to scream, it means he has started to s... in his pants. Please pardon, the word is nasty, the dictator is breaking us down, but he will be broken down by shame... Since the beginning of time, there has been one golden rule for those who love being in power, when he fills his diaper, he seeks internal enemies. He also feels that something stinks and reeks, and realizes it is the smell of his rotting empire. And when he is left alone, when his bodyguards betray him, a firecracker will be enough to make him leave."

37 Guideline 5.1 (a) of the Code: "Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred."



### 3.5.2. Violations of Principle 5 in TV programmes

In its report for the period 1 March – 1 October, MCSR recorded a violation of Principle 5 of the Code in the TVCG News. According to MCSR, on 17 May in News at 19:30 and 22:00 TVCG “broadcasted a statement of the Metropolitan of Montenegro and the Littoral of the Serbian Orthodox Church in Montenegro, Amfilohije Radović, in which he tried to justify the war crimes and genocide in Srebrenica as revenge for alleged crimes committed against Serbs” and that with such “editorial conduct it violated the Code of Journalists and allowed open spreading of hate speech through its media”. MCSR added to this assessment that “in the mentioned TV report, RTCG did not try to distance itself from such statements”.

According to HRA monitoring of major news programmes of leading television stations in Montenegro, Principle 5 was violated four times. HRA associates recorded two violations by TV “Vijesti”, and two in programmes of TVCG (one of which was also observed by MCSR) and “Atlas” television.

TVCG: DNEVNIK 2 (17 May) According to HRA associates, TVCG did violate the Code in the case recorded and assessed by MCSR, but in the announcement of the report, and not the report itself. In addition to the position of Amfilohije, the journalist released statements of two interlocutors who oppose his interpretation of events. In addition, the end of the report contained a condemning assessment of Metropolitan’s position. The report ended with the following: “To keep quiet about genocide is equal to participating in it, and often the reluctance of individuals or communities to deal with the past leads to new downfalls”. The reporter obviously tried to distance herself from Metropolitan statements with this ending.

However, there is no distancing from hate speech in the announcement of the report. It only broadcasted Metropolitan remarks that “the current position towards Srebrenica is a preparation for new massacres” and that “glorifying the symbol of Srebrenica in relation to events of the Second World War is not the road to reconciliation”. The announcement of reports in television news programmes sets the tone for the entire report, i.e. has an equal role and importance as titles and subtitles in the print media. In cases of hate speech, positions cannot be only communicated, because in that case it turns into spreading of such opinions.

On the other hand, guidelines for Principle 5 of the Code must not become a barrier for keeping the public informed about important events or, in this case, the attitudes of people of power and high social standing, such as the Metropolitan Amfilohije. The media must find the right way to distance themselves from the controversial statement and to clearly qualify them. One of the ways is to communicate the information in its entirety and context, for example, what happened in Srebrenica, how many people were killed, how many persons were accused and how many convicted for the crime by the International Court in The Hague, and that the International Court of Justice identified the events as genocide.

TV VIJESTI: NEWS AT HALF PAST SIX (29 May) While reporting on the removal of shacks of family Sejdović from the banks of river Morača, upon order of the Municipal Inspection, the journalist of TV “Vijesti” unnecessarily stated, in the announcement and the report, that it was a Roma family.

ATLAS TV: FORUM (27 June) While reporting on the position of the Metropolitan of Montenegro and the Littoral Amfilohije he expressed in talk show “Live truth”, “Forum” of TV “Atlas” broadcasted, without reservation or qualification of the journalist that it was hate speech, Metropolitan’s position that “there is no difference between pedophiles and homosexuals”.

TV VIJESTI: AT HALF PAST SEVEN, SPORT (5 September) The report on the clash between fans of Serbia and Bosnia and Herzegovina in Slovenia, broadcasted the news that “sports fans from Serbia shouted: ‘Knife, wire, Srebrenica’”, without comment, qualifications or reservation from the shouted slogans.

### **3.6. Principle 6 of the Code: unethical gathering of information**

***“In order to collect information in any form, a journalist should use professionally honourable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public.”***

#### **3.6.1. Violations of Principle 6 in print and online media**

The MCSR recorded four violations of Principle 6 of the Code by the media, three of which by daily “Vijesti”, and one by daily “Dan”. As assessed by MCSR, these violations include violations of other principles of the Code.

HRA associates did not register violations of this principle and believe that MCSR did not assess the four cases properly.

In its report covering the period from 15 July to 1 October, MCSR stated that “Vijesti” violated Principle 6 of the Code (and principles 3 and 4) in an article published on 29 August under the headline “Affair of the black troika: Miodrag Jovanović submitted an anonymous letter to Vijesti that he originally sent to his brother Duško with names of people who had allegedly beaten up the late editor of Dan in 2000” and titled “Đurović, Lazović and Kalezić the main trio of the beating platoon”. In the opinion of MCSR, “Vijesti” violated these principles of the Code by publishing the anonymous letter that was found in the records of the murdered Jovanović, which revealed the identity of a member of the special police unit who had allegedly beaten Duško Jovanovic.



The MCSR stated that it “believes that the publication of the anonymous letter does not constitute an honourable or legally permitted method”.

According to HRA, MCSR was right when it concluded that “Vijesti” violated the Code with improper treatment of denials of the person accused in the anonymous letter, i.e. the text (denial published in a small box with the title “Members of SAJ rejected claims from the letter”, so it is not clear that it is a denial), but the assessment of the report that principles 6 and 3 of the Code were violated are unfounded.

When it stated that Principle 6 was violated, MCSR based its assessment on the claim that “the publication of the anonymous letter constitutes neither honourable nor legally permissible methods”. The first sentence of Principle 6 reads: “In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods” but the second sentence reads: “Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public”. Bearing in mind that the case of beating the chief editor of “Dan” Duško Jovanović in the entrance of the building where he lived was never solved, as well as his subsequent murder, HRA believes that any information that may help shed light on this crime that has been preoccupying Montenegrin society for years is important for the public and the position of Montenegro in the international community.

Regarding the Principle 3, MCSR assessed that it was violated by making a statement referred to in the headline as alleged into explicit statement in the title: “Đurović, Lazović and Kalezić the main trio of the beating platoon”. This title is sensationalist and in this sense can be regarded as unethical<sup>38</sup>, but it is important that the text of “Dan” made it clear to readers that it was an anonymous letter, i.e. a rumour, thus observing the suggestion of Principle 3 that “rumours and assumptions should be clearly marked as such”.

HRA believes that MCSR made the same error when, in the same way, it assessed an article published in daily “Dan” on 31 August under the headline “Lawyer of Jumediamont Nebojša Asanović provided the Prosecutor’s Office and the police evidence of the beating of Duško Jovanović which reached the editorial board” and the title “New names on the list of perpetrators”.

HRA believes that the published texts clearly show that “Vijesti” and “Dan” sought to put the received anonymous letters in the proper context of the current stories of insiders (former member of the SAJ Brajuško Brajušković) on the abuse of the special police unit. The texts also show that both dailies tried to contact the persons mentioned or accused in the anonymous letters for comments. What is of particular .....

38 Guideline 1.2 (b): “The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.”

importance in this case, that MCSR did not assess, is that the intention of published articles was to search for truth that the public interest in this case is very prominent.

Deciding on a complaint of the Supreme Court (page 12 of this report), MCSR reasonably pointed out the violation of ethics of the reporter who used information for which he was duly told to be incorrect and that it was made because of a technical error, but did not make the proper connection between this violation and Principle 6 of the Code. MCSR made the same mistake in case of a text that announced the Pride Parade in Budva, which will be elaborated in the next section, since MCSR assessed that “Vijesti” violated Principle 7 of the Code in this case.

### **3.6.2. Violations of Principle 6 in TV programmes**

In its reports relating to the period 1 March – 1 October, MCSR did not record violations of Principle 6 in news programmes of radio and television stations.

According to HRA monitoring of major news programmes of leading televisions in Montenegro, there were no recorded violations of this principle.

### **3.7. Principle 7 of the Code: protection of sources**

***“It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.”***

#### **3.7.1. Violations of Principle 7 in print and online media**

In its report for the period from 15 July to 1 October, MCSR found that daily “Vijesti” violated Principle 7 in one case (and also Principle 6), i.e. the guidelines for the interpretation of these principles.

In the same period, HRA associates did not record violations of this principle, and in relation to violation that MCSR stated, HRA believes that it cannot be related with Principle 7 of the Code. This case may, however, be related to Principle 3 and the guidelines for this principle dealing with limitation of the media regarding the disclosure of information (embargo).

In the opinion of MCSR, “Vijesti” violated Principle 7 and Principle 6, because it published, on its front page, that the first Pride Parade in Montenegro will be held in Budva, a week earlier. MCSR noted in its report that this information was strictly confidential, but did not specify who qualified this information as such and why, except

that “Vijesti” emphasized this in the headline of the news: “Strictly confidential: The metropolis of tourism will soon be in the colours of the rainbow”. MCSR assessed “that publication of evident police information on the place and time of the Parade, which was a high-risk event, as it later turned out to be, is an act that cannot be justified by the public’s right to know”. MCSR did not further deliberate its conclusion on this issue, and did not specify on which guideline it based its conclusion.

Guideline 3.4 of Principle 3 states, among other things, that “the imposition of embargoes during which the publication of certain information is held over is justifiable only if it is vital for objective and careful reporting”. Further on, this guideline states that “in principle, embargoes are a free agreement between informants and the media”, and that “embargoes should be observed only if there is an objectively justifiable reason”. It states that it can be “in the case of speeches still to be held, advance copies of company reports and other types of activities or information on a future event (meetings, resolutions, honours, ceremonies, etc.)”, and concludes that “the media should not use it for taking advantage over competition”.

Also in relation to this issue, one should bear in mind the Guideline 10.3: “in principle, the media do not accept news ‘blackouts’. Coordination between the media and the police shall occur only if the action of journalists can protect or save the life and health of victims and other involved persons. The media shall comply with police requests for a partial or total news embargo for a certain period in the interest of solving crime, if the request is justified convincingly”.

The Pride Parade in Budva could have been the kind of event that required what is referred to in the guidelines of the Code as “free agreement between informants and the media” on the disclosure of information before the “green light” or as “restriction of news”. The informant is the one interested in this kind of agreement and it is logical that they initiate it, which was not done in this case. The informant, perhaps, had an agreement with the police to retain information about the event, but not with the media. On the other hand, it seems that in this case the police had an agreement of confidentiality with the organizer of the event, and the source of the journalist from the police violated the agreement by disclosing the information, according to the article of “Vijesti” that published the information as “strictly confidential”.

Of course, the motives of “Vijesti” to publish information about the time and place of the Pride it could be speculated and discussed from the standpoint of the public interest, the harmfulness or usefulness of the information, but the Code does not have sufficient grounds to accuse this media outlet of the lack of ethics. In this sense, we propose amending the Code, in order to provide a clear guideline for the ethical treatment of the media in similar cases.

### 3.7.2. Violations of Principle 7 in TV programmes

In its reports covering the period from 1 March to 1 October, MCSR did not record any instance of violation of Principle 7 in news programmes of radio and television stations.

HRA monitoring of major news programmes of leading televisions in Montenegro also did not record any instances of violation of this principle.

### 3.8. Principle 8 of the Code: protection of privacy

***“A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well”.***

#### 3.8.1. Violations of Principle 8 in print and online media

In the period covered by this report, MCSR recorded 12 violations of Principle 8 of the Code, of which seven by “Dan”, three by “Dnevne novine”, and two by portal “Vijesti”.

According to HRA, MCSR, except in one case, properly assessed violations of Principle 8 and some of its guidelines that deal with the issue of protecting people’s privacy.

Below are two illustrative examples of proper assessment of MCSR.

MCSR believes, and HRA agrees, that “Dnevne novine” violated Principle 8 of the Code because it titled the news of the murder of a pensioner in Bar “Killed because he did not want to pay for sex?” which was “extremely unfair to the victim and his family” and “showed a lack of respect for the person unknown to Montenegrin public”. “Dan”, as MCSR properly assessed, violated Principle 8 of the Code in the article titled “Supported Filip and sold the drugs”, which reminds that the professor from Herceg Novi, whose identity was revealed, was once sentenced to eight months in prison for consuming and drug dealing, and the story was put in its current political context, since she supported the presidential candidate of the ruling party. MCSR assessed as particularly malicious comments of the journalist: “Whether she, in the meantime, solved the problem with addiction is unknown, because it has not been possible to reach her from yesterday”.

Findings and assessments of MCSR and HRA match in cases of publication of personal identification numbers of citizens, but MCSR monitors overlooked that publication of private addresses of people is also unethical, as the guidelines for Principle 8 explicitly

note that private addresses have special protection. In cases of publication of ID numbers and addresses that daily “Dan” did several times, demonstrating examples of alleged election fraud in the presidential election, there was no need for that in terms of legitimate public interest. The public interest is to detect possible election manipulation and theft, provided that this right “is always carefully weighed against the personal rights of the people”.

HRA considers that MCSR misjudged that “Dan” violated Principle 8 in the case of publication of the interview with the former leader of the Liberal Alliance Slavko Perović, in which he claimed that a police officer Božidar Jauković was killed, and did not (according to the official version) kill himself. (The case is elaborated in Section 4.1.1 Violations of Principle 1 in print and online media, because MCSR assessed that Principle 1 of the Code was violated in this case.)

HRA associates noted a total of 18 violations of this principle, 10 by daily “Dan”, three by “Dnevne novine”, two by portal RTCG and one by daily newspapers “Vijesti”, “Pobjeda” and “Blic” – Montenegrin edition each.

The examples observed by HRA associates (not MCSR), concerning unethical ways of reporting on cases of suicide or attempted suicide (directly or indirectly revealing the identity and a detailed description of the circumstances under which the alleged suicide happened), include two characteristic ones, observed on the portal of the national public service that should not have any reason to satisfy the mere curiosity of the public. The portal RTCG, with reference to the Police Operations Centre, published on 17 March “that a 13-year-old N.M. (published the full name of the child), who attempted suicide by firearms on 11 March, died at the Clinical Center”. The article reminded that the boy was brought to the Clinical Center on 11 March and that “he had a wound in the head from a fire weapon, probably a gun”. In later edited version of the article, the full name was replaced with initials. It was preceded by a comment of a visitor, which brought the editorial board’s attention to the problematic reporting: “Where did you get the information that he tried to commit suicide? Who said that? He is a juvenile and you wrote his full name. If it really was suicide, as you say, then especially the full name must not be written. Very professional. Bravo!”

As the visitor noted in the comment, there is no justification for disclosing the identity of the boy nor the details of his wounding, and this harshly violated Principle 8 and one of the guidelines<sup>39</sup> for this principle.

The second case is also about suicide. The portal RTCG on 9 May published the news of the attempted suicide of a girl who jumped from the balcony of the apartment in Karađorđeva Street in Podgorica. In addition to information about the event, a video .....

39 Guideline 8.1 (h): “Reporting on suicides calls for restraint. This applies in particular to the publication of names and detailed descriptions of the circumstances. Exceptions are justifiable only if the case is of public interest.”

was released showing a large bloodstain on the sidewalk, and the camera zoomed on the balcony from which the girl allegedly jumped. In addition to guideline for Principle 8 we mentioned earlier, in this case the guideline that suggests “respect for the suffering of victims” is also important.<sup>40</sup>

In our opinion, also illustrative is the unethical manner of reporting of daily newspapers about a car accident in which a girl O.B. was injured, the daughter of one of the most famous Montenegrin tycoons. The news was published by all newspaper in Montenegro, without any professionally good reason, revealed the identity of the victims of a traffic accident, and thus violated Principle 8 of the Code and its guideline<sup>41</sup> that suggests that it is not a rule to reveal the identity of a victim of an accident, except if the person is a public figure or in the case of special circumstances. In this case we consider that there were none of the above two reasons. HRA notes that in Montenegrin media it is a rule, not an exception to publish the names of victims of accidents and thus violate the Code.

In addition to the above mentioned, violation of Principle 8 were also observed in the following articles:

- “Jumped into swollen Ribnica”, “Poisoned himself with pills”, “Jumped into Lim”, “Citizen of Nikšić shot himself in the head” (Dnevne novine)
- “Body: The Prosecutor’s Office investigates the death of a citizen of Mojkovac A.A. (37)” (“Vijesti”)
- “When voting, money and abuses are abundant”, “Fake ID cards for double voting”, “Attacked his brother with a knife”, “Gave 50 euros to voters”, “Girl drowned in lake, see swallowed a Canadian” (“Dan”)

### 3.8.2. Violations of Principle 8 in TV programmes

In its reports covering the period 1 March - 1 October, MCSR did not record any violations of Principle 8 in news programmes of radio and television stations.

According to HRA monitoring of major news programmes of leading televisions in Montenegro, Principle 8 was violated once in the programme of TV “Vijesti”.

.....  
40 Guideline 8.1 (j): “The limit of acceptability in reports on accidents and disasters is respect for the suffering of the victims and the feelings of their dependants. Victims of misfortune must not be made to suffer a second time by their portrayal in the media”.

41 Guideline 8.1 (d): “Victims of accidents or crimes have a right to special protection of their names. It is not as a rule necessary to identify the victim in order for the audience better to understand the accident or crime. Exceptions can be justified if the person concerned is a public figure or if there are special accompanying circumstances.”

TV VIJESTI: NEWS AT HALF PAST SIX (19 June) The report of a car accident stated the name of the deceased person, although they were not public figures, and opened a possibility for doubt that it was a suicide. “At that moment I followed her in the rear mirror, she remained a little on the white line and then suddenly moved to the front of the truck coming from Bijelo Polje”, stated the testimony of an eyewitness of the accident.

### **3.9. Principle 9 of the Code: disclosure of identity of juveniles, who are perpetrators or victims of crimes**

*“The journalist is obliged to protect the integrity of adolescent persons, different and disabled persons.”*

#### **3.9.1. Violations of Principle 9 of the Code in print and online media**

MCSR did not register any violations of Principle 9 of the Code during the period from 1 March to 1 October.

HRA associates observed three violations of this principle in print media, two in “Blic”- Montenegrin edition, and one in daily newspapers “Dan”.

“Blic”- Montenegrin edition, published on 28 June news titled “LGBT Progress: Montenegrins to be brides to the French”. The news reported on a request that was sent by non-governmental organisation LGBT Forum Progress to Montenegrin Chief of Diplomacy to initiate an agreement, in order to enable same-sex marriage of French citizens with citizens of Montenegro.

The title represents, in our opinion, a wrong contextualization of the story, and reflects a mocking approach, which is not present in the text of the news. This title violates Principle 9 of the Code, which teaches the journalists to protect the integrity of those who are different, and not to mock them.

“Blic” Montenegrin edition of 22 August published a story with headline “Everyday occurrence in supermarkets in Nikšić” and title “Number of young beggars increasing”. The text disclosed the identity of underage beggars and published their photographs as well.

It is good for the society that such reports are published, but it is not ethical to permanently identify children individually in order to point out the problem.

A similar thing happened in the case of the story in daily “Dan” from 29 June. This daily published a story with headline “Single mother with two children Slađana Medojević fears they will become homeless” and title “She sees the waves of Lim as



her only salvation". The text describes the difficult life of this single mother with three children, and within a story, mentions another woman, who tells about her children who are at Children's Home in Bijela. The story pointed out serious social problems of single mothers, but in the way the story was told it could not be noticed that the journalist had in mind a suggestion from guideline of Principle 9, which points out that "information affecting interests of children shall be investigated with special attention".

The formal principles of UNICEF on reporting about children specifically point out that no child shall be additionally identified.<sup>42</sup>

### 3.9.2. Violations of Principle 9 in TV programmes

MCSR did not record any violations of Principle 9 in news programmes of radio and television stations in reports covering the period from 1 March to 1 October.

According to HRA monitoring of major news programmes of leading televisions in Montenegro, Principle 9 was violated once in a programme of the National Public Service TVCG.

RTCG: NEWS 2 (17 June) In the report from the press conference, which was held by Frank La Rue in Podgorica, Special Rapporteur on the right to freedom of opinion and expression, the following was stated: "La Rue wrote what he heard in the report, but had difficulties reading it". It was followed by a video of Mr. La Rue, who, is a foreigner, but also a visually impaired person as well, reads and pronounces Montenegrin names with difficulty. Unduly pointing out his bad eyesight and lack of knowledge of Montenegrin language, the reporter compromised the integrity of the person and therefore violated Principle 9.

### 3.10. Principle 10 of the Code: violation of the presumption of innocence

***"When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure."***

.....

<sup>42</sup> "Do not further stigmatize any child; avoid categorizations or descriptions that expose a child to negative reprisals - including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities." ([http://5sazvezdicom.medijkestudije.org/index.php?option=com\\_content&view=article&id=183:izvetavanje-o-deci&catid=46:zakonska-regulativa&Itemid=64](http://5sazvezdicom.medijkestudije.org/index.php?option=com_content&view=article&id=183:izvetavanje-o-deci&catid=46:zakonska-regulativa&Itemid=64))



**3.10.1. Violations of Principle 10 in print and online media**

Table no. 1

Violation of presumption of innocence	Blic	Dan	Dnevne novine	Pobje-da	Vijesti	Total
In the title	58	144	74	59	58	<b>393</b>
In the title and first paragraph	6	12	10	6	8	<b>42</b>
In the title and the text	6	1	4	2	6	<b>19</b>
In the title and the headline		15		1	3	<b>19</b>
In the title, first paragraph and the text	1		3		3	<b>7</b>
In the text	1			3	1	<b>5</b>
In the headline			1		3	<b>4</b>
In the headline, title and the first paragraph		3			1	<b>4</b>
In the first paragraph	2				2	<b>4</b>
In the headline, title and the text					3	<b>3</b>
In the title, subtitle, first paragraph and the text		1			2	<b>3</b>
In the title, subtitle and the first paragraph	1	1				<b>2</b>
In the title, subtitle		1	1			<b>2</b>
In the headline and the first paragraph					1	<b>1</b>
<b>TOTAL</b>	<b>75</b>	<b>178</b>	<b>93</b>	<b>71</b>	<b>91</b>	<b>508</b>

In its reports MCSR recorded six violations of Principle 10 of the Code, which unambiguously suggests that it is necessary to respect the presumption of innocence of the suspect or defendant. However, results of HRA associates for the period from 1 March to 1 October 2013 show enormous number of violations of this principle, mostly by daily "Dan" (see table no. 1 above).

In texts of various genres, but mostly in the news, HRA associates observed more than 500 violations of the presumption of innocence by daily newspapers. Violations of this principle were recorded also in online editions of the daily newspapers, as well as on portals and in weekly "Monitor".

Principle 10, the presumption of innocence was violated with statements or suggestions in the title composition (headline, title, subtitle), in the first paragraph or some other part of the text, that a person, whose identity was fully disclosed or only with initials, has committed some criminal offence, even though it is evident from the whole text or the source the author refers to that the person is only a suspect, reasonably suspected or only accused, but not convicted for the offence through a court judgement, which fulfills the conditions for attributing a specific criminal offence to someone.

In most recorded cases of violations, the presumption of innocence was violated, as shown in the table, in the title of the news, but not necessarily in the text itself, which points to the conclusion that this principle was violated, as a rule, by the competent editors who decide on the layout of the text, and not journalists who write the text and rarely give it a title.

The titles of texts in which violations of Principle 10, the presumption of innocence were observed, are provided at the end of this report, as an Appendix.

### **3.10.2. Violations of Principle 10 in TV programmes**

In the reports relating to the period 1 March - 1 October MCSR did not record any instance of violation of Principle 10 in news programmes of radio and television stations.

HRA monitoring of main news programmes of leading television stations in Montenegro indicates that Principle 10 was violated on seven occasions - twice by TV stations "Pink", TVCG and "Atlas" and once by TV "Vijesti."

TV PINK M: INFOMONTE (16 May) In the headline "Man from Podgorica threw a bomb in the centre of Budva", as well as in the TV report stating that "a man from Podgorica Andrej Brković... after an argument with Goran Slovinić, one of the owners of 'San Marino' pizzeria, threw a bomb at the said café" violated the presumption of innocence. That was the suspicion of the police and erroneous statement that Brković had thrown a bomb was repeated in the TV report.

RTCG: NEWS 2 (30 May) The presumption of innocence was violated in the headline “Arrest of a dealer in Bijelo Polje” as well as in the TV report announcement, as it was stated that “members of an organized criminal group” had been arrested and one of the arrested was referred to as “one of the organizers of this group”.

TV VIJESTI: NEWS AT HALF PAST SIX (30 May) The headline “Smuggling cocaine” announcing a TV report on the arrest in Bijelo Polje violated the presumption of innocence.

TV PINK M: INFOMONTE (30 May) TV report on the arrest in Bijelo Polje stated: “Halilović belongs to a criminal group that smuggled and sold cocaine from South America to the Western European countries”, violating thus the presumption of innocence.

ATLAS TV: FORUM (30 May) Reporting on the arrest in Bijelo Polje, the presumption of innocence was violated by labelling the arrested as “one of the smugglers of cocaine”.

TVCG: NEWS (28 July) In the report on the arrest of one person in Berane and police search for another person from Rožaje on suspicion of money-laundering, a reporter said that those persons were police suspects, but the headline “Laundered one million euros” violated the presumption of innocence.

ATLAS TV: FORUM (10 September) The report of arrests in the coastal region stated that 16 persons, while also mentioning the full name of one of them, “sold heroin, cocaine and subutex in Podgorica, Nikšić, Bar, Kotor and Tivat. They earned tens of thousands of Euros in drug profits per month, stated the police.”

### **3.11. Principle 11 of the Code: accepting privileges**

***“A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions”.***

#### **3.11.1. Violations of Principle 11 in the print and online media**

MCSR did not register any case of violation of Principle 11 of the Code during the period covered by this report, while HRA associates noted two examples in the print media.

In daily newspaper “Dnevne novine” of 16 August an article was published with the headline “Introducing” and the title “Forza Mare, hotel number one”. The content and tone of the article were completely promotional, not journalistic, which is in violation of Principle 11 of the Code, i.e. the guideline explaining the distinction

between editorial content and advertisements<sup>43</sup>. Daily “Dan” committed the same ethical transgression on 17 August, publishing an article with the headline “Izet Hodžić, known as Brko the healer, presented his remedies in Plav” and title “Cures many ills.” This article, like the one in “Dnevne novine”, is completely promotional in its content and tone, not journalistic. In addition, the article violated Principle 8 of the Code, i.e. one of the guidelines<sup>44</sup> for this Principle.

### 3.11.2. Violations of Principle 11 in TV programmes

In its reports relating to the period 1 March - 1 October MCSR did not record any instance of violation of Principle 11 in news programmes of radio and television stations.

According to HRA monitoring of main news programmes of leading TV stations in Montenegro, Principle 11 was violated in 19 cases - nine times by “Pink” TV, three times by national public service TVCG and “Atlas” TV and twice by “Vijesti” and “Prva” TV.

TV PINK M: INFOMONTE (16 May) Principle 11 was violated in the media coverage of the new offer by “Atlas Life” company, which brought detailed marketing information: “Users of the insurance policy, in addition to the surgical intervention, shall be paid the sum for several interventions on different organs. Insured sum is paid once for a surgical intervention on one organ and shall not exceed 5,000 Euros or 15,000 Euros in case of multiple procedures. User of the insurance policy is entitled to payment of the sum insured, regardless of the health institution in which the surgical intervention was performed.”

ATLAS TV: FORUM (16 May) TV report about the life insurance offer by “Atlas Life” company provided details about the offer and its benefits to customers in a manner that exceeds the legitimate interest of the public. “One of the best such hospital in Croatia has established cooperation with ‘Atlas Life’ in the same manner as ‘Meljine’ general hospital, which means that all of our policyholders as of today have a discount of 10, 15 and 20% in ‘Sveta Katarina’, depending on the treatment.”

TVCG: NEWS 2 (22 May) A several-minute-long report on “Vuković” ethno village presented its detailed proposal and announced to the viewers that this was “a place for rest and relaxation and escape from the summer heat, but also a challenge for those who will enjoy our new attractive features this summer.”

.....

43 Guideline 11.4: “Advertisements and pages or programs sponsored must be clearly distinguishable from the editorial content and must be designed and presented that the reader/listener/viewer can recognize them as such. A journalist must not be engaged in advertising-propaganda business”.

44 Guideline 8.2.(b): When reporting on the activities of para-doctors and self-proclaimed healers, a reporter must express a special dose of reasonable doubt and restraint.”

ATLAS TV: FORUM (29 May) An advertising message regarding the prize draw for Master Card and Maestro Atlas Card users was broadcasted during the news programme. The message included information about the conditions for participation in the contest and the prizes.

TV PINK M: INFOMONTE (9 June) In the TV report on Lovćen adventure camp the Code was violated by the following description, which is promotional, not journalistic: "Amazed looks of visitors, sighs of delight and excited thoughts – this could be a short description of the experience of a place that allows visitors to combine pure adrenaline fun and unique beauty of Montenegrin nature." The report, in the promotional manner, also provided information about ticket prices. "Although leaving a different impression, the adventure park is designed for all ages. Adventure price for aerial walkways, which, according to the park employees, remain etched in visitors' memory, is 8 to 18 euros."

TV PINK M: INFOMONTE (10 June) While conveying Hipotekarna Banka's information about its operations in the first five months, information about individual bank services were also conveyed in the promotional manner: "This service allows quick and easy performance of all financial transactions via your mobile phone at any time. The mBH click service can be activated at any Hipotekarna Banka branch by signing the application form", as well as "In the new premises of Podgorica Commercial Centre payments to the account can be made 24 hours a day, seven days a week, regardless of working hours of the bank".

PRVA TV: NEWS (10 June) In the report on the opening of a new Hipotekarna Banka branch, apart from information about the bank's operations, data about individual bank services, more appropriate for TV commercials, were also broadcasted: "The bank has also enabled its clients to perform financial transactions via mobile phone; another novelty is an ATM that, in addition to the standard services, offers the option to change your PIN code, pay bills and deposit money in a bank account."

TV PINK M: INFOMONTE (22 June) Promotional material for "Telenor" company was published in the report on "Smart caravan": "The superiority of 4G network as well as the highest download and upload speed were presented to all interested users of super services. So far Smart caravan visited Danilovgrad, Nikšić, Šavnik, Žabljak and Mojkovac, a tour in the north continued with visits to Berane, Rožaje and Bijelo Polje. During each visit the most skilled users won telephones, modems or internet packages."

TV VIJESTI: NEWS AT HALF PAST SIX (9 July) The report on NLB bank operations violated Principle 11 of the Code by including promotional announcement of new bank products: "By the end of the year NLB announced the introduction of a completely secure Internet trade system for their cards."

TV PINK M: INFOMONTE (8 July) The main news program broadcasted promotional material of "Jugopetrol" company: "Jugopetrol AD Kotor has included 95 Economy fuel

in its offer, which can only be found at Jugopetrol Eko gas stations in Montenegro". It was further stated that the fuel's "most important characteristic is engine life extension and optimization of its performance and consumption."

TV VIJESTI: News at half past six (19 July) Information about the new service by Telekom was broadcasted stating, without any reservation, the company's claim that its customers would be able "to obtain very clear sound at extremely busy locations with no background noise."

TV PINK M: INFOMONTE (19 July) Information about the new service by Telekom was broadcasted stating, without any reservation, the company's claim that its customers would be able "to obtain very clear sound at extremely busy locations with no background noise." Furthermore, the statement by the company representative was also broadcasted, who, among other things, stated: "In our shops you can find a large selection of phones that will be able to meet these requirements."

TVCG: NEWS 2 (28 July) In the TV report on Kučka korita promotional material about this ethno village was broadcasted: "We heard of a very interesting ethno village which will soon include sports activities in its offer as well as a ski resort in the future."

TVCG: NEWS 2 (28 July) The TV report about the need to regularly clean air conditioning devices included a statement by a repairman from a service shop, the name of the shop and the cost of cleaning.

PRVA TV: NEWS (30 July) The report on operations of M:tel company also encompassed promotional material: "Director of M:tel is particularly proud of an application through which all users will be able to watch the latest basketball news, especially in relation to the European Championships in Slovenia"; "The company success - m:go application allows users to make free calls within the network and send free text messages within the country and abroad."

TV PINK M: INFOMONTE (4 August) The report broadcasted an advertisement for "Montera" company which manages "Zavala" complex. It included the information that the beach has been opened, a statement of the company's PR according to which the food was prepared by a chef from Spain, as well as the information that "show room will soon be available to interested buyers, while the sales office has been installed at the town's entrance."

ATLAS TV: FORUM (13 August) With the report on the popularity of Dan Brown's new book and the plot, a publisher's information was also broadcasted: "A new novel by Dan Brown 'Inferno' is now available to Montenegrin readers. Publishing company 'Nova knjiga' stated that the book is available at more than 700 sales places throughout Montenegro."

TV PINK M: INFOMONTE (21 August) The TV report broadcasted an advertisement about new products and information about the payment terms in “Merkator”: “Company Merkatator expanded its offer of school supplies which can be purchased at very affordable prices, with the possibility of deferred payment in 12 monthly instalments.”

TV PINK M: INFOMONTE (24 August) TV report on the complex “Plavnica” was broadcasted, stating the following: “The Swimming pool with sails is unique because there are a limited number of visitors per day who can use it to enjoy, and water filtration is carried out 24 hours a day. Full service costs 10 Euros, same as the ticket for a cruise ship of the same name. “

### **3.12. Principle 12 of the Code: journalistic solidarity and plagiarism**

***“It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist codex.”***

#### **3.12.1. Violations of Principle 12 in the print and online media**

While MCSR monitors failed to record any instance of violation of Principle 12 in their periodic reports of 1 March to 1 October 2013, HRA associates noticed 11 cases in which this principle was violated by not citing primary source of a text taken from other media in whole or in part, or in which readers may have been misled about the authorship in some other way. In the examples being considered, majority of which were found in the daily newspaper “Dan”, such information had mainly been taken from the foreign media, without citing the primary source.

In the issue of 3 July, in the section “Periscope” daily “Dan” published news under the headline “Gym professor has not changed his outfit for decades” and the title “Same outfit worn for 40 years.” The text was signed only by initials, as an author, although the same story was conveyed those days by numerous national and international online media.

“Dnevne novine” of 4 March in three of its articles published in the section “Fun” stated at the end of one of the paragraphs where they were borrowed from, but this was not the case with the fourth article published in that section (“Salt shaker worth 50 million Euros”), although it is easy to assume that this article too was borrowed. An example from “Vijesti” is also characteristic. In an issue of 12 April an article was published with the headline “Feathered dinosaurs: The new stage of palaeontology” and the title “Feathers served in maintaining balance?”. The subtitle of the text reveals the identity of writers of an article on this subject, but the text does not reveal which sources were used, so one can talk about plagiarism. For instance, Croatian

portal "Znanost" wrote on the same subject earlier under the title "Palaeontologists discovered fossils of feathered dinosaurs on American soil", and the author said that he had used "Discover Magazine" as the source.

HRA associates noticed atypical examples of violation of Principle 12 in several daily issues of 8 March 2013 – avoiding to reveal the background of a copyright text by the U.S. Secretary of State John Kerry. The manner in which the article was published in "Pobjeda" left the impression that it was written for that daily or taken from somewhere without citing the media where it had been originally published. The same text was published in "Blic" as if John Kerry had written it just for that newspaper<sup>45</sup>, and "Dan" published the same text paraphrasing and quoting it, also without specifying what kind of text it was.

This was, in fact, the text sent to several media addresses and posted on the website of the U.S. Embassy in Montenegro.<sup>46</sup> Although this cannot be labelled as plagiarism, it has its elements due to the fact that the manner in which the media got hold of the text and gained the right to publish it has not been specified.

Aside from those mentioned above, instances of violation of Principle 12 were also observed in the following articles:

- "Artificial leaf that will save the world", "Bigfoot exists?", "Seed germinated from the heat of the young Sun", "The Higgs boson might have a double" ("Dan");
- "Esmeralda: Drugs destroyed her life" ("Vijesti").

### 3.12.2. Violations of Principle 12 in TV programmes

In the reports relating to the period 1 March - 1 October MCSR did not record any instance of violation of Principle 12 in news programmes of radio and television stations that are its members nor in the relevant broadcast media that are not.

HRA monitoring of main news broadcasts of leading television stations in Montenegro did not identify any instance of violation of this principle either.

.....  
 45 <http://www.blic.rs/Vesti/Politika/371217/Dzon-Keri-pise-za-Blic-Zasto-zene-zauzimaju-kljucno-mesto-u-spoljnoj-politici-SAD>.

46 [http://podgorica.usembassy.gov/secretary\\_kerry\\_op\\_ed\\_mne.html](http://podgorica.usembassy.gov/secretary_kerry_op_ed_mne.html).



### 3.13. Conclusions and recommendations

■ *HRA concludes that certain principles and guidelines of the Code should be further specified to leave no room for uncertainty about what they prohibit. Reports of self-regulatory bodies in the reporting period included no proposals to amend the Code.*

■ **Self-regulatory bodies should propose new guidelines for the application of the Code, following the final advice in the current Code, which reads: “These guidelines are not final, but can be supplemented in compliance with ethical dilemmas arising from practice”.**

**For example, given the need to prevent and punish offensive speech in the media through a process of self-regulation, which in its profanity and offensiveness “lowers the level of public communication to street level”, as correctly pointed out by MCSR, and bearing in mind that this type of speech cannot always be subsumed under what is defined as hate speech in the Code and otherwise, it would be necessary to supplement the existing Code, in line with the comparative practice, in a way that would facilitate the job of those evaluating ethics of media content.**

■ *HRA concludes (as in the first report) that the second paragraph of Principle 2 of the Code (“A journalist should be a sharp observer of those who have social, political and economic power”) has been formulated so that it can be interpreted in different ways by self-regulatory bodies and it is also difficult to explain its violation.*

■ **HRA reiterates its recommendation to specify this principle of the Code through appropriate guidelines, which should clearly distinguish when journalists are expected to work in the spirit of the above principle, and when not, since some forms of journalism (news, reports) are not always suitable for that.**

■ *The current Code does not have sufficient grounds for criticism of the media practice of premature release of information, without consultation with competent informants, that could be used contrary to the public interest, as was the case of the publication of information on the Pride Parade in Budva, which contributed or could have contributed to organized violent disruption of the event by opponents of sexual minority groups.*

■ **HRA believes that the Code should be amended with respect to these and similar cases in a manner which would constitute a clear guideline for ethical conduct.**

#### 4. CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT

- *After daily "Vijesti" appointed the Ombudsman for its readers, among the relevant media outlets in Montenegro, only daily "Dan" and weekly "Monitor" remained outside of any self-regulatory process.*
- **Both media outlets should opt for a model of self-regulation as soon as possible, especially having in mind that daily "Dan" has the most recorded cases of violations of the Code of Journalists of Montenegro.**
  
- *The MCSR did not establish violations of the Code by the broadcast media (radio and TV) except for one instance, when it acted on a complaint in relation to RTCG. At the same time, limited HRA monitoring of news programmes of five most watched televisions in Montenegro showed that violations of the Code in those televisions' news programmes are frequent. Therefore, it would be necessary to include TV stations in active self-regulation.*
- **The MCSR should pay more attention to monitoring broadcast media outlets, especially those that are its members, and if it is not able to do so, then it should announce this fact in its reports, as it is otherwise allowing for the conclusion that it does not recognize such incidents as violations of the Code.**
  
- *Although earlier this year the Media Council for Self-Regulation (MCSR) announced the development of a special rulebook, it still does not have defined procedures for dealing with complaints. The MCSR generally does not comply with provisions of its Statute, stipulating that it should provide the media outlet, referred to in the complaint, with the opportunity to comment on the complaint directed against it (from 1 March to 1 October 2013, MCSR has done so in only one of eight cases).*
- **The MCSR should adopt a rulebook precisely defining the procedure for dealing with complaints and appeals as soon as possible. Such rulebook should also regulate the issue of sanctions against those media outlets – members who do not cooperate in this process with MCSR. We repeat the previous recommendation that MCSR should comply with its Statute and allow all media outlets in relation to which it receives complaints to comment on them.**
  
- *Complaints submitted to MCSR are decided by the Commission for Complaints of the MCSR, a body not prescribed by the MCSR Statute. Art. 4 of the Statute only states that the Monitoring team, among other things, "decides on*

complaints submitted against any media organization in Montenegro, when it comes to violations of the Code of Montenegrin Journalists and informs the public about such cases”.

■ **The MCSR Statute should prescribe the existence of the Commission for Complaints and Appeals as a special body personally and organizationally different from the Monitoring team. This is particularly important because the existing Monitoring team consists of two active journalists from media outlets that are members of MCSR, and the Commission for Complaints and Appeals should be independent from editorial teams of the media and build its authority on that independence. In addition, the number of members of MCSR body dealing with complaints and appeals should be greater than three. The Media Self-Regulation Guidebook (OSCE, Vienna 2008, p. 57) suggests that the optimal number is between 7 and 11 members.**

■ *The MCSR only sporadically observes violations of the Principle 10 of the Code – the presumption of innocence, which are, according to HRA records, by far the most common violations by the media of norms prescribed by the Code of Montenegrin Journalists. In comparison to the previous HRA report, the number of recorded examples of violation of the presumption of innocence in the print media has increased almost five times. This situation requires finding solutions to overcome it.*

■ **The MCSR and other self-regulatory bodies should support the proposal that, in case that the upward trend in violations of the presumption of innocence by the media continues, the court should be authorized, through an amendment to the Criminal Procedure Code, to observe and punish violations of the presumption of innocence by the media, in accordance with the obligation of the media to observe it under the Criminal Procedure Code.**

■ *Monitoring conducted by HRA and MCSR shows that, after the violation of the presumption of innocence, media outlets most often violate principles 1 and 3 of the Code, and thus the basic standards of journalistic profession. These violations are most visible in examples of unbalanced reporting, favouring one side and avoiding to verify the information obtained from the named or unnamed sources.*

■ **Besides observing examples of violations of these principles of the Code, the self-regulatory bodies should also intensify the campaign within journalistic and media community about the necessity of proper application of ethical and professional standards in Montenegrin journalism and thus contribute to overcoming the current antagonism rooted outside the profession.**

■ *In more than one third of the examples of violations of the Code noted in the reports of the MCSR (37), it was not precisely stated which basic principles and guidelines of the Code were violated and how. It also happens that the MCSR generally criticizes actions of particular media without citing specific examples for such claims.*

■ **In order to avoid the impression of being biased and to act educationally and preventively, whenever a violation of the Code or relevant guidelines is established, a full and detailed description of the violation should be given in the reports, as well as an explanation why the action represents a violation of ethical norms.**

■ *The Reports of TV "Vijesti" Ombudsman are somewhat general and seem to be written for internal use and for those who are already familiar with the details of their content.*

■ **The Ombudsman's reports should be methodologically unified and detailed. The reports should precisely interpret complaints of viewers and their arguments, as well as the reactions of the Ombudsman and the arguments in favour or against the viewer's complaint, so that laymen as well as professionals in the public could assess the validity of arguments themselves. This is important for the building of Ombudsman's credibility, as well as for increasing media literacy among television audiences, citizens and journalists themselves.**

■ *The TV "Vijesti" Ombudsman did not respond in writing to a viewer's complaint that was assessed as ungrounded, but did so in a telephone conversation, although the act on the establishment of the Ombudsman prescribed communication with viewers through letters, e-mail and fax.*

■ **The Ombudsman should officially communicate with the audience in a manner prescribed by its act of establishment, as it is important to keep the archive of the decisions on complaints and their communication.**

■ *HRA concludes that certain principles and guidelines of the Code should be further specified to leave no room for uncertainty about what they prohibit. Reports of self-regulatory bodies in the reporting period included no proposals to amend the Code.*

■ **Self-regulatory bodies should propose new guidelines for the application of the Code, following the final advice in the current Code, which reads: "These guidelines are not final, but can be supplemented in compliance with ethical dilemmas arising from practice".**

**For example, given the need to prevent and punish offensive speech in the media through a process of self-regulation, which in its profanity and offensiveness "lowers the level of public communica-**

**tion to street level”, as correctly pointed out by MCSR, and bearing in mind that this type of speech cannot always be subsumed under what is defined as hate speech in the Code and otherwise, it would be necessary to supplement the existing Code, in line with the comparative practice, in a way that would facilitate the job of those evaluating ethics of media content.**

■ *HRA concludes (as in the first report) that the second paragraph of Principle 2 of the Code (“A journalist should be a sharp observer of those who have social, political and economic power”) has been formulated so that it can be interpreted in different ways by self-regulatory bodies and it is also difficult to explain its violation.*

■ **HRA reiterates its recommendation to specify this principle of the Code through appropriate guidelines, which should clearly distinguish when journalists are expected to work in the spirit of the above principle, and when not, since some forms of journalism (news, reports) are not always suitable for that.**

■ *The current Code does not have sufficient grounds for criticism of the media practice of premature release of information, without consultation with competent informants, that could be used contrary to the public interest, as was the case of the publication of information on the Pride Parade in Budva, which contributed or could have contributed to organized violent disruption of the event by opponents of sexual minority groups.*

■ **HRA believes that the Code should be amended with respect to these and similar cases in a manner which would constitute a clear guideline for ethical conduct.**



3





# THIRD REPORT

## MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

1 October 2013 – 1 March 2014





## 1. CURRENT SITUATION OF MEDIA SELF-REGULATION

### 1.1. General overview

In the period covered by this report (1 October 2013 - 1 March 2014), two collective self-regulatory bodies continued to operate in Montenegro, the Media Council for Self-Regulation (hereinafter MCSR)<sup>1</sup>, Self-Regulatory Local Press Council (hereinafter SLPC)<sup>2</sup>, and two singular self-regulatory bodies – protectors of the rights of viewers and readers (Ombudsmen) in TV *Vijesti* and daily *Vijesti*. In late February 2014, daily *Dan* announced to have opted for a singular model of self-regulation and appointed Ilija Jovičević, their senior journalist and associate, as the Protector of the rights of readers.

On 25 January 2014, SLPC was joined by: *Novine Nikšića, Medijska politika* (Nikšić), *Regionalne novine* (Šavnik, Plužine and Žabljak), *Novine podgoričke baštine, Prosvjetni rad* and *Medijski dijalozi* (Podgorica), *Kolašinske novosti, More* (Budva), portal *Barinfo, Sloboda* and electronic newspapers *E spona* (Berane). SLPC now has 22 members. It was then announced that in the future this self-regulatory body would evolve into Self-regulatory Council for Local and Periodic Press, and expand to include “other media alongside print media, especially portals, electronic newspapers, regional and local TV and radio broadcasters and commercial stations”.<sup>3</sup>

Following the practice of TV *Vijesti* and daily *Vijesti*<sup>4</sup>, and recommendations from the previous HRA report<sup>5</sup>, daily *Dan* established an institution to protect the rights of its readers, and on 25 February 2014 the executive director of daily *Dan* publisher .....

1 MSS was founded in early March 2012 by representatives of 18 print, electronic and online media, who were later joined by 3 other media and online edition of the national public broadcaster - RTCG portal.

2 SLPC was established in April 2012 by 11 local newspapers, some of which are issued only occasionally.

3 “Self-regulatory Council for Local and Periodic Press: 11 new members joined the Council”, *Pobjeda*, 26 January 2014: [http://www.pobjeda.me/2014/01/26/samoregulatorni-savjet-za-lokalnu-i-periodicnu-stampu-pristupilo-11-novih-clanova/#.U2fV\\_qJqCUk](http://www.pobjeda.me/2014/01/26/samoregulatorni-savjet-za-lokalnu-i-periodicnu-stampu-pristupilo-11-novih-clanova/#.U2fV_qJqCUk)

4 In the case of daily *Vijesti*, Rules of Procedure of the Ombudsman were drafted and adopted together by Ombudswoman Božena Jelušić and editor-in-chief of daily “*Vijesti*” Mihailo Jovović, highlighting the journalistic and editorial responsibility in matters of professional ethics.

5 HRA recommendation: “After daily “*Vijesti*” appointed the Ombudsman for its readers, among the relevant media outlets in Montenegro, only daily “*Dan*” and weekly “*Monitor*” remained outside of any self-regulatory process. Both media outlets should opt for a model of self-regulation as soon as possible, especially having in mind that daily “*Dan*” has the most recorded cases of violations of the Code of Journalists of Montenegro.”

- Jumedia Mont Podgorica Ltd., Mladen Milutinović, adopted the Rules of Procedure of the Protector of the rights of daily *Dan* readers.<sup>6</sup> Art. 1 of the Rules specifies the manner of operation of the Ombudsman “in procedures initiated by complaints filed with regard to content published in “*Dan*” print edition and its issues on all platforms, when found that they do not comply with the provisions of the Code of Montenegrin Journalists”<sup>7</sup>.

According to Art. 2 of the Rules, “the Ombudsman shall decide on complaints filed with regard to a specific content published in *Dan*”, while Art. 3 prescribes the criteria that complaints must meet in order to be processed. These criteria are identical to those previously established in the Rules of Procedure of daily *Vijesti* Ombudsman.<sup>8</sup> Art. 13 of the Rules provides that a decision of the Ombudsman to adopt a complaint shall be published in *Dan*, “in the issue published no later than three days from the date of receipt of the decision, or within seven days of receipt of the decision in the internet issue and issue on other platforms.” The same article stipulates that “the Ombudsman may decide to adopt a complaint without obligation to *Dan* to publish the decision, only at the express request of the complainant.”

As under the Rules of Procedure of daily *Vijesti* Ombudsman, daily *Dan* too granted the opportunity to its Ombudsman, apart from deciding on a complaint, “to warn the editor in writing, on own initiative, about violation of the Code,” and also, “when deemed necessary, publish an article in *Dan* about negative and positive trends in compliance with the Code by journalists and editors” of that daily.

On the first page of its online edition, *Dan* publishes daily invitation to the readers to write to the Protector of their rights, as well as information about where to share .....

6 Rules of Procedure available at: [www.dan.co.me/ombudsman](http://www.dan.co.me/ombudsman),

7 Rules of Procedure, as above.

8 Complaints must be submitted in writing (sealed and delivered to address: 13 Jul bb Podgorica, daily newspaper DAN, with a note COMPLAINT for the Ombudsman), by electronic mail (e-mail: [ombudsman@dan.co.me](mailto:ombudsman@dan.co.me)) or fax 020 481 505; 1. relate to specific content published in *Dan* considered to be contrary to the Code of Montenegrin Journalists; 2. if the complaint is made in writing, include the printed content published in *Dan* and considered to be contrary to the rules of the Code, and if is submitted in electronic form, include a web link to the published content considered to be contrary to the rules of the Code or scanned content or be otherwise attached to the e-mail; 3. be submitted in a timely manner, as follows: (if the content was published in the print edition - within 30 days from the date of publication; if the content was posted via the Internet or other platform constantly available to the public, as long as such content is available); 4. relate personally to the complainant or filed with the written consent of the person allegedly injured by the published content; 5. include e-mail address or home address to receive mail; 6. if the published content related to a minor, the complaint must be filed by a parent or other guardian as a legal representative of a minor or parents must give written consent to a third party to file the complaint on behalf of a minor, and 7. include the complainant’s full name, if a natural person, or full name and registration number if it is a legal entity. In the complaint relating to the content the complainant believes to have violated the Code of Montenegrin Journalists, he/she may file a request stating their settlement proposal for rapid correction of violations of the Code of Montenegrin Journalists and elimination of consequences of such violation. The proposal shall specify the obligation of daily *Dan*, manner and deadlines for carrying out that obligation.

their comments, suggestions, complaints and reviews. *Weekly Monitor* has not yet accepted any form of self-regulation, despite the announcements.

In its tenth report, MCSR welcomed the “beginning of the work of newspapers Ombudsmen in dailies *Vijesti* and *Dan*”, assessing “the beginning of their work as important for the media community in Montenegro” and expressing hope “that they will contribute to a more professional operation of these media outlets”<sup>9</sup>. MCSR stressed that it is “open for cooperation with all who care about ethical and professional journalism in our country”<sup>10</sup>, while MCSR executive secretary Ranko Vujović personally lodged a complaint<sup>11</sup> with daily *Vijesti* Ombudswoman. President of SLPC Amer Ramusović, at the ceremony on the occasion of new media joining this self-regulatory body, pointed to the need for cooperation and said that “journalists, associations, the media themselves, and in particular self-regulatory bodies, should join their efforts in raising professional standards in order to strengthen the social position of journalism and thus create the conditions for improved self-regulatory mechanisms primarily for the suppression of hate speech in the media”.<sup>12</sup>

Following the last HRA report, no self-regulatory body, nor any other member of the media or journalistic community, have raised the issue of amendments to the Code of Montenegrin Journalists in order to improve it and adapt to new ethical challenges, which was one of HRA recommendations from previous reports.

### 1.1.1. Conclusions and recommendations:

■ *New local media joining the Self-Regulatory Local Press Council and the decision of daily Dan to follow the experience of TV Vijesti and daily Vijesti and appoint the protector of the rights of its readers represent new examples affirming the need to establish effective self-regulatory practices in the Montenegrin media community. Of influential media, only weekly Monitor remains out of self-regulatory process.*

9 Report on the work of Montenegrin media for the period 1 December 2013 – 15 February 2014, p. 2.

10 *Ibidem*.

11 On 18 January 2014, in his capacity as President of the Board of the Regional Conference “Word, image, enemy”, Ranko Vujović submitted a complaint to daily “Vijesti” Ombudswoman because of the refusal of the newspaper to publish his response to the open letter by Tea Gorjanc Prelević, HRA Executive Director, written on the occasion of the said Conference. In her January report the Ombudswoman said that, on the occasion of the said complaint, she “concluded that it was not possible to publish the denial announcement, because it did not include the correction of erroneous or untrue statements, or arguments to dispute the allegations in an open letter.”

12 “The accession of new members to Self-regulatory local press council”, E-spona, 14 January 2014.

■ **It is high time that weekly *Monitor* select an appropriate form of self-regulation, as well as many electronic media<sup>13</sup> who are not involved in operation of any of the existing collective self-regulatory bodies.**

*The fact that MCSR welcomed the establishment of Ombudsman in TV Vijesti and dailies Vijesti and Dan and showed its willingness to cooperate represents an encouraging step towards reducing the distrust and towards the beginning of cooperation among various self-regulatory bodies. MCSR could validate its publicly declared willingness to cooperate with Ombudsmen of daily and TV Vijesti and daily Dan by forwarding complaints it had received referring to these media, without stating its opinion on them. This even more so because thus far MCSR MT has failed to seek statements from the media who were not its members in complaint procedures concerning the complaint or its own findings, although in breach of the provisions of its Statute.<sup>14</sup>*

**In case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate a joint debate with the aim of consistent interpretation of the Code and promotion of the respect for professional standards and human rights by the media.**

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13 <http://espona.me/index.php/kultura/107-pristupanje-novih-clanova-samoreglativnom-savjetu-za-lokalnu-stampu>;

Local public broadcasters: Radio Andrijevica, Radio Bar, Radio Berane, Radio Bijelo Polje, Radio Budva, Radio Cetinje, Radio Danilovgrad, Radio Herceg Novi, Radio Kotor, Radio Nikšić, Radio Pljevlja, Radio Rožaje, Radio Ulcinj, TV Budva, TV Nikšić, TV Pljevlja.

Commercial broadcasters: Radio 083, Radio Adriatic, Radio Boom, Radio City, Radio Cool, Radio Corona, Radio D. Radio D plus, Radio Delfin, Radio DRS, Radio Elita, Radio F, Radio Glas Plava, Radio Gusinje, Radio Homer, 777 TV Lutrija Crne Gore, Novi TV, Srpska TV, TV APR, TV Boka, TV Corona, TV Glas Plava, TV Mojkovac, TV Panorama, TV Sun. (Source: Electronic Media Agency: [http://www.ardcg.org/index.php?option=com\\_frontpage&Itemid=1](http://www.ardcg.org/index.php?option=com_frontpage&Itemid=1))

14 Art. 21, para 3 of the Statute of MSS: "Before compiling monthly reports, monitoring team shall request the opinion of the media outlet indicated to have violated the Code of Montenegrin Journalists, pursuant to a complaint filed by viewers / readers / listeners or based on the team's monitoring."

## 2. ACTIVITIES AND RESULTS OF OPERATION OF SELF-REGULATORY BODIES

### 2.1. Activities of Media Council for Self-Regulation (MCSR)

#### 2.1.1. General information

##### *Reports*

Media Council for Self-Regulation (MCSR) published two reports during the period covered by this report, presenting unethical media practice analysis carried out by its Monitoring Team, as well as decisions on complaints addressed to MCSR. The first report covered the period from 1 October to 1 December 2013, and the second - from 1 December 2013 to 15 February 2014. The latter is the tenth MCSR report.

Although Art. 7 of the Statute of MCSR<sup>15</sup> provides that, in addition to periodical, this body shall also publish its semi-annual and annual reports on the respect of the Code, MCSR has not yet published such report.

##### *Transparency of operations*

Consistent with its previous practice, MCSR presented its latest two periodic reports at press conferences, and failed to publish them immediately after the presentation on its website (<http://medijskisavjet.me>)<sup>16</sup>. In the case of the last two MCSR reports, up to 15 days have passed between presentation of the report and its publication on the website.

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15 "The Council is established as a non-governmental organization with the aim to: promote and develop media self-regulation in Montenegro, implement the Code of Montenegrin Journalists in order to protect citizens from unethical reporting in the media, raise awareness about the importance of fair and timely reporting. In order to achieve the set objectives, the Council shall perform the following activities: monitor implementation of the Code of Montenegrin Journalists in the media, publish monthly, semi-annual and annual reports on respect for the Code of Montenegrin Journalists, decide on citizens' appeals and complaints about the work of media outlets and violations of the Code of Montenegrin Journalists, inform the media about specific appeals and complaints."

16 MSS also failed to forward its last two reports to HRA, and bearing in mind its earlier expressed unwillingness to cooperate, HRA no longer addressed MSS, but waited for the reports to be published.

### **Informing of citizens**

During this period, MCSR did not conduct a public campaign to inform the citizens about its activities and encourage them to complain about media misconduct. Only portal Analitika, a member of MCSR, published a banner on its home page with MCSR contact details and message – call to all interested parties to address this self-regulatory body. Similar banners were not noticed on websites, or in printed publications or radio and television programmes of other MCSR media members.

### **Other activities**

MCSR co-organized regional media conference in Montenegro titled “Word, Image an Enemy”, which caused much controversy among Montenegrin professional and lay public and contributed to additional polarization within Montenegrin journalistic and media community. Representatives of Montenegrin media that are critical of the Government and social affairs, as well as NGOs from Montenegro, which implemented projects related to freedom of expression, HRA among them, were not invited to this conference. The conference, financially supported by the two relevant ministries (Ministry of Culture and Ministry for Human and Minority Rights), was used for noticeably one-sided presentation of Montenegrin media scene and its actors.

## **2.1.2. Results of operation of MCSR Monitoring Team**

### **2.1.2.1. Acting on complaints regarding content published in the media**

In the period from 1 October 2013 to 15 February 2014, Monitoring Team (MT) MCSR received a total of 19 complaints, of which 13 were accepted in whole or in part, and six rejected.

The largest number of complaints (12) referred to media outlets that are not MCSR members, and half as much (7) to media members of this self-regulatory body. As for media outlets who are not members of MCSR, most complaints related to daily *Vijesti* (7), then daily *Dan* (4), while one complaint related to TV *San* from Bijelo Polje. With regard to MCSR members, three complaints referred to daily *Pobjeda*, two to TV *Pink M* and one to *Skala Radio* from Kotor.

MCSR MT rejected two complaints each relating to daily *Pobjeda* and TV *Pink M* and one each in relation to daily *Vijesti* and *SkalaRadio*. Although it dismissed the complaint in relation to *SkalaRadio*, in this case MCSR MT found that this radio station had violated Principle 1 of the Code for allowing posting of unethical visitors' comments on its website about the complainant. The complaint was dismissed because the complainant did not complain about that, but, as stated in the report of MCSR MT,

only about “non-publication of his comment and later his denial announcement on Radio Skala portal”.<sup>17</sup>

Deciding on 13 complaints it adopted, MCSR stated that the media violated some of the principles of the Code 17 times.<sup>18</sup>

One of the complaints MCSR received in the period from 1 October to 15 March, concerned not the media, but actions of MCSR MT. Namely, the Association of Gambling Providers complained about the decision of the Monitoring Team. MCSR accepted that its Monitoring Team had made a mistake in the assessment about which principle of the Code had been violated.<sup>19</sup>

MCSR has not yet adopted the rulebook<sup>20</sup> that would regulate dispute settlement procedures, although its adoption was announced early last year.

### 2.1.2.2. Findings of MCSR Monitoring Team

During the period covered by the ninth and tenth MCSR reports (1 October 2013 - 15 February 2014), MCSR MT, aside from the complaints, recorded 66 examples of violations of the Code. According to their record, the most common violations relate to Principle 1, concerning the respect for truth - 29 times, followed by violations of Principle 10, concerning the respect for the presumption of innocence - 12 times. According to MCSR MT findings, violation of Principle 3, concerning the inviolability of facts and putting them in the proper context, occurred 7 times, and of Principle 4 - the obligation to disclose corrections, 3 times. Principle 5, concerning hate speech, was violated 5 times, Principle 8, which relates to the protection of privacy, 7 times and Principle 9, relating to the protection of children and persons with disabilities - 3 times.

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17 Report on the work of Montenegrin media for the period 1 December 2013-15 February 2014, p. 8 (Complainant is journalist Siniša Luković and MT MSS has found that his unpublished comment “does not apply to the initial text, but the comments published in relation to him” and therefore rejected his complaint).

18 For more detail about which principles have been violated, see chapter 3.1.3. (HRA analysis of MT MSS conduct).

19 Report on the work of Montenegrin media for the period 1 October 2013 - 1 December 2013, p. 5.

20 “MSS should adopt a rulebook precisely defining the procedure for dealing with complaints and appeals as soon as possible. Such rulebook should also regulate the issue of sanctions against those media outlets – members who do not cooperate in this process with MSS. We repeat the previous recommendation that MSS should comply with its Statute and allow all media outlets in relation to which it receives complaints to comment on them.” (Monitoring of Journalistic Self-regulatory Bodies in Montenegro, the second report, HRA recommendation, p. 10.)



MCSR MT has found that daily *Dan* violated the Code 34 times, daily *Vijesti* 15 times, *Dnevne novine* 10 times, daily *Pobjeda* 6 times, and *Blic* – Montenegrin issue, only once.<sup>21</sup>

In the report covering the period from 1 October to 1 December 2013, MCSR MT dealt with online media (portals), while in the report for the period from 1 December 2013 to 15 February 2014 this body only noted that it did not monitor these media<sup>22</sup>. However, it was concluded that even though MCSR did not consider online media, that “does not mean that they operated professionally.”<sup>23</sup> “Some of them still include mostly offensive comments, which is the biggest problem with such media,” reads the report of MCSR, without specifying which media this statement relates to.<sup>24</sup>

In the report covering the period between 1 October and 1 December 2013, MCSR MT marked as controversial comments below a total of 13 articles on *Vijesti* portal.

Not one of the eight previous MCSR reports dealt with radio and TV broadcasters, which constitute the majority of members of this self-regulatory body, and such practice has continued in the tenth report for the period from 1 December to 15 February. In the ninth report, covering the period from 1 October to 1 December 2013, MCSR MT found that TV *Pink M* had repeatedly breached the Code in its news reports, but listed only one example.

### 2.1.3. HRA analysis of MCSR Monitoring Team conduct

#### 2.1.3.1. HRA analysis of MCSR MT acting on complaints

MCSR MT in the reports generally does not represent the views of both sides or provide sufficient reasoning for its conclusions; it is therefore difficult, without reviewing all of the documentation of individual cases, to assess whether its assessments are well-founded. Judging on the basis of what is stated in the report, certain assessments seem well-founded and indisputable, but not all.

One of the well-founded assessments of MCSR MT refers to a complaint of the Ethics Committee of the Special Hospital for Psychiatry in Dobrota about an article published in daily *Vijesti* on 22 October titled “Mad Milan continues his treatment in Serbia.” Ethics Committee noted, and MCSR MT confirmed, that the use of terms “Mad Milan”

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21 Media recorded by MT MSS as the most common violators of the Code (“Dan” and “Vijesti”) are not MSS members and do not recognize its competence.

22 According to MSS Statute (Art. 21), reports of its Monitoring Team should cover “work of electronic media, daily and weekly print media and relevant web portals”.

23 Report on the work of Montenegrin media for the period 1 December 2013 - 15 February 2014, p. 2.

24 Report, as above, p. 2.



and “monster” violated the Code. According to the assessment of MCSR MT, in this case *Vijesti* violated Principles 1 and 8, i.e. guidelines for interpretation of these principles.<sup>25</sup>

Acting on complaints pertaining to media outlets that are not members of this self-regulatory body, MCSR MT has not shown the necessary objectivity. Despite the obligation specified in its Statute<sup>26</sup> to seek statement of the media outlet referred to in the complaint in each case, this was not always done.

In its reports MCSR MT provided information showing that the statement was sought, but only in cases in which the complaint referred to the media - member of MCSR (statement was requested from *Skala Radio*, daily *Pobjeda* and TV *Pink M*, but not from dailies *Dan* and *Vijesti*). In addition, MCSR MT in its report stated that, following complaints for not publishing the responses, it received assurance of its members *Pobjeda* and TV *Pink M* that responses had been published, but did not indicate whether the accuracy of these claims was verified.<sup>27</sup>

MCSR also devised its stance on violations of the Code in a TV report without having insight into the report, but solely on the basis of the media outlet’s statement, which is its member. In this particular case a complaint was filed by HRA Director because TV *Pink M* had not published her response to a story published on 16 January 2014 during INFOMONTE news, stating the following: “Opposition media in Montenegro who call themselves independent, and some non-governmental organizations are very much connected and help each other using citizens’ money, while persuading them for years that the only truth is what they serve, reads today’s *Pobjeda*. Thus, Director of Human Rights Action, Tea Gorjanc Prelević, is one of the co-owners of *Monitor*, while Daliborka Uljarević, Director of Centre for Civic Education, has been helping daily *Vijesti* for years and paying scholarship for its editor Nedeljko Rudović”. Apart from mentioning names in the TV report, a photograph of Tea Gorjanc Prelević was shown. Nevertheless, MCSR MT rejected HRA’s complaint and reasoned its decision using the response received from TV *Pink M*, that the said report “mentions nowhere that Tea Gorjanc Prelević’s NGO, Human Rights Action, spent citizens’ money”.

.....

25 “The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story”. “Physical and mental illness or injuries come fundamentally within the private sphere of the persons affected. Out of consideration for them and their dependants, the media should not publish names and photographs in such cases and should avoid using disparaging terms to describe their illness, even if they are terms in popular usage”.

26 Art. 21, para 3 of the Statute of MSS reads: “Before compiling monthly reports, monitoring team shall request the opinion of the media outlet indicated to have violated the Code of Montenegrin Journalists, pursuant to a complaint filed by viewers / readers / listeners or based on the team’s monitoring.”

27 MSS’s response to a complaint filed by Human Rights Actions (HRA) reads as follows: “We have received information that the response of Human Rights Action had been published on TV Pink M on 30 December 2013 in news programmes ‘Minut - dva’ aired from 12 a.m. to 6 p.m. that day. HRA monitors found that the reaction was aired a day later, on 31 December 2013.

One of the complaints with regard to which MCSR MT failed to seek statement of the media, contrary to its Statute, was a complaint filed by legal representative of Vladimir Popović from Belgrade, one of the founders and executive director of NGO Institute for Public Policy, against daily *Vijesti*. The complaint was filed for not publishing a response to an article with heading "Primitivism continues: Popović's lawyer seeks that SEEMO withdraw its condemnation of his attacks on journalists" and title "Beba cries and cheats again". The article dealt with a complaint submitted by Popović's legal representative to SEEMO media organization concerning its reaction to an incident between Popović and two journalists from daily *Vijesti*, which was presented as an attack on journalists by *Vijesti*. In an unpublished response of 12 September 2013, according to MCSR MT report, Popović's lawyer gave his opinion about a surveillance camera footage that recorded the incident and its authenticity, as well as the overall situation as a result of the alleged incident.

MCSR MT has found that *Vijesti* had an obligation to publish a response to the article, stating that it was their constitutional, legal and ethical obligation. Another argument MCSR MT had in favour of assessing that the response should have been published is the fact that, as noted, *Vijesti* just once published the standpoint of the other side on the event in question - as a reaction of Popović's legal representative, but published several articles on it.

Bearing in mind that MCSR MT did not obtain the opinion of the media outlet to which the complaint relates and consider their arguments, it is difficult to assess whether the assessment by MCSR MT is accurate and whether *Vijesti* in this case violated Principle 4 of the Code.

MCSR MT acted on a complaint which was also addressed to *Vijesti* Ombudsman and this example shows the need for cooperation among self-regulatory bodies, i.e. forwarding of complaints relating to their members. Businessman Zoran Bećirović's legal representative complained to both MCSR MT and *Vijesti* Ombudsman because this daily newspaper failed to publish a correction in a timely manner, although it was recognized that an error had been made in the text. While MCSR MT in its report stated that *Vijesti* published a correction only after 25 days, and only when the lawyer threatened to sue, Ombudswoman of daily *Vijesti*, whom MCSR MT did not ask to comment on the complaint, took responsibility for the delay, explained by the need to verify journalist's arguments. (See more detail in chapter 3.4. Daily *Vijesti* Ombudsman activities).

HRA finds disputable the decision of MCSR MT regarding the complaint of Director of Railway Transport, that daily *Vijesti* violated Principle 5 of the Code<sup>28</sup>. MCSR MT registered a violation of the Code, i.e. hate speech, in the following sentence:  
.....

28 "A reporter will mention race, religion, nationality, ethnicity, sexual orientation and family status of a person only if necessary for the information."

“Sandwiches for Montenegrin travellers only”, published within the article entitled: “Does a complaint against negligence help” (19 September 2013). MCSR MT found that “the journalist reached the conclusion completely arbitrarily, which may have resulted in the expansion of national hatred<sup>29</sup>, and thereby violated Principle 5 of the Code.” Although the conclusion on the arbitrariness of the statement was in place, it is very far-fetched to claim that this could have resulted in the expansion of national hatred. As in some examples that HRA cited in the first and second report, MCSR MT tends to exaggerate when assessing something as hate speech and inadequately interprets the content of this term, which was once defined in the recommendation of the Council of Europe from 1997.<sup>30</sup>

Based on its reports, it is evident that MCSR MT not once used the possibility, prescribed by the Statute<sup>31</sup>, to mediate in disputes between the media, on one side, and natural or legal persons on the other.

### **2.1.3.2. HRA analysis of MCSR MT conduct based on its monitoring**

In the period from 1 October 2013 to 15 February 2014, MCSR MT recorded 83 violations against one of the 12 basic principles of the Code. In the period from 1 October 2013 to 15 February 2014, in the monitored print media, portals and major news broadcasts of five leading television stations HRA associates recorded 511 examples.

MCSR MT found that the media whose content was analysed most often violated Principle 1 of the Code (relating to accuracy) and in its report presented 32 such examples (three based on a complaint). According to MCSR MT findings, the second most frequent is violation of Principle 10 (referring to the presumption of innocence) and MCSR MT recorded 14 such examples (two on the basis of a complaint).

Monitoring conducted by HRA associates shows the reverse order, i.e. that most violations relate to the presumption of innocence - Principle 10, followed by violations of Principle 1, relating to accuracy.

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29 “Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred” (Guideline for Principle 5 of the Code).

30 Recommendation on hate speech of the Committee of Ministers of the Council of Europe from 1997: “Hate speech shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.”

31 “The monitoring team shall mediate in disputes between media organizations or journalists with natural and legal persons in cases where media organizations or journalists violated the basic principles of journalistic ethics, so that these disputes do not end up in court” (Statute of the Media council for self-regulation, Art. 21, para 6).

From 1 October 2013 to 15 February 2014, HRA associates in the monitored media found 311 cases of violation against Principle 10. As regards violation of Principle 1 of the Code, HRA associates recorded 62 examples. (See the table below for other comparisons).

<b>Violations of the Code of Montenegrin Journalists</b>	<b>MCSR Monitoring + complaints</b>	<b>HRA Monitoring (press / TV / portals)</b>
<b>Principle 1</b>	<b>33</b>	<b>62</b>
<b>Principle 2</b>	<b>2</b>	
<b>Principle 3</b>	<b>11</b>	<b>38</b>
<b>Principle 4</b>	<b>6</b>	<b>1</b>
<b>Principle 5</b>	<b>6</b>	<b>6</b>
<b>Principle 6</b>		
<b>Principle 7</b>		
<b>Principle 8</b>	<b>8</b>	<b>23</b>
<b>Principle 9</b>	<b>4</b>	<b>4</b>
<b>Principle 10</b>	<b>15</b>	<b>311</b>
<b>Principle 11</b>		<b>8</b>
<b>Principle 12</b>		<b>56</b>
<b>Total</b>	<b>85</b>	<b>509</b>

MCSR MT did not find any example of violation of five of the 12 basic principles of the Code - Principle 2 (duty of journalists to defend freedom and the right to peaceful gathering and communication of information, for example free commentary and criticism), Principle 6 (ethical collection of information), Principle 7 (protection of confidential sources of information), Principle 11 (obligation to reject privileges that could limit or bring into question journalistic autonomy and impartiality), and Principle 12 (prohibition of plagiarism).

HRA associates have not found any instance of violation of two principles - Principles 6 and 7.

According to MCSR MT findings, from 1 October 2013 to 15 February 2014, daily *Dan* violated the Code 36 times - most commonly Principle 1, concerning the accuracy. In the same period, according to the findings of HRA associates, daily *Dan* violated the Code 146 times, of which Principle 10, referring to the presumption of innocence, as many as 116 times.

<b>VIOLATION OF BASIC PRINCIPLES OF THE CODE</b>		
<b>1 October 2013 - 15 February 2014</b>		
<b>Media outlet</b>	<b>MCSR MT monitoring</b>	<b>HRA Monitoring</b>
<b>Dan</b>	<b>36</b>	<b>144</b>
<b>Dnevne novine</b>	<b>10</b>	<b>83</b>
<b>Vijesti</b>	<b>24</b>	<b>73</b>
<b>Pobjeda</b>	<b>7</b>	<b>73</b>
<b>Blic (izdanje CG)</b>	<b>1</b>	<b>45</b>
<b>Portal CdM</b>		<b>14</b>
<b>Portal Vijesti</b>	<b>4</b>	<b>3</b>
<b>Portal In4S</b>		<b>3</b>
<b>Portal Analitika</b>		<b>1</b>
<b>TV Pink M</b>	<b>1</b>	<b>43</b>
<b>TV Vijesti</b>		<b>10</b>
<b>TVCG</b>		<b>10</b>
<b>Atlas TV</b>		<b>7</b>
<b>TV San</b>	<b>1</b>	
<b>Skala radio</b>	<b>1</b>	
<b>Total</b>	<b>85</b>	<b>509</b>

According to the findings of MCSR MT, with regard to the frequency of violations of the Code, daily *Dan* is followed by daily *Vijesti*, which committed 24 examples of violations, of which almost half refer to Principle 1. HRA once again emphasizes that these dailies are not MCSR members, and that, after a failed attempt to establish a self-regulatory body with the weekly *Monitor*<sup>32</sup>, they decided to establish own Ombudsmen.

32 Dailies "Vijesti" and "Dan" and weekly "Monitor" founded the Press Council in late May 2012, but this self-regulatory body never started its operation and remained only on paper.

Results of the monitoring conducted by HRA also show that daily *Dan* violated the Code most frequently, however, daily *Dnevne novine* comes second on our list, followed by dailies *Pobjeda* and *Vijesti* sharing the third place, with the same number of violations (for more detail see table on previous page).

Unlike MCSR MT, which recorded only seven examples of violations of some of the basic principles of the Code in daily *Pobjeda* (a member of MCSR), HRA associates found an equal number of examples of violations of the Code in *Pobjeda* and *Vijesti* dailies - 73. As for *Dnevne novine*, also a member of MCSR, from 1 October 2013 to 15 February 2014, MCSR MT recorded only 10 examples of violations of some of the basic principles, while HRA associates recorded as many as 83, which puts this daily newspaper directly behind daily *Dan* with regard to the frequency of violations of the Code. The difference between figures observed by MCSR MT and situation found by HRA associates is also evident in the case of daily *Blic*, Montenegrin issue, a member of MCSR as well. For the same period, MCSR MT recorded only one example of violation of the basic principles of the Code, and HRA associates recorded 45.

HRA associates recorded 70 examples of violations of the Code in central news broadcasts of five monitored televisions, which are the most viewed in Montenegro. More than half of all recorded violations (43) refer to TV *Pink M*. However, in the same period MCSR MT registered violations of the Code by this television only on two occasions.

Recording unethical conduct on TV *Pink M*, MCSR MT cited reality programme "The Farm" as the first example, without specifying which basic ethical principle of the Code was violated. However, this type of TV programme does not entail journalistic content, so its possible unethical content may be assessed only by an authorized regulator, rather than a self-regulatory body.

As regards TV *Pink M*, MCSR MT stated that insulting words "have been used on several occasions in 'Minut, dva' news programme, which insult the dignity of persons subject to reporting." Not specifying when such conduct first occurred, MCSR MT specified that the "last such instance occurred on Sunday, 15 December", regarding the following: "In particular, in the said news programme, in the report about an investigation against former CKB Bank managers Milka Ljumović and Bosa Tatar, terms 'yellow' and 'black' were used to identify the said persons."

This case is indeed an example of good identification of unethical conduct, however, MCSR MT failed to specify and document other examples of unethical actions of TV *Pink M* which, according to the report, occurred "several times in 'Minut, dva' news programme".

In contrast to the period between 1 October and 1 December 2013, when MCSR MT monitored online media (portals), such monitoring has not been done for the period from 1 December 2013 to 15 February 2014, covered by its tenth report; also, no reasons for this omission have been stated. In the ninth report MCSR MT recorded comments below a total of 13 articles on *Vijesti* website as controversial. In the case of

four articles concerning Pride parade<sup>33</sup>, MCSR MT rightly found violations of ethical standards set forth in the guidelines for Principle 5 of the Code in the commentary cited in the report. In the case of comments below two articles<sup>34</sup> relating to the incident in the parliament (Đukanović - Abazović), there are descriptive examples of offensive speech, but no conclusion that any of the basic principles of the Code have been violated. Likewise, other texts were only listed in the report, as well as the commentary MCSR MT assessed as controversial, but there is no indication of why these comments were problematic in relation to the principles and guidelines of the Code.

In dealing with problematic commentary posted below articles on *Vijesti* website, in the report covering the period from 1 October to 1 December 2013, on page 18, MCSR MT abandoned its role of appraiser of content ethics and engaged in unacceptable diagnosis of mental condition of authors of controversial comments.<sup>35</sup>

During the period from 1 October 2013 to 15 February 2014, HRA associates recorded 22 violations against the basic principles of the Code in articles published on monitored portals<sup>36</sup>, of which 15 examples concern Principle 10, i.e. violation of the presumption of innocence. According to HRA findings, CdM portal violated Principle 10 most often - 12 times; also, this portal breached the Code 14 times in total.

#### 2.1.4. Conclusions and recommendations

■ *Although in early 2013 on its official website MCSR announced the adoption of a rulebook that would regulate dispute settlement procedures, the document has not yet been adopted.*

■ **It is essential that MCSR adopt the announced rulebook as soon as possible and thus additionally specify duties and responsibilities of its Monitoring Team and prevent arbitrariness in its conduct.**

■ *MCSR MT, which also decides on complaints, still does not apply equal criteria when it comes to decision-making procedures. In most cases, especially*

33 "Pride parade organizers: We are not afraid of riots, there will be several hundred participants"; "Pride slogan is 'Montenegro with pride', and moustache - its symbol"; "Pride in Podgorica: police are ready, threats are serious"; "Radojičić: Parade showed where Montenegrin youth stands, I am ashamed of incidents caused by young people."

34 "Đukanović to Abazović: Sit down, punk - Pozitivna requested an emergency session of the Board", 21 November 2013.

35 "Unfortunately, it has become almost a rule that comments are used to express readers' disturbed, sick and stubborn attitudes, who anonymously and without portal administrator's censure express their frustration, hatred and aggression, while sparing no one and nothing."

36 It should be borne in mind that the content on "Vijesti" portal in many cases coincided with the content in that newspaper, and that it was taken into account that examples of violations of the Code observed in the newspaper and on the website be statistically shown only once.



those regarding complaints about media outlets that are not its members, MCSR MT did not seek statement of these media about allegations in the complaints, thus failing to show the necessary objectivity. Also, there have been no attempts to mediate in disputes between the media and complainants.

■ **It is necessary that MCSR MT apply equal criteria when deciding on complaints, prescribed by the Statute of MCSR. Adoption of Rules of Procedure would certainly be helpful, so as to clearly and precisely define the procedure for acting on complaints.**

■ *In several cases, MCSR MT founded its decision concerning the complaint on the response of the media outlet referred to in that complaint.*

■ **Although, according to its Statute, MCSR has to request statement of the media outlet referred to in the complaint, its decision should be made objectively, based on review of the controversial journalistic material, and not solely based on allegations of the media to which the complaint relates.**

■ *Example of deciding on the appeal filed by the Association of Gambling Providers regarding the decision of MCSR MT on their complaint showed that current MCSR regulations do not address the issue of higher instance in deciding on complaints. Solution according to which the complainant who is dissatisfied with the decision of MCSR MT shall appeal to that same instance is legally and logically unviable.*

■ **Amendments to MCSR Statute should envisage second instance authority that decides on appeals.**

■ *Dealing with problematic commentary posted below articles on Vijesti website, on one occasion in its report MCSR MT abandoned its role of appraiser of content ethics and engaged in unacceptable diagnosis of mental condition of authors of controversial comments: "comments are used to express readers' disturbed, sick and stubborn attitudes".*

■ **As much as such assessment might be well-founded, self-regulatory bodies should refrain from diagnosing health condition of authors of comments, and be generous in offering and finding solutions for the improvement of editorial practices in new electronic media.**

■ *When comparing data obtained by MCSR MT and those obtained by HRA associates, it is evident that the main reason for significant discrepancies is that MCSR MT does not pay enough attention to the most common examples of violation of the Code (violation of Principle 10 - respect for the presumption of innocence) and does not pay attention at all to violation of Principle 11 (obligation to not accept privileges that could limit or bring into question journalistic autonomy and impartiality) and no. 12 (no plagiarism).*



■ **MCSR MT should pay equal attention to violations of each of the fundamental principles of the Code and guidelines developing and explaining these principles, or at least state reasonable grounds for its selective approach.**

■ *Significant discrepancy in comparative monitoring conducted by MCSR MT and by HRA is also due to the fact that MCSR Monitoring Team, as a rule, deals with violations of the Code in television programmes only on the basis of filed complaints, and very rarely carries out monitoring of their programmes on its own initiative. HRA monitoring of major news broadcasts of only five most watched TV stations in Montenegro recorded a number of breaches of the Code, particularly by TV PINK M, a member of MCSR.*

■ **MCSR MT should, at least periodically, monitor the work of electronic media, especially television stations whose signal covers the whole of Montenegro, which are members of this self-regulatory body (TVCG, TV Pink M, TV Prva).**

■ *Contrary to previous reports of MCSR MT, which recorded as many as 37 examples of stating that the Code had been violated, but without identifying specific principles of the Code that had been violated<sup>37</sup>, in its ninth and tenth report MCSR MT improved its reasoning and the above failure has been recorded only in a few cases.*

■ **For the assessment on the Code violation to be well-founded and credible, and in order to prevent similar conduct in the future, it is necessary to always clearly state in the report which basic principle of the Code and which guideline had been violated, as well as the manner of such violation.**

## 2.2. Activities of the Self-Regulatory Local Press Council (SLPC)

### 2.2.1. General information

#### Reports

In the period covered by this report, SLPC did not publish the report on violations of the Code of Montenegrin Journalists by the media outlets that are its members, nor any other statement regarding possible unethical practice by those media outlets.

.....  
 37 Monitoring of journalistic self-regulatory bodies in Montenegro, second report, HRA recommendation, p. 15.

### **Transparency**

This self-regulatory body does not have its own webpage for informing its members and public on its activities. On the occasion of the inclusion of new media outlets in SLPC, a press conference was organized, during which activities of this self-regulatory body were also discussed.

### **Informing citizens**

SLPC has not conducted a campaign of informing citizens on how they may complain about possible unethical conduct of media outlets that are its members.

### **Other activities**

In mid-December 2013, SLPC organized a campaign “Self-regulation of media in theory and practice” aimed, as reported, at “raising awareness of the local media in conjunction with media self-regulation in the era of media expansion”<sup>38</sup>.

## **2.2.2. Results of SLPC operation**

Since there are no reports on activities related to issues of respect for professional journalistic ethics in local print media that are members of the SLPC, nothing can be said regarding results in this field. However, a noteworthy result is the fact that SLPC managed to motivate new local print media to become its members.

## **2.2.3. HRA analysis of SLPC activities**

The statute of SLPC prescribes publication of annual reports on the respect of the Code. SLPC published its first such report on 3 March 2013, while its second report was not yet published by the time this report was finalized. We note that no violations of the Code were recorded in its first and for now only report.

Although we have emphasised as a noteworthy result the fact that SLPC expanded its membership, we have reservation towards the fact that two political magazines have become its members (*Medijski dijalozi* and *Medijska politika*), bearing in mind that they publish scientific and not journalistic articles. It is not common for such media outlets to be considered as equal in relation to self-regulation.

.....  
38 “Ramusović: Self-regulation of media is a necessity and obligation to citizens”, portal Vijesti, 15 December 2013 (<http://www.vijesti.me/vijesti/ramusovic-samoregulacija-medija-nuznost-obaveza-prema-gradanima-clanak-166359>); „Meeting on self-regulation in media ended; We have to do everything to make professionalism rule, instead of market laws, Pobjeda, 15 December 2013).

Since the majority of media outlets that are members of SLPC are published periodically and have small circulation, it is difficult to expect promptness and engagement from this self-regulatory body.

#### 2.2.4. Conclusions and recommendations

■ *Self-Regulatory Local Press Council still lacks a separate act regulating the work of its Court of Honour (Monitoring Team), the body envisaged by the Statute, and the procedure for filing complaints and acting upon them. The existence of such document could encourage potential complainants.*

■ **It is necessary that the appropriate body of Self-Regulatory Local Press Council adopt a document regulating the work of Court of Honour (Monitoring Team) and the procedure for filing complaints and acting upon them.**

### 2.3. Activities of TV Vijesti Ombudsman

#### 2.3.1. General information

##### **Reports**

In the period covering the period from 30 September 2013 until the end of January 2014, TV *Vijesti* Ombudswoman<sup>39</sup> published only one report.

##### **Transparency**

Information on the report of the Ombudswoman has been published in news programmes of TV *Vijesti*. The report was also timely delivered to HRA, and was used for the purpose of this report.

##### **Informing citizens**

In the period covered by the report of its Ombudswoman, TV *Vijesti* continued to occasionally inform the public (through advertisements) on the existence of this form of self-regulation and the opportunities that it offers to citizens.

##### **Other activities**

In her report, the Ombudswoman emphasised that she has attended meetings related to media self-regulation in Montenegro, but failed to specify more details on the mentioned meetings.

<sup>39</sup> Hereinafter term “ombudswoman” will be used, since this duty is performed by a female person, Aida Ramusović.

### 2.3.2. Results of TV Vijesti Ombudsman's work

In a short report, the Ombudswoman noted that from September 2013 to January 2013 she did not receive a single official complaint about violation of the Code by this media outlet. She also stated in the report that she had to act preventively, expressing that she is pleased that journalists often contact her, as well as that the most common dilemmas relate to reporting on "vulnerable social groups".

### 2.3.3. HRA analysis of the activities of TV Vijesti Ombudsman

The TV *Vijesti* Ombudswoman did not provide more details on her initiatives in her report, thus failing, in our opinion, to further affirm the role of the Ombudsman. In the period from 1 October to 1 March, HRA associates monitored central news programmes of TV *Vijesti* and recorded 11 violations of the Code.

Most often, i.e. five times, the violations concerned Principle 8 of the Code on the respect of privacy, or the guidelines<sup>40</sup> of the Principle providing that the victims of accidents or crimes are entitled to special protection of their names, which should only be disclosed exceptionally, not as a rule.

In all the recorded cases of violations of the Code, TV *Vijesti* revealed the names of citizens who are not public figures and who were injured or killed in traffic accidents, although in those cases there were no circumstances that would justify such a violation of privacy.

The issue of protection of identities of victims of accidents and crimes is relevant also in a particularly distinct case of violation of the Code by TV *Vijesti* reporters (on 16 December) who published the full name of a victim before the autopsy and official confirmation of the identity of the person whose body was pulled from Morača river by divers. In the monitoring carried out by HRA associates, this case was also recorded as a violation of Principle 1, or as a failure to verify the accuracy of information.

In the above mentioned period, journalists of TV *Vijesti* violated Principle 1 (referring to the need for publishing accurate, verified and comprehensive information) and Principle 10 (the presumption of innocence) each twice and Principle 11 (an obligation to separate the information and advertising) once.

We also note that the necessary cooperation between the TV *Vijesti* Ombudswoman and the daily *Vijesti* has not been realised. In fact, according to the report of daily *Vijesti*

.....

<sup>40</sup> "Victims of accidents or crimes have a right to special protection of their names. It is not as a rule necessary to identify the victim in order for the audience better to understand the accident or crime. Exceptions can be justified if the person concerned is a public figure or if there are special accompanying circumstances."

Ombudswoman that included two last months of the previous year, one of the complaints she received referred to TV *Vijesti*. In her report, the daily *Vijesti* Ombudswoman stated only that the complaint referred to TV *Vijesti*, but failed to state what the complaint was about and whether she forwarded it to the TV *Vijesti* Ombudswoman. On the other hand, TV *Vijesti* Ombudswoman did not mention such a complaint in her report.

#### 2.3.4. Conclusions and recommendations

■ *Although Ombudsman was established almost a year ago, TV Vijesti has not yet adopted an internal code of ethics, envisaged in the decision on the establishment of Ombudsman.*

■ **Bearing in mind the statement of Ombudswoman that journalists often contact her in order to solve their ethical dilemmas, this could be an additional incentive for a speedy development and adoption of an internal code of ethics and programme guidelines for TV Vijesti.**

■ *HRA monitoring identified violations of several principles, especially Principle 8 in relation to the disclosure of names of the victims of accidents in TV Vijesti news programmes.*

■ **It would be useful if the Ombudswoman, while working preventively as stated in her report, drew the attention of journalists to these and other mistakes, so that they would not occur again.**

### 2.4. Activities of TV *Vijesti* Ombudsman

#### 2.4.1. General information

##### **Reports**

TV *Vijesti* Ombudswoman<sup>41</sup> started operation on 3 November 2013. Until March 2014, she issued three reports – the first report included the last two months of 2013, while the other two reports include January and February 2014.

##### **Transparency**

The Ombudswoman has informed the public on her activities via the special page on portal *Vijesti* ([www.vijesti.me/ombudsman](http://www.vijesti.me/ombudsman)), and her reports were published in daily *Vijesti*. Regardless of that, each of her reports was timely delivered to HRA, i.e. to the authors of this report.

41 Hereinafter term “ombudswoman” will be used, since this duty is performed by a female person, Božena Jelušić, who also uses the terms respecting gender equality in her public communication and reports.

### **Informing citizens**

On the pages of the portal *Vijesti* and the daily *Vijesti*, the readers were regularly invited to write to the Ombudsman if they assess that the Code, and therefore some of their rights, were violated.

### **Other activities**

The TV *Vijesti* Ombudswoman published on her page on portal *Vijesti* on 24 December 2013 an article titled “Administrator in the arena”, where she opened the discussion on the function of comments shared by the website’s visitors and the problems in editing that part of the content. More than 50 visitors of the portal discussed this topic.

#### **2.4.2. Results of daily *Vijesti* Ombudsman’s work**

In the period from 3 November 2013 to 1 March 2014, the Ombudswoman received a total of 36 complaints, eight of which during the first two months, and 14 in each January and February 2014.

In her reports, the Ombudswoman stated that several times she “acted on her own initiative”<sup>42</sup> in order to improve the editorial practice and policy of daily *Vijesti*. According to HRA records, the Ombudswoman accepted 13 and rejected 11 complaints. Six complaints were resolved through mediation<sup>43</sup> between the complainants on one side, and *Vijesti* on the other. In five cases, during January and February 2014, the Ombudswoman acted on her own initiative regarding the published content. One of these actions was related to, as previously said, “the protection of privacy” in the article published on portal *Vijesti*, “Chaos at the Cemetery in Petrovac: Repairman Robs, Cleans and Resells Old Graves” (<http://www.vijesti.me/vijesti/haos-groblju-petrovcu-majstor-otima-cisti-preprodaje-grobnice-clanak-172055>). The problem was in a photograph that could be maximized in the portal, where the names of the deceased could be easily read, which could be considered a violation of their rights and rights of their relatives to privacy, the report said.

The Ombudswoman proposed the removal of the photo, which was “immediately accepted”.

.....

42 According to the Rules of Procedure of the Protector of “*Vijesti*” readers, the Ombudsman has no obligation to conduct monitoring, as provided in the statute of MSS monitoring team, however the Article 13 states that “the Ombudsman is competent to not only resolve complaints, but also to respond to *vijesti.me* portal with a written warning, and the editorial board is obliged to publish the warning within the deadline prescribed in Article 12 of the Rulebook. The Ombudsman may, if necessary, publish an article in “*Vijesti*” about the negative and positive trends among reporters of “*Vijesti*” in respect of the Code.

43 The Article 8 of the Rules of Procedure of the protector of “*Vijesti*” readers states: If the editorial board, in response to an appeal, accepts the settlement proposal, the mediation is considered successful and the parties are invited to carry out the settlement, and the appeal will be suspended.”

In the report for November and December, the Ombudswoman suggested the editors of daily *Vijesti* that its front pages should be more balanced between “the stories about success and the ones about conflicts”. In her report for February, the Ombudswoman stated that she noticed “a number of headlines and titles with the question mark, or some form of potential, in order to leave room for other interpretations, as well as to avoid violations of the presumption of innocence. With respect to that, she concluded that it is “an exceptionally positive development towards achievement of balanced reporting on the issues of public interest”, but also that “further efforts should be made to silence the sensationalist tone in the headlines”.

In her report for February 2014, the Ombudswoman took over the responsibility for a delay in publishing a correction related to a complaint submitted by the legal representative of businessman Zoran Bećirović, on which MCSR MT also decided. She noted that the delay occurred because “in the process of determining violations of the Code she respected also the journalist’s undeniable claims” speaking on the journalist’s efforts to provide true information related to the content of a story she was working on, without any success. With respect to this article, the Ombudswoman concluded that “besides the importance of the responsibility of the media, there is also a responsibility towards the media reporting on the issues of public interest and the principles of transparency should be respected by everyone”.

#### **2.4.3. HRA analysis of decisions of the TV *Vijesti* Ombudsman**

Based on the argumentation published in the reports, the Ombudswoman’s assessments and decisions mainly appear justified, however it is problematic that those assessments and decisions are not followed by stating specific principles, or guidelines of the Code that were violated and how. Also, the Ombudswoman consistently fails to use terms from the Code, and uses terms as “articles” or “provisions” for what is clearly defined as “basic principles” in the Code.

The important part of her work is that she managed to resolve 7 disputes through the mediation process. One of the examples of a successful mediation is the one between the editors of daily *Vijesti* and the Public Enterprise “Morsko dobro” (“The Good of the Sea”), which complained about an article published on 4 December 2014, titled „That’s the Evil of the Sea”. PE Morsko Dobro was insulted by the fact that there was no undeniable evidence for the author’s claims and that they have not been given the opportunity to defend themselves from the claims. The editors rejected the objections, but agreed that the article’s title and the caption under the photo could be ethically problematic in a sense of mixing the genres of news and comments, also expressing their readiness to publish an apology. PE “Morsko dobro” agreed with this proposal.

The Ombudswoman accepted the arguments of complainants twice and noticed that the headline composition of articles (titles, subtitles) and/or the captions under the photos are unethical in a sense that they express the authors’ value judgments while



the published articles in genre belong to the news section, which all brought to a violation of Principle 3 which prohibits combining news and comments.

The above mentioned concerns the articles "Pejović would like a little quarell with Lekić through the newspaper", which was the subject of complaint submitted by the spokeswoman of the political party Positive Montenegro, and the one titled "Some in the party, some in 'Splendid'", on which Demir Hodžić complained. In case of the second article, the Ombudswoman found that the caption under a photo of Hodžić "From MANS to Zukorlić" was tendencious.

In our opinion, the Ombudswoman acted properly also when she accepted the objection of Boban Šćepanović, who complained on 29 December 2013 about the article "Fired after attending protest" published on 16 December 2013. "After a careful analysis and statements from both sides", the Ombudswoman estimated that the Principles 1 and 2 were violated "in a sense that the facts were partly distorted" and that "the readers could certainly get an impression that this concerned an ungrounded persecution".

An example of an unsubstantiated assessment of the Ombudswoman was when she agreed with a reader who pointed out on 23 January 2014 that the photo under the article "Ulcinj fisherman caught a rare specimen of merou at the mouth of Bojana River" "does not reflect a moral and human treatment of animals". The Ombudswoman agreed with this opinion, but failed to relate her approval with some of the basic principles of the Code or the guidelines explaining those principles.

In her reports, the Ombudswoman listed complaints even when appeals, suggestions and comments she recieved from readers did not meet the criteria for complaints<sup>44</sup> in accordance with the Rulebook. The reports for January and February also included Ombudswoman's self-initiated actions on violations of the Code in the list of complaints, which seems confusing because Article 3 of the Rulebook on Protection of Rights of Readers does not clearly define the meaning of the term "complaint".

.....

44 "Complaints must meet the following criteria in order to be processed: - must be in written form or sent via e-mail; - must be related to specific content published in "Vijesti", considered to be contrary to the Code of Montenegrin Journalists; - if the complaint is filed in written form, it must contain printed content published in "Vijesti" considered to be contrary to provisions of the Code, and if sent via e-mail, it must include the link to published content, considered to be contrary to provisions of the Code, or a scanned copy of content or attached otherwise; - the complaint must be filed in due time, and: - if content was published in print edition - within 30 days from the day it was published, - if content was published on the Internet or other platform available to the public, until it is removed; - must be personally related to the person filing the complaint, or be filed with written consent of the person who believes that he/she had been damaged by the published content; - must contain e-mail address or post address; - if content is related to a juvenile, the complaint must be filed by a parent or legal advisor of the juvenile, or with parents' written consent given to a third person to file the complaint instead of the juvenile; - must contain full name of the person filing the complaint, if a physical entity, or full title and ID number if a legal entity; The complaint on the content that the complainant believes to be in violation of the Code of Montenegrin Journalists may contain a request in which he/she will state a settlement proposal for prompt correction of violations of the Code of Montenegrin Journalists and elimination of consequences of such damage. The proposal shall specify the obligations of "Vijesti", manner and deadlines for carrying out these obligations".



In the report for January, the Ombudswoman indicated that she did not decide on a complaint related to the article subtitled “Plus, Minus” and title “Majority achieved with trade” because she failed to timely provide the opinion of the editors regarding claims from the complainant. In the report for February, however, the Ombudswoman did not mention this complaint or her decision on it. According to Article 8, Paragraph 2 of the Rules of Procedure of the Protector of rights of *Vijesti* readers, untimely decisions of the editorial staff do not bind the Ombudswoman, who is obliged to decide on complaints<sup>45</sup>.

The Ombudswoman took over the responsibility for the delay in publishing a correction, but failed to state that she thus violated Article 7 of the Rules of Procedure of the Protector of rights of *Vijesti* readers. Judging by the report, she did not follow the procedure prescribing that she has an obligation to address both the complainant and the editorial staff for additional explanations, and she also did not respect the 13-days deadline.<sup>46</sup>

One of the complaints she received during the first reporting period did not, according to the Ombudswoman, relate to the daily or portal *Vijesti* which is the reason why it was not considered. The Ombudswoman did not indicate whether she transferred the complaint to her colleague, the TV *Vijesti* Ombudswoman, but judging by her report (which we have already discussed), that complaint was not forwarded to her and its fate remains unknown.

#### 2.4.4. Conclusions and recommendations

■ *Art. 3 of the Rules of Procedure of Ombudsman of daily Vijesti provides that a complaint, in order to be considered, should, inter alia, include: name and surname of the complainant, if a natural person, or full name and registration number, if a legal entity. Ombudswoman has so far also considered complaints that do not contain this requirement.*

■ **Although such position of Ombudswoman is understandable in the interest of complainants, it would be more appropriate to comply with the Rules and thus have educational impact on complainants as well.**

.....  
45 If the editorial board does not respond by the expiration of deadline, the complainant is informed of this in writing, and the Ombudsman makes a decision on the complaint.”

46 Rules of Procedure of the Protector of *Vijesti*, Article 7, state: “If a complaint is formally correct, the Ombudsman submits the complaint to the editor in chief of *Vijesti* or his deputies (hereinafter referred to as the editorial board), who are required to respond to it within seven days of receipt of the notice of complaint and decide on the settlement proposal, if such a proposal is set. If the facts relevant for the decision on a submitted complaint are not sufficiently, completely or accurately determined even after the response received from the editorial board, for the reasons of their accurate and complete determination, the Ombudswoman sends the editorial boards’ response to the complainant who can subsequently decide, within three days, on the possible completion of the complaint, or clarify factual allegations of the appeal and the response on the complaint. Plea of the complainant about the editorial board’s response should be delivered in written form to the board, along with an invitation on the additional statement and completion or clarification of the facts relevant for deciding on the complaints within three days.”

■ *In the reports Ombudswoman also treated her self-initiated interventions as complaints, as well as complaints written not in the form of a complaint or in accordance with the Rules of Procedure of Ombudsman of Vijesti readers, which is confusing.*

■ **In subsequent reports Ombudswoman should adhere to terminology prescribed by the Rules and make a clear distinction between acting on complaints and self-initiated interventions and engagements on the basis of complaints that do not comply with the prescribed form.**

■ *Daily Vijesti Ombudswoman does not always state which basic principle of the Code had been violated and in what manner, and does not consistently use the Code terminology, all of which complicates understanding of her decisions.*

■ **In identifying violations of professional ethics, it is desirable to always state which principle or guideline of the Code was violated, and in which manner, so as to avoid the impression of bias, as well as to educate and prevent. It is also desirable to comply with terminology used in the Code.**

### 3. HRA COMPARATIVE MONITORING AND ANALYSIS

**Note: Comparative monitoring and analysis that follows applies only to the operation of the MCSR MT, and not to the Ombudsmen of TV Vijesti and daily Vijesti, because unlike the latter, the MCSR MT has a duty to monitor, on its own initiative, the compliance of the Code by the media, instead of only deciding on complaints of natural and legal entities on violations of the Code. The two Ombudsmen, on the other hand, have an obligation to decide on complaints, but not to carefully monitor and record violations of the Code in media outlets that established them. Bearing this in mind, the results of HRA monitoring are only compared with the results of the MCSR MT monitoring.**

#### 3.1. Principle 1 of the Code

***“Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.”***

##### 3.1.1. Violations of Principle 1 in print and online media<sup>47</sup>

The comparative monitoring shows the frequency of biased reporting, so the MCSR MT monitoring shows that Principle 1 was violated the most, while in HRA monitoring it is in second place. Violation of this principle is observed, as a rule, when the media uses accusing statements of one side as their news source, while omitting to give the opportunity to the other side to immediately give comments on the allegations, which sometimes has the characteristics of a campaign aimed at public compromising of certain people.

In the period from 1 October 2013 to 15 January 2014, the MCSR MT recorded a total of 32 violations of Principle 1 of the Code, three of which were based on complaints. In nine of 32 cases, in addition to Principle 1, the MCSR MT observed violations of at least one more basic principle of the Code.

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<sup>47</sup> The examples of an unethical practice found in daily Vijesti and repeated on portal Vijesti were not dealt with twice. The same case is with a number of examples that are, in the same time, recorded in daily Dnevne novine and also Cafe del Montenegro which often copies the content published in Dnevne novine. This practice is applied not only for the examples of violations of the other principles.

In daily newspapers *Vijesti* and *Dan*, which are not its members, the MCSR found 13 violations of this principle, while the other six violations were found in media outlets – members of this self-regulatory body: four of them in daily *Pobjeda*, one in *Dnevne novine* and one on the portal of *Skala radio*.

In the same period, HRA associates, who carried out the monitoring of a part of the media (mentioned in the introduction of this report), found 41 violations of Principle 1 of the Code<sup>48</sup>. They observed that in seven cases where a violation of this principle was recorded, at least one more principle was also violated.

According to HRA observation, among the monitored media, daily *Dan* violated Principle 1 of the Code most of all. During the period covered by the last two reports of the MCSR MT, HRA associates observed that daily *Dan* violated Principle 1 of the Code 14 times, i.e. one more case than observed by the MCSR MT.

HRA associates recorded 11 violations of Principle 1 of the Code in daily *Vijesti*, two violations less than observed by the MCSR MT.

In media outlets - members of the MCSR, HRA associates observed several violations of Principle 1 more when compared to observations of the MCSR MT. MCSR MT recorded violations of Principle 1 in two media outlets that are members of the MCSR, *Pobjeda* and *Dnevne novine*, while HRA associates found more violations in *Blic* – Montenegrin edition and the portal *Café del Montenegro*. MCSR MT observed four violations of Principle 1 in *Pobjeda* and one in *Dnevne novine*, while HRA associates found 9 such violations in *Pobjeda* and three in *Dnevne novine*. HRA associates also observed three violations each in *Blic* – Montenegrin edition and portal *Café del Montenegro*.

In most of the monitored media, HRA, as well as MCSR MT observed a tendency for biased reporting, in particular in the cases when the charges on one's account were published, without giving the other side an immediate opportunity to respond. One of the articles clearly illustrating this phenomenon, recorded by both MCSR MT and HRA, is the one titled "Nobody controls Džigi's television", published in daily *Dan* on 19 December 2013.

HRA also agrees with the assessment of the MCSR MT in case of the article „Keljmendi's friend is head of the DPS election list" published in daily *Dan* on 23 January 2014. MCSR MT concluded that in the article's title a serious accusation was stated on the account of a local DPS's politician, who allegedly used his position as the director of EPCG Ulcinj to connect the illegally built hotel "Casa Grande" – owned by the Kosovar businessman charged with drug smuggling - to the electrical grid in June 2010.

HRA also agrees with MCSR MT about an unethical practice of daily *Pobjeda* in the article titled "CGO gives scholarships to Vijesti editors without paying tax", published .....

<sup>48</sup> By the end of February, the HRA associates recorded six more examples of violations of Principle 1 of the Code.

on 16 January 2014, which, as MCSR MT noticed, expressed doubts in the legality of work of Podgorica-based NGO Center for Civic Education. However, there is a difference in the approach. The disputed article begins with the following conclusion: „The network of the so-called independent media and non-governmental organizations manages to find excellent schemes to help each other by using money of the citizens whom they have been persuading for years that their words and assessments are competent since they are so moral and clean that they can give lessons to everyone else!” MCSR MT considered that in this case *Pobjeda* was obliged to seek the opinion on the controversial accusations from the other side, while HRA believes that this was not an informative article – a genre that would require the other side’s opinion on a controversial issue – but a comment by the editor-in-chief of *Pobjeda* based on doubts she treated as facts. Therefore, it is a question of a commentary presented in such a way to create an impression that it is based on facts, which violated Principle 3 of the Code, or the corresponding guideline<sup>49</sup>.

MCSR MT and HRA assessed differently the articles published in daily newspapers *Dan* and *Vijesti* on 26 January 2014, “Tied the boy, and tortured his mother” and “Thieves tied woman and her son and took jewelry and 650 euros”. MCSR MT based its assessment that Principle 1 was violated on a fact that it was subsequently revealed that the whole event on which the two daily newspapers reported was invented by the woman who wanted to conceal her love affair from her husband. At the same time, the MCSR MT avoided to mention that both *Vijesti* and *Dan* cited the source from the Police and were unable to check the allegations of their sources, as well as that the same story was also published in other media (*Pobjeda*, the portals *RTCG* and *Cafe del Montenegro*) which also cited the source from the Police. HRA also considers that the MCSR MT did not have a good approach in assessing ethics in the article titled “Political life marked by ‘The Tape’ affair” published in daily *Dan* on 16 November 2013. MCSR MT observed a violation of Principle 1 of the Code in the composition of the title where, according to them, the opinion of a participant in the reported meeting was clearly recognized. However, HRA believes that the article was clearly a report from the meeting in which the journalist only presented the views set out during the meeting, without an obligation to verify them.

HRA considers unfounded the assessment of MCSR MT that daily *Vijesti* violated Principle 1 in the articles whose content was taken from Italian media, referring to the proceedings for cigarette smuggling conducted before the Italian courts against Montenegrin citizens, including the Prime Minister Milo Đukanović. MCSR MT assessed that *Vijesti* quoted the documents in a way that created the wrong impression about the trial. HRA, however, believes that the texts “Paradise for smuggling and criminals” and “Mafia funded the election campaign”, published on 19 and 20 January 2014, reported on the writing of Italian media in a professionally correct way, and it is normal that perception of the content will be different depending on the political and other factors.

49 “The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact “

Below we will list several typical examples of violations of Principle 1 recorded by HRA associates, but not the MCSR MT. The examples were found even in media outlets members and non-members of the MCSR MT.

In the very beginning of the period covered by this report, HRA associated recorded non-typical violations of several media outlets (daily newspapers *Pobjeda*, *Dan*, *Vijesti* and *Blic*, and portal *Analitika*) regarding Principle 1 by omitting the important information, thus failing to meet their obligation to make their reports represent the truth<sup>50</sup>, in the specific case the report from the press conference of the Minister of Agriculture and Rural Development, Petar Ivanović, on Abu Dhabi's financial help to Montenegro.

According to the media, the Minister said the following: "Abu Dhabi Foundation for Development granted 50 million dollars for Montenegrin agriculture", but none of the present journalists asked what he meant by "granted". If the Minister forgot to say what it was about, the reporters should have asked him, because hiding or neglecting such an important information represents a violation of Principle 1 of the Code, or one of its guidelines<sup>51</sup> for this principle. It should be kept in mind that the obligation of a journalist is, as said in the Principle 1 of the Code, to "persistently search for the truth" but not to consider the statements of officials as the truth.

On 12 November 2013, *Dnevne novine* published the article titled "Independent media – the key for European integrations", a report on the beginning of operation of the regional conference "Word, Image and Enemy", which omitted to include information that none of the media that were subjected to criticism at the Conference in the following days were invited (*Vijesti*, *Dan*, *Monitor*, *TV Vijesti*). By omitting this, the author violated the guideline for Principle 1 which states that "journalists must ensure that they disseminate only accurate information, and that their comments on events are genuine and honest".

On 30 January 2013 daily *Pobjeda* published an article titled "Mirror of HRA broken", which was the reaction of the Administrative Board of the Conference "Word, Image and Enemy" on the letter that HRA executive director, Tea Gorjanc-Prelević sent to the organizers of the conference and the exhibition which was a part of it. Previously, *Pobjeda* did not publish the article that the reaction referred to, although they received it, and as an excuse for publishing the reaction<sup>52</sup> they stated that the article was not published in *Vijesti*, which published the article by Tea Gorjanc-Prelević.

50 "Before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information." (Guideline A for the Principle 1 of the Code)

51 "Before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information."

52 It is interesting that the reaction signed by Ranko Vujovic, the head of MSS and member of its monitoring team, as president of the managing board of the conference „Word, Image, Enemy“, was also sent to the media – member of that self-regulatory body.

By publishing the reaction on the article which was previously not presented to its readers, *Pobjeda* violated the general ethical standards of professional journalism prescribed by Principle 1 and relating guidelines of the Code. *Pobjeda* did not have an obligation to publish the open letter to the organizers of the exhibition “Word, Image and Enemy”, although its responsibility to publish opinions concerning discussion on important and controversial issues within the society could be discussed, bearing in mind that *Pobjeda* is dominantly a state-owned media outlet, but since it decided to get involved, *Pobjeda* needed to simultaneously inform its readers also on the article that was the subject of the reaction.<sup>53</sup>

The edition of daily *Blic* for Montenegro of 3 december 2013 contained an article titled “Doctorate put on review without consent of the Commission”, which states accusations of PhD Tanja Bečanović on the account of the other two members of the commission for the doctorate of Vladimir Vojinović. However, the journalist failed to give the opportunity to others to respond to the accusations. This is one of the stories that never loses its relevance, and such bias in reporting violates Principle 1 of the Code in terms of the principle of accuracy and the necessity to highlight not only one aspect of the story.

Among few examples of violations of Principle 1 in daily *Vijesti*, which MCSR MT did not record, we emphasize, as an illustrative example, the article titled “Coach loses his bonuses so he would not pay alimony”, published on 22 October 2013. In that article the ex wife of the coach accused her husband without offering any evidence for her story, except her word. The article ends with the sentence: “FSCG did not reply to our email yesterday”. The journalist should check the accusing version of the ex wife’s story and wait for a response of the accused side. As in the previous example from *Blic*, this story was also not one of those that lose relevance, nor can the delay of its publishing cause damage to anyone, especially the interest of the public to know.

On 16 January 2014 daily *Dan* published an article titled “Threw table at children” with accusations of tenants against two female neighbors who were considered mentally ill persons and who allegedly endanger the safety of other tenants by throwing things from the terrace of their apartment. The identities of the accused persons were revealed indirectly, and the whole article was based on the story of tenants and a brief statement of one of the sisters who accepted the accusations but only in relation to her sister. Although the title stated that the tenants desperately seek help from competent authorities because the neighbors are endangering their safety, the journalist did not even try to obtain the opinion of the competent authorities on this case.

Although this issue cannot be ignored, the manner in which it was presented suggests that the motive for its publishing was more of a sensationalist nature than a support for the issue to be resolved and everyone’s rights protected. (This is one of .....

53 *Pobjeda* subsequently published Tea Gorjanc Prelevic’s response to the statement of the managing board of the conference „Word, Image and Enemy”, which MT MSS concluded following an appeal which Tea Gorjan Prelevic sent to this self-regulatory body.



the examples of violations, not only of Principle 1, but also Principle 8 of the Code which prescribes that journalists should care for people's private life.)

Since the report of MCSR MT covers the period until 15 February 2014, and this HRA report covers also the period until the end of February 2014, we also stated the violations of Principle 1 in the article "Slap for perverted head", originally published on portal *Café del Montenegro* on 22 February 2014, which was completely copied by the print and online edition of *Pobjeda*.

The article of certain Mihailo Terzić, whose topic was the assault on Nebojša Medojević - an MP from the opposition - which took place at the Belgrade airport, brought several assessments on the personality of the politician Nebojša Medojević that were not based on facts but on the author's opinion. The author insinuates that Medojević was a member of the criminal "Zemun Clan" ("It did not happen in Silerova Street, former headquarters of Meda...") qualifying him as a "denunciator who barks at everything related to Montenegro", someone who "defames in a schizoid manner", while he presented the assault on Medojević as "a smack in the perverted head of citizen Medojević". One of the guidelines for Principle 1 which relates to general professional standards, states the obligation to publish only accurate information, and that the commentary should be honest<sup>54</sup>.

Except in the analysed texts, HRA associates recorded violations of Principle 1 in the following text published:

■ In daily *Dan*:

- "Ministar radio u ime države, a za račun Krolinga" (3 October 2013)
- "Po naredbi Jova Kapičića ubijeno 20 i mučeno 10 ljudi" (3 October 2013)
- "Žene biju, ćerke prodaju" (18 October 2013)
- "Sudiji Jovaniću namještali predmete" (21 October 2013)
- "Krastavci iz Albanije zatrovani pesticidima" (30 October 2013)
- "Profesor manipuliše studentima" (12 November 2013)
- "Ne daju zimnicu, cijepaju listice" (29 November 2013)
- "Ćoćo bježi od suda" (14 December 2013)
- "Korupmirano 25 policajaca" (25 December 2013)
- "Država daje jedino špijunima" (21 January 2014)
- "Lukšić je znao za sve, ali je ćutao" (22 January 2014)
- "Državu oštetili za dva miliona" (4 February 2014)
- "Riječ, slika neprijatelj Daloborka" (12 February 2014)
- "Ne poštuju odluke suda" (25 February 2014)
- "Masakriran pa opljačkan" (26 February 2014)
- "Djevojčica se udavila u jami" (28 February 2014)

.....

<sup>54</sup> "Journalists must maintain the highest professional and ethical standards. They must take all reasonable steps to ensure that they disseminate only accurate information, and that their comments on events are genuine and honest".



- In daily *Vijesti*:
  - “Prvo upucan, pa ostao bez posla” (11 October 2013)
  - “Čekala šest sati da joj kažu da nije za bolnicu” (18 October 2013)
  - “Brkovićev sin udario biciklistu” (24 October 2013)
  - “Sin vlasnika ‘Vektre’ vozio neregistrovani automobil i pokosio Petera Vajsa, koji pomaže Crnoj Gori da suzbije korupciju” (27 October 2013)
  - “Burić srušio cijelu terasu” (30 October 2013)
  - “Najteže mi je kad gledam one što su ‘sredili’ penziju” (30 October 2013)
  - “Kako je načelnik Centra za vaskularnu hirurgiju u Kliničkom centru Davor Musić spojio državni posao i privatni angažman” (8 November 2013)
  - “Konjević traži glave onih što mu rade iza leđa” (14 November 2013)
  - “Vasilije Lalošević kupio garsonjeru” (5 February 2014)
- In daily *Pobjeda*:
  - “Radončić: Milki Tadić niko ni pod prozor nije pljunuo, a kamoli prijelio” (15 January 2014)
  - “Amfilohije: Moliću se za mitropolita Mihaila” (20 January 2014)
  - “Anatomija jedna hajke (1)” (20 January 2014)
  - “Anatomija jedna hajke (2)” (21 January 2014)
  - “SLUČAJ CKB: Cijela pjaca zna za Skill i stanove” (24 January 2014)
  - “Zbog 800.000 eura Krgović zažmurio na oba oka” (1 February 2014)
  - “Pejović: Kad me ne poznaješ što laješ Medojević: Posao mi je da lajem” (22 February 2014)
  - “Brajušković: Zla namjera je očigledna” (25 February 2014)
- In daily *Blic*, Montenegrin edition:
  - “Pas lualica napao petogodišnjaka, pedijatar tražio da dovedu psa na pregled” (18 October 2013)
  - “Ministar Žugić nezakonito izabran za docent” (28 January 2014)
- In *Dnevne novine*:
  - “Sumnjivim odlukama oštećena Crna Gora” (20 January 2014)
  - “Ignorisanje Ministarstva, tjeranje sa portirnice” (30 January 2014)
- On portal *Café del Montenegro*:
  - “Riječ, slika i neprijatelj: Gorjanc-Prelević stala u odbranu reketaškog novinarstva” (28 December 2013)
  - “Djevojčica se udavila u jami” (28 February 2014)

### 3.1.2. Violations of Principle 1 in TV programmes

In its reports covering the period from 1 October to 15 February, MCSR MT did not record a single example of violation of Principle 1 in news programmes of TV stations.

However, the media reported on the opinion of Ranko Vujović, the executive secretary of MCSR, who rightfully assessed that TV *Vijesti* violated “several journalistic rules” in a report on the search for missing persons (see below, TV *Vijesti*, 11 December 2013), including “disclosure of information without checking”<sup>55</sup>, which is a violation of Principle 1, but MCSR MT did not mention that case in its report.

According to HRA monitoring, the central television news programmes of TVCG, *Pink M*, *Vijesti*, *Atlas* and *Prva* violated Principle 1 21 times, and by far the largest number of recorded violations was by TV *Pink M* (13). Five violations were recorded in programmes of TVCG, two in TV *Vijesti* and one in programmes of TV *Atlas*.

The most common reason for violations of Principle 1 in TV programmes is biased reporting, or accent put on only one aspect of the story and lack of comments from the other side.

In the case of TV *Pink M* such an approach to journalism became a rule that resulted in a series of reports which systematically published accusations without statements of the mentioned side, whether within the same report or subsequently, as a commentary or reaction. Such reporting has all the characteristics of a defamation, which violates Principle 10 related to the presumption of innocence.

TVCG: NEWS 2 (15 October) – A biased information on judgment of a London court, in the case of a lawsuit initiated by Stanko Subotić against Ratko Knežević was published, without an information that Ratko Knežević, or his legal representatives, have also been contacted.

Principle 1 was violated also by the fact that the claim of Subotić’s team that “Knežević moved to Croatia with his family to avoid the legal liability” has been conveyed without a reserve.

TVCG: NEWS 2 (22 October) – Editorial board of the public service published an uncomplete information on the seventh report of the Media Council for Self-Regulation, because they did not include the information that MCSR criticized the work of daily *Pobjeda*. By publishing only the information about the violations that MCSR found in dailies *Vijesti* and *Dan*, the guideline providing that “before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information”.

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55 “Ranko Vujovic, the executive director of the Media Council for Self-Regulation said that the reporting of certain media on the two missing persons, one of which was found, was extremely problematic and unprofessional. Vujovic particularly accented the reporting of Dan and Tv Vijesti, adding that several journalistic rules have been violated, such as the disclosure of full names and surnames and the revelation of details which are the expression of disrespect towards the families, but also the publication of information without confirmation from the police and pathologists” (TV Pink Montenegro, 13 December 2013)

TVCG: NEWS 2 (12 November) – In the report on a promotion of Seki Radončić's book, author's opinions were conveyed without a reserve, although he made accusations on the account of other persons. In such a manner, both the announcement and report stated the sentence "This book is... a personal confession on the satanization which former colleagues prepared for Radončić", which could lead readers to an impression that the journalist also found the author's claims true. The guidelines for the Principle 1 say that "journalists must never publish information that they know to be false or maliciously make unfounded allegations about others that are intended to harm their reputations".

TV PINK M: INFOMONTE (28 October) – By reporting on the proceedings before the Podgorica Basic Court in the lawsuit initiated by Lutrija Crne Gore and Džek Pot against daily *Vijesti* and NGO MANS for causing damage to their reputation and honour, journalists conveyed only the opinion of one side, the lawyer Bojić, who accused the defense to have obstructed the case.

TVCG: NEWS 2 (21 November) – A particularly distinct case of publishing incomplete information is a report from the Parliament on the verbal conflict between the Prime Minister and the MP of the „Positive Montenegro“, which failed to state what the Prime Minister said to Dritan Abazović. The crucial information was not published – what did the Prime Minister say and why the MPs from Positive Montenegro left the Parliament, although even the Prime Minister subsequently gave a public apology.

TVCG: NEWS 2 (22 November) – An biased report on the trial of Lutrija Crne Gore against Daily Press, the publisher of *Vijesti*, and NGO MANS. In the report the author cites only the prosecutors, without any arguments of the defense. A statement of the lawyer representing prosecution was also published.

TV PINK M: INFOMONTE (25 November) – In the report on the Law on protection of national interests in the mining and metallurgy sector, an opportunity to comment was given only to the oponents of this law, which is biased reporting. Since the law was adopted with majority in the Parliament, there was enough potential interlocutors also among the advocates of the Law.

TV PINK M: INFOMONTE (25 November) – A report, in which the allegations of daily *Pobjeda* were conveyed, claims that "members of families Perović, Ljumović and Tatar got tens of milions with the money of state companies by which they were clearing minuses in the CKB." The report did not publish the opinions of the accused persons.

TV PINK M: INFOMONTE (26 November) – Once again, a biased report was published, based on writings of the newspaper *Pobjeda*, without any information on the reactions or opinions of the accused persons. The report claims that "information from today confirms that the members of the families and persons close to them seized millions, not by purchasing but largely by using notional contracts on gifts and by taking

over shares of the companies which they previously brought to bankruptcy“, but the spectators were not offered any evidence or argument for the claim set out.

TV VIJESTI: NEWS AT HALF PAST SIX (26 November) – Reports on the announcement of a blockade of the Faculty of political sciences in Podgorica were presented in a sensationalist manner. The announcement stated that “the situation came to a boiling point“, while in the report the journalist said about the chaos: “Blockade of the faculty, as announced, will last from 12:00 to 15:00. This just keeps the chaos at the faculty“. Although the representatives of all sides were included in the report, due to the usage of excessively sharp qualifications of the event, Principle 1, e.g. the guideline related to accuracy, was violated.

TV PINK M: INFOMONTE (9 December) - The report on an alleged establishment of a bank by Bosa Tatar and Milka Ljumović, claimed that “a large number of families of the responsible persons in these institutions at the time were employed or were given loans, which is why those institutions keep silent about breaking the rules“. Once again, no opinions of the relevant interlocutors or mentioned persons was presented, nor the spectators offered with evidence for the claims.

TV PINK M: INFOMONTE (13 December) – “While the special prosecution investigates case of the robbery of CKB, the main protagonists of this robbery establish a new bank. Journalists of *Pobjeda* tried to get the confirmation of this scandalous news which has been discussed in the banking sector in the last few months“. This report is not accompanied by the information whether the accused persons were contacted.

TV VIJESTI: NEWS AT HALF PAST SIX (11 December) – In the report on the action of divers who pulled a male body from river Moraca, the Principle 1 was sharply violated because the identity of the deceased was revealed, although this information was not confirmed. “The divers of the Regional Center from Bijela pulled a body of a young man from the river Moraca at the Podgorica suburb Dahna. It was assumed that the body belonged to Ratko Nisavic, a student from Berane, but the autopsy is underway“, the announcement for the report stated. The identity of the deceased simply must not be assumed, and only the confirmed information should be published. In the first sentence of the report the assumption was replaced with a claim – „Divers found Nisavić while searching for the other missing young man, Anton Dedivanović from Podgorica. (With the exception of the Principle 1 which obliges journalists to undertake actions to check the accuracy of information, this report violated also Principle 8 which protects the names of the victims of accidents or crimes).

TV PINK M: INFOMONTE (23 December) – By conveying an article, published in daily *Pobjeda*, on the property owned by the families of Milka Ljumović and Bosa Tatar, TV *Pink M* published the opinion – comment, as ascertained fact. Thus, it was stated that *Pobjeda* revealed information on numerous real estates owned by the members of these families which they bought with money earned from the sale of CKB shares, obtained in a suspicious manner.“ The choice of this newspaper to state that there is

evidence that the company that operated the renovation of the bank premises and property was allegedly paid in flats, and that these flats are actually their personal property.

TV PINK M: INFOMONTE (15 January) – By reporting on the article from *Pobjeda* on alleged illegal business of Mladen Bojanić, the member of parliament from Positive Montenegro, TV *Pink M* violated Principle 1 which obliges journalists to not publish biased information, as well as to do everything to check the accuracy of the information. “By stock exchange malversations, as the owned of Holder Broker, Bojanić constitutes a joint venture fund Aktiva Integra, through which he laundered 1.7 million euros”. In this case the accusations presented as ascertained facts could harm the reputation of the Member of Parliament, without publishing his comment.

TV PINK M: INFOMONTE (16 January) – While reporting on a text from *Pobjeda*, the report claimed that Tea Gorjanc Prelevic is one of the co-owners of *Monitor* and that she uses the money of citizens for the activities of HRA. „The opposition media in Montenegro, which call themselves „independent“, and some of the NGOs are well connected and they help each other by using the money of citizens, for years convincing them that the truth is exclusively what they offer, as today’s issue of *Pobjeda* reports.” In such manner, the director of HRA is one of the co-owners of *Monitor*. On 31 December 2013, TV *Pink M* published a reaction of Gorjanc Prelevic in which she explained that she is not the co-owner of *Monitor*, which means that *Pink M* consciously published the inaccurate information, and that it obviously hasn’t done anything to check the second allegation on the usage of citizens’ money.

TV PINK M: INFOMONTE (20 January) – In a report on the writings of *Pobjeda* about the business operations of the former managers of CKB, several principles of the Code were violated. In the announcement for the report mentioed “the robbery in CKB”, and continued: “One of the close associates of that financial institution explains how the two managers, Milka Ljumović and Bosa Tatar, have been robbing the bank for years, supported and protected by the monetary authorities.” The report failed to publish the evidence for the claims on the illegal business, as well as comments of the accused side and the information whether they were contacted.

TV PINK M: INFOMONTE (21 January) An anonimous source from CKB told the newspaper *Pobjeda* several new accusations on the account of Bosa Tatar and Milka Ljumović, while TV *Pink M* reported on them as ascertained facts, without any evidence or comments of the accused side. Author of the report claims that “the robbery of CKB” was conducted, that the illegal activities were masterminded by Tatar and Ljumović, and that the members of these families were given the loans that were subsequently pardoned on the bank’s expense”.

TV PINK M: INFOMONTE (22 January) – Even in this report, based on the writings of daily *Pobjeda*, a guideline prescribing the provision of complete reports was violated, since the opinion of the journalists or editors of *Pobjeda* that the robbery of CKB happened,

is presented as the ascertained fact. „How the CKB robbery looked like in the era of the tandem Milka Ljumović – Bose Tatar is clearly indicated in the following example.

TV PINK M: INFOMONTE (24 January) – The Code was violated several times in the report on an allegedly illegal contract signed by CKB and a company reconstructing the bank premises. Although several persons were accused for the illegal business activities, their reactions or the attempts to contact them were not published, the claim on the bank robbery is repeated, and the anonymous persons, whose claims, as seen in the report, were obviously unchecked.

“The profit obtained this way was shared among the bank managers and it was mostly expressed in square meters. The system was simple. Lower level is sold to the bank, while on the first floor the flats for families Tatar and Ljumović were built. That’s how they did it in Kotor, but also in Cetinje. They were so arrogant that they took neighbors’ terraces to expand the flats kept for themselves, their neighbors from Cetinje claim.”

TV ATLAS: FORUM (26 January) – A report on the opportunity for fathers to attend deliveries in the new Obstetric of the Clinical Center is not in compliance with the guidelines for Principle 1 which prescribe that journalists must tend to publish accurate and complete information. The announcement of the report stated: “The people are divided, some men say that they would like to attend this act, while women do not support that,” while the report stated: “Women are unanimous - partners have no place in the delivery room”. Such claims must be supported by the results of a research carried out on a sufficiently large sample, but which are not, as in this case, based on the answers of two women in the street.

### **3.2. Principle 2 of the Code**

***“A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.”***

#### **3.2.1. Violations of Principle 2 in print and online media**

MCSR MT did not find violations of Principle 2 of the Code, and HRA believes that this principle was violated by portal *Cafe del Montenegro* and daily *Pobjeda*, members of the MCSR.

Both media outlets published the response of the Management board of the Conference “Word, Image and Enemy” on a critical review of the exhibition by HRA executive director Tea Gorjanc-Prelević, without previously publishing her text. Portal *Cafe del Montenegro* did not even make a reference for visitors via link to the text that was the subject of the reaction, and which was published on the official website of HRA.



By posting reactions to the text of Ms Gorjanc-Prelević, which had a form of an open letter and encouraged dialogue on controversial issues of public interest, and by not publishing the text which was the subject of reaction, *Pobjeda* and *Cafe del Montenegro* enabled the use of the right to free comment and criticism to one party, and denied the same right to another, therefore violating Principle 2 of the Code.

### 3.2.2. Violations of Principle 2 in TV programmes

Neither MCSR MT nor HRA associates found examples of violations of Principle 2 in television programmes.

### 3.3. Principle 3 of the Code

***“The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.”***

#### 3.3.1. Violations of Principle 3 in print and online media

In the period from 1 October 2013 to 15 February 2014, MCSR MT recorded the total of 9 violations of Principle 3 of the Code. During the same period, HRA associates recorded 16 violations of the same principle.

According to MCSR MT findings, Principle 3 of the Code was violated four times by daily *Dan*, and once by daily *Vijesti*, *Dnevne novine*, *Blic* - Montenegrin edition and *Pobjeda*. Violations in case of daily *Pobjeda* were found upon acting on complaints.

According to HRA associates' findings, daily *Pobjeda* violated Principle 3 of the Code during the referring period the most. Principle 3 was violated six times in this media. HRA associates have determined that the same principle was violated three times by daily *Vijesti*, by *Dnevne novine* twice, once by daily *Dan* and *Blic* - Montenegrin edition, and portals *Analitika*, *Café del Montenegro* and *IN4S*.

Besides the fact that the number of violations found by HRA associates was higher than recorded by MCSR MT, the journalistic content did not match that in which these violations were found. However, based on what was presented in the MCSR MT reports, HRA believes that their assessment of violations of Principle 3 is correct. An illustrative example of good judgement of MCSR MT can be found in the case of an appeal of the Director of the Association of Gambling Providers Marko Čulafić to the article “Association of Gambling Providers, Marko Čulafić: Montenegro as Las Vegas,” published by daily *Pobjeda* on 1 December 2013. Čulafić complained about the act of

journalists who attributed to him answers given by the spokesperson of the Association of Gambling Providers via e-mail, and presented them to readers as if they had actually talked to him. MCSR MT determined that it was obvious that the questions were addressed to the spokesperson of the Association, and that the responses were sent to the same e-mail address, and that neither in the questions nor in the answers the name of the director Ćulafić was mentioned. By attributing these answers to him, *Pobjeda* violated Principle 3 of the Code, as correctly observed by the MCSR MT.

Below is the example of a case where the MCSR MT, on its own initiative, correctly assessed that there was no violation of Principle 3 in daily *Blic* - Montenegrin edition. An allegation has been made in text "Subotić remains with expenses" that the court in London stated in its ruling that during the process it was not proven that Ratko Knežević slandered Stanko Subotić. MCSR MT estimated that this statement was not true, and that the statement in the headline that the London Court found Knežević not guilty is disputable. The court, as noted by MCSR MT, in the above case was declared incompetent, and, therefore, did not at all determine the person's guilt or innocence. MCSR MT did not fail to point out that *Blic* corrected the mistake in the next edition by publishing the response of Subotić's lawyer.

In the examples specified by MCSR MT, there is an interesting example from daily *Vijesti*. In the 1 December 2013 release, an article was published "Footage will show whether there was any intention" with headline "GAS: Vujica Gojačanin (20) in custody on suspicion of jeopardising the security of lawyer Daniel Mičović". In its report MCSR MT notes that it was a lawyer from the defense team of Šćepan Bujić from Bar, who is being tried for the murder of brothers Gojačanin. The text is illustrated with a photograph, taken inside a car, which shows the back of a male driver, and a hand of a person in the passenger's seat showing the middle finger. Below the photo is a caption: "Message from the jeep: Gojačanin and Perazić". MCSR MT noted that the identity of the subject cannot be reliably determined, it is not known when the photo was taken and whether there is any connection with the controversial event that *Vijesti* reported. HRA considers such assessment of violation of Principle 3 of the Code based on these allegations correct.

We will give several illustrative examples of violations of Principle 3 noted by HRA associates, and not mentioned in reports of the MCSR MT.

Daily *Pobjeda* published on 3 October 2013 an article titled "Women most often kill out of jealousy and self-defense" which is illustrated by a photo-portrait of a woman behind bars, below which there is no caption that clarifies the dilemma of whether it is a photo-portrait of a prisoner from the prison in Spuž or, as it is probably the case, the photograph of an unknown woman, borrowed from the Internet, which only served to illustrate the story. One of the guidelines<sup>56</sup> for Principle 3 prescribes how

56 " If an illustration, especially the photographs, may give the impression to an average reader that it is an authentic document, despite the fact that it is a symbolic picture, the case must be made clear. Photo montage or other interventions on authentic documents must be clearly marked as such in the



the media should make use of symbolic images, in order not to mislead the audience.

The identical case of violation of Principle 3 was noted by HRA associates in the weekend edition of *Dnevne novine* (3/4 November 2014). The text under the headline “Reported teacher for beating student” was illustrated with a photo of a boy (profile), but there was no caption to suggest what kind of photograph was in question – a photograph of a boy who was allegedly beaten or a neutral photograph serving only to illustrate the story.

This type of violation was noticed in daily *Dnevne novine* in the 14 November 2013 release, in which a text under the title “Average grades good, but too many absences” was published, and which was illustrated with a photograph of groups of students, but without a caption that would suggest to the reader what kind of photograph is in question.

We note an example in *Vijesti* edition of 3 December 2013, in which this media outlet violated guideline for Principle 3, which prescribes that news must be separated from comments. In an article titled “Head of the Bureau offends, the government remains silent” which deals with the statement of Srđan Kusovac (former editor in chief of *Pobjeda*, who was then advisor of Prime Minister Milo Đukanović) published on the social network Facebook and reaction to the statements of people from the NGO sector. Between the two quotes of executive director of CCE Daliborka Uljarević there is a comment<sup>57</sup> that, although not explicitly attributed to Uljarević, could be concluded to be hers, due to its placement. In this way the author of the text violated the ethical principle of separating the information/news from the author’s opinion about something or someone.

Portal *Café del Montenegro* published on 6 October 2013 an article about the public opinion poll without any additional information obligatory for the media according to the guidelines<sup>58</sup> of Principle 3 of the Code. This portal did not publish details of the contracting authority, the agency that carried out the research, the sample and potential variations. The site owner Boris Darmanović apologized for this omission the following day, which was pointed out to him by the rival media.

In early February 2014 (4 February) the same ethical violation was made by portal *In4S*, which published, as exclusive, an article entitled “37 percent for NATO, 48

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accompanying text or in some other appropriate manner.”

57 “Former editor of *Pobjeda* will be remembered as a journalist without restraint to defense of the regime, using every opportunity and possibility, and personally insulting, cursing opponents and critics of the regime. Publication of curses, setting of photo and reporter ambushes, placing medical diagnosis of public figures, were normal in Kusovac’s journalism.”

58 “When publishing the results of public opinion poll agencies, the media should give the number of respondents, the date of the poll, the identity of the contracting authority, as well as the questions asked. If no one has commissioned the poll, it should be pointed out that it was conducted on the initiative of the agency.”

percent against." The article was about a poll, to which the portal allegedly had access, but does not specify the name of the agency that carried out the research, nor the contracting authority, or any other relevant information specified in the guidelines for Principle 3 of the Code.

In addition to the analysed articles, HRA associates found violations of Principle in the following texts:

- In daily *Pobjeda*:
  - "Klikovac: Investigation of operations of CCE in the procedure" (17 January 2014)
  - "Inter-party battle' for the mayor seat in Herceg Novi initiated: Opposition finds everyone equally unacceptable" (7 February 2014)
- In daily *Vijesti*:
  - "Hired Mitrović and Pink for campaign against B92" (22 October 2013)

### 3.3.2. Violations of Principle 3 in TV programmes

In the reports for the period from 1 October to 15 February, MCSR MT recorded, acting on a complaint, a violation by TV *San*.

According to HRA monitoring of main news programmes of the top five television stations in Montenegro, in the period from 1 October to 1 March, Principle 3 was violated 22 times. TV *Pink M*, MCSR member, had a convincing lead with regard to violations of this principle, during whose primetime news programme 21 instance of violations were recorded. One violation was recorded in *TVCG* programme.

In the reports broadcasted on TV *Pink M*, in addition to Principle 3, Principle 1 was violated very often, i.e. the principle of integrity of information, as well as Principle 10, which speaks of the presumption of innocence. It is evident that *Pink M* violates Principle 3 almost exclusively in the reports on the same topics and people. These are the stories about criminal charges against Milka Ljumović and Bose Tatar, about Ljumović, Tatar and Perović families, about the work of television and daily newspaper *Vijesti*, weekly *Monitor* and NGOs Centre for Civic Education and Human Rights Action. In all these reports the information is mixed with comments, in violation of Principle 3 of the Code.

TV PINK M: INFOMONTE (18 October) – During the announcement for a TV report about who's competence it is to assess whether there are elements of crime in a certain case, Principle 3 was violated because the comment was not clearly separated from facts. Thus, one's position - comment that "the owners and editors of *Vijesti* together with certain NGOs and opposition parties have been trying for days to dis-

prove the prosecution's decision, using various manipulations of readers and viewers" - has been presented as a fact.

TV PINK M: INFOMONTE (18 October) – In its report on the presentation of Šeki Radončić's book, TV *Pink M* violated the obligation to clearly separate news from commentary, since the opinion of the author was presented as an indisputably established fact. In the report announcement, the anchor-man stated: "For the first time in Montenegro Radončić opens a Pandora's box of secret relations of lies and deceptions, hiding behind the scenes of a story of independent journalism". The report, amongst other things, includes the statement that the book "publishes evidence of unscrupulous plunder and illegal actions by several owners of weekly *Monitor* and daily *Vijesti*".

TV PINK M: INFOMONTE (21 October) – Opinion of journalists or editorial board was presented as an established fact in a report announcement about the reasons why the expert testimony had not been conducted at the Faculty of Economics in the case of CKB Bank. Principle 3 was violated in the following sentence: "Information desk of Pink M television continues to explore the reasons why the case against accused former officials of CKB Bank, headed by director Milka Ljumović, has been sitting untouched for months in the Prosecutor's Office, and at the same time under the absolute media protection with the Montenegrin public". The very report does not offer arguments or facts that prove the claim that the case was under "the absolute protection of the media with the Montenegrin public."

TV PINK M: INFOMONTE (23 October) – Journalists and editorial board's opinion was presented as a fact in this report, too. The announcement says: "in the following report we wish to remind the public about the continuing obstruction and delay in the case", but the report does not provide evidence of claims of "obstruction and delay". Also, the report informs about "several millions in damage caused to the bank", although this has not been established. Commentary is also evident in the statement: "All the accused have received pretrial release, with an offensive and hitherto unrecorded court's reasoning, which clearly showed everyone at the very beginning of this process that in this case the law will be treated noticeably different".

TV PINK M: INFOMONTE (25 October) – In a report regarding an interview with professor Miško Perović, co-owner of daily and television *Vijesti*, a journalist presented several qualifications, comments, that were not announced as such, which represents a violation of the rule to separate fact from commentary. For example: "Abusing his ownership of a TV station with national coverage, in the so-called interview he tried to pressure judicial authorities leading the investigation".

TV PINK M: INFOMONTE (25 November) – In the mixture of news and commentary, Principle 3 was breached several times in a report about "a campaign of *Vijesti* interest group against the organizers and participants of conference 'Word, image, enemy'". Assessments were presented as facts, for example: "Together with their soldiers,

they (*Vijesti*) have been harassing and insulting the participants for days, writing pamphlets, publishing lies”.

TV PINK M: INFOMONTE (25 November) – Commentary and news were not separated, as required by Principle 3 of the Code, in a report conveying the writings of daily newspaper *Pobjeda*. The following was reported: “Today’s *Pobjeda* publishes new scandalous details of the affair of robbery of Montenegrin Commercial Bank (CKB)... credits for buying company shares were granted by the order of “Black” and “Yellow”... Thus, the members of families Perović, Ljumović and Tatar obtained these tens of millions through the money of state companies that covered overdrafts at CKB”.

TV PINK M: INFOMONTE (26 November) – In the genre mix of information and comments, “the scandal robbery of Montenegrin Commercial Bank” is regarded as an established fact, claiming that the mentioned families “obtained millions not through the purchase of shares, but mostly through fictitious contracts on gifts and overtaking of company shares previously driven into bankruptcy.”

TV PINK M: INFOMONTE (4 December) – Editor or journalist’s opinion of *Vijesti* owners was presented as a fact in the following content: “Based on the details of affair Robbery of Montenegrin Commercial Bank (CKB) that appeared in the media during the last several weeks, the public could make certain that illegal business has been an integral part of operation of *Vijesti* owners... and that the violation of law is a work style employed by *Vijesti* owners”.

TV PINK M: INFOMONTE (9 December) – Comment was presented as fact in a report where Bose Tatar and Milka Ljumović were called “the main protagonists of CKB robbery”, while also asserting that “the wall of silence from state institutions regarding the scandal was primarily a consequence of strong influence Ljumović and Tatar had on state institutions, because a large number of family members of the responsible persons from these institutions were once employed by the two, or granted a loan”.

TV PINK M: INFOMONTE (13 December) – This report too speaks about “CKB robbery” as if it were an established fact, about “the alleged investigation of the Prosecutor’s Office”, and the Dean of the Faculty of Economics Milivoje Radović, who “further reduced the significance” of this case, without stressing that this was an opinion or comment, not a fact.

TV PINK M: INFOMONTE (13 December) – Reporting about MCSR’s notice that daily *Dan* and TV *Vijesti* had violated the Code, the rule of separation of comment and news was breached, and the report was concluded with a comment “following the recent decision of Agency for Electronic Media, which confirmed that *Vijesti* television constantly violates the laws, this is yet another proof that the professional standards of journalism have been banned in Željko Ivanović and Miodrag Perović’s television”.

TV PINK M: INFOMONTE (23 December) - Citing daily *Pobjeda* writings regarding the property owned by Milka Ljumović and Bose Tatar families, PINK M presented an opinion - commentary, as if it were an established fact. Thus, it is stated that "*Pobjeda* reveals information about the number of real estate owned by members of these families, which were bought with money from the sale of CKB shares obtained by dubious means".

TV PINK M: INFOMONTE (13 January) – Citing *Pobjeda* writings, PINK M does not separate commentary from facts and states that "*Pobjeda* journalists publicly ask why some media outlets have been privileged by the Prosecutor's Office top officials, why the Prosecutor's Office favours these tabloids and immediately responds to their requests, while it is obvious that information from the Prosecutor's Office constantly leaks into those privileged tabloids".

TV PINK M: INFOMONTE (15 January) – Even though in the report announcements regarding statements by Šeki Radončić and Milka Tadić Mijović, both parties' positions were properly presented as their personal positions - opinions, not facts, that was not the case in the very report, as a number of qualifications were presented, unsupported by facts: "For two days already, tabloid *Vijesti* has been pushing the topic of alleged threats against journalists. The whole story includes the so-called Media Union. They are thus trying to create an image of vulnerability of journalists, so following false information about an explosive device thrown in front of the building of writer Jevrem Brković, there were Milka Tadić's false claims that she had been threatened by journalist and publicist Šeki Radončić... Because of her column insulting him and journalist Darko Šuković, Radončić...".

TV PINK M: INFOMONTE (16 January) – In its TV report referring to daily *Pobjeda*, TV PINK M transmitted a comment without separating it in any way from the established facts. The following was stated in the report: "Opposition media in Montenegro who call themselves independent, and some non-governmental organizations are very much connected and help each other using citizens' money, while persuading them for years that the only truth is what they serve, reads today's *Pobjeda*. Thus, Tea Gorjanc Prelević, Director of Human Rights Action, is one of the co-owners of *Monitor*, while Daliborka Uljarević, Director of Centre for Civic Education (CCE), has been helping daily *Vijesti* for years and paying scholarship for its editor Nedeljko Rudović". In December, TV Pink editorial board received and published the response of Tea Gorjanc Prelević, explaining that she was not weekly *Monitor* co-owner, which did not prevent this TV station from re-publishing the information, which they now knew was incorrect, violating the guideline for Principle 3 stating that "opinions and assessments in the commentary must be based on facts."

TV PINK M: INFOMONTE (17 January) – In its report regarding information from the Prosecutor's Office on the investigation into NGOs CCE operations, distinction has not been made between the facts and comments expressing the opinion of editorial board and journalists. It was stated that "Uljarević brazenly says...", and "even

though they are self-proclaimed critics who find flaws to everything and everyone, present themselves as teachers of democracy and promote European standards, they are obviously very bothered when someone asks them whether they function in accordance with the law and the European standards”.

TV PINK M: INFOMONTE (19 January) – Comment was not separated from the facts in a report regarding the statement of Special Prosecutor for organized crime about expert testimony in the case of CKB bank. Prosecutor’s statements were commented in the following manner: “Although prosecutor Ivanović failed to explain why the expert’s report was so important, especially after the previous game with expert testimony by Dean of the Faculty of Economics Milivoje Radović, because the fraud and damage done by these managers is so obvious that an expert’s report was not even necessary.”

TV PINK M: INFOMONTE (22 January) – In this report too, based on the writings of *Pobjeda*, commentary, opinion of journalists or editorial board that the robbery of CKB had taken place, was presented as an established fact. “The following example best shows what the robbery of CKB during the reign of Milka Ljumović - Bose Tatar tandem looked like...”

TV PINK M: INFOMONTE (24 January) – Statement that the bank was robbed was repeated, while also stating that “their arrogance was so great that they were snatching neighbours’ terraces to expand apartments they had left for themselves, according to neighbours from Cetinje.”

TV PINK M: INFOMONTE (13 February) - As part of the report on the opening of exhibition “Word, image, enemy” in Berane, comment was not separated from facts, thus, instead of information on what had happened, viewers were offered journalist’s interpretation, i.e. commentary. Following the statement by Ranko Vujović, member of the Organizing Committee of the exhibition, that “reactions of those who were called out and their allies, months after the exhibition, only prove how much the exhibition hit a problem burdening our media scene for years”, TV PINK M reporter continued: “The fact that these allegations are true is also confirmed by a failed attempt of Tufik Softić, correspondent of opposition daily *Vijesti* from Berane, to draw attention to the election list of Democratic Front and Socialist People’s Party, that his wife Nada Softić was on, by using some kind of propaganda postcards.” However, apart from this comment interpreting journalist Softić’s intention to viewers, there was no information about the very event. Only from the reports of other media one could have concluded that Softić reported on the performance of Luka Berane group, who had set up postcards at the exhibition.

TVCG: NEWS 2 (16 February) – In a report about the sale of national and imported bottled water in Montenegrin stores, the comment or opinion of a journalist or editorial staff - that there is a big difference in the quality of imported and Montenegrin water - was announced as if an established fact.”



### 3.4. Principle 4 of the Code

***“It is a duty of a journalist to complete incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner.”***

#### 3.4.1. Violations of Principle 4 in print and online media

MCSR MT recorded a total of six examples of violations of Principle 4 in the period from 1 October 2013 to 15 February 2014, four of which due to the complaints of interested persons. In the same period, HRA associates recorded one example. MCSR MT found all seven examples of violations in the two media outlets that are not MCSR members - *Dan* (4) and *Vijesti* (3). HRA associates found one example in daily *Dan*. By analysing MCSR Monitoring Team's acting on complaints, we have already asserted that its reports do not generally represent the views of both sides or include satisfactory explanations of what its conclusions were based on, which makes it difficult to weigh whether the presented assessments are valid. Such assessments are questionable also due to the absence of the requirement to obtain an opinion of the media outlet mentioned in a complaint, which leads to favouring of arguments of the complainant.

Judging on the basis of arguments presented in the report, MCSR MT rightly found that daily *Dan* failed to act in accordance with the Code and violated Principle 4, because it did not in the prescribed manner correct an error made in the report from the courtroom published in its issue dated 16 October 2013. As stated by MCSR MT, on the front page and on page 9 daily *Dan* published an article entitled “Milo knew that they worked without a tender or permit”, containing extensive excerpts from a testimony of the accused former mayor of Budva Rajko Kuljača. In the next issue, as stated in MCSR MT report, on page 8, *Dan* published Kuljača's response, asserting that in his statement he did not hint at Milo Đukanović, but Budva DPS and Boro Lazović. MCSR MT believes that *Dan* failed to comply with the rules governing the publication of denials, and that in this particular case the compliance with the said rules was even more important, since the error occurred due to the arbitrary interpretation of a testimony given during a trial. MCSR MT found that *Dan* did not comply with any of the suggestions of the corresponding guideline<sup>59</sup> for Principle 4 of the Code.

Stance of MCSR MT that daily *Dan* acted in a manner contrary to Principle 4 guidelines of the Code is also well-founded in the case of Electric Power Company of Montenegro. Namely, a denial announcement of Montenegrin Electric Power Company regarding claims set forth in article “DPS voters forgivendebt for electric power supply” of 8 .....

<sup>59</sup> “If a media institution discovers that it has published a report containing a significant distortion of the facts, it must publish a correction promptly and with comparable prominence. This correction must refer to the previous incorrect report”.

February 2014 was integrated into a text published in the next issue of that daily, titled “Prosecutor will not go against DPS”, and not published separately, in accordance with the guidelines for Principle 4 of the Code.

HRA associates noticed that daily *Dan* acted inappropriately in its issue of 28 November 2013, publishing a response of company “Sublime Developments” Ltd from Podgorica and Edin Kolarević titled “Loan of six million is not ours”. The text to which the response referred was published on the front page, titled “Received 11 million loan for building without a use permit”, while the reaction had no such editorial treatment, although *Dan* did not call into question the accuracy of allegations in the response text. The Law on Media and guidelines for Principle 4 of the Code specifically state that a reaction must be published in an appropriate manner, i.e. correspond to the placement of a text to which the reaction relates, which in this context means the publication of a correction in the same place (in case of print media).

According to the findings of HRA associates, weekly *Monitor* also violated Principle 4 of the Code, acting beyond what is suggested in the guidelines for this principle, and contrary to Art. 28 of the Law on Media.<sup>60</sup> On 28 February *Monitor* published a response (“I want an official apology”) of foreign businessman Neil Emilfarb regarding the text from the previous issue titled “Uzbek on the Holy (Sveto’s) land” in its section “Inbox”, not in a section appropriate for placement of the text of a response.

It is a well-known editorial practice that correction texts are published in separate sections, intended for such content. This can be justified in cases of critical assessments of one’s standpoint, polemics, but not in case of a reaction challenging the factual foundation of journalistic text, as was the case in the example above.

### 3.4.2. Violations of Principle 4 in TV programmes

Neither MCSR MT nor HRA recorded violations of this Principle in the period covered by the report.

## 3.5. Principle 5 of the Code

***“One’s race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information”.***

.....

<sup>60</sup> Art. 28, para 1 of the Law on Media: “The correction or reply shall be published without amendments, on the same newspaper page or in the same TV or radio broadcast which published the programme content that the correction or reply refer to.”



### 3.5.1. Violations of Principle 5 in print and online media

In MCSR MT reports from 1 October to 15 February, six examples of violations of Principle 5 of the Code were recorded. In the same period, HRA associates also recorded six examples<sup>61</sup> of violations of the above principle, some of which were the same as those established by MCSR.

According to MCSR MT, daily *Dan* violated Principle 5 of the Code on four occasions, while dailies *Vijesti* and *Dnevne novine* violated this principle once each. HRA associates also recorded four breaches of this principle in daily *Dan* and two on IN4S portal.

Both HRA associates and MCSR MT found ethically problematic an article written by Dragan Mraović, titled “The Parade”, published in *Dan* on 10 October 2013. The author referred to the upcoming Pride parade in Podgorica, stating clear positions against such event, using, amongst others, the following argument: “Requirements of this population to be protected, legitimate in terms of homophobia, are in this way transformed into a political option and used as an argument to legitimize gay marriage and adopt children in favour of those who do not want to create them the way nature intended, but want to make other people’s children stray from a natural path so as to fulfil their egoistic desire for others to give them what they themselves could have naturally had, but did not want to. The parade of shame has a direct ideological impact on the family, the foundation of a healthy society and thus a healthy state...”.

In cited paragraphs, the author stated his homophobic views while basing them solely on the stereotypes that exist in relation to sexual minorities. Such author’s views violated Principle 5 of the Code and the guideline<sup>62</sup> for this principle concerning hate speech.

We believe that MCSR MT acted properly when it detected speech in violation of Principle 5 and guidelines for this principle in texts conveying the views of Metropolitan of Montenegro and the Littoral Amfilohije. These were articles published in daily *Dan* on 17 and 28 October 2013, titled “Parade of obscenity thanks to faggot lobby” and “Amfilohije: Podgorica cleansed of sin”.

In addition to the above examples noticed by MCSR, HRA associates recorded five more instances of ethically problematic content with regard to sexual minorities, three of which were published in *Dan* and two on IN4S portal. *Dan* published stories titled “Man shaved off his moustache after 57 years because of the parade” (20 October 2013), “Old Trako shaved off his moustache” (27 October 2013) and “Dedejić .....

61 By the end of February, HRA associates noted another example of violation of Principle 5 of the Code, in weekly *Monitor*.

62 “Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred.”

withdrew because of provocateurs with axes” (21 October 2013), while portal IN4S published texts “Faggot western morality” and “Russia: Conflict between Orthodox Christians and LGBT activists.”

HRA believes that all statements disclosed in the aforementioned articles, that the gay population is in need of treatment, represent hate speech, because they are not based on scientifically proven information - facts, are used with the apparent intent to stigmatize a minority and support the arguments of homophobic people, especially those who are violent or promote violence. These statements are particularly problematic in the context of the text with homophobic intoning. “Faggot western morality”, on the other hand, is a critically intoned pamphlet against the policy of tolerance towards sexual minorities. Introductory part of the pamphlet puts in a problematic context two completely different events - the killing of Muammar al Gaddafi and organization of Pride parade in Podgorica, and uses expressions with obvious intention to devalue and humiliate people who belong to a sexual minority (“faggot march”, “faggot quota”, “faggot paradise”, “disgusting parade of shame”). This text also humiliates those who advocate for their rights, who are unfoundedly accused of wanting to collapse “the inviolability of Montenegrin family...”, etc.

HRA agrees with MCSR MT that *Dnevne novine* violated Principle 5 in text “Montenegrins beat two boys”, published in the weekend issue of 4/5 January 2014, because the title unduly emphasizes nationality. The same goes for Monitor’s text “Uzbek on the Holy (Sveto’s) land”, where HRA already asserted a violation of Principle 4.

HRA does not agree with MCSR MT in connection with a breach of Principle 5 in article “Like priests, like truth” published in *Dan* on 26 November 2013. MCSR MT found that Montenegrin Orthodox Church, its priests and believers were disparaged in this text. Aside from assessing as controversial a headline of the report from the main hearing held in Podgorica Basic Court on a complaint filed by Metropolitanate of Montenegro and the Littoral against Metropolitan of Montenegrin Orthodox Church, Mihailo and its priests Dragan Pavlović and Jovan Tomović (“Contradictory statements by representatives of the so-called Montenegrin Orthodox Church at the trial on a complaint by Metropolitanate of Montenegro and the Littoral”) because of an indication “the so-called”, MCSR MT failed to mention anything else that could have been qualified as hate speech. Montenegrin Orthodox Church is an existing religious organization in Montenegro, but since it has not been canonically recognized by leading Orthodox churches, *Dan* cannot be denied the right to publish such statement. However, if the “so-called” remark is perceived as a comment, then one could talk about the violation of Principle 3 of the Code, which requires that “news and commentary be clearly separated”.

### 3.5.2. Violations of Principle 5 in TV programmes

During the period covered by this report, neither MCSR MT nor HRA recorded violations of this Principle.

### 3.6. Principle 6 of the Code

***“In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public.”***

#### 3.6.1. Violations of Principle 6 in print and online media

Neither MCSR MT nor HRA monitors recorded violations of Principle 6 of the Code in the period covered by this report.

#### 3.6.2. Violations of Principle 6 in TV programmes

Neither MCSR MT nor HRA monitors recorded violations of Principle 6 of the Code in the period covered by this report.

### 3.7. Principle 7 of the Code

***“It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.”***

#### 3.7.1. Violations of Principle 7 in print and online media

Neither MCSR MT nor HRA monitors recorded violations of Principle 7 of the Code in the period covered by this report.

#### 3.7.2. Violations of Principle 7 in TV programmes

In the period covered by this report neither MCSR MT nor HRA monitors recorded violations of Principle 7 of the Code.

### 3.8. Principle 8 of the Code

***“A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well.”***

### 3.8.1. Violations of Principle 8 in print and online media

In the period covered by this report, MCSR MT recorded eight violations of Principle 8, of which one upon complaint, while HRA monitors recorded two more violations<sup>63</sup>. According to two MCSR reports from October 1 2013 to 15 February 2014, daily “Dan” violated Principle 8 three times, daily newspapers *Pobjeda* and *Dnevne novine* two times, and daily *Vijesti* once. According to HRA statistics, its associates recorded three violations of Principle 8 each by daily newspapers *Vijesti* and *Dan* and two by *Pobjeda* and *Blic* – Montenegrin edition.

Based on the reasoning presented in the MCSR report, we believe that its assessment was grounded in the case of a text published in the weekend edition of *Dnevne novine* of 9/10 November 2013. MCSR MT believes that in the article titled “Đukic threatened Đurović’s gang from prison” violated Principle 8, i.e the guideline<sup>64</sup> that refers to staying within acceptable limits when reporting on accidents. MCSR MT rightly believes that the limits of reporting on accidents (in this case about the murder) were crossed because the reporting was based on unconfirmed speculations by anonymous sources, thus, according to our opinion, unprofessionally and unethically constructing a story about the accident and disrespecting the feelings of victim’s family members. We also believe that the assessment of MCSR MT on the violation of Principle 8 in article titled “With a husband like that, a vibrator is necessary”, published in daily *Dnevne novine* on 16 January 2014. MCSR MT stated that this was an interview with singer Danijel Alibabić’s wife, in which she revealed details from their private life, which represents a violation of the obligation of journalists “to be very careful when dealing with private life of people”.

In an article titled “The noise disturbs sleep”, published in daily *Dan* on 9 February, MCSR MT properly recorded a violation of Principle 8, because the media violated the privacy of the petitioners whose facsimile was published. The petition also contained ID numbers of petitioners.

In the edition of *Dan* of 25 January 2014, in the text “Failed to mention during the investigation that Duško was in danger”, facsimile of the first page of the minutes of the hearing of witnesses (Minister Duško Marković) was published on the cover page as well as page 9, showing his private address, which is in HRA’s opinion, a violation of the guideline of Principle 8 which suggests that “people’s private addresses enjoy special protection”. This violation was not recorded by the MCSR MT.

HRA monitors recorded another violation in *Vijesti*, in article titled “Crazy Milan continued treatment in Serbia” published on October 22 2013, which contained unethical .....

63 By the end of February, HRA monitors observed one more violation of Principle 5 of the Code in daily “Dnevne novine”.

64 “The limit of acceptability in reports on accidents and disasters is respect for the suffering of the victims and the feelings of their dependants. Victims of misfortune must not be made to suffer a second time by their portrayal in the media”.

reporting on transferring people convicted of multiple murders. Although this concerns a perpetrator of a serious crime, he is a severely mentally ill person, on, in our opinion, should not be subject of journalistic disdain, as one of the guidelines<sup>65</sup> for Principle 8 prescribes.

MCSR MT properly assessed the case of the text titled “Released pending trial” published in *Dan* on 9 February. This concerns an article that dealt with the case of a woman who was suspected of falsely reporting robbery in order to, allegedly, cover up her infidelity, and MCSR MT believes that *Dan* did not take into account the interests of three minor children of the mentioned woman. “The whole case was actually a story about adultery, disturbed marital relations, in which children should not have been further hurt by media reporting”, stated MCSR MT, on what HRA agrees. However, MCSR MT is not consistent with respect to this case, because it overlooked reporting of other media outlets on the same subject. According to observations of HRA monitors, in their reporting on this case, daily newspapers *Pobjeda* (5 February 2014), *Blic* (6 February 2014) and *Dan* (5 February 2014) also violated Principle 8, days before the MCSR MT observed unethical reporting on this case.

*Dan* and *Pobjeda* published the identity of spouses, and *Blic* - Montenegrin edition, only initials, but it was easy to conclude who it was about based on the story of a husband policeman and the writing of other print media. Although the wife was suspected of criminal offense of false reporting, on which the public was informed earlier through the media, it does not mean that the public interest demanded a family drama to be made public. One of the guidelines<sup>66</sup> for Principle 8 of the Code states that the private life of a person should be made public only in cases of particular interest to the public, which was not the case here. It should especially be noted that spouses have three young children, as MCSR MT rightly observed in its report.

MCSR MT observed that daily *Pobjeda*, in two columns of Marko Vešović (“Papak from Papa and Smradončić from Gusinje”, 18 October, and “The Awakening of the Rats”, October 25, 2013) violated Principle 1 and Principle 8, stating that the author used insulting language when referring to certain individuals. MCSR MT properly observed that the author’s language was offensive and constituted a violation of Principle 1, which deals with general standards, but in our opinion Principle 8 was not violated, because the texts did not violate anyone’s privacy in a manner explained in the existing guidelines for this principle. However, another article by the same author contains a direct violation of Principle 8, but MCSR MT did not mention that text in its .....

65 “Physical and mental illness or injuries come fundamentally within the private sphere of the persons affected. Out of consideration for them and their dependants, the media should not publish names and photographs in such cases and should avoid using disparaging terms to describe their illness, even if they are terms in popular usage.”

66 “Reporting on a person’s private life can be justified when it is in the public interest to do so. This would include: detecting or exposing criminal conduct; detecting or exposing seriously anti-social conduct; protecting public health and safety; corruption, etc. Reporting on a person’s private life is also justified if it prevents the public from being misled by some statement or action of that individual such as where a person is doing something in private which he or she is publicly condemning.”

report. This concerns a column titled “Enough with the delays”, published in daily *Pobjeda* on 13 January 2014, in which the author revealed more information concerning the private life of persons whose names were not listed, but their nicknames by which the author has continuously referred to them in public communication were, making them easily identifiable. Examples: “A climax of a woman’s love of freedom in Montenegro is represented today by a lady used sexually by Ratko Knežević...”, “... and as for her husband, people in Podgorica say that you never know when he’s on heroin, and when on Hera”. Specifying this kind of information in the text represents an invasion on privacy and harsh humiliation of the mentioned persons, which directly violates Principle 8 of the Code.

MCSR MT observed that daily *Dan* violated Principle 8 in the text titled “Searched for Anton, found Ratko”, published on 12 December 2013. The text concerned the search for two boys who went missing and were presumed to have committed suicide, and MCSR MT believes that the title of *Dan* attempted to be funny, which is inappropriate in reporting on accidents. HRA believes that this assessment of MCSR MT was quite far-fetched, because although the title was not the best choice, it cannot, however, be considered that the intention was to be funny.

In addition to the analyzed, HRA associates observed a violation of Principle 8 in texts “Mugoša gave land to Milo’s godfather”, published in *Vijesti* on 10 February 2014 and “Damir Mandić engaged, Ljubo Bigović to be his best man” published in the same newspaper on 15 February 2014. In the first case the right to privacy was violated by publishing personal identification number, and the second was an unjustified interference with the private life of a person without his permission.

### 3.8.2. Violations of Principle 8 in TV programmes

In its reports, the MCSR MT did not list any violations of Principle 8 in TV programmes. HRA recorded 13 such examples, of which five in programmes of TV *Vijesti*, *Atlas* and *TVCG* each.

Most violations of this principle (11 examples) relate to the disclosure of names and surnames of victims of traffic accidents, contrary to the guideline of Principle. 8, which states that “the victims of accidents or crimes are entitled to special protection of their names,” and that “it is not always a rule to disclose the identity of the victim in order for the public to better understand the accident or crime,” but that “exceptions can be tolerated if the person is a public figure or in the case of special circumstances.”

In all the recorded cases the victims were not public figures, and there were no special circumstances that would justify the publication of the names of the deceased and injured.

Violations on this basis were observed in the following news programmes:

TV VIJESTI: NEWS AT HALF PAST SIX (5):25 October 2013,5, 6, 7, 11, and 13 January 2014.

TV ATLAS: FORUM (4): 29 December 2013,9, 11, 18 and 28 January 2014.

TVCG: NEWS 2 (3):24 November 2013 and 10 February 2014.

TVCG violated the guideline for Principle 8 which obliges journalists to ultimate restraint in reporting on suicides.<sup>67</sup>

TVCG (24 November) - In a report on the alleged suicide name of the person who was killed in a bomb blast in Podgorica was not disclosed, but the allegation that the case was a suicide was, accompanied by the caption "COMMITTED SUICIDE" and contained detailed circumstances of the death, as well as assumptions that the person had left a suicide note. Details of his personal life were also published. "Unofficially, the man who killed himself left a suicide note and was indicted after not returning to prison in Spuž after his probation."

In its programme TVCG violated the guideline for Principle 8, which states the necessary caution in reporting on medical research and therapy.<sup>68</sup>

TVCG: NEWS 2 (12 December) – Regarding the information that disproportionately more male children are born in Montenegro, TVCG published a report on an empiric who can, as claimed, affect the sex of a conceived child and help couples who suffer from infertility. "Eighty-year-old Bajo Šušlavčević, who has been helping couples to become parents for half a century, knows that offspring should not be left to chance.

You have a choice between male or female", states the report. This violated Principle 8 which deals with reporting on the activities of freelance healers - empirics, and states that journalists must express a special dose of reasonable doubt and reserve. TVCG report not only did not express doubts about the claims of the empiric, but in the closing words the audience is encouraged to discriminate unborn children based on their sex: "If you doubt, give it a try, Bajo does not charge advice. That is a better options than frequent abortions, which classified Montenegro among the countries with the highest rate of natural disturbances in average ratio of sexes".

.....

67 "Reporting on suicides calls for restraint. This applies in particular to the publication of names and detailed descriptions of the circumstances. Exceptions are justifiable only if the case is of public interest."

68 "Reports of alleged successes or failures of medical or pharmaceutical research in the fight against serious illnesses call for circumspection and a sense of responsibility."



### 3.9. Principle 9 of the Code

**“A journalist is obliged to protect integrity of adolescent persons, different and disabled persons.”**

#### 3.9.1. Violations of Principle 9 in print and online media

MCSR MT and HRA recorded four violations each of Principle 9, of which only one was the same while others were different. Three examples were recorded in daily *Dan* and one in *Vijesti*. HRA associates observed two violations in *Dan*, and one in *Pobjeda* and *Blic* – Montenegrin edition, each.

Violation observed by both MCSR MT and HRA is from an article published in daily *Dan* on 10 October 2013 titled “Raped niece and pushed her from the balcony”. Bearing in mind that this concerned a minor whose identity was disclosed indirectly, the article did not take into account the protection of the interests of children in the manner generally suggested in the guideline<sup>69</sup> for Principle 9.

In the case of the text titled “He beat my child and pushed his head into the bench” published in daily *Vijesti* on 16 November 2013, MCSR MT recorded a violation of Principle 9, but this was not explained in a way that would convince us that they acted properly. The report does not specify the way in which manner this principle was violated, except that it reminds us, “that the alleged victim is a minor,” and that the guidelines for Principle 9 prescribe “special care for information related to the interests of children”.

According to the MCSR MT report, daily *Dan* published on 8 February in its appendix two articles (“The coldn made them clung to each other” and “No flour of the fritters”) on the Food Bank’s donation to vulnerable families and with both texts containing photographs of underage children. MCSR MT assessed that it was inappropriate to publish those photographs “in order to provoke public sympathy for their poverty, regardless of whether they have the consent of a parent or guardian”. However, we believe that it was not a violation of the Code if the aim of the article was to incite pity and thus encourage people to help. Unethical reporting would, in our opinion, be if pity was used to manipulate with children in favour of someone or something else, which MCSR MT did not observe. Principle 6 of the UNICEF general guidelines on reporting on children states that journalists should not publish a story or a photograph which might put the child, his/her siblings or peers at risk. In this case there was no such danger, thus HRA does not agree with the assessment of the MCSR MT.

Unlike MCSR MT, HRA associates observed that daily *Pobjeda*, in our opinion, violated Principle 9 when reporting on a minor. In its edition of 10 December 2013, *Pobjeda*

.....

<sup>69</sup> “The media is obliged to comply with the principles of the UN Convention on the Rights of Children and to research with special care the information that effect children’s interests.”



published an article titled “Epilogue of Pobjeda’s story: Grba will go to home in Bijela” in which it stated that a minor, whose identity was disclosed, will be placed in a home for children in Bijela, since his parents “do not have the capacity to take care of him.” The article was illustrated with a photograph of the child. HRA believes that disclosing the identity of the child (full name) and publishing photographs violated Principle 9 of the Code, in particular the guideline concerning photographing.<sup>70</sup> In this case there is no professional justification for the disclosure of identity and photographs of the child, because those actions do not help him, and no public interest suggests acting as *Pobjeda* did.

HRA associates observed violations of Principle 9 in daily *Dan* of 23 October, in an article about a car accident, and daily *Blic* – Montenegrin edition on 23 November 2013, in an interview with the prize winner of the U.S. Government.

Article on the accident titled “Toppled cyclist with motorcycle” stated that a 17-year-old boy was riding the motorcycle that hit the cyclist, whose identity was revealed, and that he is to blame for the accident. Although everyone in the local community will find out the name of the young man who was suspected of causing the accident, HRA believes that there was no justification for the disclosure of his identity in the newspapers.

In case of the interview titled “Mixed business and humanity, helps invalids find jobs” HRA associates observed that the journalist used the term “invalids” and the interviewee used the term “persons with disabilities”, which is more acceptable. The title contains a phrase that belongs to the jargon and is offensive to this group of people. Principle 9 of the Code states that the journalist is obliged to protect the integrity of minors, disabled and different persons, and that means using language that does not offend them.

### 3.9.2. Violations of Principle 9 in TV programmes

During the period covered by this report, HRA and MCSR MT did not observe any violations of this principle.

### 3.10. Principle 10 of the Code

***“When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure.”***

.....

<sup>70</sup> „The media is obliged to exercise special sympathy when interviewing, photographing or filming children under the age of sixteen.”

### 3.10.1. Violations of Principle 10 in print and online media

From 1 October 2013 to 15 February 2014, MCSR MT observed 14 violations of Principle 10, concerning the presumption of innocence. HRA associates HRA recorded 293 examples in the same period.<sup>71</sup>

Although, according to the monitoring of HRA associates, violations of Principle 10 still constitute the majority of all violations of the Code by print and online media, we note that this number is significantly lower than in our second report, which covered the period from 1 March to 1 October 2013. During that period, which is a month and a half longer than the period covered by this report, there were 510 examples of violations of Principle 10.

#### *Violations of the presumption of innocence (1 October 2013 – 1 March 2014)*

Violations of the presumption of innocence	Blic	Dan	Dnevne novine	Pobjeda	Vijesti	Total
Title	19	108	49	47	39	<b>262</b>
Title and first paragraph	2	3	2	1	1	<b>9</b>
Title and text	3	2			3	<b>8</b>
Title and headline	1	6	4	2		<b>13</b>
Title, first paragraph and text		1	1			<b>2</b>
Title and photograph		1	1			<b>2</b>
Title, headline, first paragraph and text		1				<b>1</b>
Title and subtitle		3				<b>3</b>
Headline and first paragraph				1	1	<b>2</b>
<b>TOTAL</b>	<b>25</b>	<b>125</b>	<b>57</b>	<b>51</b>	<b>44</b>	<b>302</b>

Of 14 violations specified by MCSR MT, four related to dailies *Vijesti* and *Dan*, and five to *Dnevne novine*. Of all the observed by HRA associates during the same period, 116 were found in daily *Dan*,

<sup>71</sup> From 15 February to 1 March 2014, HRA associates observed 18 more violations of the presumption of innocence.

48 in *Dnevne novine*, 50 in daily *Pobjeda*, 45 in daily *Vijesti* and three on portal *Vijesti*, 23 in *Blic* – Montenegrin edition and 11 on portal *Café del Montenegro*.

Of violations observed by HRA associates, Principle 10, the presumption of innocence was usually violated in titles of articles published in daily newspapers and on portals. This was done 261 times. After that, the most common violations of Principle 10 are in headlines and subtitles, but this was observed in only 13 cases. Only one violation of Principle 10, the presumption of innocence, was recorded in the headline, title, first paragraph and the rest of the text. This case was an article with headline “Podgorica police arrested Ognjen Vuković and Miloš Rakočevića for torturing Milinko Lepojević” and title “Colleagues tried to rape him”, published in daily *Dan* on 21 December 2013. In only two cases Principle 10 was violated in the formulation of the title and the caption below the photograph.

According to HRA associates, Principle 10 was violated seven times in articles which violated other basic principles of the Code, and in five cases, this concerned Principle 5. (The titles of articles in which Principle 10 was violated are listed at the end of this report.)

### 3.10.2. Violations of Principle 10 in TV programmes

MCSR MT in its IX report, covering the period from 1 October to 1 December 2013, stated that the programmes of *Pink M* repeatedly violated Principle 10 by referring to former managers of CKB Milka Ljumović and Bosa Tatar as “Blond” and “Brunette”. The assessment was that “such qualifications discredit and undermine the integrity of the reported person”. MCSR quoted the guideline for Principle 10 which prohibits “the portrayal of persons which prejudices their character, as well as accusations that violate the constitutional protection of human dignity”.

HRA agrees with the assessment that the alleged nicknames “Blonde” and “Brunette” were used with the intent to impair the dignity of persons and, in some way, make them similar to people in the criminal world who often have nicknames, but we note that the series of reports of TV *Pink M* on the investigation in the CKB case also violated the presumption of innocence of two former female managers in other ways as well. *Pink M* repeatedly used the phrase “the main protagonists of the robbery of CKB”, and all the examples listed below claim that they violated the law.

In the period from 1 October to 1 March HRA recorded violations of Principle 10 in five television news programs, eight in TV programme of *Pink M* and two in TV *Vijesti*.

TV NEWS: NEWS AT HALF PAST SIX (15 October) - The presupposition of innocence was violated in the following sentence: “70-year-old Stanko Radusinović was seriously injured when around 4:00 PM his brother, 81-year-old Đorđije Radusinović, threw a bomb at him”.

TV PINK M: INFOMONTE (November 25) – One of the reports mentioned above on the investigation into CKB robbery stated: “Loans, used to purchase shares of the company were pardoned upon orders of “Blonde” and “Brunette”, as the employees called Tatar and Ljumović, i.e. allowances for impairment were conducted... Thus family members Perović, Ljumović and Tatar got these tens of millions by using money from state-owned companies which covered overdrafts at the CKB”.

TV PINK M: INFOMONTE (26 November) Referring to the daily newspaper *Pobjeda*, *Pink M* reported on the “robbery of CKB” and stated that published data confirm that “the family members Perović, Ljumović and persons close to them earned millions not by purchasing but mostly through fictitious contracts on gifts and taking over stock of companies they previously drove into bankruptcy”.

TV PINK M: INFOMONTE (9 December) – In the report which dealt with the alleged opening of a new bank, the presumption of innocence was violated in the statement: “While the Special Prosecutor’s Office has been investigating the case of robbery of CKB for over a year, the main protagonists of this robbery Bosa Tatar and Milka Ljumović open a new bank”.

TV PINK M: INFOMONTE (13 December) - In the report which dealt with the alleged opening of a new bank, the presumption of innocence was violated in the statement: “First Aleksandra Popovic, executive director of the sector for contact with clients and signatory of the controversial loans was removed from the investigation, followed by the exclusion of loans that ‘Brunette and ‘Blonde’ gave to their families”.

TV PINK M: Infomont (20 January) - A report on the writings of daily *Pobjeda* on the business of the former managers of CKB violated several principles of the Code. The trailer of the report dealt with the “robbery of CKB”, followed by: “One of the close associates of the financial institution explains the mechanisms the two managers Miljka Ljumović and Bose Tatar used to rob the bank for years with the help and protection of the monetary authorities”.

TV PINK M: INFOMONTE (21 January) - An unnamed source of daily *Pobjeda* from the CKB, presented a series of new accusations against Bosa Tatar and Milka Ljumović, and *Pink M* published them as indisputable facts. The source claimed that the “robbery of CKB” was carried out, that illegal activities were “planned by” Tatar and Ljumović, and that they gave loans to members of their families that were then “pardoned at the expense the bank.”

TV PINK M: INFOMONTE (22 January) - In this report, based on the writings of *Pobjeda*, comments and opinions of journalists or editors that the Montenegrin Commercial Bank (CKB) was robbed were presented as established facts. “The following example best illustrates what the robber of CKB during the reign of the tandem Milka Ljumović and Bose Tatar was like”. In addition to Principle 3, this report also violated

Principle 1, which prescribes that information must be complete and not one-sided, because there are no comments or statements of the accused persons, as well as Principle 10 which states that journalists must not violate the presumption of innocence.

TV VIJESTI: NEWS AT HALF PAST SIX (22 January) - The presumption of innocence was violated in the report which referred to the two arrested men as robbers revealing their full names.

TV PINK M: INFOMONTE (24 January) – The Code was violated several times in the report on the allegedly illegal contract of CKB with the company which carried out the reconstruction of a bank's branch, and the presumption of innocence was violated in the following: "These earnings were shared among the managers of the bank, mainly in square meters. The system was simple. Lower level was sold to the bank, and the floor above was designated for flats of families of Tatar and Ljumović. That is how it was done in Kotor and Cetinje. The greed was so great that they took away terraces from neighbors to extend their flats they designated to themselves, according to neighbors from Cetinje".

### 3.11. Principle 11 of the Code

***"A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions."***

#### 3.11.1. Violations of Principle 11 in print and online media

In its last two reports the MCSR MT did not state any violations of Principle 11. During the period from 1 October 2013 to 15 February 2014, HRA associates found three violations in dailies *Pobjeda* and *Dnevne novine*, members of the MCSR.

Text titled: "Footnote: Gumar Prometheus - Ombudsman", published in *Pobjeda* on 1 October 2013, was written in the form of a journalistic text and deals with the life and work of lawyer Veselin D. Radulović. The text accusing claims against Radulović which were not verified in accordance with professional journalistic standards. The text is unsigned, but the authorship could be linked with the logo of the Association of Gambling Providers, which is placed above the text, but does not appear to be graphically connected to the text.

HRA believes that the method of processing and presentation of this text represents a violation of Principle 11 of the Code and guidelines which deal with the differences between news and advertising<sup>72</sup>. Problem with this text is that it belongs in the section

72 "Advertisements and pages or programs sponsored must be clearly distinguishable from the edito-

- forum for different opinions, and since it was published with a logo, it indicates that it is treated as advertising, marketing content.

In another article from daily *Pobjeda*, in our opinion, Principle 11 was violated in short information based on communication of the public relations service of the national airline company "Montenegro Airlines". The article titled "Branch moved to Bulevar Ivana Crnojevića" quoted the sentence: "Users can expect at this address our traditionally friendly staff, prompt booking and ticketing and affordable prices, which will continue to be a priority for the national airline company". In this sentence, in our opinion, important service information was "seasoned" with self-advertisement, which exceeded the limits prescribed in the Code as disguised advertisement (Guideline 11.5)<sup>73</sup>.

A similar violation was recorded in an article published in *Dnevne novine* on 21 January 2014, titled "Save with Pika card". The news was based on "Dormeo" company's press release, and the limit of disguised advertising was exceeded in the sentence: "This January, when money is traditionally spent faster due to the holidays, we provide the privilege to our customers to buy their favorite 'Dormeo' product..."

### 3.11.2. Violations of Principle 11 in TV programmes

During the period from 1 October to 15 February, the MCSR MT did not observe violations of Principle 11 in TV programmes.

HRA associates recorded six such violations in their monitoring, a large majority of which refers to the non-critical publication of materials for public relations within the news programme, thus eliminating the distinction between editorial content and advertising.

Two violations of Principle 11 were recorded in TVCG programmes, and one each in programmes of other monitored television stations (*Vijesti*, *Pink M*, *Atlas* and *Prva*). Three television stations, *TVCG*, *Pink M* and *Vijesti* violated this principle on 7 November, reporting on home loans of bank Societe Generale Montenegro (SGM). Journalists reported on what is, without doubt, propaganda of the bank which discloses information about a new product wishing to reach customers. The sole disclosure of information was a violation of Principle 11, and the mistake is worsened when announcement of the SGM are published in which the bank praises itself, its products or services. Televisions should not publish such information in the news programmes, except within reports in which the allegations were proven to be true, for example, if comparing home loans on the market and providing an assessment of these products.

rial content and must be designed and presented that the reader/listener/viewer can recognize them as such. A journalist must not be engaged in advertising-propaganda business."

73 "The credibility of the media as a source of information calls for particular care in dealing with PR material and in producing editorial supplements. Editorial stories that refer to companies, their products, services or events must not overstep the boundary to hidden advertising. This risk is especially great if a story goes beyond justified public interest or the audience's interest in information. This also applies to unedited advertising texts, photographs and illustrations.

TVCG: NEWS 2 (7 December) - A report on the opening of hypermarket "Voli" crossed the line between information and advertising. Among other things, it was reported: "They say that consumers will be offered 20 thousand items at prices more favourable than the competition". The journalists did not check this assertion, but the surveyed citizens confirmed it. We note that the survey was conducted among fewer than 10 customers, and was published as part of the report, which cannot be regarded as a relevant method of verifying the allegations about the price of the product.

TV ATLAS: FORUM (26 December) – A report on the reception that Atlas Bank organized for its customers and partners contained advertisement and claims about the superiority of this bank over its competitors in Montenegro: "Business partners of the bank say they are happy with the cooperation this year as well as the year before, pointing out that this may be the only reliable financial institution in Montenegro".

PRVA TV: NEWS (20 February) - Information on improving the Internet network of company Mtel was published, containing claims of company's representative on the quality, which was not questioned or put into context in any way.

### 3.12. Principle 12 of the Code

***"It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist codex."***

#### 3.12.1. Violations of Principle 12 in print and online media

While MCSR MT did not record any violations of Principle 12 during the period from 1 October 2013 to 15 February 2014 in its two last report, HRA associates recorded 56 violations.<sup>74</sup>

HRA associates recorded the majority of violations in *Dnevne novine* (29) and *Blic* – Montenegrin edition (14), in *Vijesti* (9), in *Dan* (2), and one each in *Pobjeda* and portal *RTCG*.

In all cases this concerned guideline<sup>75</sup> of Principle 12 which relates to the journalist's use of other people's texts, parts of texts or photographs, without citing sources, but presenting them as their own.

.....

<sup>74</sup> From 15 February to 1 March 2014, HRA associates observed nine more violations of Principle 12 of the Code.

<sup>75</sup> Novinar ne smije da se bavi plagiranjem. Pod plagijatom se podrazumijeva korišćenja tuđih informacija, riječi, ideja i slika bez odgovarajućeg navodjenja izvora.



The majority of examples of plagiarism HRA associates found based on the data that the same news and photographs originally appeared previously in other media (mostly online foreign media). There are also examples where the plagiarized stories were signed with full names or initials of Journalists (often in *Blic* – Montenegrin edition), when it was quite clear that those journalists did not report on mentioned events from the scene, but rather plagiarized the text or parts of it. For example, on 16 January 2014, *Blic* published a report on a crime that occurred in the U.S. with headline “Horror in the United States: Two students seriously injured in attack”, and title “Child shot other children with a shotgun”. Full name of the journalist was written above the article, which would be logical if she reported from the scene or was a correspondent in the United States. Since this was not stated in the report, it is logical to conclude that she compiled parts of texts from other foreign media. Photographs whose authorship remains unknown were also used.

In few cases the source for some of the published stories was discretely named, but it remains unclear whether the rest of the story can be attributed to the same source or another that remained hidden. An example of this is the text published in *Vijesti* on 19 November 2013 titled “Without simulation and censorship”, where the second paragraph stated the source of a quotation, but it remained unclear whether the whole text was taken from the Danish magazine “*Filmmagasinet Ekko*” or just that one quote.

HRA associates noted that weekly *Monitor* uses photographs whose authorship remains unknown and express doubts that in a number of cases the photos were borrowed from other media, which was not stated. One of the few exceptions is a photo from the front page of the weekly release of 14 February 2014, which was credited on the contents page, where it was stated that the photograph was taken from portal “*Klix.ba*”. (This drew our attention and raised doubts that other photos, especially those that illustrate stories not thematically related to Montenegro, could also be plagiarized.

(Titles of articles with violations of Principle 12 are listed at the end of the report).

### **3.12.2. Violations of Principle 12 in TV programmes**

MCSR MT and HRA did not observe violations of this principle in the monitored period.



## 4. CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT

### Media and self-regulatory bodies in Montenegro

■ *New local media joining the Self-Regulatory Local Press Council and the decision of daily "Dan" to follow the experience of TV Vijesti and daily "Vijesti" and appoint the protector of the rights of its readers represent new examples affirming the need to establish effective self-regulatory practices in the Montenegrin media community. Of influential media, only weekly "Monitor" remains out of self-regulatory process.*

■ **It is high time for weekly "Monitor" to select an appropriate form of self-regulation, as well as many electronic media not involved in work of any of the existing collective self-regulatory bodies.**

### Cooperation among self-regulatory bodies

■ *The fact that MCSR welcomed the establishment of Ombudsman in TV Vijesti and daily newspapers "Vijesti" and "Dan" and declared its willingness to cooperate represents an encouraging step towards reducing the distrust and towards the beginning of cooperation among various self-regulatory bodies.*

■ **MCSR could validate its publicly declared willingness to cooperate with Ombudsmen of daily and TV "Vijesti" and daily "Dan" by forwarding complaints it had received referring to these media, without stating its opinion on them. This even more so because thus far MCSR MT has failed to seek statements in complaint procedures or regarding its own findings from the media that were not its members, although this represents breach of the provisions of its Statute. In case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate a joint debate with the aim of consistent interpretation of the Code and promotion of the respect for professional standards and human rights by the media.**

■ *The need for cooperation has also been observed between Ombudswomen of TV and newspaper "Vijesti", since the complaint concerning "Vijesti" television, which arrived at the address of daily "Vijesti" Ombudswoman, did not reach TV "Vijesti" Ombudswoman - according to their reports.*

■ **Cooperation and forwarding of complaints would imply conscious acting primarily in the interests of viewers and readers, whose interests Ombudswomen (of self-regulatory bodies) are supposed to protect, and would also improve confidence in their roles, as well as in the media that appointed them.**

### **The procedure by which self-regulatory bodies act**

■ *MCSR MT, which also decides on complaints, still does not apply equal criteria when it comes to decision-making procedures. In most cases, especially those regarding complaints about media outlets that are not its members, MCSR MT did not seek statement of these media about allegations in the complaints, or attempted to mediate in disputes between the media and complainants.*

■ **It is necessary that MCSR MT applies equal criteria when deciding on complaints prescribed by the Statute of MCSR.**

■ *MCSR has not adopted a rulebook that would regulate dispute settlement procedures, despite the announcement published on its website in early 2013.*

■ **It is essential that MCSR adopts the announced rulebook as soon as possible and thus additionally specify duties and responsibilities of its Monitoring Team and prevent arbitrariness in its conduct.**

■ *In several cases (of complaints relating to media outlets that are MCSR members), MCSR MT founded its decision concerning the complaint solely on the response of the media outlet referred to in that complaint.*

■ **Although, according to its Statute, MCSR has to request statement of the media outlet referred to in the complaint, its decision should be made objectively, based on review of the controversial journalistic material, and not solely based on allegations of the media to which the complaint relates.**

■ *Example of deciding on the appeal filed by the Association of Gambling Providers regarding the decision of MCSR MT on their complaint showed that current MCSR regulations do not address the issue of higher instance in deciding on complaints. Solution according to which the complainant who is dissatisfied with the decision of MCSR MT shall appeal to that same instance is legally and logically unviable.*

■ **Amendments to MCSR Statute should envisage second instance authority that decides on appeals.**

■ *In dealing with problematic readers' commentary on portal "Vijesti", on one occasion in its report MCSR MT abandoned its role of appraiser of content ethics and engaged in unacceptable diagnosis of mental condition of authors*

of controversial comments: “comments are used to express readers’ disturbed, sick and stubborn attitudes”.

■ **As much as such assessment might be well-founded, self-regulatory bodies should refrain from diagnosing health condition of authors of comments, and be generous in offering and finding solutions for the improvement of editorial practices in new electronic media.**

■ *Contrary to previous reports of MCSR MT, which recorded as many as 37 examples of stating that the Code had been violated, but without identifying specific principles of the Code that had been violated<sup>76</sup>, in its ninth and tenth report MCSR MT improved its reasoning and the above failure has been recorded only in a few cases.*

■ **For the assessment on the Code violation to be well-founded and credible, and in order to prevent similar conduct in the future, it is necessary to always clearly state in the report which basic principle of the Code and which guideline had been violated, as well as the manner of such violation.**

■ *When comparing data obtained by MCSR MT and those obtained by HRA associates, it is evident that the main reason for significant discrepancies is that MCSR MT does not pay enough attention to the most common examples of violation of the Code (violation of Principle 10 - respect for the presumption of innocence) and does not pay attention at all to violation of Principle 11 (obligation to not accept privileges that could limit or bring into question journalistic autonomy and impartiality) and no. 12 (no plagiarism).*

■ **MCSR MT should pay equal attention to violations of each of the fundamental principles of the Code and guidelines developing and explaining these principles, or at least state reasonable grounds for its selective approach.**

■ *Significant discrepancy in comparative monitoring conducted by MCSR MT and by HRA is also due to the fact that MCSR Monitoring Team, as a rule, deals with violations of the Code in television programmes only on the basis of filed complaints, and very rarely carries out monitoring of their programme on its own initiative. HRA monitoring of major news broadcasts of only five most watched TV stations in Montenegro recorded a number of breaches of the Code, particularly by TV “PINK M”, a member of MCSR.*

■ **MCSR MT should, at least periodically, monitor the work of electronic media, especially television stations whose signal covers the whole territory of Montenegro and are members of this self-regulatory body (TVCG, TV Pink M, TV Prva).**

.....  
76 Monitoring of journalistic self-regulatory bodies in Montenegro, second report, HRA recommendation, p.15.

■ *Self-Regulatory Local Press Council still lacks a separate act regulating the work of its Court of Honour (Monitoring Team), the body envisaged by the Statute, and the procedure for filing complaints and acting upon them. The existence of such document could encourage potential complainants.*

■ **It is necessary that the appropriate body of Self-Regulatory Local Press Council adopt a document regulating the work of Court of Honour (Monitoring Team) and the procedure for filing complaints and acting upon them.**

■ *Although Ombudsman was established almost a year ago, TV Vijesti has not yet adopted an internal code of ethics, envisaged in the decision on the establishment of Ombudsman.*

■ **Bearing in mind the statement of Ombudswoman that journalists often contact her in order to solve their ethical dilemmas, this could be an additional incentive for a speedy development and adoption of an internal code of ethics and programme guidelines for TV Vijesti.**

■ *Art. 3 of the Rules of Procedure of Ombudsman of daily "Vijesti" provides that a complaint, in order to be considered, should, inter alia, include: name and surname of the complainant, if a natural person, or full name and registration number, if a legal entity. Ombudswoman has so far also considered complaints that do not contain this requirement.*

■ **Although such position of Ombudswoman is understandable in the interest of complainants, it would be more appropriate to comply with the Rules and thus have educational impact on complainants as well.**

■ *In the reports Ombudswoman also treated her self-initiated interventions as complaints, as well as complaints written not in the form of a complaint or in accordance with the Rules of Procedure of Ombudsman of Vijesti readers, which is confusing.*

■ **In subsequent reports Ombudswoman should adhere to terminology prescribed by the Rules and make a clear distinction between acting on complaints and self-initiated interventions and engagements on the basis of complaints that do not comply with the prescribed form.**

■ *Daily "Vijesti" Ombudswoman does not always state which basic principle of the Code had been violated and in what manner, and does not consistently use the Code terminology, all of which complicates understanding of her decisions.*

■ **In identifying violations of professional ethics, it is desirable to always state which principle or guideline of the Code was violated, and in which manner, so as to avoid the impression of bias, as well as to educate and prevent. It is also desirable to comply with terminology used in the Code.**

## Findings of a comparative media monitoring

■ Although the violation of the presumption of innocence (Principle 10 of the Code) is still by far the most common example of unethical practice in the media, it is encouraging that HRA monitors recorded significantly fewer examples than in the period covered by our second report, and that Ombuds-woman of daily “Vijesti” in the February issue of the newspapers “noted a significant number of titles and headings with a question mark, or some form of potential, so as to leave room for a different interpretation, i.e. not jeopardize the presumption of innocence”.

■ **HRA recommends that the media endeavour to reduce to a negligible extent the number of examples of violation of the presumption of innocence. Mitigating circumstance in this case is that this is a violation relatively easy to recognize, and therefore, with the good will of journalists and particularly editors, easily avoided.**

■ Comparative monitoring shows the frequency of one-sided reporting – Principle 1 has been the most often violated principle according to monitoring conducted by MCSR, while according to HRA monitoring it came in second. As a rule, this principle is violated when the media use one party’s accusatory statements as a source of news, while denying the other party the opportunity to immediately comment on allegations.

■ **In order to have well-balanced reporting and journalism fulfilling its purpose through the “search for truth”, the media must immediately offer the opportunity to the other party to respond to charges, and not just leave the possibility that they subsequently respond. Also, the media themselves must check the merits of the charges.**

■ There is a noticeable increase in the number of violations of Principle 12. Number of cases of plagiarism in the monitored media, especially on websites, is much greater than the stated, as it is not always easy to determine that type of ethical violation without a thorough comparative analysis. Compared to the previous two HRA reports, this report specifies several examples of overt or clumsily disguised plagiarism.

■ **As the media clearly point out their authorship when it comes to articles and photographs, it is desirable that they do the same when using someone else’s articles or parts of them, photographs and other graphic illustrations.**

■ Most examples of violation of Principle 8 of the Code in the monitored television news programmes relate to disclosure of names and surnames of traffic accident victims.

■ **The media should be a lot more attentive and considerate towards the victims of crimes or accidents, since, under the Code, they have the right to special protection of identity, except in cases of extraordinary circumstances, which should always be carefully considered.**

■ *In some texts MCSR MT brought abusive language into connection with Principle 8 of the Code, i.e. violation of privacy, although existing guidelines for this principle do not provide a basis for such a conclusion.*

■ **It is necessary to raise the question of possible amendments to guidelines of the Code pertaining to Principle 8, thus taking into account that according to the jurisprudence of the European Court of Human Rights violation of one's honour and reputation may constitute a breach of privacy.**

**a) Headlines of articles which violated Principle 10 – the presumption of innocence:**

**From „Dan“:** “Oštetio banku za 6.530 eura”, “Pokrao Crveni krst i vrtić”, “Švercovali auto-djelove”, “Krali eksploziv”, “Oskrnasio crkvu i udario policajca”, “Gvozdenović nezakonito izdao dozvolu”, “Ukrao auto”, “Švercovali duvan”, “Pornografske snimke slao u Njemačku”, “Beranac dilovao marihuana”, “Silovao brataničnu pa je bacio sa terase”, “Mladića ubo nožem u grudni”, “Muju Redži pozliko u ćeliji”, “Banku oštetio za 112.000 eura”, “Metke krili u šporetu”, “Divljak’ pokušao da pregazi policajce”, “Zapalili tendu, pa pobjegli”, “U pritvor zbog pokušaja ubistva brata”, “Opljačkao crkvu”, “Krali bicikla”, “Četiri rođeka dilovala 19 kila”, “Pucao na video nadzor policije”, “Maloljetnici ukrali zvono”, “Uhapšeni lopovi”, “Mladić pucao u policijske kamere”, “Zbog konobarice pucao u mladića”, “Bombaš poslat u Spuž”, “Policajac ubio divojarca”, “Prodavali heroin”, “Pao i drugi bombaš”, “Osmani pretukao Mandu Popović”, “Ukrao kola, pa sletio s puta”, “Muša opraio pola miliona”, “Napao prodavnicu”, “Ukrala 6.600 eura”, “Opelom’ udario staricu”, “Krio oružje i pancir”, “Izazvao saobraćajnu nesreću”, “Oštetio budžet za 800.000 eura”, “Oтели torbu”, “Drogu krili u kući”, “Pokušao da siluje djevojčicu”, “Ukrao 3.500 eura”, “Opljačkao ‘Rodu’”, “Ubio kćerku jer se smijala”, “Obio lokal i ukrao piće”, “Krali auta, obijali kuće”, “Skank krio u patosu kamiona”, “Sa pumpe odnio 1.700 eura”, “Ukrao telefon”, “Krali ležaje”, “Tukao policajca”, “Firme oštetili za 16.000”, “Prebili azilante, pa tražili otkup”, “Iz kladionice odnio 1.200 eura”, “Podgoričanin odnio sliku”, “Uhapšen jer je pokušavao da pregazi advokata”, “Rožajci silovali maloljetnicu”, “Krao kovertu”, “Bombom na brata zbog međa”, “Jedan tukao, drugi prijeto”, “Pljačkao i frizerske salone”, “Mladić ranjen nožem”, “Postavio eksploziv na auto policajca”, “Radnik ukrao 4.000 eura”, “Porez utajili, banku čašćavali”, “Izboli tetku nožem, pa je opljačkali”, “Uhapšen zelenaš”, “Krao novac i telephone”, “Marihuanu spremali za prodaju”, “Unuk kamenom ubio babu”, “Krao bakar sa hale”, “Beranac švercovao 45 kilograma kokaina”, “Maloljetnicima polomili rebra”, “Mućio invalida”, “Napao obezbjeđenje i lomip inventor”, “Krao robu iz prodavnice”, “Drogu



krio u sobi", "Mučili psa do smrti", "Policajac uzeo mito od pet vozača", "Bivši direktor pronevjerio 34.000", "Uhapšeni lopovi", "Kolege pokušale da ga siluju", "Odnio 500 eura", "Krao telefone od košarkaša", "Drogu krio u gaćama", "Spremao skank za prodaju", "Pokupao da se ugrije, pa zapalio kuću", "Maloljetnici polomili stakla", "Uhapšeni kradljivci", "Obila slot aparat", "Opljačkao tri auta", "Izmislio pljačku", "Uhapšen u krađi", "Krali novac, telefone, šporete", "Radnik obezbjeđenja pljačkao kolege", "Opljačkali market", "Vlasnika 'kopa' kafe ucjenjivali za 8.000 eura", "Pronevjerio pola miliona eura", "Pare od vode stavljali u džep", "Prodavca tukao čekićem po glavi", "Ulcinjanin švercovao skank", "Maloljetnik dilovao drogu", "Ukrao 250 eura, pa izmislio razbojništvo", "Švercovao heroin", "Prisvojio 408 hiljada", "Krali televizore", "Švercovao drogue", "Ukrali kazan za rakiju", "Izvršili pljačku, pa tukli policiju", "Prodavali marihuana", "Odnio dokumentaciju", "Organizovali prostituciju u Podgorici i na Primorju", "Švercovao drogue", "Opljačkao knjižaru", "Krao novčanike i torbe", "Ubio mladiće koje nije poznao", "Napastvovao djevojčicu", "Opljačkali bračni par iz Njemačke", "Opljačkao kazino", "Prevozili skank", "Uhapšen zbog seksualnog zlostavljanja učenika", "Oštetio firmu za 11.000 eura", "Pronevjerio pazar", "Ukrao laptop", "Oteo 15 eura", "Obio auto, opljačkao magazine", "Švercovali tablet", "Aktivistima DPS-a na dan izbora dijelila po 200 eura", "Otuđio 15.700 eura".

**From „Dnevne novine“:** "Držao pištolj i municiju različitog kalibra", "Ukrao novac i nakit iz auta", "Krao torbe sa plaže", "Silovao, pa zatim pokušao da ubije brataničnu", "Konobar nožem ubo gosta lokala u stomak", "Vlasnik Komerc Kormana prisvojio tuđe mašine", "U džepu nosio drogu", "Vrijedao i udarao Beranku", "Bombom pokušao da ubije brata", "Krali pa uništavali auta", "Dolijao provalnik crkve", "Bacio bombu zbog svađe sa gazdama", "Osmanagići oprali 72.000 eura", "Izazvao potres možga kako bi sakrio 150.000 E", "Izazvao požar na jahti", "U kući držali arsenal oružja", "U stanovima krili pakovanje skanka", "Nije vratila pozajmicu od 30.000 eura", "Djevojčica od starca ukrala više od šest i po hiljada eura", "Prebili bračni par pa im oteali 100.000 eura", "Oštetili firme za koje su radili za više od 16.000 eura", "Halilović organizovao šverc kokaina", "Ubica tvrdi da je usmrtio kćerku, a njena majka da joj on nije otac", "Iz kladionice Meridian ukrao 500 eura", "Kolašinci u autu držali drogue", "Crnogorci pretukli dvojicu dječaka", "Carinik falsifikovao ispravu", "Mladić krao bakarne šipke", "Policajac uhapšen zbog primanja mita", "Lažirao pljačku", "Ukrali 400 eura i uhapšeni", "Maloljetnik nožem prekratio tuču", "Stavio hipoteku na tuđu imovinu", "Švercovao cigare", "Baranin ocu zario nož u grudi", "Optužnica protiv razbojnika", "Ukrao pa prodao dva auta", "Uhapšen serijski razbojnik iz Podgorice", "Krenuo da proda skank", "Zatekla lopova u trafici", "Opljačkali market", "Pao i drugi 'reketaš' vlasnika Kopa kafe", "Uhapšen Beranac N: Bacio bombu ispred kafića", "Iz automobila ukrao torbicu", "Jedan lopov uhapšen, drugog traže", "Obio auto i ukrao torbicu", "Krali televizore iz kladionica", "Uhapšen Cetinjanin koji je obijao crkve", "Srbijanac oštetio budžet Crne Gore za pola miliona", "Umjesto predaje, tukli policajce", "Autom prevozili 14 kilograma skanka", "Švercovao drogue", "Prevezio marihuana", "Starac pokušao da obljubi djevojčicu", "Krali kozmetiku", "Policija zatekla razbojnika u krađi", "Mladić iz auta ukrao laptop", "Pljačkao kuće u Virpazaru", "Podmetnuli bombu", "Pijani ljekar izazvao sudar".

**From "Pobjeda":** "Krao novac, telephone, bankovne kartice...", "Potegli nož na dva dječaka", "Slao klipove pedofilskog sadržaja", "Mladići krali kablove", "Oštetio banku za 112.000 eura", "Šesnaestogodišnjak iz Podgorice krao novac, zlato, telefon", "Oštetila klijenta za skoro 23.000 eura", "U potkrovlju krili marihuanu i municiju", "Bombašu određen pritvoren od 30 dana", "Policajac i lovočuvar uhvaćeni u krivolovu", "Insce-nirao saobraćajni udes kako bi prisvojio 14.000 eura", "Baranin u kesi krio eksploziv", "Falsifikovali sanitarne knjižice", "Skank krio u rezervoaru", "U stanu krili skank", "Opljačkao market i kladionicu", "Hrvatski stručnjaci kontrolišu poslovanje bivših menadžera CKB", "Pokušao da opljačka dječaka", "Ukrao mobilni iz 'Golf'", "Maloljet-nici krali vrata, prozore, kapiju, cijevi...", "Uhapšen bombaš, pomagač u bjekstvu", "Razbojnik odnio novac i ključeve iz vozila", "Pretukli muškarca pa pokušali da ga siluju", "Podgoričanin opljačkao kladionicu i udario radnicu", "Šahmanović oštetio JP ya 34.401 euro", "Počinje suđenje Vladanu Nicoviću jer je prevario kupce stanova", "Uz prijetnju pištoljem ukrao više od 1.000", "Prokockao stričev novac pa prijavio da je pokraden", "Blefirali da skupljaju otpad i obijali kuće", "Pokrao firmu u kojoj je bio zaposlen", "Tukli čuvara pajserom i šipkama po glavi", "Krao mobilne telefone za vri-jeme utakmice", "Ukrao 'ford' i 'audi'", "Mladić 'odradio' pet krađa i odnio više od 1.000 eura", "Iz stanova krali novac i mobilne", "Oštetio firmu za skoro 8.000 eura", "Izmislio da je opljačkan da bi vratio dug", "Uhapšen bombaš", "Prijeteći htio da 'zaradi' 8.000 eura", "Prevario sugrađane za 408.000 eura", "Obio 'mercedes' i ukrao dokumenta", "Udario čekićem trgovca kad je odbio da mu preda novac", "Uhapšen Nikšićanin N: Krio 330 grama skanka", "Krali motore i LCD televizore", "Uhapšeni zbog krađe i na-pada na policajce", "Izrežirali pljačku 15 Alboninih prodavnica", "U stanu krio pištolj", "Drogu krio u donjem vešu", "Htio da se ugrije, pa zapalio kuću", "Starac pokušao da napastvuje djevojčicu", "Ispisivali grafite po školama i vrtićima", "Izudarao radnicu i ukrao 15 eura".

**From „Vijesti“:** "Radnici iz fabrike 'Poliex' krali TNT", "Silovao pa pokušao da ubije brataničnu", "U vikendici krili trotilske metke", "Ukrao sat i lanac", "Nožem nasrnuo na Delibašića", "Novljani krali bicikla na primorju", "Maloljetnici ukrali crkvena zvo-na", "Prodavao petarde u blizini škole na Vidrovanu", "Ukrao prilog iz crkve i ostavio kačket", "Trojica maloljetnika među napadačima", "Na 'lažne' porodilje uzeli 176.000 eura", "Pucao zbog konobarice", "Lomili po lokalu pa bacio bombu", "Čolović nabavio bombu za Džez klub", "Lopova 'zarobili' i čuvali prolaznici", "Zbog novca izazvao udes", "Arsenal oružja u kući Prelevića", "Razvojnim kreditima vraćao stare dugove", "Pijan je tukao do smrti zbog prečestih izlazaka", "Iz tri pljačke odnio 1.900 eura", "Braća si-lovala maloljetnicu", "Hrvat švercovao 44 kilograma skanka", "Radojica i Mikaš ubili divojarca", "Zabranili portparolu da daje informacije 'Vijestima' i 'Danu'", "Korumpi-rani policajci u ozvučenom presretaču", "Ulazio u stanove i krao novčanike", "Sajo u kući držao revolver i karabin", "Mandić opljačkao restoran u kome je radio", "Pretukli kolegu, pa pokušali da ga siluju", "Tuđi plac dao u zalog za kredit", "Nikšićanin "pao" sa 38 boksova cigareta", "Oštetio firmu za 34.000 E", "Sin nožem ubi oca u grudima", "Mari-huanu krio u gaćama", "Baranin nosio pištolj sa devet metaka u okviru", "Oko 330 gra-ma trave hrio da proda za 400 eura", "Zapalio kuću da bi se ugrijeo", "Čorac uhapšen dok je pljačkao Gradsku knjižaru", "Preuzeo, ali nije platio šest tona goriva", "Barać



utajio porez", "Arsenal oružja kod Duška Glendže", "Pokrao ženu dok joj je 'pomagao'", "Obijali kuće i butike", "Maloljetnici polomili stakla na HGI u Tivtu", "Sekti kandilo nosio za drogu", "Napao djevojčicu", "Isljam Jašari nožem pokušao da ubije sina".

**From portal „Vijesti“:** "Silovana djevojčica će od ponedjeljka biti u Domu za nezbrinutu djecu u Bijeloj", "Uhapšeno petoro mladića koji su tukli srednjoškolca koji je podržao Paradu", "Napad na Džez klub: Radović se posvađao sa gazdama, pa pošao po bombu".

**From „Blic“:** "Dolijao provalnik", "Krao na plažama", "Silovao i pokušao da ubije djevojčicu", "Nožem prekratio svađu", "Šarićeva prijateljica prisvojila 63.000 eura", "Bombom na brata zbog imovine", "Crnogorska i srpska policija uhapsile krijumčare skanka", "Ukrali na desetine bicikla", "Uhvaćeni kradljivci automobile", "Pozajmila 10.000 eura i nije ih vratila", "Nikšičanin hicem iz pištolja u kafani 'Kod hama' teško ranio Podgoričanina", "Ljut na gazde bombom ranio 11 gostiju kluba", "Ukrao pazar, pa inscenirao udes", "Sa eksplozivom krenuo u ribolov", "Uhapšen vođa barskog klana", "Sin ubo nožem oca u grudi", "Na prevaru uzeo šest tona dizela", "Pokrao ukućane, pa lažno prijavio pljačku", "Palicama nasrnuli na policajce", "Slučajno zapalio napuštenu kuću u koju je došao da prespava", "Cetinjanin obijao crkve", "Krijumčarile drogu, pa doživjele udes", "Ukradeni automobil htio da proda otpadu".

**From portal „Cafe del Montenegro“:** "Pretučen dječak: Devetogodišnjaka udarao šakom i bacao na beton", "Srbijanac pokušao da siluje maloljetnicu u Bijelom Polju", "Uz prijetnju nožem, od radnice kladionice Volcano oteo novac", "Albanski državljanin švercovao auto djelove i elektro-uređaje", "Nakon svađe i tuče Albanac nožem ranio Ulcinjanina", "Berane: U šporetu krili trotilske metke", "Ne zna se kako je silovana djevojčica pobjegla iz bolnice", "Buronje: Bacio bombu na rođenog brata", "Pozajmila 10 hiljada eura koje nikad nije vratila", "Novac izgubio na kocki, pa lažno prijavio da je napadnut i opljačkan", "Nezvanično: U pucnjavi u Mojanovićima ranjen policajac", "Sin Hanke Paldum kolima pregazio tri žene".

#### b) Headlines of articles which violated Principle 12:

**From „Dnevne novine“:** "Deset najbizarnijih stvari na aukciji eBaY-a", "Pozovi brata ako je kasno i plašiš se da sama ideš kući", "Gonkur' Pjeru Lemetru", "Nekadašnji šef bostonskog podzemlja osuđen na dvije doživotne kazne", "Sakupio kolekciju od 9.000 lutaka", "Bez naslova (atrfle)", "Zamalo drugi dio 'pada crnog jastreba'", "Tusk pooštava propise nakon teške nesreće", "Ako neće Rusi, hoće Njemci", "Eksperiment koji će sa pažnjom pratiti mnogi", "Bliži mi se penzija", "Cedungu statua od zlata", "Nijesam platio porez jer sam se sudario sa kravom", "Gafovi poznatih", "PCG i SDP zajedno na izbor?", "Festival limuna", "Nigdje ne ide bez čačkalice", "Osam mjeseci sam proveo u pritvoru kao Mladićev jatak", "Nevjerovatne 3D tetovaže", "Anželina ima 42 kilograma", "U kući držao 300 pitona", "Driblao najveće, a sada je majstor za kapučino i ekspres", "Ovo su najhladnija mjesta na planeti", "Barikade niču kao pečurke", "Mur se

povlači", "Za jubilej kanala djeca slikala mural", "Al-kaida uputila izvinjenje", "Merkel spasila Hodorovskog", "Kerol mrzio slavu", "Šestonoga krava", "EU ne može da ispuni sve zahtjeve Velike Britanije", "Britanija pokreće raspravu o metodi "troje roditelja", "Najmanja tinejdžerka na svijetu", "Svijetleći rogovi za irtvase"

**From „Blic“:** "Prva dana u bolnici zbog depresije", "Ukradeno 18 milijardi", "Urugvaj otvara firme za proizvodnju marihuana", "Drogiraju djecu i tjeraju ih na seks", "Odsjekli su mi uvo i bjesomučno tukli", "Nije lako biti afrički dendi", "Linčovali ga pred seljanima za primjer", "Turska vlada može da zabrani svaki sajt", "Papa na aukciji prodao svoj motor", "Molio sam otmičare da me ubiju", "Benzemi i riberiju prijete zatvor", "Kopilot oteo avion da bi dobio azil", "Ćerka naciste hoće u briselske klupe", "Djeca su tražila da umru", "Renci sklonio Letu".

**From „Vijesti“:** "Putin opet pustio suzu", "Esmeralda: Droga joj uništila život", "Irak predodređen da propadne", "Optužnica protiv 'dobrih momaka'", "Indija: Silovana po naređenju seoskog savjeta", "Suzan Bojl: Traži posao u kladionici", "Rođak prodavao podatke o njemu", "Ne prestaje da kupuje jakne", "Janukovič pristaje i na predsjedničke izbore?", "Nađena dva dnevnika u kojima je opisivao muke sa drogom", "Stolice samo za zvijezde",

**From „Dana“:** "Sjeme proklijalo od topline mladog Sunca", "Bigfut postoji?"

**From „Pobjede“:** "Vuk sa Vol strita zabranjen u Maleziji",

**From portal RTCG:** "Survao se autobus, 14 poginulih".





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FOURTH REPORT

MONITORING OF JOURNALISTIC  
SELF-REGULATORY BODIES  
IN MONTENEGRO

1 March 2014 – 1 September 2014



## 1. CURRENT SITUATION IN THE MEDIA SELF-REGULATION

### 1.1 General overview

During the period covered by this report (1 March – 1 September 2014), there were a number of novelties in the field of media self-regulation in Montenegro. The most important one relates to the fact that, after TV *Vijesti*, dailies *Vijesti* and *Dan*, another media outlet that is not a member of the Media Council of Self-Regulation and does not accept its jurisdiction - weekly *Monitor* - decided to establish its ombudsman, meeting thus our recommendations from the two previous reports. Information regarding the start of ombudsman's operation was published in *Monitor* issue dated 5 June 2014.

During this reporting period the Ombudsman of daily *Dan* also started to operate; information on his appointment has been provided in the previous report.

The novelty is that for several months already the Ombudsman institute in TV *Vijesti* in fact exist only on paper, because no replacement has been appointed after the previous Ombudsman stopped working.

The impression is that the Self-Regulatory Local Press Council, too, exists only on paper, since it does not issue reports on its work or have a website with information about its other activities.

Other news is that the Monitoring Team of the Media Council for Self-Regulation (MCSR MT) began, to some extent, to recognise the existence of the Ombudsman in media who are not MCSR members. Examples of this include the decision not to process a complaint related to daily *Dan*, but recommend the complainant (Branimir Gvozdenović, Minister of Sustainable Development and Tourism) to contact the Ombudsman of the said daily, as also recommended by HRA in the previous reports, as well as to uphold some decisions of ombudsmen of daily newspapers *Vijesti* and *Dan* in subsequent deciding on the same complaints. Cooperation and mutual respect between self-regulatory bodies has also been encouraged in MCSR announcement at a round table dedicated to self-regulation, held in June 2014, that together with the Ombudsman and Human Rights Action (HRA), this body would direct its efforts towards amending the Code of Journalists of Montenegro (the Code)<sup>1</sup>.

1 More information available at: <http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VA12sBbw9KI>

The period covered by this HRA report was also marked by the emergence of a new newspaper in Montenegro, Belgrade tabloid *Informer*, which began issuing a special edition for Montenegro on 10 March 2014.

Already in the first month of publication of this newspaper it was noticeable, through denials and statements in other media, that several persons and institutions deny what had been published in *Informer*, Montenegrin issue (*Informer CG*). In one of the series of articles about the alleged unprofessional conduct at the Port Authority in Kotor, released on 3 April, *Informer CG* published a fictional statement by HRA Program Director. Since the editorial staff failed to publish the submitted response, HRA brought a claim against *Informer CG*. This tabloid has lowered the limit of professional and ethical standards to the extent scandalizing not only the local and foreign media and lay public, but also American and European diplomats in Montenegro, who were the first to react to a series of articles in which the Executive Director of NGO Network for Affirmation of NGO Sector (MANS) Vanja Čalović had been brought into connection with zoophilia, requiring the relevant state institutions to investigate whether the published photos were authentic or mounted, and the Society for the Protection of Animals to take action.

MCSR, whose Statute in Art. 7<sup>2</sup> states that this body aims to protect the citizens from unethical behaviour of Montenegrin media reacted only after the same had been done by the United States Embassy, Diplomatic Mission of the EU in Montenegro, Collegium of the President of the Parliament of Montenegro, and after Human Rights Action invited MCSR to respond. Ranko Vujović, MCSR Executive Secretary, stated in a press release<sup>3</sup> that *Informer* had violated the Code, but joined the invitation of the tabloid to competent authorities to investigate whether, indeed, the compromising video footage and photographs featured MANS Executive Director or somebody else. Moreover, the editor of *AnalitikaPortal* also insisted on that aspect of the whole affair in her own article<sup>4</sup>, as well as Gordana Borović, member of MCSR Monitoring Team. In MCSR MT report published more than a month after the response including the disputed texts in *Informer CG*, MCSR no longer insisted on this aspect, but dealt only with the lack of ethics in this kind of journalism.

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2 The Council is established as a non-governmental organization aimed at: improving and developing media self-regulation in Montenegro implementing the Code of Montenegrin Journalists in order to protect citizens from unethical reporting in the media, raising awareness about the importance of true and timely reporting. To achieve its objectives the Council will carry out the following activities: monitoring the implementation of the Code of Montenegrin Journalists in the media, publishing monthly, semi-annual and annual reports on compliance with the Code of Montenegrin Journalists, deciding on citizens' complaints and appeals regarding the work of the media and violations of the Code of Montenegrin Journalists, informing the media about specific complaints and appeals.

3 <http://www.cdm.me/drustvo/crna-gora/mss-o-pisanju-informera-utvrditi-da-li-je-u-pitanju-manipulacija-ili-autentican-materijal>

4 <http://portalanalitika.me/component/content/article/106-tema-extratv/151231-biljeka-o-skandalu->



Problematic reporting in tabloid newspaper *InformerCG* and absence of timely and authoritative response of self-regulatory bodies was the topic of conversation between Dunja Mijatović, the OSCE<sup>5</sup> Representative on Freedom of the Media, during her second consecutive stay in Montenegro, and several representatives of print and online media. At a meeting held on 16 July 2014, OSCE announced its assistance with the project regarding amendments to the Code, promotion of cooperation among the existing self-regulatory bodies and, in the future, an effort to create a unique self-regulatory body for print and online media in Montenegro.

In the period covered by this report, a one-year dispute that HRA had with daily *Pobjeda* has been brought to an end; the dispute concerned a failure to publish a response to Dr Stevan Lilić's text titled "Lilić: Mr Stano, who do you support", which is why MCSR criticized *Pobjeda* in its report covering the period from 15 July to 1 October 2013<sup>6</sup>. *Pobjeda* failed to act in accordance with the decision of a self-regulatory body it is a member of, but only complied with the decision of the Appellate Court, which upheld the ruling of Podgorica Basic Court, ordering this newspaper to publish HRA response of September 2013 and pay court costs.

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5 "The OSCE strongly condemns personalized and highly offensive attacks on Čalović. I was shocked and could not believe that Montenegro accepts that, both as a country and as a society. The government is responsible in front of its citizens. We must find a way to overcome such things. We need to move towards the professionalisation of the media in Montenegro - said the OSCE Representative on Freedom of the Media Dunja Mijatović. This is Mijatović's first official visit to Montenegro, during which she today met with several senior government officials, representatives of civil society and media representatives. Mijatović specifically addressed the reporting of daily *Informer*, concerning NGO MANS Executive Director Vanja Čalović, saying that nowadays we might have a lot of bravery, but we ran out of humanity... However, according to her, a lot needs to be done to implement the law on operation of the self-regulatory body, where the OSCE will be actively involved. - I plan to go back to Podgorica soon. We need to find a starting point, because we need to go strive towards something called professionalism of the media - concluded Dunja Mijatović." (<http://portalanalitika.me/drustvo/vijesti/152948-mijatovi-moramo-krenuti-prema-profesionalizaciji-medija-u-crnoj-gori>).

6 "Meanwhile MSS sought *Pobjeda*'s position regarding the aforementioned complaints, but has not received a response to date. Media Council for Self-Regulation considers that the failure to publish reactions of HRA violated Principle 4 of the Code of journalists that stipulates the obligation of journalists to complete an incomplete and correct an incorrect information, especially the one that can cause harm while, at the same time, respecting the rules that a correction must be displayed in the appropriate manner. MSS also recalls that the right to publish a correction or a response is prescribed by the Constitution of Montenegro, as well as the Law on Media. Media Council for Self-Regulation considers that this is a violation of the Code is even greater, because two weeks later the newspaper published professor Lilić's response to the response of Human Rights Action that had never been published." (MCSR MT report on the work of Montenegrin media for the period 15 July 2013 - 1 October 2013)

## 2. ACTIVITIES AND RESULTS OF OPERATION OF SELF-REGULATORY BODIES

### 2.1. Activities of the Media Council for Self-Regulation

#### 2.1.1. General information

##### The reports

Until the conclusion of this HRA report (beginning of September 2014), the Media Council for Self-Regulation (MCSR) had published three reports of its Monitoring Team (MT). Two of them are regular periodic reports, covering the period from 15 February to 31 April 2014 and from 1 May to 1 July 2014. The third report covers the period from 1 January to 1 May 2014, therefore the period included in the two previously published periodic reports.<sup>7</sup>

It was the first time that MCSR MT reiterated the previously published in one of its reports. This was done for the purpose of the round table dedicated to ethics of journalism, organized by the Media Council for Self-Regulation in cooperation with the Council of Europe in early June 2014. What is unusual about it is the omission of several examples from the report encompassing the period from 1 January to 1 May 2014 related to violations of professional ethics, addressed in previously published periodic reports. As many as 24 previously discussed examples of violations of Code principles have been omitted, without ever mentioning the omission or its motive. Among the omitted examples most of them were from daily *Dan* - fifteen, then daily *Vijesti* - five, two from *Informer CG*, and one from *Pobjeda* and *Dnevne novine* dailies.

In the same report, covering the first four months of 2014, a series of articles published in *Dan* and *Vijesti* were omitted, which were the result of a joint research conducted by OCCRP (Organized Crime and Corruption Reporting Project) and MANS (Network for Affirmation of NGO Sector). In its regular report for the period from 15 February to 31 April, MCSR MT assessed this series of texts thematically dealing with a link between organized crime and Montenegrin authorities as ethically problematic, finding that they had violated principles 1 and 7 of the Code.

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7 HRA analysed MCSR MT report covering the period from 1 December 2013 to 15 February 2014 in its next to the last report - third in a row, which refers to the period from 1 October 2013 to 1 March 2014.

MCSR has not so far published monthly and annual reports on compliance with the Code of Montenegro, as provided for in Art. 7 of the MCSR Statute<sup>8</sup> and, as one can conclude, in the Action Plan of the Government of Montenegro for Chapter 23: Judiciary and Fundamental Rights, measure 3.4.5.<sup>9</sup>

### **Transparency of operation**

MCSR used a round table that it had organized together with the Council of Europe to present one of the reports<sup>10</sup> of its MT for the first time not only to the general public, but professional as well. All other MCSR MT reports were presented only at press conferences.

The last two reports<sup>11</sup> as well have been published on the official website of MCSR, shortly after being presented at a press conference.

### **Informing of citizens**

MCSR does not update its official website regularly, or, with the exception of periodic reports, publish current information on its activities on the site. The website contains no information regarding the round table organized jointly by the Council of Europe and MCSR, or a statement issued on 22 June by MCSR Executive Secretary Ranko Vujović, regarding the writing of *Informer CG* about MANS Executive Director Vanja Čalović. On the day of finalizing of this report (1 September 2014), under “Current events”, the last published information on the website of MCSR was dated 27 September 2013.

Not even in the period covered by this HRA report did MCSR conduct a public campaign informing the citizens about its actions and encouraging them to complain about unethical behaviour of the media.

8 The Council is established as a non-governmental organization aimed at: improving and developing media self-regulation in Montenegro implementing the Code of Montenegrin Journalists in order to protect citizens from unethical reporting in the media, raising awareness about the importance of true and timely reporting. To achieve its objectives the Council will carry out the following activities: monitoring the implementation of the Code of Montenegrin Journalists in the media, publishing monthly, semi-annual and annual reports on compliance with the Code of Montenegrin Journalists, deciding on citizens' complaints and appeals regarding the work of the media and violations of the Code of Montenegrin Journalists, informing the media about specific complaints and appeals.

9 Measure 3.4.5. reads: “Prepare a Report on the implementation of professional and ethical standards in Montenegrin journalism. Publication of a report on compliance with the Code of journalists in the media.” Media Council for Self-Regulation was listed as the competent authority, with the deadline “December 2013 - December 2014”, and an indicator of the results: “Adopted report on the implementation of professional and ethical standards in Montenegrin journalism. Reports published on the website of the Media Council.”

10 Report on the work of Montenegrin print media for the period 1 January - 1 May 2014 (This report has not been published on MSS website [www.medijskisavjet.me](http://www.medijskisavjet.me)).

11 XI Report on the work of Montenegrin media for the period 15 February - 30 April 2014. XII Report on the work of Montenegrin media for the period 1 May - 1 July 2014. Reports are available on the website of MSS: [www.medijskisavjet.me](http://www.medijskisavjet.me).

Of media who are MCSR members, *AnalitikaPortal*, *RTCG* and online edition of *Radio Antena M* feature a notice on their homepage of the existence of MCSR, MCSR contact details and invitation to interested parties to appeal to this self-regulatory body. Although a member of MCSR, portal *Cafe delMontenegro* does not publish this information.

### Other activities

In addition to deciding on appeals, monitoring part of the media outlets and publishing reports on these activities, in early June 2014 MCSR organized a round table together with the Council of Europe dedicated to the respect for journalistic ethics in Montenegro. As reported by daily *Pobjeda*<sup>12</sup>, at that meeting MCSR announced its plans to join forces with the existing ombudsmen in the media, as well as with HRA, to amend the Code of Journalists of Montenegro.

## 2.1.2 Results of operation of MCSR Monitoring Team

### 2.1.2.1. Acting on complaints to the content published in the media

In the period from 1 March to 1 July, MCSR MT received 22 complaints. Except for one, they all related to articles published in dailies *Vijesti* and *Dan*, media houses who are not MCSR members and have their ombudsman. Fourteen complaints were about *Dan*, seven about *Vijesti*.

One complaint concerned *Dnevne novine* daily, a member of MCSR.

Ministry of Agriculture and Rural Development (Minister Petar Ivanović) submitted seven complaints, of which six related to *Dan* and one to *Vijesti*. The same number of complaints was submitted by businessman Zoran Bećirović, through his legal counsel. Four of his complaints referred to *Vijesti* and three to *Dan*.

In case of a complaint concerning *Dnevne novine* daily, MCSR MT addressed the editorial staff and asked for a statement, which was not given, and decided on the appeal regardless.

Eight complaints considered by MCSR MT had previously been addressed to ombudsmen of *Dan* and *Vijesti* dailies, who decided on them. MCSR MT agreed with the decision of *Vijesti* Ombudsman on a complaint only in the case, while deciding otherwise in seven other cases. According to the report, MCSR MT also agreed with one decision of daily *Dan* Ombudsman, and not with others, deciding otherwise.

.....

12 <http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VA12sBbw9KI>

In case of all complaints considered, MCSR MT accepted complainants' arguments in whole or in part and found that the disputed texts violated basic principles of the Code, or some of the guidelines for these principles.

According to MCSR MT estimates, Principles 1<sup>13</sup> and 4<sup>14</sup> were violated 13 times each, Principle 3<sup>15</sup> twice and Principle 10<sup>16</sup> once.

MCSR MT forwarded only one complaint related to articles in newspapers *Dan* and *Vijesti*, which had not been previously addressed to ombudsmen in the said media, to their addresses without expressing its opinion about it. This was the case of a complaint submitted by the Minister of Sustainable Development and Tourism Branimir Gvozdenović, referring to an article entitled "Corrupt millions in deals with Gvozdenović" (*Dan*, 28 May). MCSR MT suggested to the Minister to address them later perhaps, if not satisfied with the response of the ombudsman.

According to the reports, MCSR MT failed to previously seek a statement of a media outlet to which the complaint related, as provided in Art. 21 of the Statute of MCSR<sup>17</sup> (to which we drew their attention in previous reports), except in the case of *Dnevne novine*, as already mentioned.

.....

13 "It is the duty of journalists to respect the truth and persistently search for it, always bearing in mind the public's right to know and the human need for justice and humanity."

14 "The obligation of a journalist is to correct an incomplete or inaccurate information, especially one that can cause any harm while, at the same time, respecting the rules that correction must be displayed in an appropriate way."

15 "The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment."

16 "When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until it is proved differently and should by no means pre-adjudicate the outcome of a court procedure."

17 Monitoring team Art. 21: The monitoring team consists of the Executive Secretary of the Council and three media experts selected by the Board of Directors for a term of four years. Monitoring team monitors, records and on regular conferences (at least once every 60 days) for journalists publishes a report on violations of the Code of Montenegrin Journalists, including the answers to readers' complaints and appeals submitted to the monitoring team. Before compiling monthly reports, Monitoring Team shall request the opinion of the media house indicated to have violated the Code of Montenegrin Journalists in an application of viewers/readers/listeners, or based on monitoring conducted by the Monitoring Team. Executive Secretary shall sign a special contract for a term of four years with expert members of the Monitoring Team. The members of the Monitoring Team shall be entitled to monetary compensation up to the amount of at least two average net wages in Montenegro at the time of conclusion of the contract, if allowed by the financial possibilities of the Council. Monitoring team decides on appeals filed against any media organization in Montenegro when it comes to violations of the Code of Journalists of Montenegro, and informs the public on that. Monitoring team mediates in disputes between media organizations or journalists with natural and legal persons in cases where the media organizations or journalists violated the basic principles of journalistic ethics, so that these disputes would not end up on the court. The report of the Monitoring Team covers operation of electronic media, daily and weekly print media and relevant web sites. Monitoring Team members are autonomous in compiling the report, and no one has no right to influence the work of the Monitoring Team members.

### 2.1.2.2. Findings of MCSR Monitoring Team

From 1 March to 1 July, MCSR MT has recorded 113 examples of violations of the Code and all in the print media, with the exception of six violations on *Vijesti* portal (MCSR still does not monitor electronic/ broadcast media), and in the comments of visitors of this online media house.

According to the records of MCSR MT, monitored media violated seven of the 12 basic principles of the Code, or any of the guidelines for these principles.

According to the MCSR MT list, majority of violations of fundamental principles of the Code were committed by *Dan*, while *Pobjeda* committed the least. Daily *Dan* was 'caught' breaching the Code 46 times, *Informer CG* 30 times, *Vijesti* 20 times, *BlicCG* six times, *Vijesti* portal six times, *Dnevne novine* three times and *Pobjeda* twice.

Violations of the Code principles according to MCSR monitoring (1 March – 1 July 2014)								
Media outlet	Dan	Infor- mer CG	Vijesti	Blic CG	Portal Vijesti	Dnevne Novine	Pobje- da	Total
Principle 1	27	17	13	6	6	3	2	<b>74</b>
Principle 2								
Principle 3	7	10	1					<b>18</b>
Principle 4	1		1					<b>2</b>
Principle 5					6			<b>6</b>
Principle 6	1							<b>1</b>
Principle 7	2		2					<b>4</b>
Principle 8	1	2	1					<b>4</b>
Principle 9								
Principle 10	7	1	2					<b>10</b>
Principle 11								
Principle 12								

The most violated is Principle 1 (referring mainly to the accuracy) - 74 times, followed by Principle 3 (referring primarily to the obligation of a fair relationship to the facts) - 18 times, and Principle 10 (referring mainly to the obligation to respect the presumption of innocence), in 10 occasions. (See table)

According to MCSR MT findings, daily *Dan* violated Principle 1 twenty-seven times, *Informer CG* seventeen times, daily *Vijesti* thirteen times, *Blic CG* six times, *Dnevne novine* three times and *Pobjeda* twice.

### 2.1.3. HRA analysis of MCSR MT conduct

#### 2.1.3.1. HRA analysis of MCSR MT complaints procedure

MCSR has not yet fulfilled its promise to create special rules that will define the manner of filing of complaints and acting on complaints by a competent team. Also, MCSR Monitoring Team is still incomplete – it has one member less than stipulated in Art. 21 of the Statute of MCSR. Statute provides that “the monitoring team shall consist of the Executive Secretary of the Council and three media experts selected by the Board of Directors for a term of four years”. In addition to the Executive Secretary, current MT consists of two journalists working in the media - members of MCSR.

MCSR MT acted properly advising Branimir Gvozdenović, the Minister of Sustainable Development and Tourism, to forward the appeal related to daily *Dan* to the Ombudsman of that newspaper. However, it is unclear why the same has not been done in case of other complaints related to daily *Dan*, as well as those related to daily *Vijesti*, whose ombudsman has been operating longer than *Dan*'s ombudsman.

If recognizing the fact that certain media houses, who do not accept the jurisdiction of MCSR, have their own self-regulatory bodies (ombudsmen), MCSR MT should consistently follow that logic (as it did in the case of Minister Gvozdenović's appeal). Recognizing the existence of ombudsmen in the media would also dictate that MCSR MT does not act as a second instance self-regulatory organ, as such occurrence has no basis in the statute of MCSR or the logic of self-regulation. In our opinion, such decision-making by MCSR MT will not help strengthen self-regulation or trust between different media outlets and self-regulatory bodies.

In addition, by deciding on appeals relating to the media who do not accept the jurisdiction of MCSR and with whom this body does not have an established communication, MCSR cannot provide full protection to citizens, since it cannot interfere with the publication of a correction or apology; also, media house that violated the Code will not publish MCSR decision about it. Therefore, we wish to reiterate our recommendation from the previous report that MCSR should forward the complaints related to them to the media who have their ombudsman, and that self-regulators should open a debate on different interpretations of the Code.

MCSR Statute provides that, prior to deciding whether a media outlet has violated the Code and regardless of whether a possible violation has been brought up in an appeal or discovered during the process of monitoring, MT shall seek statement from the 'suspected' media outlet. Article 21 of MCSR Statute, among other things, specifies: “Before compiling a monthly report, Monitoring Team shall request the opinion of the media house indicated to have violated the Code of Montenegrin Journalists in an application of viewers/readers/listeners, or based on monitoring conducted by the Monitoring Team.” In case of acting on complaints submitted to MCSR MT in the



period covered by this HRA report, the cited provision, according to MCSR MT reports, has been respected in only one case - a complaint concerning *Dnevne novine* newspaper, a member of MCSR.

Such conduct of MCSR MT present since the beginning of its work continues the practice of non-compliance with MCSR Statute and unequal relationship with the media, especially those who are not MCSR members.

Irrespective of the merits and clarity of complainants' arguments, a disputed matter can be judged properly and fairly only after hearing the arguments of text authors and editors who had allowed its publication. As much as some conclusions of MCSR MT seem well-founded on the basis of review of appeals and disputed texts, one cannot always estimate with certainty based solely on that whether it was a mistake that could have been corrected, committed under certain unfavourable conditions (pressure of deadlines, haste, unavailability of relevant sources...), or a deliberate violation of professional ethics.

MCSR MT estimates so effortlessly that the media have breached Principle 4 of the Code concerning the obligation of the media to "complete incomplete and correct inaccurate information." Certain MCSR MT estimations of complaints regarding the Ministry of Agriculture and Rural Development, in our opinion, indicate a lack of understanding of what is suggested in the guidelines for Principle 4. Media house, according to the guidelines, is required to "promptly publish a correction," provided that it had been established "that the media outlet published a report containing significantly distorted facts". What if the media house does not believe it has released "significantly distorted facts", while the complainant claims otherwise, but guarantees only with his word? In such situations it is of utmost importance that self-regulatory bodies play the role of a mediator, not adjudicator, whether they be singular or collective. Guidelines for Principle 4 also state that "persons or organizations" who are "convinced that the media report contains inaccurate and unfounded allegations at their expense", "can request an opportunity to reply and publish a correction of false information from the media house that published such report". However, according to the wording of this guideline, this does not mean that the media outlet is automatically bound to "respect this right", but only "if it agrees that the report indeed contained false and unfounded allegations." If one should apply the principle of automatism, indirectly supported by MCSR MT in its interpretations, newspapers could be filled with denials and responses that would suppress news and journalistic stories.

Examples presented in this report show that disagreement over the interpretation of guidelines for Principle 4 of the Code, concerning the rights of correction and response, are quite common in self-regulatory practice, which may be in part due to inaccuracy of the guidelines and their incompatibility with the Law on Media.



### 2.1.3.2. HRA analysis of MCSR MT procedures based on own monitoring

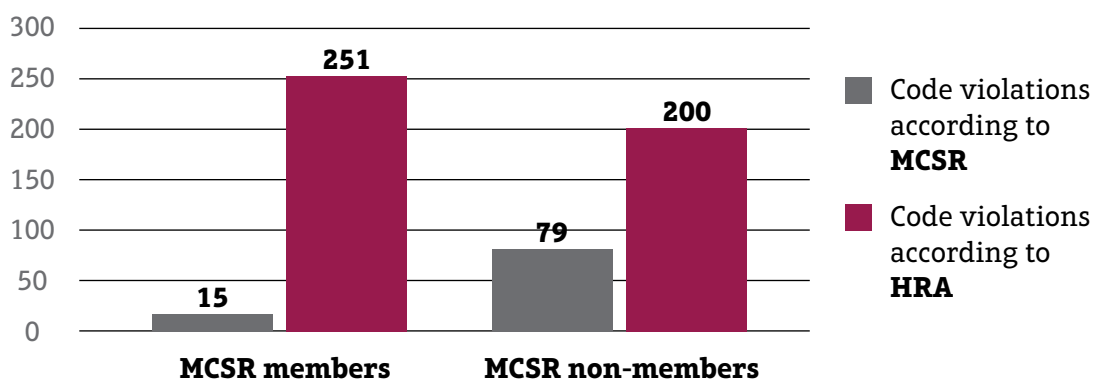
Since the start of its operation, MCSR MT has been monitoring electronic/broadcast media<sup>18</sup> only occasionally (although they make up the majority of MCSR members), and from 1 May to 1 July MCSR MT does not have data on monitoring of online media who are its members.

MCSR MT continues to ignore its obligation under the Statute to seek the opinion of the media outlet criticized on the basis of own monitoring, just as it does not require any opinion of media against which a complaint has been filed.

MCSR MT continues to overlook numerous violations of Principles 10 and 12, ignoring also violations of Principle 11, as indicated by the comparative analysis of MCSR MT monitoring and monitoring carried out during the same period by HRA associates.

From 1 March to 1 July MCSR MT discovered far fewer examples of violations of professional ethics in print and online media than HRA associates did in the same period, who, in addition, did not monitor *Informer CG*, where MCSR MT discovered 30 examples of violations of some of the basic Code principles. Also, HRA associates, unlike MCSR MT, have not been able to record examples of breach of professional ethics on the basis of complaints (acting on complaints, MCSR MT found 29 cases of violation of the Code).

As was done previously, MCSR MT has been paying more attention to the media who are not its members, than to those who are. According to their last two reports, it appears that the media which did not access MCSR and do not accept its authority, violated the Code more frequently than media with MCSR membership. HRA monitoring, as shown in the chart below, shows a substantially different picture.



In our opinion, MCSR MT has unnecessarily stepped out of its jurisdiction and entered into political commenting when assessing the ethics in text “Official’s planner full of data seized”, published in daily *Vijesti* on 11 March. The controversial comment reads:

.....

<sup>18</sup> MCSR MT made an exception in the ninth report, covering the period from 1 October to 1 December 2013, stating that TV Pink M had repeatedly violated the Code in its news programs, but listed just one example.

“The political struggle in Montenegro has taken on some unusual methods, such as incursions into partisan premises of political opponents, which is unprecedented in the practice, and some media have supported such methods in this manner.”

Unlike the first reaction of MCSR to *Informer CG* writing about MANS Executive Director Vanja Čalović, which was published in the press release, stressing the appeal to competent authorities to determine the authenticity of the alleged zoophilia footage, in its interim report MCSR MT put the emphasis solely on unethical behaviour of *Informer CG*, which is, in our opinion, the only right approach. MCSR MT has stated that the disputed texts violated Principles 1 and 3.

#### 2.1.4. Conclusions and recommendations

■ *The Media Council for Self-Regulation (MCSR) has not fulfilled its promise<sup>19</sup> to adopt a rulebook that would precisely define dispute settlement procedures.*

■ **It is about time the MCSR adopted the promised rules on dispute settlement procedures, as the quality of the MCSR Monitoring team’s work and the public opinion of it depends on it.**

■ *The MCSR does not use its webpage to inform the public of its activities, nor does it conduct campaigns promoting importance of self-regulation and the MCSR itself.*

■ **The webpage of MCSR should contain information on all activities of the organisation and its Monitoring team, official press releases and statements made by representatives of this self-regulatory body, including interviews for media.**

■ *MCSR MT continued with its practice of selective respect of the MCSR Statute when deciding on complaints, as it seeks statements about the complaints’ allegations only from media outlets that are its members.*

■ **The MCSR MT should observe the MCSR Statute and apply equal criteria for all media outlets when deciding on complaints concerning them.**

■ *The MCSR MT forwarded only one of the complaints concerning media outlets that are not members of the MCSR to the Ombudsman of that particular media without considering it, whereas it did consider several complaints concerning such media outlets after the decision of the Ombudsman of the media. MCSR MT should forward all complaints to the Ombudspersons of the media outlets to which these complaints refer.*

.....  
 19 For more than a year the web site of MCS states: „Drafting of specific regulations which will define in more detail the manner of filing complaints and conduct a competent team at receipt of a complaint is on track” (<http://medijskisavjet.me/zalbe-and-postupci/>).

■ **When addressed with a complaint directed against a media having its own self-regulatory body, MCSR MT should declare itself not competent and advise the complainant to address the self-regulatory body of the media to which the complaint refers, and its role should end there.**

■ *In addition to the fact that it only sporadically monitored broadcasting media, the MCSR has stopped monitoring online media, and practically reduced its monitoring function, prescribed by MCSR Statute<sup>20</sup>, to the print media only, of which only some media are members of that self-regulatory body.*

■ **The MCSR should critically examine the way in which it exercised its monitoring, adapt its Statute to its actual possibilities, and reduce the scope of its monitoring to the media outlets who are its members.**

■ *Even though the Statute of MCSR prescribes that its Monitoring team should consist of the MCSR Executive Secretary and three media experts selected by the Management board for the period of four years, the third member of the team has never been appointed. Considering that MCSR MT continuously decides in incomplete composition and that there is no Rulebook on its work, the legitimacy of its decisions made so far may be brought into question.*

■ **The MCSR should complete its team as prescribed by its Statute, or adapt the Statute to the current reality. This applies to the members of the Monitoring team as well, since it is not advisable that they are called media experts in the Statute, but in reality they are journalists/editors working in media outlets, which are members of the MCSR.**

■ *Examples presented in this report show that self-regulators often disagree over the interpretation of the Guidelines for Principle 4, concerning the right to correction and reply, which may be due to imprecision of the guidelines.*

■ **During the announced work on amendments to the Code, guidelines for the Principle 4 referring to the use of the right to correction and reply should be aligned with the provisions of the Media Law.**

.....

20 "The monitoring team monitors, records and at conferences (at least once every 60 days) for journalists publishes a report on violations of the Code of Journalists of Montenegro" ... "The report of the Monitoring Team covers the electronic media, daily and weekly print media and relevant web sites." (Art. Statute 21 MCC),

## 2.2. Activities of the Self-Regulatory Local Press Council

### 2.2.1. General information

#### The reports

During the period covered by this report, the Self-Regulatory Local Press Council did not publish any report on its activities. Statute of the Council provides for the issuance of annual reports. The last report was published in early March 2013 - a year and a half ago.<sup>21</sup>

### 2.2.2. Conclusions and recommendations

■ *Since the said Council does not report on its work or have a website containing information on its other activities, the impression is that this self-regulatory body exists only on paper.*

■ **In order to be regarded as a credible self-regulatory body for the local press, the Self-Regulatory Local Press Council should critically review its past work.**

■ *The Council still lacks a specific act that would regulate operation of its Court of Honour (Monitoring Team), a body provided for by the Statute, and the procedures for filing complaints and acting upon them. The existence of such act could stimulate potential complainants.*

■ **It is necessary that an appropriate body of the Self-Regulatory Local Press Council adopt a document regulating the work of the Court of Honour (Monitoring Team) as well as the procedures for filing complaints and acting upon them.**

## 2.3. Activities of TV Vijesti Ombudsman

### 2.3.1. General information

As already mentioned in the section of this report dealing with the current situation in media self-regulation in Montenegro, in the period between 1 March and 1 September (the end of the work on this report) TV *Vijesti* had no ombudsman, since, as HRA has been unofficially informed, journalist Aida Ramusović withdrew from her office, and TV *Vijesti* Director failed to appoint another person to replace her.  
.....

<sup>21</sup> Self-Regulatory Local Press Council published its first and so far the only report on 3 March 2013, stating that not a single instance of violation of the Code of Montenegrin Journalists has been recorded in the media that are its members.

### 2.3.2. Conclusions and recommendations

■ *TV Vijesti failed to notify the public about the cessation of work of their ombudsman. Also, there is no information on whether citizens' complaints have been arriving in the meantime and what happened to them or what would happen with any complaints in the new situation.*

■ **TV Vijesti should appoint another person to the office of ombudsman as soon as possible, if they want to continue this form of self-regulation. If for some reason this cannot be done in a relatively short period of time, this media outlet is obliged to give notice to its viewers.**

## 2.4. Activities of daily Vijesti Ombudsman

### 2.4.1. General information

#### The reports

Ombudsman of daily *Vijesti*, Božena Jelušić, has regularly published monthly reports on her<sup>22</sup> work during the period covered by this report. Reports include complaints, information about decision-making procedures regarding the complaints, the very decisions, procedures associated with objections and suggestions submitted to the Ombudsman by readers, as well as information on other activities of the Ombudsman. In the period from 1 March to 1 September, *Vijesti* Ombudsman published five monthly reports on her work.

#### Transparency of operation

Daily *Vijesti* Ombudsman publishes her reports on a separate page of *Vijesti* portal<sup>23</sup> and visitors can comment on them. Menu at the top and bottom of the portal homepage has a link to Ombudsman's page.

Information regarding Ombudsman's decisions on complaints is published periodically, regardless of monthly reports.

#### Informing of citizens

Portal *Vijesti* page intended for information concerning the Ombudsman also contains the rules of procedure related to her work, so that citizens can be informed on how they can protect their rights with the help of Ombudsman.

<sup>22</sup> Since the Ombudsman is female (Božena Jelušić), female pronouns will be used hereinafter.

<sup>23</sup> <http://www.vijesti.me/ombudsman/>

In printed publications of daily *Vijesti* in the period covered by this report, there was no call to readers to complain to the ombudsman in case of need. On the redesigned *Vijesti* portal below each text, in addition to regulatory notice on commenting, there is a notice that anyone who believes that the text violated the Code of Journalists can contact the Ombudsman. The notification also includes a link to the application form.<sup>24</sup>

### Other activities

During the period covered by this report the Ombudsman participated in the work of the Regional Conference of self-regulatory bodies that took place in Pristina on 24 and 25 March, supported by the Ministry for Foreign Affairs of Norway and the Council of Europe. As stated in the report for March, at this meeting the Ombudsman learned about German practice in the work of ombudsman, which helped her in deciding on some complaints. At the conference the participants signed the Memorandum of Understanding among representative of self-regulatory bodies and the establishment of a network of self-regulatory bodies of Southeast Europe *Media Self-Regulatory bodies Network of South-East Europe* (MEDIA NETHics).

In June *Vijesti* Ombudsman participated in the work of *Legal Leaks* workshops for journalists, organized by the Communication and Information Sector of UNESCO, in cooperation with *Access Info Europe*, Media Council for Self-Regulation (MCSR) and *South East European Network for Professionalization of the Media*. The Ombudsman received an invitation to attend the workshop after objections that the Montenegrin media scene is represented only by MCSR members.

### 2.4.2. Results of operation of daily *Vijesti* Ombudsman

From 1 March to 1 September 2014, when this report was concluded, the Ombudsman decided on 17 complaints and acted upon about 10 different complaints or objections not meeting the form prescribed by the Rules of Procedure of the Ombudsman.<sup>25</sup>

<sup>24</sup> <http://www.vijesti.me/obrasci/prijavi-ombudsmanu>

#### 25 II COMPLAINT

Art. 3. Complaints must meet the following criteria in order to be further processed:

- be made in writing and submitted by e-mail,
- refer to a specific content published in *Vijesti*, considered to be in conflict with the Code of Montenegrin Journalists,
- if complaints are submitted in writing, include printed content published in *Vijesti* that is considered to be contrary to the rules of the Code, and if submitted in electronic form, include a web link to the published content considered to be contrary to the rules of the Code or scanned content, or otherwise attached to the e-mail,
- filed in a timely manner, as follows:
  - If the content was published in the printed edition - within 30 days of the publication,
  - If the content was posted via the Internet or other platform accessible to the public at all times, until such content is removed,
- relate personally to the complainant, or include written consent of a person who believes that the published content violated their rights,
- specify e-mail address or post address to receive mail,

In the case of nine complaints, the Ombudsman wholly or partially upheld complainants' arguments, while rejecting eight complaints as unfounded or because the procedure had not been brought to an end due to the withdrawal of complainants.

In the case of three complaints, where the Ombudsman acted in favour of the complainants, complaints concerned the comments below website articles, which were removed or returned upon Ombudsman's reaction. In these cases the Ombudsman did not establish which Code principles has been violated.

As regards other cases it was noted that Principle 1 was violated in whole or in part twice, Principle 3 three times and Principle 4 also three times.

In the case of appeals or objections, the Ombudsman rejected three as unfounded, while accepting the rest or, in direct communication, expressing her understanding for the opinion of people who submitted them.

An illustrative example is one of the accepted objections, which was of general nature and concerned the use of word "autistic" in text "Catastrophically bad *Atomski zdesna* and a few feet deeper to the bottom", because, as the author of the objection noted, it was an indirect stigmatization of those suffering from this disease. The Ombudsman proposed a correction, which was done in agreement with the Editor of *Vijesti* portal and text author Radenko Savić. The word "autistic" was replaced by word "hermetic". In the report for March the Ombudsman indicated that she had willingly reacted in order to remove comments below the article about actress Pamela Anderson's confessions, in which she admitted that she had been raped in childhood. One comment was, as stated by the Ombudsman, "a classic example of blaming and shaming the victim", while others "justified rape".

Regarding the commentaries of visitors of *Vijesti* portal, the Ombudsman announced that she had advocated that they be disabled for the news published in the so-called crimes&accidents column.

The Ombudsman openly complained that her mediation between the editorial staff, on one hand, and legal representative of businessman Zoran Bećirović, on the other, had failed owing to, as she stated "extremely stubborn positions and distrust on both sides," and that, in one case, editorial staff disobeyed her request to make a statement on the occasion of the received complaint, not preventing her from dismissing the complaint entirely.

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- if content is related to a juvenile, the complaint must be filed by a parent or legal advisor of the juvenile, or with parents' written consent given to a third person to file the complaint instead of the juvenile,  
- must contain full name of the person filing the complaint, if a physical entity, or full title and ID number if a legal entity.



### 2.4.3. HRA analysis of operation of daily *Vijesti* Ombudsman

From what one could estimate on the basis of a limited insight (author of this analysis can draw conclusions based solely on what is stated in the Ombudsman's reports, and not on the basis of the complete material - text, complaint, statement of editorial staff, decision of the Ombudsman) into the complaints' content and complaints handling procedure, in her work the Ombudsman observed the procedures prescribed by the rules<sup>26</sup> of ombudsman's work and, in our opinion, in all cases, except one she acted rightly from the standpoint of protection of the Code. On the basis of such insight it is also possible to conclude that the Ombudsman has a thorough approach to complaints and objections of readers, insisting, at the same time, righteously, on a mediating, not adjudicating aspect of her role, which is in accordance with the rules of ombudsman's work and in a spirit of self-regulation.<sup>27</sup>

An illustrative example of such approach is unsuccessful mediation, when the Ombudsman decided differently than MCSR MT.

The subject of a complaint was part of the text titled "Beppler Director complains – they want to expel me from the Montenegro", in which the disputed sentence reads "Golikov, who was expelled, had previously accused his former partner Zoran Bećirović, with whom he now has a legal dispute, of being the man behind it all...". Thus, according to Bećirović's legal representative, the newspaper violated Principle 1 of the Code related to the respect for truth and search for truth, as well as the standard of inviolability of facts under Principle 3 of the Code because "Golikov was never Bećirović's partner". According to the Ombudsman, the editors assured her of their readiness to publish any correction of any misstatement if the attorney would address them in this regard. However, as stated by the Ombudsman, Bećirović's attorney expressed doubts about the benevolence of daily *Vijesti* and stressed that the only satisfaction in this case was the Ombudsman's decision on the Code violation. She stated that she had recommended the editors to clarify the word "partner" in the disputed content, however, according to her, "mediation in this case generally failed, due to the extremely stubborn positions and distrust on both sides."

In our opinion, the complainant could have realized his rights using the right to correction and reply, provided under Principle 4 of the Code and the Rules of Procedure of *Vijesti* Ombudsman. Effort of the Ombudsman to be more of a mediator<sup>28</sup> than an .....

26 <http://www.vijesti.me/vijesti/poslovnik-o-radu-zastitnika-prava-citalaca-vijesti-165786>

27 For example, the Rules of Procedure of the Council of Honour of the Croatian Journalists' Association, in Art. 6 states: "If proceedings between two parties is initiated and conducted before the Council of Honour, the Council will primarily try to resolve the dispute so that an agreement is reached between the parties. If an amicable settlement is not possible, the Council of Honour will bring its judgment." The Media Self-Regulation Guidebook - Questions and Answers, released by the OSCE in 2008, states, among other things: "Self-regulatory bodies work best when both sides in a dispute are brought together through mediation and cases are resolved through corrections, apologies and so on."



adjudicator was more in the spirit of self-regulation and in line with what is required by the rules of her work, as well as with the recommendation from the first report of HRA<sup>29</sup>. The complainant, according to the Rules of Procedure, “may submit a request specifying a settlement proposal for rapid correction of violations of the Code Montenegrin Journalists and elimination of the consequences of such violation”, and his proposal “must specify the obligation of *Vijesti* and manner and terms of carrying out that obligation”. It is further stated that “the obligation of *Vijesti* from the preceding paragraph of this article may include removing of the infringing content, publishing of a response to information or publishing of a correction, public apology and other obligations that would remove the consequences of a breach of the Code.”

We agree with the Ombudsman’s assessment in case of a complaint in relation to which the editorial staff did not provide their opinion, submitted by Milovan Božidar, Secretary of spatial planning of the municipality of Herceg Novi. He complained about the text regarding free access to information for 443 building permits: “Herceg Novi charges high for curiosity: seeking € 2,215 for permit copies”. Baždar believed that the article had sensationalist headline and that the reporter did not seek other party’s opinion, and the Ombudsman, in our opinion, correctly concluded that the reporting in this case was fully justified, as it concerned struggle for transparency and citizen participation, and the text was accompanied by a response from municipal authorities.

Of the cases mentioned in Ombudsman’s reports, the only stance that HRA found controversial related to the part of a complaint regarding text “Verdict: dispute between the owners of *Avala* and *Bjanka* completed, Bećirović leaves with 40 million?”, in part referring to the legend below the photo. The complainant (businessman Zoran Bećirović) felt that there was a breach of the Code in the legend below the photo, where it was stated that *Avala* hotel had been sold “below its worth, after unusual verdict of the Supreme Court.” The Ombudsman assessed that the legend represented a value judgment. In our opinion, in this particular case the legend had a form of a journalistic comment (author of the text said it was not his, which implies that it was written by one of the editors), which had no basis in the article itself, because it did not present facts proving the comment in the legend<sup>30</sup>. Legend below a photograph is an integral part of a journalistic text and it must follow the same rules as other parts of the text. Thus, a legend which is, in fact, a comment must also comply with Principle 3 specifying that “a comment should not be presented so as to create an impression that it is an established fact.”

28 „The ombudsman promotes dialogue between those who read, listen, and watch a news outlet and those who work for it.” (The Media Self-Regulation Guidebook - Questions and Answers, OSCE, Vienna 2008)

29 “Self-regulatory bodies should have rulebooks that precisely regulate the process of mediation between the injured party and the media that the complaint or appeal is related to, and the main aim of the mediation should be the reconciliation of confronted parties and solving the problem by publishing a correction, apology, etc”. (HRA report for the period September 2012 – March 2013)

30 Guideline for Principle 3 of the Code: “The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.”

#### 2.4.4. Conclusions and recommendations

■ *The Ombudswoman of daily Vijesti insists on the mediating and not adjudicative aspect of her role which is, as we believe, in the spirit of self-regulation and developing a relationship of trust between the media outlet and the citizens. Of course, the publication of corrections and responses do not have equal strength in the case of violations of all principles of the Code (unethical intrusion into someone's private life, for example), and cannot be used always as the first remedy followed by an assessment of the Ombudsman.*

■ **In order to define precisely this mediating role of its Ombudswoman, it would be necessary to define more precisely the duties of editorial board to the Ombudswoman, as well as to emphasize that the Ombudswoman shall always first mediate, in in case it does not work, make a decision in favour of either the complainant or the media.**

■ *The Daily Vijesti's Ombudsman still fails to specify at all times which basic principle of the Code has been violated and in what manner, as well as to consistently follow terminology used in the Code.*

■ **When determining violations of professional ethics, it is desirable to always stipulate which principle and guideline of the Code has been breached, and in what manner. Consistent adherence to terminology used in the Code is also desirable.**

### 2.5. Activities of daily Dan Ombudsman

#### 2.5.1. General information

##### The reports

Daily Dan Ombudsman started to operate at the beginning of March 2014 and by the beginning of September, when HRA report was concluded, published the reports on activities for the months March, April, May, and June.

##### Transparency of operation

Decisions of the Ombudsman partially or fully respecting the arguments of complainants are published in printed and online edition of the newspaper, while monthly reports containing information about all complaints received by daily Dan Ombudsman and complaint procedures are published on a separate page<sup>31</sup> of online and printed edition. Visitors to the online edition do not have the opportunity to comment on these reports, as is the case with the reports of daily Vijesti Ombudsman.

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31 <http://www.dan.co.me/ombudsman/index.php?nivo=2>

### **Informing of citizens**

On the homepage of the online edition of daily *Dan* there is a notice on Ombudsman's e-mail address and fax number, as well as the links to the Rules of Procedure of the Ombudsman and the published reports. In the printed edition we have not observed these types of calls during the reporting period.

### **Other activities**

The reports of daily *Dan* Ombudsman contain no information about his extra activities.

#### **2.5.2. Results of operation of daily *Dan* Ombudsman**

In the period from 1 March to 1 July 2014 the Ombudsman of daily *Dan* received 10 complaints, majority of which in March, the first month of appointment - five. In April he received one complaint, and in May and June two each.

From the received complaints, three were filed by citizens who were not public figures, but felt that their rights had been violated by reports in some of the texts. In one case a complaint was submitted by a state official, Minister of Sustainable Development and Tourism. In other cases the complainants were filed by a businessman, a company, municipal police, sports club and football club.

The Ombudsman upheld one complaint in full, one partially, while dismissing three complaints as unfounded, one of which because it did not meet the criteria prescribed by the Rules. In four cases the Ombudsman did not state his position on a complaint, since the launched process had been resolved between the complainant and editorial staff. The complaint fully upheld by the Ombudsman was submitted by the Minister of Sustainable Development and Tourism, Branimir Gvozdenović, which had previously been addressed to MCSR MT, and then, at their suggestion, forwarded to the Ombudsman.

#### **2.5.3. HRA analysis of operation of daily *Dan* Ombudsman**

Judging on the basis of published reports and decisions (author of this analysis can draw conclusions based solely on what is stated in the Ombudsman's reports, and not on the basis of the complete documentation - text, complaint, statement of editorial staff, decision of the Ombudsman), we believe that at the beginning of his appointment the Ombudsman of daily *Dan* demonstrated adequate objectivity in dealing with complaints received, except in one case.

Similar to *Vijesti* Ombudsman, the Ombudsman of *Dan* has also tried to be more a mediator than an adjudicator, whenever possible.

In the case of a complaint of businessman Zoran Bećirović, the Ombudsman, as advised by the editor of economy column, suggested the complainant to submit his response, which he did not do. We believe that Ombudsman's suggestion on this occasion was in keeping with the spirit of self-regulation and very important for understanding the rights of citizens/readers, and developing and nurturing their relationships with the media and the role of the Ombudsman in the process.

The Minister of Sustainable Development and Tourism Branimir Gvozdenović complained about the statements from text "Corrupt millions in deals with Gvozdenović", which, he said, had attempted to mislead the public by bringing into connection his persona and his former ministry with the procedure initiated by judicial authorities of the Republic of Italy against Corrado Clini, former minister for environmental protection. The Minister described such association of his name and the Ministry of Sustainable Development and Tourism with the said case as 'extremely malevolent and unfounded', and writings of *Dan* as 'unethical and illegal'.

The Ombudsman, deciding on the Minister's complaint, stated that four basic principles of the Code had been violated (Principles 1, 3, 4 and 10), which, in our opinion, constitutes an objective judgment.

In the case of a complaint filed by JSC "Ski resort - Kolašin 1450" for article "Fired because of protests", partially upheld by the Ombudsman, it is not stated which principle of the Code had been violated. Ombudsman accepted the complainant's position that the text title was not appropriate, but noted that the text itself was balanced and objective. He suggested the editorial staff to publish his decision and apologize, which has been done.

In the case of two complaints related to unpublished reactions, the Ombudsman did not declare his position because his mediation had led to a satisfactory response of editorial staff - reactions were published. His report noted that the long (three-day) delay in publishing the reaction had been due to the lack of space in the newspaper. This lack, as explained, was due to the reporting on an election campaign.

In our opinion, the Ombudsman had to define his position more clearly with regard to editorial board's obligation to publish timely responses to texts if determined that they are compliant with guidelines for Principle 4.<sup>32</sup>

#### 32 4.1 Corrections

(a) If a media institution discovers that it has published a report containing a significant distortion of the facts, it must publish a correction promptly and with comparable prominence. This correction must refer to the previous incorrect report.

(b) If a media institution discovers that it has published an erroneous report that has caused harm to a person's or institution's reputation, it must publish an apology promptly and with due prominence.

(c) "Due prominence" in this context means publication of the correction in the same space (in the case of print media) or within the same programme (in the case of broadcast media).

(d) Where a person or organization believes that a media report contains inaccurate information or has unfairly criticized the person or organization, the media institution concerned must give the person or organization a fair opportunity to reply, to correct any inaccuracies and to respond to the criticism. Media

An illustrative example is a complaint submitted by a citizen from Berane, concerning inaccuracies in article “Buying votes with firewood”, as it represents a proper solution without the intervention of the Ombudsman. The citizen requested the editors to publish her denial of information that she had been employed at a

kindergarten with the help of the Democratic Party of Socialists and at the same time complained to the Ombudsman, asking the same. Without the intervention of the Ombudsman the newspaper published her response, in which the complainant provided documentation for her claim, thus resolving the dispute.

#### 2.5.4. Conclusions and recommendations

■ *Daily Dan Ombudsman suggested that those who believe that the media have wronged them by presenting significantly distorted facts or inaccurate information should first take the advantage of opportunities suggested by the Code in Principle 4, regarding the publication of a correction or a response, and complain to the Ombudsman if they feel that the media did not respect their right and violated the Code.*

■ **Although we believe that the suggestion of the Ombudsman is correct and in accordance with the Rules of Procedure of his work, we recommend that in the initial period of self-regulation in daily Dan the Ombudsman be more actively involved in the establishment of trust between readers and editorial staff.**

■ *In case of a complaint that was partially upheld, the Ombudsman of daily Dan failed to specify which part of the Code has been violated.*

■ **In case of establishing a violation of the Code, it is necessary to always indicate which basic principle and guideline has been violated.**

## 2.6. Activities of weekly Monitor Ombudsman

### 2.6.1. General information

#### The reports

Weekly *Monitor* Ombudsman started to operate on 4 July 2014; this information was published in the said weekly on the same date. By 1 September 2014, the Ombudsman has not released any information about her work.

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institution is expected to provide such right in the case of acceptance that the report in question had errors and unfounded allegations.

### Transparency of operation

Although the start of the work of Ombudsman had been announced, *Monitor* did not publish any document based on which the public could learn about Ombudsman's operation and decision-making process, as well as the procedures for filing of complaints and appeals.

### Informing of citizens

From the moment of announcement of information that *Monitor* had appointed Paula Petričević as their ombudsman, every issue of the weekly in the section "Inbox" published basic information<sup>33</sup> about it, together with Ombudsman's e-mail address.

#### 2.6.2. Results of operation of weekly Monitor Ombudsman

From 4 July to 1 September 2014, when the period covered by this HRA report ended, no information was disclosed about the work of the Ombudsman<sup>34</sup>.

#### 2.6.3. Conclusions and recommendations

Commencement of the work of weekly *Monitor* Ombudsman was not accompanied by important information on the procedures and rules by which interested readers and citizens can file complaints, as well as the rights and duties of the Ombudsman in this regard. ***Monitor must publish a document regulating the rights and duties of the Ombudsman, as well as the procedures for filing complaints or objections.***

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33 "Our Ombudsman Paula Petričević, well known civil activist, started to work. Petričević will regularly monitor the operation of *Monitor* and warn of possible violations of ethical principles and professional standards. Her activities will be transparent, and all of her key findings and decisions will be published in our weekly. Readers are invited to contact the Ombudsman if they consider that the editorial board violated the standards of the profession. Complaints and comments can be sent to e-mail: [monitor.omb@gmail.com](mailto:monitor.omb@gmail.com)."

34 In the communication between the report's author and the Ombudsman we have learned that by 1 September one appeal had arrived and was taken into consideration by the Ombudsman.

### 3. HRA COMPARATIVE MONITORING AND ANALYSIS

**Note:** Comparative monitoring and analysis that follow apply only to work of the Monitoring Team of the Media Council for Self-Regulation (MCSR MT), and not to work of the ombudsmen of dailies *Vijesti* and *Dan*, because unlike the aforementioned singular self-regulatory bodies, MCSR MT has a duty to continuously monitor, at own initiative, compliance of media outlets with the Code of journalists, not solely to decide on complaints for violations of the Code. Ombudsmen, on the other hand, have an obligation to decide on complaints, but not to closely monitor and record violations of the Code in a media house they are responsible for. With this in mind, the results of HRA monitoring are compared only with MCSR MT monitoring, for the period from 1 March to 1 July 2014 because this period has been covered by the reports of MCSR published by the end of work on HRA report (1 September 2014).

Since HRA associates monitored the media until 1 September 2014, this analysis will also list certain examples of violations of the Code recorded after the publication of the last MCSR report, in the period from 1 July to 1 September, but these data will not be compared with the findings of MCSR MT.

<b>VIOLATIONS OF BASIC PRINCIPLES OF THE CODE OF MONTENEGRIN JOURNALISTS 1 MARCH - 1 JULY 2014</b>		
<b>Media / Daily</b>	<b>MCSR Monitoring + complaints</b>	<b>HRA Monitoring</b>
<b>Dan</b>	<b>54</b>	<b>120</b>
<b>Dnevne novine</b>	<b>25</b>	<b>164</b>
<b>Vijesti</b>	<b>23</b>	<b>80</b>
<b>Pobjeda</b>	<b>3</b>	<b>47</b>
<b>Blic CG</b>	<b>6</b>	<b>40</b>
<b>Informer CG</b>	<b>34</b>	<b>/</b>
<b>Total</b>	<b>145</b>	<b>451</b>

<b>VIOLATIONS OF BASIC PRINCIPLES OF THE CODE OF MONTENEGRIN JOURNALISTS 1 MARCH - 1 JULY 2014</b>		
<b>Media / Portals</b>	<b>MCSR Monitoring + complaints</b>	<b>HRA Monitoring</b>
<b>Portal Vijesti</b>	<b>12</b>	<b>28</b>
<b>Cafe del Montenegro</b>	<b>/</b>	<b>20</b>
<b>IN4S</b>	<b>/</b>	<b>11</b>
<b>Portal Analitika</b>	<b>/</b>	<b>6</b>
<b>Total</b>	<b>12</b>	<b>65</b>

<b>VIOLATIONS OF BASIC PRINCIPLES OF THE CODE OF MONTENEGRIN JOURNALISTS 1 MARCH - 1 JULY 2014</b>		
<b>Media / TV</b>	<b>MCSR Monitoring + complaints</b>	<b>HRA Monitoring</b>
<b>Pink M</b>	<b>/</b>	<b>34</b>
<b>TVCG</b>	<b>/</b>	<b>11</b>
<b>TV Vijesti</b>	<b>/</b>	<b>19</b>
<b>Prva TV</b>	<b>/</b>	<b>7</b>
<b>TV Atas</b>	<b>/</b>	<b>1</b>
<b>Total</b>	<b>/</b>	<b>72</b>



<b>Violations of the Code of Montenegrin Journalists</b>		
<b>PRINCIPLES</b>	<b>MCSR</b> Monitoring and complaints	<b>HRA</b> Monitoring
<b>Principle 1</b>	<b>91</b>	<b>64</b>
<b>Principle 2</b>		<b>1</b>
<b>Principle 3</b>	<b>17</b>	<b>15</b>
<b>Principle 4</b>	<b>14</b>	
<b>Principle 5</b>	<b>6</b>	<b>16</b>
<b>Principle 6</b>	<b>1</b>	
<b>Principle 7</b>	<b>4</b>	
<b>Principle 8</b>	<b>4</b>	<b>24</b>
<b>Principle 9</b>		<b>2</b>
<b>Principle 10</b>	<b>15</b>	<b>233</b>
<b>Principle 11</b>		<b>19</b>
<b>Principle 12</b>		<b>151</b>
<b>Total</b>	<b>152</b>	<b>525</b>

### 3.1. Principle 1 of the Code

***Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.***

#### 3.1.1. Violation of Principle 1 in print<sup>35</sup> and online media

From 1 March to 1 July 2014 MCSR MT recorded 78 violations of Principle 1 in newspapers and online media. Deciding on complaints, MCSR MT found that this principle has been violated 13 times, thus, a total of 91 times.

According to data from the monitoring, MCSR MT found that in 25 cases some other basic principle of the Code has been violated together with Principle 1. Data obtained on the basis of consideration of complaints showed that in seven cases of violation of Principle 1, another basic Code principle has also been violated.

Based on monitoring data, MCSR MT found 28 examples of violations of Principle 1 in daily *Dan*, 18 examples in *Informer CG*, 13 in daily *Vijesti*, six in daily *Blic CG*, in *Dnevne novine* four examples, in *Pobjeda* three, and six examples on *Vijesti* portal.

According to the data obtained in deciding on complaints, MCSR MT found that *Dan* and *Vijesti* violated Principle 1 six times, and *Dnevne novine* once.

Dailies *Dan*, *Vijesti* and *Informer CG*, where MCSR MT found most cases of violation of Principle 1, are not members of MCSR. From the beginning of operation of this self-regulatory body, *Dan* and *Vijesti* have not accepted its jurisdiction in disputes with readers, but now resolve the disputes through their own ombudsman.

According to the records of HRA associates, from 1 March to 1 July 2014, Principle 1 was breached a total of 64 times. With the exception of *Informer CG*, not monitored by HRA associates, our ranking of print and online media by frequency of violations of Principle 1 corresponds to the list established by MCSR. According to data based on HRA monitoring as well, daily *Dan* was responsible for the majority of violations of Principle 1 – total of 26. Daily *Vijesti* violated the same principle on 10 occasions, *Blic CG* seven, *Dnevne novine* six, and *Pobjeda* on three occasions.

According to HRA associates, internet portal *IN4S* breached Principle 1 five times, *Vijesti* portal four times, portal *Cafe del Montenegro* three times. Data obtained from the monitoring by HRA associates for the entire reporting period, over a longer period of time (from 1 March to 1 September), show that there was a total of 101 examples of violation of Principles 1 of the Code, of which 44 were found in daily *Dan*, 17 in

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<sup>35</sup> HRA did not have the capacity within this project to conduct regular monitoring of daily *Informer*, Montenegrin issue, that started publishing on 10 March 2014.

daily *Vijesti*, 13 in daily *Blic*, Montenegrin edition, nine in *Dnevne novine* and three in *Pobjeda*. As for monitored online media, six examples were recorded on *Vijesti* portal and five each on portals *IN4S* and *Cafe del Montenegro*.

Some examples of violations of Principle 1 during the period from 1 March to 1 July recorded by both HRA associates and MCSR MT and opinions about them are identical in whole or in part (15), but there are more examples (33) where HRA estimated that MCSR MT had failed to evaluate in the best way the conduct of different media.

Below are several illustrative examples of assessment provided by MCSR MT that we do not agree with.

MCSR MT found violation of Principle 1 in article “Plowed Orthodox cemetery” published in daily *Dan* edition of 4 March 2014, in which a resident of Bać village in Rožaje claimed that one of the local villagers had plowed Orthodox cemetery. MCSR MT labelled those as serious charges that should have had stronger evidence than unverified statements. We, however, think that the journalist in this case made an effort to learn the truth and that he had contacted all relevant sources. In addition, some of these sources (lawyer of the alleged victims’ families and former owner of the land) partially confirmed the claims of the main source of the story, while nobody, except for the person who was called out, rejected them.

In the opinion of MCSR MT, newspaper article “Train beheaded a dog, apparently tied to the tracks” published on 4 March in *Pobjeda* represents an example of sensationalism. We believe that this text does not contain elements of sensationalism, but points to the problematic treatment of animals. In addition, this was a dog on which the media had previously reported as a favourite in this part of town.

In the case of articles published in *Dan* and *Vijesti* on 27 March 2014, entitled “Inspector offered 10 thousand for perjury” and “Inspector offered me money to falsely testify”, MCSR MT established a violation of Principle 1 because the statement of the police inspector accused by a man with a police record was published in small boxes. MCSR MT believes that the accused inspector’s statement was published just to formally comply with the rule of other party, while serious allegations against him were substantially much more apparent. HRA, however, believes that separating the statement in the box stressed its importance, since the purpose of boxing in a paper lies in the fact that something is highlighted, not hidden.

Some of these examples not mentioned here, that we feel were not well-chosen, were omitted from MCSR MT report<sup>36</sup> prepared for the round table on media self-regulation, organized by MCSR in early June in cooperation with the Council of Europe.<sup>37</sup>  
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36 Report on the work of Montenegrin print media for the period 1 January - 1 May 2014.

37 [http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VB\\_QdldqDTd](http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VB_QdldqDTd)

HRA and MCSR MT, for example, share the opinion that Principle 1 was violated in an article published in *Blic*, Montenegrin issue of 9 March, titled “Gay parade on St. Vitus”. Author of this article cited an unnamed source, while gay activists or potential organizers of the parade had not been consulted. It turned out that the information, which was denied on the same day, was a mere rumour. Violation of the guidelines for Principle 1 relating to accuracy has been further “spiced up”, according to the HRA, by highlighting provocative information in the title that the parade will be organized on an important religious holiday.<sup>38</sup>

Opinions of HRA and MCSR MT are congruent in another example of violation of Principle 1 in daily newspaper *Blic*, Montenegrin edition. It is an article with headline “Scandalous statement by Nebojša Kaluđerović at the debate on the Alliance” and title “NATO does not need to apologize for murdering children,” published on 30 March. The report published in *Blic* shows that Nebojša Kaluđerović, Advisor to the Prime Minister of Montenegro, did not say what was attributed to him in the title, but, when asked about the responsibility for the bombing of Murina bridge, he said that the then Belgrade government should apologize, since they had known that the bridge would be a military target.

HRA agrees fully or in part with MCSR MT in the case of evaluating ethical quality of several articles published in daily *Dan*, based on the findings of NGO Network for Affirmation of NGO Sector (MANS). Although MANS did not substantiate their claims with indisputable evidence, in the texts they are treated as proven fact and highlighted in the headlines. *Dan* did not even try to verify MANS claims with independent sources, or, at least, provide the opportunity for the other side to state their opinion.

We believe that non-governmental organization can be good allies to investigative journalists, however, NGO activists cannot replace journalists, who should approach all information, regardless of the source, guided by highest professional and ethical standards.

Both MCSR MT and HRA associates observed a violation of Principle 1 in text “Željko Ivanović: Political poltroons, we will get you”, published in *Pobjeda* of 22 April. The text is a report on the incident that took place in a restaurant in Podgorica. Participants in the incident were, on one side, *Vijesti* executive director Željko Ivanović and his bodyguard, and on the other two men from Podgorica, known as members and activists of the Democratic Party of Socialists (DPS). *Pobjeda* has offered its readers a version of events only from the perspective of members of DPS, emphasizing thus one aspect of the story.

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38 Guideline (b) The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.

MCSR MT also established that, reporting on the same incident, *Vijesti* made the same ethical violation for publishing a version of the events from the perspective of their chief executive and his bodyguard. We believe that daily *Vijesti* is not guilty of one-sided reporting of the event, because the said daily provided the opposite side's version of events by quoting criminal charges filed against the executive director of *Vijesti* and his bodyguard by other actors of the event.

We will also mention two illustrative examples of violations of Principle 1 identified by HRA associates, but not MCSR MT, although the examples come from the media who are the members of MCSR.

On 24 March *Dnevne novine* published an article titled "Cancelling passport stamps because they can", where a woman from Bijelo Polje told a journalist her version of the story of how Serbian border police officers cancelled her passport stamps from Kosovo border crossings. She said that they had told her they "do whatever they want". In this case there was no attempt on the journalist's side to find out whether it was in fact the border police autocracy or they were bound by certain regulations to take such action. Due to this one-sided reporting, i.e. believing the words of a source presenting herself as a victim, and emphasizing only one aspect of the story, several guidelines for Principle 1 have been violated.

On 25 May *Pobjeda* daily published an article written by Marko Vešović, taken from Belgrade-based online media house *E-novine*, with heading "How Miodrag Lekić defends Meda Zemunac" and title "Scumbags from Draža's front". The article states, as a proven fact, never confirmed rumours that Nebojša Medojević, leader of the opposition party Movement for Change, was a member of the so-called Zemun clan.

One of the texts from internet portals noted by HRA associates as an example of violation of Principle 1 is an article published on 12 March on *IN4S* titled "Regime tycoons attacked Ivan Zanković at his doorstep and threatened him". The text was based only on what the damaged side had stated, and there was no attempt to verify his version of events.

One-sided reporting and lack of effort to establish the truth was established by HRA associates in text "Petrović outraged by the judiciary: Who is to blame for a dog attack?", published on *Vijesti* portal on 30 May. The article presented a claim brought by one party in the litigation, which did not accept the version of the truth established in court proceedings. In such cases, it is not enough that the media provide an opportunity to the unhappy to say how they think they have been damaged, but to try to further investigate the case. Thus, one aspect of the story is emphasized and it appears biased.

On 14 March portal *Café del Montenegro* placed an information, which was yet to be verified, as an established fact in the news title. The title read: "Greenwich and Buddha Bar co-owner killed himself", while the text, in fact, specified that this was unofficial information, creating an impression that the person who wrote the title cared more about sensation than accuracy.

### 3.1.2. Violation of Principle 1 in TV news programmes

In the last two reports relating to the period from 1 March to 1 July 2014, MCSR MT did not record any instance of violation of Principle 1 in TV programmes.

HRA has conducted monitoring of primetime TV news programmes in Montenegro - *Pink M*, *Vijesti*, *Atlas* and *Prva*, and in the period from 1 March to 1 September recorded 19 violations of Principle 1.

The largest number of violations was recorded in the television programme of *Pink M* (7), followed by *TVCG* and *TV Vijesti* with five each, and *Prva* - two violations of this principle.

One-sided reporting, i.e. emphasis on only one aspect of the story or making of allegations, claims or attacks on people or institutions, whose response, or versions of events have not been broadcasted, are among the most common reasons of violation of Principle 1 in television programmes.

There were several cases of broadcasting of a response to events or statements, which have not been previously aired, or adequately clarified at the moment of reaction.

Principle 1 - integrity and accuracy - has also been violated by keeping silent and suppressing essential information.

PINK M: INFOMONTE, 10 March - *Incomplete and unverified information was broadcasted, based on allegations of a journalist that "citizens spend all their free time in coffee bars or at home because, as they say, they do not have the habit of visiting cultural events". This claim was illustrated by the statement of four survey respondents on the streets of Podgorica, partially confirming thesis of the journalist, but was not supported by any relevant data on the actual number of citizens of Podgorica visiting or not visiting cultural events.*

PINK M: INFOMONTE, 31 March - In a report on the expected start of the trial of former managers at CKB, new accusations were presented against the defendants, as well as against several other persons, without providing evidence or distancing themselves, which may have created the wrong impression of an already established fact. The report did not include the positions of people who were called out, or their representatives. "During this period Tatar and Ljumović had granted millions of euros in loans to their family members, to buy CKB shares, but the loans were later written off by the Bank. Under the same scenario, millions in loans had been granted to *Vijesti* owners: Miodrag Perović, Željko Ivanović, Slavoljub Šćekić and Ljubiša Mitrović, without coverage and using the accounts of Russian citizens as collateral with forged supporting documents of several people."

TV VIJESTI: NEWS AT HALF PAST SIX, 10 April - A story was broadcasted about the alleged physical conflict of two lawyers in the building of Ulcinj Court in an incomplete, one-sided manner, since the information about what had happened was presented as an established fact, although it was based solely on the testimony of one of the actors in the conflict. Without any distancing from the statement, it was reported that “around noon, in Ulcinj Court, lawyer Nebojša Batrićević assaulted his colleague Vanja Mugoša shortly before a trial”, however, later in the report it was noted that Mugoša stated that and Batrićević did not want to comment.

PINK M: INFOMONTE, 19 April - In the broadcast of an interview with Serbian businessman Stanko Subotić from daily *Pobjeda*, his views on others were broadcasted without indicating that this was a quote, his personal opinion, not a fact. *“They are the main creators of media lies about him, believing that the lies will sooner or later turn into the court truth. That is why they have tried to sell house lawyer Miško Perović as attorney general.”*

PINK M: INFOMONTE, 1 May - Allegations of one of the accused for participating in an organized criminal group about Montenegrin politician Nebojša Medojević were presented as fact. *“Newspapers have been writing for years back that the leader of Movement for Changes Nebojša Medojević was associated with the members of Zemun clan. Confirmation of this came yesterday from the Special Court in Belgrade, where one of the defendants and a member of Darko Šarić group, Boban Stojiljković, confirmed that some politicians were among the clients of Zemun clan, including Vojislav Koštunica and Nebojša Medojević, who had been taking money from clan members to finance DSS and overthrow Montenegrin government.”* Nebojša Medojević’s reaction was not broadcasted, or information that the response had been requested.

TVCG: NEWS 2, 13 May - DPS representatives’ response to articles previously published in dailies *Dan* and *Vijesti* about the alleged purchase of ID cards was broadcasted, although TVCG did not provide information about these allegations or complete information about what had been published in the mentioned papers in introductory part to a reaction from DPS. An official of DPS accused *Vijesti*, *Dan* and NGO MANS of *“stating most brutal lies for months for DF needs”*, however, positions of the accused were not announced or that they were given the opportunity to respond.

PRVA: NEWS, 20 May - News report about the possibility of one person chosen by an expectant mother to be present at childbirth at the Clinical Centre is contrary to journalistic guidelines concerning the need for accurate and balanced reporting. The report stated that *“many men would gladly bypass that experience,”* but there were no data from a survey to support this statement, which was based solely on the testimony of two people surveyed on the street.

TV VIJESTI: NEWS AT HALF PAST SIX, 25 May - In the report concerning irregularities at polling stations allegedly established by MANS, a journalist literally transmitted the claims of MANS representatives, stating, among other things, that *“as the day progressed, and irregularities piled up, harassment and physical attacks also piled and”*,



although at that time he had a statement from an allegedly attacked person and completely contradictory statements of an alleged attacker, while not being present at the scene himself or citing potential witnesses' statements.

TVCG: NEWS 2, 25 May - Although a few days prior to elections it was reported during this programme that CDT and MANS would monitor local elections, on the election day MANS findings have not been mentioned once. This represents a violation of Principle 1 since a report on the election day was not complete because of "*keeping silent and suppressing essential information*", that the guidelines for this principle point to.

PINK M: INFOMONTE, 25 May - TV *PINK M* central news programme did not announce anything about the allegations of MANS that numerous irregularities were noted at the elections, so their viewers did not get the complete information either. Nevertheless, DPS reaction to the allegations of MANS was broadcasted.

PINK M: INFOMONTE, 25 May - Guideline for Principle 1, explicitly stating that all announcements, including those of political parties "must be clearly marked as such", was breached in the case of DPS statement that "MANS activists, together with the representatives of Democratic Front dominate in violations of the electoral process." Although it was noted in the report announcement that this was a statement, the report transmitted DPS remarks without notice that this was an attitude of a political party, and not a report, analysis or journalist's commentary.

PRVA: NEWS, 25 May - Claims of a political party (DPS) were partially transmitted, without being clearly marked as such, in a report on irregularities in the election. "Unofficial information" from other media was also broadcasted, asserting that "Ćalović has provoked and belittled members of the electoral committee," but there is no other side. *Prva* also failed to report about the claims of MANS that there were irregularities in the election process.

TVCG: NEWS 2, 26 May- In a report announced as an overview of reactions of the opposition to local elections results and analysis of possible coalitions, a reporter presented several personal opinions and comments that are contrary to Principles 1 guideline, which states that journalists' comments must be genuine. It was stated that "SDP supported by Pozitivna in Podgorica selflessly gave *wind in the sails* to Democratic Front, on the pretext that both Podgorica and Montenegro need changes," as well as that Miodrag Lekić "supported by broad civil logistics *has nowhere managed to get hold of power.*" Phrases "on the pretext" and "to get hold of power" suggest that the opposition had tried to obtain what did not belong to them in an unfair and inadmissible manner, which cannot be considered a genuine comment in a democratic society.

TV VIJESTI: NEWS AT HALF PAST SIX, 27May -Theclaim of MANS members that they had been attacked at the premises of the Municipal Election Commission was transmitted as fact, even though there was no confirmation of independent sources, or statements of witness or other actors of the event. Based on a brief footage broad-



casted as part of the report, recorded by MANS members, one could not determine with certainty what had exactly happened.

TVCG: NEWS, 2 June - Information was released that the Speaker of the Parliament Ranko Krivokapić spoke with Director of MANS Vanja Čalović about the report of her organization on local elections held on 25 May, without mentioning any conclusions of that organization, which, as reported by other media, pointed to numerous irregularities in the electoral process. Such reporting led to a breach of guideline 2 for Principle 1, which speaks of accuracy, and states that “journalists must endeavour to provide full reports of events and must not be silent about or suppress essential information.”

PINK M: INFOMONTE, 26 June - Although the programme failed to include information from the press conference at which Vanja Čalović accused the director of the Institute for Public Policy, Vladimir Popović, of creating an affair about which newspaper *Informer CG* wrote, his reaction was aired, stating that he would sue Čalović because of “unscrupulous lies and deceptions in her statement that he had edited and distributed pornographic sex tape with an animal.” Since Čalović’s statement that Popović had reacted to was easily accessible to *Pink M* journalists, it was necessary to present the content of that statement to their viewers in order to avoid one-sided reporting.

TVCG: NEWS 2, 26 June - Report from the press conference of MANS Director Vanja Čalović did not include her assessment that release of a porn video on the Internet, that newspaper *Informer CG* wrote about mentioning her name, had been a revenge of “chief of DPS,” and that he was a close friend of Vladimir Popović, for whom she asserted to have uploaded the controversial footage on the Internet. Since these were serious allegations against the Prime Minister, and since TVCG had already released a statement by the Prime Minister on this case, the omission of this assessment represents a violation of Principle 1, guideline 2, which in the part on accuracy specifies that “journalists must endeavour to provide full reports of events and must not be silent about or suppress essential information”.

TVCG: NEWS 2, 26 June - Response of Democratic Party of Socialists to Vanja Čalović’s statement was aired, although part of her statement that the response of DPS related to was not transmitted during the news programme. Namely, even though the News reported from the press conference of Vanja Čalović, the part when she accused “DPS chief” for his role in the affair published in *Informer* was omitted, presenting thus one-sided and incomplete information to viewers.

TV VIJESTI: NEWS AT HALF PAST SIX, 7 July - A rule of the other party was violated in a report about the decision of the High Court Judge Miroslav Bašović to grant pre-trial release to a murder suspect, since there was no explanation of such decision of the judge, or note that the reporter had tried to obtain information from the court or judge. Furthermore, the report stated that such judge’s conduct was “unprecedented in the jurisprudence,” but this claim was not substantiated by the facts, mentioning

only anonymous sources - “attorneys we have contacted”. Guideline 2 states that the public’s right to know “cannot be an excuse for sensational reporting” and that journalists “must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story.”

TV VIJESTI: NEWS AT HALF PAST SIX, 31 August - In a report about Rožaje, as an alleged recruitment centre for soldiers fighting in Syria on the rebels’ side, several guidelines for Principle 1 were breached.

Both the announcement and the report included full name of a person claimed to have gone to Syria last year “in order to help his brothers in faith”, accompanied with photographs of an armed man with a beard. The reporter offered no evidence for such claim, noting in the report that there was no official confirmation of “bazaar stories” about the population of Northern Montenegro going to foreign battlefields, violating thus guideline 1 on general standards, which states that “a journalist must never publish unfounded allegations about others”. Both the announcement and the report stated that the mentioned person was killed on Syrian battlefield, noting that the information was not officially confirmed, again without citing any other possible sources, statements of witnesses, family members, etc. Formulation that was used reads “it is known that he was killed last year in Syria”. Journalists are required, as specified in Principle 1, to do anything to verify the accuracy of the information, and news of someone’s death especially cannot be transmitted based on “bazaar stories.”

### 3.2. Principle 2 of the Code

***A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.***

#### 3.2.1. Violation of Principle 2 in print and online media

In the reports covering the period from 1 March to 1 July, MCSR MT did not provide single example of a violation of Principle 2 in print and online media.

HRA associates noted one example in an article published in *Pobjeda*, a member of MCSR.

This is an article entitled “All Montenegrin affairs”, published on 2 March<sup>39</sup>. It is dedicated to affairs that have opened in Montenegro in recent years. Comments of the .....

<sup>39</sup> The same article, in the opinion of HRA, violated Principle 3 of the Code, as the author comments were not based on proven facts, but on assumptions, presented so as to leave the impression that it is an established fact.

author focus on information and facts supporting the government's version of the affair, while the text ends with a critique of "fog sellers" in the opposition, NGOs and so-called "independent media", and propaganda message: "All attempts to stop Montenegro on its European and Euro-Atlantic path have crashed". The article was also published in *Pobjeda* online edition.

Such one-sided, propagandistic approach to issues of great public interest represents, in our opinion, direct questioning of the essence of journalism, especially of that which is specified in the second sentence of Principle: "A journalist should be sharp observer of those who have social, political and economic power."

### 3.2.2. Violation of Principle 2 in TV news programmes

Neither MCSR MT nor HRA associates have found violations of Principle 2 in television programmes.

## 3.3. Principle 3 of the Code

***The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.***

### 3.3.1. Violation of Principle 3 in print and online media

During the period from 1 March to 1 July, MCSR MT recorded 15 examples of violations of Principle 3 based on data obtained through media monitoring. Eleven examples were recorded in the editions of *Informer CG*, three examples in daily *Dan* editions and one in daily *Vijesti*.

Based on the complaint procedures, MCSR MT found that Principle 3 was breached twice - in *Dan* and *Vijesti* dailies, hence, this principle was violated a total of 17 times.

In the same period HRA associates established 15 examples of violations of Principle 3 (also, during this period HRA did not monitor *Informer CG*). HRA associates found four examples of violations of Principle 3 in *Pobjeda*, which is a member of MCSR, and three were found in daily *Vijesti*. In *Dnevne novine* daily, also MCSR member, two violations of this principle were recorded, as well as on websites *In4S* and *Vijesti* portal. One violation each was recorded in weekly *Monitor* and daily *Dan*.

In the examples where MCSR MT found a violation of Principle 3 in daily *Dan*, in three cases it was the same texts in which violations of Principle 1 were recorded. These

articles are: “Before the elections 300,000 euros for vegetables and olives” (5 May), “Buying votes with IRF money again” (7 May) and “New evidence for Prosecution” (23 May). In the case of these articles, as noted earlier, we agreed with MCSR MT that *Dan* indeed violated Principle 1, but we believe that there are no grounds to speak about the violation of Principle 3. We also believe that Principle 3 was not violated in texts “For pre-election hiring 450,000 euros provided” (*Dan*, 22 April), “Tycoons employ DPS voters” (*Dan*, 23 April) and “New evidence for Prosecution” (*Vijesti*, 23 May).

In these cases MCSR MT does not clarify assessments of violations of Principle 3, but merely states that a violation has occurred. To illustrate, when estimating unethical conduct in article “For pre-election hiring 450,000 euros provided”, MCSR MT states the following: “MCSR believes that remarks such as ‘The fact that the work program of the Employment Agency of Montenegro for 2013 does not at all include a project for hiring high-school students, opens a huge space for doubt...’ are not well-founded for the assertion of corrupt practices”.

MCSR believes that in the aforementioned case the following guideline for Principle 3 has been violated: “The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.”

Unlike MCSR MT, we believe that, in this case, journalist’s suspicion about the existence of corruption was completely justified and in no way violated the cited guideline.

Below are several typical examples of Principle 3 violations recorded by HRA associates and overlooked by MCSR MT.

On 14 March portal *In4S* published an article titled “Biden slammed the door on Đukanović”, which is not a comment grounded in an established fact, but a pure fabrication, speculation, which is contrary to guideline stating that “the comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.”

Portal *Vijesti* on 6 May published an article titled “For Montenegrin citizens Đoković is the best athlete, Rolling Stones - best band”, containing some information from a survey of public opinion conducted by Swiss Agency ICERTIAS. However, it remained unclear for whose needs the survey had been conducted. The Code stipulates that the media, when publishing the results of agencies’ public polls, “should specify the number of respondents, the date of the poll, the identity of the person or organization that commissioned it, and the questions asked”, and if “the agency was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the agency”.

Portal *Analitika* also violated the guideline that suggests how to report on opinion poll findings. Article “In the first 100 days Vučić received ‘B’ from the citizens”, published on 26 July, does not specify who was commissioned to carry out a survey of public opinion.

In its issue of 15 May, weekly *Monitor* published a short text in the chronicles column with heading "Trial against former CKB managers postponed" and title "Prime Minister's revenge against *Vijesti*", which reflects the opinion of one of the lawyers quoted in the text. As the value judgment presented in the title was not attributed to a person responsible for it, the title can be interpreted as the position of the text author or *Monitor* editorial board (text was not signed), representing a violation of Principle 3 of the Code, which suggests that news and commentary must be separated, as well as the guideline suggesting that "comment must not be presented in such a way as to create the impression that it is an established fact."

*Dnevne novine* issue published on 29 May also violated Principle 3 by commenting where it should have only delivered information. Text with heading "Lovćen Bank registered on daughter Aleksandra's name" and title "How Ljumović tricked the law and opened a bank" should have only delivered the news of a bank establishment, but the text includes two comments suggesting that the opening of the bank had been problematic - one in the heading itself, other in the text: "By introducing a German partner to the business and registering a third person as the founder, Ljumović 'successfully' circumvented the law." If the claims about "tricking the law" were well-established, then an expert should have confirmed that, not a journalist, who, at the same time, failed to refer to any authoritative source.

In daily *Dan* of 22 May a text was published with heading "Cetinje priests and monks performed the prayer of purification at the tomb of Bishop Danilo Petrović Njegoš" and title "Mirašlije desecrated the monument." The basis of this news is a statement by Metropolitanate of Montenegro and the Littoral, which did not mention the term 'mirašlije', which should be an affront to believers and priests of the Montenegrin Orthodox Church. Such title represents a comment and thus violates Principle 3, which, *inter alia*, suggests the necessity of the separation of news and comments.

On 3 June daily *Vijesti* published an article headed "Domestic violence" and titled "Annually 50 people seek treatment." The article used a photograph of a group of children, with a legend underneath it: "Children among victims as well". However, there was no information regarding the origin of the photo or its function. A photograph used to illustrate an article dealing with a sensitive subject was placed in an improper context, since one could conclude that these very children were the victims of violence.

Daily *Pobjeda* of 16 June published an interview with heading "Šeki Radončić - journalist, writer, filmmaker" and title "Media mafia attempts to seize power." One of the questions that the reporter asked the interviewee was: "At the end of your book reader remains stunned by the fact that private Montenegrin media had in some way caused the tragic end of three men?". The interviewee responded the following: "Private Montenegrin media, which present themselves as independent, have caused deaths of a senior DPS official Mladen Brajović, policeman Božidar Jauković, and prosecutor Darko Đukić...". The question suggested that this was a proven fact (thus something indisputable), confirmed then by the interviewed person, without citing

any evidence for his charge. This violated Principle 3 and guideline suggesting that “the comment must be a genuine expression of opinion based on facts”, and that “the comment must not be presented in such a way as to create the impression that it is an established fact.”

During the period from 1 July to 1 September, HRA associates noticed another 10 examples of violations of Principle 3, majority of which in *Pobjeda* - three, two in daily *Vijesti*, and one each in newspapers *Dnevne novine* and *Blic CG*, and on *Vijesti* and *TVCG* portals.

A distinctive example from these is one from *Pobjeda* newspaper, entitled “Water doesn’t help, mother”<sup>40</sup>, which is a comment by the Acting Chief Editor Vesna Šofranac regarding criticism directed at that daily by the opposition politician Nebojša Medojević. The author in the commentary attributed a statement to Medojević that his “job is to trash-talk”, although the same newspaper<sup>41</sup> announced that this was not Medojević’s statement, but the statement<sup>42</sup> of Nikšić businessman Veselin Pejović after he had physically assaulted Medojević at Belgrade airport.

In doing so, the author of the comment breached the guideline: “The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.”

### 3.3.2. Violations of Principle 3 in TV news programmes

MCSR MT has recorded no violations of the principle 3 in television programs. According to the monitoring of HRA, principle 3 has been violated 16 times in the main news programs of five televisions in Montenegro, in the period from 1 March to 1 September.

Just like in our previous report, almost all examples of violations of the obligation to separate the news from the comments were recorded in “Infomonte” at *Pink M* television, even 14. One violation of this principle was recorded in the „News 2” at *TVCG*.

PINK M: INFOMONTE, 1 March - Within the news that the American Commission for Securities and Exchange has suspended an investigation into alleged corruption in the privatization of Telekom Montenegro a comment that was released, contrary to .....

40 Song reference (translator’s note).

41 <http://www.pobjeda.me/2014/02/22/pejovic-kad-me-ne-poznajes-sto-lajes-medojevic-posao-mi-jeda-lajem/#.VAXIUGPw9KI>

42 “Together with his wife Medojević approached the entrance to the gate for Podgorica, and behind him was Veselin Pejović with his lawyer Zoran Vukčević. At one point Pejović approached the leader of PzP, and commented: Here’s the scumbag, hey scumbag. Medojević then turned and said: I do not know you. Pejović asked him: You do not know me, I’m Pejović, you call me out every day and talk trash about me. Why if you don’t know me? Medojević answered: It’s my job. At this point Pejović slapped him. Medojević’s wife began to scream and call for help, and Medojević told her to call the police.



principle 3, without being clearly separated from the information. It states that the *"affair Telekom is just one of many scandals created by the opposition parties and the media and their close foreign officials in order to present Montenegro as a hotbed of corruption and organized crime."*

PINK M: INFOMONTE: 2, mart - In the analysis of the "Telekom affair" the news and comments are not clearly separated, so viewers can get the impression that it is an indisputable fact that *"the opposition leaders and their media" in the past two years, "have been gossiping at the foreign embassies"*.

PINK M: INFOMONTE, 10. March - The news on the court's decision not to order detention of former managers of the Central Commercial Bank (CKB), Milka Ljumović and Bosa Tatar, filled with comments in an unacceptable way. It is reported that the court *"did not have the courage" to order detention and that the defendants and "protectors of their media created in advance a climate of fear" and "a picture of the alleged innocence of the accused."*

PINK M: INFOMONTE, 12 March - News and comment are not separated in the news about the decision of the State Election Commission to reject the charge of MANS on alleged violations of the law on financing political parties. Without notice or a comment that this was a commentary, it was stated that the law *"was clearly meant to serve as a tool for daily political attacks and direct participation in the election campaign, as the opposition parties and their media comrades and coalition partners, who present themselves as experts civil society are directly used during the election process."*

PINK M: INFOMONTE, 12 April - News and comment are not separated in the report when Minister Petar Ivanovic denied writing the *Vijesti* about his connections with Darko Šarić. It was stated that *Vijesti "invented connections to Šarić and Ivanović,"* and that the owners of *Vijesti* thus assisted the leader of DF Andrija Mandić.

PINK M: INFOMONTE, 23 April - With the news that Montenegrin Commercial Bank (CKB) responded and denied the information published in the daily *Vijesti*, they released the comment *"this is just another in a series of untruths that this tabloid placed almost every day."*

PINK M: INFOMONTE, 6 May - In the introduction to the response of an activist of the DPS, which denies the writing of Dan, the following comment was released: *"By publishing articles on alleged vote-buying the opposition media continue to use dirty methods that impute falsehood and discredit the current government and DPS. Tabloid Dan coupled with opposition parties publishes every day sensational audio recordings of the alleged theft of votes that turn out to be unfounded and false"*.

PINK M: INFOMONTE, 9 May - Information that the Prosecutor's Office revealed that the phone and the card from which the activists of DPS was called and with which the the alleged proof of vote purchase was recorded, belonged to associate of Vanja

Ćalović, Vuk Maras, to which MANS reacted, was presented in genre-hybrid of comments and news, therefore violating Principle 3. It was stated that these *“fabricated affairs” “pollute the public life Montenegro,” concluding that “this is the best proof that the coupling tabloid Vijesti and Dan and organization MANS, have an exclusively political role of direct participation in elections and helping certain political groups.”*

PINK M: INFOMONTE, 10 May - In the introduction to to the statement of Zoran Jelic, who commented the affair of buying IDs , the comment has been published together, not apart from the fact, and stated that it was *“the last information on abuses of MANS”, and that donor funds “are being abused under the disguise of alleged democracy. “*

PINK M: INFOMONTE, 13 May - At the beginning of the report about the invitation of DPS to the competent authorities to investigate media reports of alleged vote buying, the journalist assessed that *“for months Dan and MANS, created stories about alleged abuses,”* which is an obvious comment, thus violating the principle on 3 the separation of news from the comment.

PINK M: INFOMONTE, 14 May - The report on the reaction of DPS to the case of Argon Kaljaja represents a hybrid of information, party statements and comments that are not separated. Comments are presented as established facts, mostly in the part referring to the statements of members of MANS. *“Dejan Milovac, Nikola Markovic, Vuk Maras even Veselin Radulovic Gumar are panically tried to deny the obvious fact they record, falsely accuse, mount and accuse DPS that and no one from the DPS has anything to do with any of these actors.”*

PINK M: INFOMONTE, 15 May - The news of the postponement of the trial of former manager of CKB was published along with comments. *“The fact that both owners of Vijesti appeared at the trial today, although they are not participants in the process, confirms that the process will be under direct pressure”*the report states. The statement made by Željko Ivanović, one of the owners of *Vijesti*, was not quoted or published as a recorded statement, but was retold so as to include the information which is not part of the statement, according to what other media published.

PINK M: INFOMONTE, 24 May - A report stating that daily *Vijesti* violate election silence, information is presented along with a comment: *“everything is subordinated to the direct interference in the election process, discrediting the strongest party in Montenegro and the promotion of party leaders who have created the owners of this tabloid.”*

TVCG: NEWS 2, 26 May - In a report announced as a review of the reaction of the opposition to the results of the local elections and the analysis of possible coalitions, the journalist presented personal opinions and comments, for which viewers could get the impression that these are established facts. Thus, it is stated that the *“wind in the sails was selflessly given to DF by SDP supported by Pozitivna, under the pretext that both Podgorica and Montenegro need changes”,* and Miodrag Lekic *“supported by a broad civil logistics did not manage to seize power. “*



*PINK M: INFOMONTE, 29 May* - In the report in which transferred information from the daily Pobjeda about multiple signatures of party leaders on complaints submitted by MANS to the Election Commission, the guidelines for the principle 1 was violated according to which “reviews and ratings must be based on facts,” and “comment should not be presented so that it creates the impression that it is established fact. In the genre combination of reports and comments following was stated: “*We also wanted to find out what are the arguments allocating this significant sum of taxpayers’ money to an inobjective group of people, led by a controversial and problematic person.*”

*PINK M: INFOMONTE, 25 June* - The comment was not presented separately from the news about another postponement of the trial of former managers of CKB, at the request of defense counsel. At the end of the report it was stated that “*these actions of Defence achieved the obstructions already mentioned to the media by the accused Ljumović and Tatar, as well as the owners of Vijesti Miodrag Perovic and Željko Ivanović.*”

### **3.4. Principle 4 of the Code**

***It is a duty of a journalist to complete incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner.***

#### **3.4.1. Violations of Principle 4 in print and online media**

MCSR MT recorded a total of six examples of violations of Principle 4 in print and online media in the period from 1 March to 1 July, in Dan and Vijesti.

MT MCC believes that the Vijesti and Dan violated the principle of no. 4 by not publishing responses on the same side as the published text to which the response refers (“Suits the placement”<sup>43</sup>). The guidelines related to obligation of the media to publish the reply stated that the reply must be published in the same place as the text. This obligation applies only to a correction and an apology. According to our estimation, the “Day” and Vijesti have acted ethically publishing the response.

Principle 4 was violated 14 times according to findings of the MCSR MT. HRA associates have not determined during the same period any violatins of principle 4 in monitored print and online media. Examles of violations of this principles were nor recorded in the continuation of the monitoring – from 1 June to 1 September 2014.

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43 “Due prominence” in this context means publication of the correction in the same space (in the case of print media) or within the same programme (in the case of broadcast media). (Codex of Journalists of Montenegro)

It is not easy to notice violations of this Principle of the Code just by looking at the contents of the newspaper, without insight into readers' complaints and their requirements for issuing a correction and response. Based on review of reports of MCSR MT, it is not always possible to reliably estimate whether, in the case of complaints, all arguments pros and cons have been measured well, and whether any ethical violations were found. The reports of MCSR MT do not specify whether any opinion was requested from the media regarding the complaints and what their arguments regarding the controversial treatment.

In most cases, MCSR MT found that the media violated the principle of no. 4 due to improper placement of response, although, as noted previously, the guidelines of the Code require "due prominence" only when it comes to correction and apology. To illustrate, MCSR MT assessed that *Dan* has acted unethically because of the way it published the reaction of Petar Ivanovic, Minister of Agriculture and Rural Development, regarding accusations that the accused for money laundering and cocaine trafficking, Darko Saric paid for a plane ticket for Geneva (*Dan* 26 April 2014).

In case of publication of reaction minister Ivanovic, in our estimation, the correction in question is not the type of correction that is discussed in the guideline under d)<sup>44</sup>, because *Dan* did not find that it significantly distorted facts. It is, simply, the minister's response, in which he denies the allegations from article published in *Dan*.

In another case, MCSR MT is, in our opinion, correctly assessed when it found a violation of the principle of no. 4 when *Dan* did not publish response Zoran Vukcevic, the Acting Executive Director of the Investment and Development Fund, the article "Best loans given to companies close to the DPS." The text is, according to the report MCSR MT, illustrated with photographs etc. Vukcevic, although he was at the head of the Investment Fund at the time the alleged fraud occurred. The minimum obligation of the daily *Dan*, as correctly stated by MCSR MT, was to publish the information that Vukčević took office in the Investment Fund after the alleged controversial actions that the text dealt with.

### 3.4.2. Violations of Principle 4 in TV news programmes

Neither MCSR MT nor HRA recorded violations of this Principle in TV news programmes in the period covered by the report.

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44 "Where a person or organization believes that a media report contains inaccurate information or has unfairly criticized the person or organization, the media institution concerned must give the person or organization a fair opportunity to reply, to correct any inaccuracies and to respond to the criticism. Media institution is expected to provide such right in the case of acceptance that the report in question had errors and unfounded allegations."

### 3.5. Principle 5 of the Code

***One's race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information.***

#### 3.5.1. Violations of Principle 5 in print and online media

MCSR MT recorded during the period from 1 March to 1 July, based on its own monitoring, six examples of violations of Principle 5 of the Code. In the same period, and all of six were found in the comments of the visitors to the texts published at *Portal Vijesti*. These are also the only examples of unethical practice that the MCSR MT recorder in relation to online media during this period.

HRA associates observed in the same period 16 instances of violation of the principle of 5, and in the continuation of monitoring - to 1 September - 10 more, which makes a total number of 26. The leading position belongs to portal "Cafe del Montenegro" with six examples followed by *Dnevne Novine* with five examples, daily *Vijesti* and "Portal Vijesti" with four examples, the portal "IN4S" with three examples and the portal "Analitika" and daily *Pobjeda* with one example.

According to our estimations, all comments disputable for MCSR MT contained strong and offensive language, but such language cannot be qualified as hate speech in the same way as defined by the Code.<sup>45</sup> Please read this comment to the text as an illustration: "Ćulafić: The son of Vuka Golubović put me on DPS voters list", "Oh, when I recall 2012, when we beat the DPS scum at local elections in Nikšić! The first city which STOOD UP AGAINST THE MAFIA!!! THE FIRST CITY WHICH SAID NO TO MILO ĐUKANOVIĆ AND BRANO MIĆUNOVIĆ!!! THE FIRST CITY TORN UP BY THE MAFIA! DAMN YOU YOU SOLD SOULS! DAMN YOU DRAGO ĐUROVIĆ, DAMN YOU POZITIVNA NAD DF! YOU SOLD SCUM!<sup>46</sup>"

In most of the examples (14), noted by HRA associates, the Principle 5 was violated by specifying national origin of persons suspected of a crime, and highlighting this fact in the title, for which there was no professional reason. On the contrary, such indications intentionally or unintentionally suggested to the public that being of this or .....

45 (a) Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred (b) Journalists must take utmost care to avoid contributing to the spread of ethnic hatred when reporting events and statements of this nature. It is journalist's duty to respect other states and nations."

46 Original in Montenegrin reads: "Ćulafić: Na spisak glasača DPS-a stavio me sin Vuke Golubovića": "E kad se samo vratim u 2012-u kad potukosmo DPS ološ na lokalnim izborima u Nikšiću! Prvi grad u CG koji je ustao PROTIV MAFIJE!!! PRVI GRAD KOJI JE REKAO NE MILU DJUKANOVIĆU I BRANU MIĆUNOVIĆU!!! I PRVI GRAD KOJI JE MAFIJA RAZBILA NA PARAM PARČAD! PROKLETI DA STE IZRODI ŠTO SE PRODASTE! PROKLET BIO DRAGO DJUROVIĆ, PROKLETI BILI POZITIVNA I DF! OLOŠI PRODANA"

that nationality matters for what this person is alleged to have done. In two cases, the title highlighted national affiliation of the victims of a traffic accident.

HRA associates recorded seven (undeleted) comments<sup>47</sup> to three text published on portals In4S and CdM, and one on portal Vijesti<sup>48</sup> which contained elements of hate speech.

### 3.5.2. Violations of Principle 5 in TV news programmes

During the period covered by this report, neither MCSR MT nor HRA recorded violations of Principle 5 in TV news programmes.

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47 „Duklean bitches, they woof and woof. They can only do that, sick Milo`s fans./ Look at this gay, he wears a necklace with the Serbian eagles and the Petrovic's coat of arms. Man is a misery, the image and likeness of the Duklean bastards and losers. They wear Serbian symbols but in soul they have Tito and the Pope! (Like those miserable people that are in Ukraine which NATO force to make war against Russian people). This misery is not able to wipe itself a butt, and not to force Serbian people to live Montenegro./The contemporary Montenegrins are Ustasha in the attempt/What other can we expect from members of the nation which in the 1945 Milovan Đilas jerked off in daily press and a few months after he gave up from her? It turns out that Nikodim Bogosavljević was right, the former abbot of the monastery Dajbabe, when he spoke about this dog posterity called the Montenegrins. It is a work of the devil". (In4S, 3.maj, "Fašizam: U pokretu za ubijanje Srba i funkcioner DPS-a Mitar Radonjić, na meti i muslimani"/Portal In4S, May 3, "Fascism: In the move to kill Serbs also the official of Democratic Party of Socialist's Mitar Radonjić, Muslims also on target.");

"this Montenegrin half-breed (his mother is a muslim woman with burqa) as all other Dukleans they replace the thesis of love for the thesis of the city and the country... (In4S, 3.maj, "And the Oscar goes to... xxxxx"/In4S, May 3, "And the Oscar goes to...xxx");

"Simovic's were the worst house in Cuce. This will confirm everyone who is from Cuce." (In4S, 31.maj);

"It cannn, it cannnnn when it is in a Croatian edition... The most genocide nation in the Balkan... Hitler's stable boys and servants..." (CdM, 4.jun, "In Jasenovac they planted flowers in colors of Croatian national fleg in the form of Ustasha's symbol");

"we should now, when you ate and drunk enough, take all of you for hand and sent you across the border... Wherever you want but as far as you can because you have make a huge problem to this town with spitting girls, catching for...jumping screaming I have a dog home so you don't have to follow me through the town";

"The position of Roma people will improve when you, Roma people, stop with selling your children, stop marrying each other and making a big families and also stop breaking the bones to your children while they are babies in order to earn more in begging for money!" (CdM, May 6,"Roma in Podgorica are celebrating Đurđevdan: Only today we have a good lunch");

"And what is a shame here, a disease is a disease and no metter how much this lobby has a money this fact cannot change ever?";

"It is studied togheter with the prostitution, the promiscuity, the pedophilia, or in chapters on disorders of the sex drives and hormones";

"Your web portal is an embarrassment for supporting these freaks";

"And where should it be studied when it is totally same? And what should be studied there, sick people as well as pedophiles and other similar people. And what is it if not a sexual disorder, last thing they should do is to learn kids that it is normal to be a gay, not to say something worst. It is a shame that anyone reacts on this" (CdM, May 31, "A shame: In Serbian books LGBT people together with the prostitution and pedophilia");

48 "This radical Islamic evil which harms to entire Islamic world should be exterminated." (Portal Vijesti, August 21,"Killed leaders of military wing of Hamas; Members of EU discuss about the UN resolution of armistice in Gaza)

### 3.6. Principle 6 of the Code

***In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public.***

#### 3.6.1. Violations of Principle 6 in print and online media

MCSR MT in the period covered by this report noted an example of violation of the principle of no. 6 of the Code based on its own monitoring in the daily *Dan*. According to their assessment this was done in the article “90 euros For the ID card, payment on the day of voting” published on 5 April.

MCSR MT has estimated that *Dan* did not use honorable methods in gathering information that suspected certain persons of political corruption. The thing is that daily-*Dan* in its online edition quoted recording and transcript of the conversation (transcript in the print edition) published on the website “prijavikorpciju.me,” which was launched by the Network for Affirmation of NGO Sector (MANS). Daily *Dan*, therefore, is not the author the aforementioned recording, regardless of whether it is disputable and to what extent, as stated by MCSR MT referring to writing of Pobjeda. MCSR MT criticized daily *Dan* for not distancing itself from information released by MANS, “or distancing from the NGO MANS, as regards the methods of collecting ‘evidence of political corruption’”, which reports were taken over regularly and completely uncritically, placing the professional standards in the second plan.”

According to our estimation, MCSR MT in this case unilaterally interpreted the principle of no. 6 guidelines that explain it and that allow the use of dishonest methods to gather information, if honorable methods “are not sufficient, and information that should be obtained are extremely important to the public.” (This example is among those that MCSR MT has not included in the report for the period from January 1 to May 1, 2014, prepared for the round table in cooperation with the Council of Europe).

HRA associates have not recorded examples of violations of this principle from 1 March to 1 July, as well as during the continuation of the monitoring until 1 September.

#### 3.6.2. Violations of Principle 6 in TV news programmes

Neither MCSR MT nor HRA monitors recorded violations of Principle 6 of the Code in TV news programmes.

### 3.7. Principle 7 of the Code

***It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.***

#### 3.7.1. Violations of Principle 7 in print and online media

MCSR MT has recorded four examples of violations of the principle of no. 7 for a period of 1 March to 1 July - two in the daily *Vijesti*, and the same in the daily *Dan*.

According to the assessment of MCSR MT, this principle was violated in research articles that have been incurred as a result of cooperation between the regional network of investigative journalists (Organized Crime and Corruption Reporting Project), IRPI (Investigative Reporting Project Italy) and MANS (The Network for Affirmation nevdinog sector). These are the same two articles published in *Dan* and *Vijesti* under different titles, in which MCSR MT found also examples of violations of the principle of no. 3: Football, politics and cocaine (*Vijesti*, 7 April), property of Mogrena worth millions given to Šarić (*Dan*, 7 April), Đukanović family bank serviced Šarić (*Vijesti*, 8 April), Đukanović family bank serviced Šarić (*Dan*, April 8).

MCSR MT believes that *Dan* and *Vijesti* violated the principle of no. 7, but has not explained such opinion, except by quoting text of the principles.

The only thing in its report that refers to the logic of evaluating MCSR MT is that they have noted "an unusually high level of confidence during the information provided to the editorial boards from the above mentioned address, whereby a regional network of investigative journalists (Organized Crime and Corruption Reporting Project) was in question. In our opinion, MCSR MT, tried to say that *Dan* and *Vijesti* have not verified the motives of a confidential source before promising them anonymity and protection, as discussed in Principle 7. Since it can be only speculated whether, in this case, the journalists and the media have checked the motives of confidential sources, mere queuing is not a good basis for determining violation of the Code. (Articles in question were also not included in the report prepared for the round table that MCSR organized in cooperation with the Council of Europe. This report covers the period from 1 January to 1 May 2014.)

In the same period, HRA associates have not observed a single instance of violation of this principle in the monitored media.

#### 3.7.2. Violations of Principle 7 in TV programmes

Neither MCSR MT nor HRA monitors recorded violations of Principle 7 of the Code in TV news programmes.

### 3.8. Principle 8 of the Code

***A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well.***

#### 3.8.1. Violations of Principle 8 in print and online media

MCSR MT has based on self-monitoring, from March 1 to July 1, 2014, recorded four examples of violations of principle 8.

Two examples were noted in "Informer" CG (HRA associates, we remind, have not monitored this media), and one each in *Vijesti* and *Dan*.

In the same period, HRA associates have found 24 examples of violations of the above principles and in the continuation of monitoring - until September 1, a total of 69 examples. Among these examples, there is none of the *Dan* and *Vijesti* that observed MCSR MT, because, according to our estimates, they do not contain violations on principle 8.

In the case of the text with headline "MANS filed criminal charges against 306 people from Berane due to irregularities at the local elections" and the title "anyone who sold votes should be brought before the Court", published in daily *Dan*, edition from 12 March, it is true that the list of suspects for political corruption was published, but their mobile phone numbers were blurred. Addresses of suspected people were not published, as erroneously stated by MCSR MT and on which basis they found violation of the principle 8.

According to our estimation, there is no question of violation of the principle of no. 8 in the article published in the daily *Vijesti* on May 13th titled "Vujanović family sold part of their heritage." MCSR MT estimated that the *Vijesti* violated privacy of Montenegrin President Filip Vujanovic family, because they published information that Vujanovic sold part of their property.

MCSR MT concluded that this information was of public interest, overlooking the fact that this information, was published by the president's wife, in order to show that the family of the president of the state does not hide their incomes.

Out of the total number of recorded examples (69) of violation of the principle of no. 8 from 1 March to 1 September HRA associates found 16 examples in *Dnevne novine*, the 15 in *Vijesti* and *Dan* each, eight on the *Portal Vijesti*, five in *Pobjeda*, four at the *Cafe del Montenegro*, three in the daily *Blic*, Montenegrin edition, two at *portal Analitika* and an example of the portal IN4S.



The largest number (53) of examples of violations of principle 8 related to the disclosure of the identity of persons who were taken life violently (murder, suicide, death) or suffered either serious or light injuries in different circumstances<sup>49</sup>.

The guideline d) for principle 8 states that “names of victims of accidents or crimes enjoy special protection” and notes that “it is not always the rule to identify a victim in order for the public to better understand the accident or crime,” and that “exceptions can be tolerated if the person is a public figure or in the case of special circumstances”. None of the cases that were recorded by HRA associates dealt with public figures, nor were there any special circumstances justifying revealing the identity of a killed or injured person.

An interesting example was observed by HRA associates in one case where the victim’s identity remained unknown, but disclosing of certain data could have disturbed all those to whom these data pointed to the identity of a person they knew or a person close to them. *Portal Vijesti* published on July 5 a news titled “Podgorica: one person killed in an accident”, showing the initials of the dead girl, information that she was born in Serbia and guessing whereher city of origin.

For the purpose of the analysis, we would like to highlight a few specific examples of violations of the principle 8 from the media in which they wre recorded.

Daily *Vijesti* published on 2 March an article titled “The divorce will cost Mićunović four million”, which dealt with the divorce of a controversial businessman Branislav Mićunović and disclosed details about dividing property in the divorce agreement. The same daily has been publishing since June 10 articles titled “Damir Mandić got married,” which reported of the marriage of a person convicted for complicity in murder of the director and editor-in-chief of daily *Dan*, Duško Jovanović. The news of the marriage of Mandić in prison was announced on the same day by *Dnevne novine* with a title „Mandic got married, Bigović was the godfather “. *Dnevne novine* were dealing in its 22 August issue with the private life of a person suspected of criminal actions. With a title “Duško Šarić to marry”, this daily reported on the private life of a suspected person as of a celebrity.

In our opinion, in all above mentioned examles, the jornalists violated two guidelines<sup>50</sup> for principle 8 because they interfered with the person’s privacy, reporting on the private lives of people without their permission, without existence of the cir-

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49 Associates have during the last monitoring paid special attention to disregard of the guidelines in the media, given the fact that this was brought to attention during the discussion after the public presentation of the third report of HRA, when the mentioned guidelines was questioned.

50 “(a)The journalist should not intrude into and report on a person’s private life without his or her consent. The public’s right to information must always be weighed against the personal rights of those involved”. “(b) Reporting on a person’s private life can be justified when it is in the public interest to do so. This would include: detecting or exposing criminal conduct; detecting or exposing seriously anti-social conduct; protecting public health and safety; corruption, etc. Reporting on a person’s private life is also justified if it prevents the public from being misled by some statement or action of that individual such as where a person is doing something in private which he or she is publicly condemning.”



cumstances in which the public had a right to know, for example, who gets married or who divorces.

Daily *Dan* has in its 10 March edition published a special supplement, which contained a list of the names and surnames of persons to whom DPS allegedly distributed the money on the day of local elections in Berane. Telephone numbers of persons on the list were partially blurred, but the unique identification numbers which could be clearly read were published. On the same day, *Dnevne novine* published an article “DPS accused of buying votes,” and published a facsimile of a list of names and surnames of people whose voices were allegedly bought by the Democratic Party of Socialists during elections in Berane. Along with the names, phone numbers of these persons were published. Portal “IN4S” published on 22 May a text titled “Exclusive: records of DPS seized at Konik,” and published facsimiles of lists which contained the names, identification numbers and private addresses, as well as phone numbers of a large number of people.

In none of these examples, regardless of reasonable doubt that a particular person did something that was against the law, the media did not have the right to make their private information public. Guidelines for Principle 8 however explicitly state only that “the private addresses of the people shall enjoy special protection,” but the Guidelines do not mention the unique identification numbers and private phone numbers. There is no doubt, however, that these data belong to the sphere of the best guarded privacy.

Daily *Blic*, Montenegrin edition, violated the principle 8 in an article published on 5 July, titled “Shot his unmarried wife with five bullets in the chest”, by publishing the names of the children from the first marriage of the person killed. One of the guidelines for this principle states that “when it comes to family members and other people who are indirectly affected by an unfortunate event and who do not have anything to do with a crime, one must be extremely cautious when publishing their names and pictures.” *Blic* did not act with caution, as suggested by this Guideline.

In a report on death of three nurses from Podgorica in a car accident, *Blic - Montenegrin edition* in the penultimate paragraph presents to the public details of private life of the victims that are completely irrelevant to the story. The journalist said that one of the dead women was married, the other engaged, and the third one divorced. The media, reporting about this accident satisfied the curiosity of the public, but to some extent this could be justified by the circumstances, but, in our opinion, *Blic - Montenegrin edition*, made an ethical violation by interfering with the privacy which has nothing to do with the accident and the interest of the public to be informed about it.

Daily *Pobjeda* in its 23 May release quoted from Belgrade “E-novine” a text of writer Marko Vešović under the heading “How Miodrag Lekić defends Meda Zemunac” and the title “Scumbags from Draža’s front”. The author repeatedly attacked personalities rather than their actions, and thus, in our opinion, did not respect “necessary human dignity” as suggested in Principle 8 (In this article, as we mentioned earlier in the report, principle of no. 1 of the Code was violated as well).

### 3.8.2. Violations of Principle 8 in TV news programmes

In its reports, the MCSR MT did not list any violations of Principle 8 in TV programmes.

HRA has recorded 23 examples. The leading was television “Vijesti” with 16 examples of violations of this principle, followed by TVCG with three examples, “Atlas” with two, and “Pink M” and “Prva” with one example.

Almost all of the examples (22) related to the disclosure of the identity of victims of road traffic and other accidents, although in none of the recorded cases the victims were public figures, and there were no special circumstances, which, under the Code, would justify the publication of the names of those killed and injured.<sup>51</sup>

In one of these cases of disclosure of names and surnames of the victims, details of private life were unnecessarily published, without helping viewers to better understand the circumstances of the accident.

TV CG: NEWS 2, 28 March - In the report of the death of a man in a fire that broke out in the house, it was stated that the person lived alone, but also “*never worked anywhere and survived with the help of social assistance.*”

Except in cases of revealing the identity of the victims, there was one example of uncritical transfer of claims about the healing properties of herbal teas.

TV VIJESTI: NEWS AT HALF PAST SIX, 10 May - The report of the Days of Natural Medicine was transferred claim saleswoman: “I would mention birch water ... it is highly effective for the treatment of diseases of the kidneys, when it comes to stones, gallstones, and so on.” Guidelines for Principle 8 state that “a journalist must express a special dose of reasonable doubt and restraint when reporting on the activities of self-styled healer.”

## 3.9. Principle 9 of the Code

***A journalist is obliged to protect integrity of adolescent persons, different and disabled persons.***

### 3.9.1. Violations of Principle 9 in print and online media

MCSR MT has not, based on self-monitoring, or deciding on appeals, recorded examples of violation of Principle 9 in print and online media in the period from 1 March to 1 July.

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<sup>51</sup> TV Vijesti: 3,6 and 28 March, 7 and 14 May;6,25, 27 and 29 June; 2, 5 and 12 July; 13, 25 and 31 August; TVCG: 28 March; 27 April; 2 May; TV “Atlas”: 8 May and 25 July; TV “Prva”: 29 June; TV “Pink M”: 15 August

In the same period, HRA associates have found two examples of violations of this principle in dailies *Dan* and *Dnevne novine*. In our further monitoring until 1 September we have recorded one example in the daily newspaper *Blic – Montenegrin* edition.

On 14 June daily *Dan* published an article under the headline “Court committed Slavko Ceković to pay support for two minors, although it is proved that he is not their biological father,” and the title “I pay child support for someone else’s children.” The text is a confession of a person who claims to be a victim of his ex-wife and unjust court decisions. The text does not use any other primary or secondary sources. As the full name of the person was stated, the identity of the minors who allegedly were not his children was indirectly revealed.

The UNICEF Guidelines for reporting on children, among other things, stated: “Do not further characterize any child. Avoid classifying or describing which may subject it to penalties - including additional physical or psychological harm, or ongoing abuse, segregation or rejection by the community in which it lives.” In this manner of reporting of *Dan* two children have been marked.

Part of the previous argument can be applied in the case of the examples of *Dnevne novine*. In the 23 June issue, an article entitled “Action beggar begins”, illustrated by a photograph which shows a Roma girl. Her back is turned, but her two minor children, one of which she holds in her arms and the other stands behind her, are faces a face. Below the photos there is no legend and one can only assume, given the context, the woman begs. In this case, media acted contrary to UNICEF Guidelines for reporting on children.

A third example of violation of principle 9 can be found in *Blic – Montenegrin* issue. This journal published in its 10 July issue an article under the headline “Stray Dog mutilated five-year-old in the center of Berane” and the title “The girl was rescued from the jaws of the dog by passers-by.” The story is illustrated by photography of a hurt girl in arms of a man, who was not identified in the legend, and can be suggested that this was her father. The girl has a bandage on her head there were visible injuries on her mouth. The legend says: “It is not clear whether the girl’s vision was damaged.”

It was not necessary to publish a photograph of the injured child and additionally traumatize it in order to illustrate this dramatic story. No consideration suggested by guidelines for the principle of no. 9 of the Code was expressed: “The media are obliged to exercise special consideration when interviewing, photographing or filming minors.” Photo of the injured child, who may remain invalid, it is not a good way to draw attention to the seriousness of the problem.

### 3.9.2. Violations of Principle 9 in TV programmes

During the period covered by this report, HRA and MCSR MT did not observe any violations of this principle.

### 3.10. Principle 10 of the Code

***When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means preadjudicate the outcome of a court procedure.***

#### 3.10.1. Violations of Principle 10 in print and online media

For the period from 1 March to 1 July, on the basis of self-monitoring, MCSR MT found 12 examples of violations of principle 10.

MCSR MT discovered another example of violation of this principle while dealing with an appeal to the article published in daily *Dan*, in which six examples were observed by monitoring. Two examples were noted in the dailies *Vijesti*, *Dnevne novine* and *Informer* – Montenegrin edition.

Out of the total number of examples that were recorded by HRA associates, 134 were found in the daily *Dan*, 93 in *Dnevne novine*, 83 in the *Vijesti*, 42 in *Pobjeda*, 26 in the daily *Blic* – Montenegrin edition, 12 on portal “Cafe del Montenegro”, five at the “Analitika”, four of the portals “Vijesti” and “TVCG”, and two at “IN4S”.

Since monitoring indicates that no media not entirely immune to this kind of ethical violations, its frequent appearance in the media may be partly a consequence of the frequent publication of news and stories related to crime. Of course, this does not make them less responsible.

In 314 examples of violation of principle 10, i.e. presumption of innocence, the title of the news, or the text is formulated so as to someone’s guilt is presented as an established fact, although later in the text, in the largest number of cases, it is completely ethically explained that it was only a suspicion etc. Among these examples there is one, the only one HRA associates and MCSR MT agree on, referring to an article published in the *Dan* on 16 April, titled “Cocaine money laundered through the First Bank.” It is an article the public is informed that the non-governmental organisation MANS filed a criminal complaint, on suspicion of money laundering through the First Bank, against Darko Šarić and Stanko Subotić, which is based on data obtained by the Regional Network of Investigative Journalists (OCCRP).

HRA associates found, although in a much lesser number, examples of violations of the presumption of innocence not only in the title, but also in the first paragraph of the news, or text. HRA associates found 34 such examples.

In other cases, the principle 10, presumption of innocence, was violated in the super-script, subtitles, text, or in some combination of these elements. There is an interesting

example<sup>52</sup> on portal “Analitika”, where the violation of the presumption of innocence was avoided until the last paragraph, but eventually happened at the end of the text.

HRA associates found atypical example of violation of principle 10, the presumption of innocence, in the daily *Pobjeda* in an interview published in the 27 May issue. The reporter interviewed Jasenka Perović, president of the Association of families of deported citizens of BiH in 1992 from Montenegro (Title: “Independent ‘media use victims for media arguing”), and asked her, among other things, this comment question: “the so-called ‘independent’ media in Montenegro (*Vijesti* and *Monitor*) declared direct participant in the crime, it can be said executors, Slobodan Pejovic a hero... “This wording of the question of a journalist violates the presumption of innocence, stating the claim of someone’s guilt as if it was proven.

The following example, which is not the only, is interesting because it points to the problem of inappropriate use of images that illustrate the news from the so-called “Black chronicles”. The daily *Vijesti* published on 11 March an article under the headline “New charges against two minors,” and the title “Boys from Bar stole a TV and a car.” The news was illustrated by a photograph of two minors who have masks on their heads, to one of them the eyes and chin are clearly visible. There is no legend under the photo, which gives readers the opportunity to understand that the minors mentioned in the news are the minors on the photo.

If the image is a mere illustration that has nothing to do with the two juvenile suspects, which probably is the case, then principle 1, which refers to accuracy was violated.

### 3.10.2. Violations of Principle 10 in TV news programmes

MCSR MT did not find violations of the principle 10 in television programs. The main news programs of five televisions that HRA associates monitored 17 examples of violations of this principle were found.

10 examples were recorded in television program “PINK”, four in the program in TV “Vijesti”, two in TVCG, and one in the television program “Atlas”.

Although most examples of the violation of the presumption of innocence, when the media present as guilty a suspect or accused of a crime, we have found an example of violation of the obligation to publish information on the termination of the investigation, withdrawal or restriction of the charges or the reduction and abolition of the judgment. Television “Pink M” published earlier this year several articles in which

52 “Laković shot Stanišić on 30 June, allegedly in order to revenge for the beating he received from him a few days earlier in Zabjelo. The beating was not reported to the police. (last paragraph under the heading “Zagoričani’ questioned about the bombing of the house of Laković”, published on 30 July 2014)

it violated the Code, and in the director of the Center for Civic Education, Daliborka Uljarević had been accused. However, they did not publish that the Prosecutor's Office, following an investigation, dismissed the charges against her.

Interesting is the case of recording the execution of American journalist James Foley as the editorial board did not recognize the need to protect the dignity of the victims, nor the danger of publishing posts perpetrators of this crime to become an instrument in the hands of criminals.

PINK: INFOMONTE, 31 March - In a report on the expected start of the trial of former managers of CKB there were charges that were presented as fact. It was stated that, inter alia "During this period, Tatar and Ljumović approved millions of loans to the members of their families with which they were buying shares of CKB but loans were later prescribed to the the Bank account, " and thus violating the presumption of innocence.

TV VIJESTI: NEWS AT HALF SEVEN, 18 March - In a report on arrest of Darko Šarić, the presumption of innocence was violated by the fact that with his name was mentioned as "runaway narco boss."

PINK M: INFOMONTE, 18 March - Darko Šarić, who was arrested on charges that he was involved in smuggling drugs, was repeatedly referred to as "narco boss" in the report on the arrest.

PINK M: INFOMONTE, 19 March - In the ahe announcement of the interview with the Minister Duško Marković, as well as in three more questions during the interview, both the host and the reporter say "narco-boss" together with the name of Darko Šarić, even though the trial has just started and the allegations have not been proven.

TV VIJESTI: NEWS, 24 March - In the report on trial to Darko Šarić, he is referred to as "suspected narco boss from Pljevlja", which still violates the presumption of innocence as the linguistic construction does not point out clearly enough what the journalist meant to say, that Šarić was a man from Pljevlja accused of being a narco boss.

PINK M: INFOMONTE, 28 March - In the introduction to the report on the arrest of suspects in the attack on the journalist Dan and Lydia Nikčević principle 10 was violated in the statement, "The ordering party and financier of beating is the owner of Narcissus."

PINK M: INFOMONTE, 1 April - The presumption of innocence has been repeatedly violated in the article about the investigation into the operations of daily *Vijesti*, which, among other things claims that "the owners gained millions through illegal activities", and persons accused in the case CKB are mentioned as well, stating "it turned out that none of the shares of ownership of banks, savings not purchased any of the family members of the Tatar, Perovic, Ljumović, Popovic," although this is not a established fact.

PINK M: INFOMONTE, 2 April - The alleged illegal actions of the owner of *Vijesti* were presented as indisputable, without indicating that these were suspicions or allegations of a third party.

PINK M: INFOMONTE, 10 April - Guidelines on reporting state that "criticism and comment on the specific case must be clearly distinguished from reporting on court proceedings." This was violated in a report notifying the public about the investigation of the operations of daily *Vijesti* claiming that the Supreme State Prosecutor's Office "answers all the questions of the journalists of *Vijesti* and *Dan* and opens investigations based on every text and fictional affair of the media."

PINK M: INFOMONTE, 16 April - In a report on the case of CKB bank, i.e. the decision that the accused can defend from freedom, the principle 10 was violated by a statement that "the indictment in the case of CKB does not cover all actors of the fraud, including the daughter of Ljumović, Aleksandra Popović".

PINK M: INFOMONTE, 24 June - The journalist feffer to Dragoslav Kosmajac, whom the Prime Minister of Serbia called one of the biggest drug dealers in the Balkans, but who was not convicted for such acts, or even charged, just like that - the greatest drug dealer in the Balkans.

TV VIJESTI: NEWS AT HALF PAST SEVEN, 4 July - Although the announcement correctly stated that the police arrested a suspect for murder, the first sentence of the report explicitly states that the suspect is guilty. "With five shots at close range Branko Djurovic, a citizen of Nikšić, killed Tanya Šekarić, the woman with whom he lived in recent years."

PINK M: INFOMONTE, 28 July - The information of the Center for Civic Education, which was published by other media that were reporting from the press conference, that they were informed by the Basic State Prosecutor's Office that the anonymous criminal charges against this NGO were dismissed, was not published thereby violating the principle 10. In fact, it is specifically stated that the media should continuously report on a criminal case, and that "this applies to cases of dropping of the investigation."

TVCG: NEWS 2, 5 August - The presumption of innocence was violated in the title of "Leader of Delija arrested for racketeering," which appeared on the screen, although the report correctly stated that they were arrested on suspicion of being engaged in racketeering.

TVCG: NEWS 2, 20 August - The news that the Islamic radicals in Iraq executed American journalist James Foley was released showing the victim kneeling beside a masked person with a knife in his hand. Although the act of execution was not published, by publishing this video, the guidelines on reporting on violence to the detriment of the victims and people close to him were violated. In addition, the publication of a statement that the victim pronounced, pressure and apparent stress, and a post-masked executioner, which threatened with further violence, the media



falls into the trap and becomes the instrument of criminals, spreading a message of fear and terror.

TV ATLAS: FORUM, 20 August - the same violation of principle 10 was recorded in this program. It is interesting that the recording was released, although it was noted that authenticity has not been verified.

TV VIJESTI: NEWS half-past six, 20 August – A recording of the last moments of American journalists was published in this programme as well but it was much shorter and did not contain disturbing messages of then victim. However, a masked person with a knife is clearly visible.

### 3.11. Principle 11 of the Code

***A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions.***

#### 3.11.1. Violations of Principle 11 in print and online media

MCSR MT in the period from March 1 to July 1, found no example of violation of principle 11 in the print and online media.

In the same period, HRA associates found 19 examples of violations of this principle in six of print and online media, and in the continued monitoring - to 1 September - another three. Most examples were found in the *Dnevne novine* - eight, five examples noted in the daily *Dan*, three on portals "Vijesti" and "Cafe del Montenegro", and one in the daily *Pobjeda* and at the "portal "Analitika".

Principle 11 was violated in the recorded examples due to disrespect of the guidelines which alerts that stories and articles "related to the company, their products, services or events related to the companies must not exceed the limit of hidden advertising"<sup>53</sup>. This limit was mostly crossed by adding to the useful information content marketing and advertising through direct or indirect quotation of persons responsible for public relations and other company representatives.

An illustrative example of this is the text from the "Dnevne novine from 19 April, titled "The eggs will not become more expensive." Notice of the discounted price of eggs in this story, was spiced with a self-advertising sentence: "This was caused by the expect-  
.....

53 "The credibility of the media as a source of information calls for particular care in dealing with PR material and in producing editorial supplements. Editorial stories that refer to companies, their products, services or events must not overstep the boundary to hidden advertising. This risk is especially great if a story goes beyond justified public interest or the audience's interest in information. This also applies to unedited advertising texts, photographs and illustrations."



ed increase of demand for eggs, to which 'Roda', in line with the slogan of good characters for trade, act as a true friend of households, allowing them substantial savings “.

The line which separates journalism from advertisement was crossed in a similar way in a report titled “Drugstore “Dama” opened in Nikšić” published in the “Portal Vijesti” on May 3. This boundary was crossed with a quote from the speech of the director of marketing: “When we established “Dama”, we paid special attention to only one thing - that our dear customers create a place where they will find everything they need care, beauty and health. And we did it. We made a place to purchase turns into a pleasure. “

On 28 May and 2 June, a rubric was released with a heading “coffee talk”, and the text, in addition to photographs of the interviewee, illustrated with a logo, “House of coffee and tea,” which suggests that this text is sponsored. Information on sponsorship, however, were nowhere to be found, so this is a commercial, that was “smuggled” within journalistic form and content.

On July 2, an article entitled “Concerns stop payments non-stop” was published in the daily *Dan* in which, in addition to service information, a clearly commercially intoned messages was placed: “New Service” electronic banks Zona 24 hours intended to all natural and legal persons, HB clients, and provides a safe, comfortable and prompt payment of funds to the account ... “.

In an article entitled “Meet Montenegro from Porto Montenegro”, published on portal “Analitika” on 3 May, a quote was published that mor of a commercial kind than in spirit of journalism: “Discover Montenegro from the air, sea and land - the magical panoramic views from the hinterland of the Bay of Kotor and explore mountain ranges in the north of Montenegro. “

### 3.11.2. Violations of Principle 11 in TV news programmes

MCSR MT in its report observed no violations of principle 11 in television programs.

In their monitoring HRA associates have recorded 28 examples<sup>54</sup> of violations, which represents a significant increase in relation to our previous two reports when 19<sup>55</sup>, i.e. six<sup>56</sup> examples were found.

.....

54 TVCG: 2 March, 9 and 19 July, 17 i 21 August; TV VIJESTI: 2 March, 8 May (two violations), 18 June, 9 July and 25 August; PINK M: 2, 8, and 22 May, 3 June, 1 and 19 July, 21 and 22 August; PRVA: 2 and 11 May, 17 and 28 June, 9 and 30 July, 21 and 31 August

55 MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO, SECOND REPORT, (March 2013 – October 2013)

56 MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO, THIRD REPORT, (1 October 2013 – 1 March 2014)

This growth, which is particularly evident in relation to the period from September to March, is partly due to the fact that during the late spring and summer economic activities in the country were significantly increased due to tourism.

This increases the amount of information that the company place on their products and services, and the media generally uncritically transfer and thus erase the distinction between editorial content and advertising.

Sometimes these are standard hidden commercials like for example in the case of reports (TV Vijesti and TVCG) of a mobile technology congress in Barcelona, which was held on 2 March, during which the operator was advertised, and which most probably sponsored the trip of the TV crew to the Congress.

Very often, however, open advertisements are published as part of the news programs. One of the most obvious examples of this practice is a report of television "Prva" (11 May) on the agency for child care in which the services tht the agency ptovides were specified, as well as how to get in touch. An equally obvious example was found in a TVCG report which was broadcasted on 19 July, which was entirely devoted to a small hotel on the coast, providing data and instructions on how to find the hotel. A large number of recorded violations in the summer period refers to just the stories of successful hotels and new tourism services and eco-villages, which are converted to advertising, with the usual news and propaganda reports on banks and telecom operators.

### **3.12. Principle 12 of the Code**

***It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist codex.***

#### **3.12.1 Violations of Principle 12 in print and online media**

MCSR MT did not record any example of violation of Principle 12 in any print and online media from March 1st to July 1st.

At the same time, HRA associates noted 151 example of violation of the aforementioned principles, and in the continuation of monitoring, which lasted until the 1st of September, more than a hundred, so that for five months the number of instances reached 262. In these examples we have not included those concerning sport photos in newspapers, as well as photos in the weekly "Monitor".

During the monitoring period HRA associates have for the first time paid attentionto the fact that numerous photographs taken during sports events across the globe (es-

pecially during the World Football Championship in Brazil) do not cite sources, based on which, of course, we can not claim that these photos were not taken by photographs of the editorial board (which can be suggested if the photo is unsigned), but we have no reason to doubt that this could be a case of plagiarism that intends to remain hidden.

In the a/m number of examples of violations of the principle of 12 we have not included any photos published during monitored five months of weekly "Monitor" and their authors are unknown, also because we can not claim that this is plagiarism. As in the case of sports photography, we have reason to suspect that in some cases it is plagiarism, to which we drew attention in our previous report. Note that the "Monitor" in the last five months has not stated the source for none of the published photographs.

According to estimates of experts HRA associates who monitored online media, there are plenty of articles and photos from the field of entertainment and related fields whose original authorship is very difficult to establish, and which "circulate" in the print and online media in the region, including Montenegro.

According to assessments of HRA associates and subsequent comparative analysis of the contents, plagiarism can be determined in 149 examples of articles and accompanying photos published in the *Dnevne novine* in the period from 1 March and 1 September 2014. HRA associates have reported 45 such examples in daily *Blic* Montenegrin edition, 32 examples of the daily *Vijesti*, 18 examples in the daily *Pobjeda*, four examples on portals "Vijesti", TVCG and "IN4S" three examples at the "Cafe del Montenegro", two examples of the Potal" Analitika "and one in the daily *Dan*.

For example, *Dnevne novine* published an article on June 11, illustrated with a photograph of the Chinaman who invented the suitcase that can be used as a vehicle, without citing any source, and this story was previously published by *The Telegraph* and several other foreign online media.

In most cases, these local media taken over from regional and international media, finished text or text and photographs, without citing sources, or making more or less creative compilation of borrowed material. The largest number of such texts is not signed, but there are plagiarized texts signed with initials, and full last names of journalists, as well as examples of the plagiarized text signed his full name of journalists. HRA associates have found 40 such texts.

An illustrative example from the daily *Blic* – Montenegrin edition, 10 April edition, when a report on crime in an American school was published, titled "Entered the school and slaughtered children." The text is signed with his full name journalist of *Blic*, and a photograph of the scene was published, but it is clear that the reporter of this newspaper was not on the spot, but he was using someone else's information.

In a plagiarized article published in *Dnevne novine* on 22 July (“A widow of a smoker receives 23.6 billion indemnity”) it was written, for example: “Lawyers of a tobacco company that produces cigarettes Camel, Cool, Winston and Pal Mal were not available for any comments”, where the reader is left to believe that someone from the editorial board in Podgorica called the lawyers of the mentioned companies.

### **3.12.2 Violations of Principle 12 in TV news programmes**

Neither MCSR MT nor HRA recorded violations of principle 12 in TV news programmes.

#### 4. FINDINGS OF COMPARATIVE MEDIA MONITORING

■ *Media often use research conducted by the Network for Affirmation of NGO Sector (MANS), pertaining to crime and corruption also at the highest levels of Montenegrin government, but quite frequently take these findings for granted without trying to additionally verify, using journalistic methods and tools, the soundness of data obtained by MANS.*

■ **As journalism, *inter alia*, implies verification skills, the media are required to verify information obtained from NGOs researchers, or any other more or less relevant and reliable source, with the other party and with independent sources.**

■ *The monitoring conducted by both MCSR and HRA teams shows frequent violations of Principles no. 1 and 3 of the Code of Montenegrin Journalists, which are crucial for the credibility of the media, and which relate to the accuracy and balance of reporting and inviolability of facts. By and large, violations of these principles result from emphasising one aspect of the story and failure to verify information from independent sources, as well as from placing of comments and opinions in news reports without necessary separation.*

■ **HRA reiterates its recommendation that journalists must immediately give the opportunity to the other party to respond to allegations and emphasizes the obligation of verifying information from independent sources. Commentary and news should be clearly separated.**

■ *The violation of the presumption of innocence (Principle 10 of the Code) is still by far the most common example of unethical practice in the media.*

■ **Once again, we recommend the media do their best to reduce the number of instances of violation of the presumption of innocence to a negligible extent. Mitigating circumstance in this case is that this violation is quite easy to recognize, therefore, with the good will of journalists and in particular editors, it can be easily avoided. A question mark at the end of a statement suggesting someone's guilt may, at least partially, lessen the final effect of such statement.**

■ *In a significant number of examples, HRA associates have noted violations of the Principle 5 by stating nationality of a person suspected of a crime, i.e. highlighting this fact in the news title without any professional reason. On*

*the contrary, such indications intentionally or unintentionally suggest to the public that someone's nationality is of importance for an alleged wrongdoing of that person, which is in complete contradiction with the Code.*

■ **HRA recommends the media outlets to avoid highlighting the nationality of a person suspected of a crime in the texts, especially in the headlines, as it may only contribute to the deepening of stereotypes and incitement of hatred.**

■ *As it has been emphasized in the previous report, the majority of examples of violations of the Principle 8 of the Code in monitored television news programs is related to the disclosure of names of traffic accident victims. Detailed monitoring of the press and web portals over the past five months has proved such unethical practice quite common in these media outlets, too.*

■ **HRA repeats its earlier recommendation that the media should be much more careful and considerate to the victims of crime or accidents, since, under the Code, they are entitled to special protection of identity, except in cases of extraordinary circumstances, which should always be carefully considered.**

■ *Several examples have been noted where the media published the lists containing citizens' names and surnames and their unique identification numbers and/or private telephone numbers, committing thus severe violation of their privacy. Regardless of the basis for reasonable suspicion of certain person's illegal behaviour, in none of the said examples did the media have the right to make their private information public.*

■ **Since the guidelines for the Principle 8 explicitly state only that "the private addresses of people shall enjoy special protection," without mentioning unique identification numbers and private telephone numbers, HRA recommends amendments to the Code in order to specify that these data too shall be kept strictly confidential.**

■ *A number of examples of plagiarism noted by HRA and the fact that self-regulatory bodies overlook such unethical practice point to an upsetting conclusion that plagiarism (publishing other people's photographs and texts without acknowledgment of authorship) is not seen as a serious violation of ethical norms.*

■ **MCSR MT, as well as the current Ombudspersons, should henceforth pay more attention to plagiarism as an unethical media practice. It is particularly important to do so for the young journalists who are more knowledgeable on the new, on-line media, and whose knowledge of foreign languages makes it easier for them to take someone else's work without citing the source. As it has been pointed out in previous HRA reports - as clearly asserting their authorship with regard to articles and photographs, it is desirable that the me-**

**dia do the same when using someone else's articles or parts of those articles, photographs and other graphic illustrations.**

■ *There has been a significant increase in the number of more or less covert advertising in television news programs, as a result of the fact that newsrooms transmit companies' propaganda material uncritically.*

■ **A journalist should act solely in the public interest and not in the interest of companies, including own media company. It is crucial that the audience can differentiate at all times between advertising and content processed by journalists.**

## 5. APPENDIX: HEADLINES OF ARTICLES THAT VIOLATED THE CODE OF JOURNALISTS OF MONTENEGRO

### Principle 1

**Dan:** Jedan Rom na magistrarskim studijama, Raspop podnio ostavku zbog mobinga, Kupovao sam lične karte za DPS po 150 eura, ZZZCG, mimo zakona o finansiranju stranaka, oglasio više slobodnih radnih mjesta, Policajac je kaznio zbog gledanja na sat, Sumnjive veze sa kriminalom preko Prve banke, Aco tuđim parama naplatio kredit Holder brokera, Direktor škole kupovao lične, policajci zastrašivali glasače, Crkva na Rumiji velika svetinja, Izrešetan zbog šverca kokaina, Ko ne karikira jezik, kazne do 6.000 eura, Milovan Baždar tvrdi da je za zloupotrebu službenog položaja osumnjičen bez dokaza, Oteli su mi imovinu uz blagoslov suda i vještaka, Umalo linčovan ispred džamije, Dijete prevela preko granice lažnim pasošem, Kalač nagovijestio samoubistvo, Mutljivina s izvještajima, Umro od batinanja u zatvoru;

**Vijesti:** Mićunovića zvali da smiruje Šarića, NVO tuže ministarstvo, Nestalo struje kad je Turčina krenulo, Djevojke se muški tukle, Širenje porodice uz pomoć heroina, Reis prozivao novinarku, Dozirali spise da bi ih izveli na sud, Pink M i Informer su Đukanovićeви, Nepoznavanje postupka: kaucija će im biti vraćena ako se odazovu na suđenje, Mugoše Miomira molile da gradi, Zatvorenici ljuti na sociologa, Mićunović izbacuje Kneževića sa fakulteta;

**Dnevne novine:** Poništavaju pečate zato što im je volja, Perišiću od KAP-a 28.000 E, Biciklista naletio na kamion u pokretu, Kazino ostao bez struje kada je Turčin dobio na džek-potu, Netačne deklaracije varaju potrošače, Cimbalević se oženio u Vanuveru, Dobio novac, a Lob mu ga ne da, Romima normalno da tuku žene;

**Blic CG:** Tri Zarijina dana kao tri decenije, Gej parada na Vidovdan, Roditelji prepuštali ulici šestoro djece, Gejevi hoće da se žene, ali vlada odugovlači, PIO ne poštuje odluku suda, Prvi deklarisan crnogorski gej se oženio, Ruskinja Novljaninu otela dvogodišnjeg sin, Dijete odvela s lažnim pasošem preko granice, Podgorički Građevinar ojadio tivatsku opštinu;

**In4S:** Sutomore: Tajkuni režima napali Ivana Zankovića na kućnom pragu i prijetili mu likvidacijom, Zaplijenjeni materijal: DPS u Beranama popunjavao zahtjeve za glasanje putem pisma, Portparolka NATO vrijeđala srpske žrtve, Direktor škole kupuje lične karte (VIDEO), UDG: Crnogorski Megatrend;



**CdM:** Romi nevine djevojčice prodaju za 15.000 eura, Ubio se suvlasnik Greenwicha i Buda bara, ZIKS: Komandir prebio osuđenika zbog svjedočenja, Najezda zmija u Bijelom Polju, Godišnjica od Parade ponosa: Otvorena Pandorina kutija jezika mržnje i netolerancije;

**Portal Vijesti:** Osveta zbog novinskog teksta, Palicom po glavi za 4.000 eura, Petrovići ogorčeni na sudstvo: Ko je kriv za napad psa?, Čalović i Milovac fizički napadnuti u Izornoj komisiji, Mićunović izbacuje Kneževića sa fakulteta.

## Principle 2

**Pobjeda:** Sve crnogorske afere.

## Principle 3

**Pobjeda:** Medijska mafija pokušava da se dokopa vlasti, Oni koji su branili S.Č. i sad Vanju imaju istu metu, Vanjino koprcanje da pravda 150.000 eura, Crnogorskim jezikom govori 41, a srpskim 39 odsto građana, Dok drugi čute, MANS 'presuđuje', Ne pomaže voda, majko;

**Vijesti:** Mitropolit Mihailo može da ulazi u crkve, Godišnje 50 osoba traži liječenje, Crnogorski pretekao srpski jezik za 2 odsto, P.I.svrsto i CANU među neprijatelje, Trafikanti jure djecu koja prose;

**Portal Vijesti:** DPS izgubio i pare i Berane, Šćekić kandidat za gradonačelnika, Anketi: Svaki treći sa pozitivnim stavom prema državnim simbolima, Za građane Crne Gore Đoković najkvalitetniji sportista, Roling Stouns najbolji bend;

**Dnevne novine:** Kako je Ljumović preveslala zakon i otvorila banku, Prisilni brakovi tamna strana tradicije, Crnogorski zbori 41 odsto građana;

**In4S:** Bajden zalupio vrata Đukanoviću, Lokalni izbori: Ucjene, kupovina ličnih karata, tuče, pištolji;

**Potal RTCG:** Crnogorski zbori 41,1% građana;

**Dan:** Mirašlije oskrnavile spomenik;

**Blic CG:** Crnogorski zbori dva odsto manje nego lani;

**Portal Analitika:** Vučić za prvih 100 dana dobio četvorku od građana;

**Monitor:** Premijerova osveta Vijestima.

### Principle 5

**CdM:** U Jasenovcu posadili cvijeće u bojama šahovnice u obliku ustaškog simbola, Tivat: Bosanac pokušao da ukrade brod, Romi u Podgorici proslavljaju Đurđevdan: Jedino danas imamo dobar ručak, Rus prevario taksistu za 1.000 eura, Bruka: U srpskim udžbenicima LGBT osobe zajedno sa pedofilima i prostitutkama;

**Portal Vijesti:** Ražnatoviću tri mjeseca zatvora zbog povrede novinara Mirka Boškovića, Na granici Crne Gore sa Hrvatskom uhapšen Albanac sa 52 kg marihuane, Ubijene vođe vojnog krila Hamasa; Članice EU diskutuju o rezoluciji UN o primirju u Gazi, Bosanac A.K. izručen Hrvatskoj;

**Dnevne novine:** Rusu produžen ekstradicioni pritvor, Uhapšen Makedonac, Uhapšen Crnogorac, Uhapšen Sbijanac, Albanac oslobođen za šverc marihuana;

**In4S:** Fašizam: U Pokretu za ubijanje Srba i funkcioner DPS-a Mitar Radonjić, na meti i muslimani, And the Oscar goes to.....xxx, SNP: Simović koordinirao akcijom kupovine glasova u Pljevljima;

**Vijesti:** Rus pokošen dok je šetao trotoarom, Ruski tajkun zatrpavca plažu, Ruskinja ga zatočila u vili, Protjerani Rus se vratio u Avalu;

**Dan:** Rusa udario autobus, Sudanac ilegalno prevezio ljude;

**Portal Analitika:** Bosanac A.K. izručen Hrvatskoj;

**Pobjeda:** Potaga za Rusom koji je udario turistkinju.

### Principle 8

**Vijesti:** Razvod će Mićunovića koštati četiri miliona eura, Manda se potukla s rođakom na svadbi, Dvoje mrtvih u 'Solarisu', Vjenčao se Damir Mandić, Izbjegavajući čeonu sudar udario u parkirani automobil, Poginuo pomažući vozaču šlepera da se parkira, Poginuo motociklista Milosav Simonović, Obrenovčanin teško povrijeđen, Poginuo radeći kraj oca, Belgijanac slomio nogu na planinarenju, Majka poginula, kćerka u bolnici, Slađana Radinović povrijeđena u udesu, Dvoje mrtvih u čeonom sudaru, 'Golfom 3' udario sudiju i njegovog dvogodišnjeg sina, Feliks ostao bez vozačke dozvole;

**Dnevne novine:** DPS optužen za kupovinu glasova, Pronađena dva beživotna tijela, Oženio se Mandić, kumovao Bigović, Sudar pasata i golfa u tunelu, Stradao mladić iz Novoga, U Novom poginuo motorist, Dječak spašen od utapanja, Majka poginula, kćerka povrijeđena, U Zeti poginule dvije osobe, Ženi slomljena potiljačna kost, Poginuo motociklista, Otac i kći kitično, U udesu dvoje povrijeđeno, Poginuo pješak, Šestoro povrijeđeno u udesukod Petrovca, Ženi se Duško Šarić;

**Dan:** Specijalni dodatak, Objesio se ispred kuće, Pronađeni mrtvi u magacinu, Povrijeđene četiri osobe, Poginuo motociklista, Teško povrijeđen motociklista, Smrt u smrskanim automobilima, Udesi u Nikšiću i Kolašinu, Poginuo motociklista, Otac i kćerka u teškom stanju, Stijena usmrtila mladića, Majka poginula, kćerka kritično, Mladić poginuo sijekući šumu, Prijava protiv oca Jovanke Radičević;

**Portal Vijesti:** Bar: Uhapšeni osumnjičeni za podmetanje požara, Ulcinj: U marketu "Solaris" pronađene dvije mrtve osobe, U pucnjavi u Nikšiću ranjena dva mladića, Udes na putu Pljevlja - Đurđevića Tara: Nikšićanin teže povrijeđen, Kod Pljevalja poginuo pješak, Poginuo radnik Željezare, Žabljak: Dvoje povrijeđeno u udesu, Podgorica: U udesu poginula jedna osoba;

**Pobjeda:** Propalnice iz Dražinog fronta, Otac i kćerka i dalje na odjeljenju intenzivne njege, Teško povrijeđen vozač 'reno', Nišlija lakše povrijeđen na putu Kolašin-Mojkovac, Skočio u Moraču sa mosta Pjenavac;

**CdM:** Nikšić: U pucnjavi ranjena dva mladića, Nova Varoš: Poginule majka i kćerka sa Cetinja, Poginuo radnik Željezare prilikom pada sa kрана, Kolašinac skočio sa mosta Pjenavac;

**Blic CG:** Bile uzdanice i u profesiji i u svojim porodicama, Otac i kći na intenzivnoj, U Nikšiću poginuo motociklista;

**Portal Analitika:** Cetinjanka i njena majka pogunule kod Nove Varoši, Kolašinac skočio sa mosta Pjenavac;

**In4S:** Ekskluzivno: Zaplijenjena evidencija DPS-a na Koniku.

## Principle 9

**Dan:** Plaćam alimentaciju za tuđu djecu;

**Dnevne novine:** Kreće akcija prošnjak;

**Blic CG:** Djevojčicu iz čeljusti psa otrgli prolaznici.

## Principle 10

**Dan:** Krao bakarne šine, Opljačkao kladionicu, Cetinjanin udario policajca, Krali televizore, Krali šta su stigli, Uhvaćen u krađi, "Oteo" Podgoričanina jer mu nije platio vožnju, Drogu krio pod pazuhom, Uhvaćen sa 220 grama skanka, Baranka provaljivala u stanove, Ukrao mobilni telefon, Pare od kokaina prali preko Prve banke, Heroin krio u čarapi, Cetinjanin organizovao šverc dvije tone kokaina, Namamio ga u sobu, pa ubio, Pokušao da obije kiosk, Maloljetnici palili palme, Opljačkao prodavnicu, Ukrali akumulatore, Drogiran pljačkao kuće po Beogradu, Crnogorci švercovali skank,

Opljačkao pumpu, Švercom kokaina zaradili milione, Uhapšeni napadači, motiv i nalogodavci nepoznati, U patosu krio skank, Gađao policajce, Ukrali auto, U čarapi krio sintetičku drogu, Krali pare i tehničku robu, Rate uplaćivao sebi, Hladnokrvno pucali u mladića, Krao gorivo i akumulatore, Obijao kuće, Komšiji postavio bombu, Opljačkali pumpu, Krao gorivo i akumulatore, Dva puta silovao cimera u ćeliji, Džerija udario sjekirom po glavi, Švercovao skank, Prevozili 16 kilograma skanka, Skank krio u patosu, Nevjenčanu suprugu tukao do smrti, Švercovali 18 kila skanka, Švercovao 'bijelo', Švercovao skank preko granice, Služili kao paravan za Svetovu imovinu i firmu, Švercovao skank, Odbrana tražila odlaganje, Drogu krio u putnoj torbi, Skank krio u krovu auta, Uhapšena tri razbojnika, Opljačkao osam vozila, Rađenović držao pištolj bez dozvole, Štampali 350 lažnih novčanica, Dilovao heroin, Ukrali auto i televizor, Uhapšeni na djelu, Krali cigarete i novac, Dilovao kokain, Udarali odborničke kandidate Pozitivne i prekidali skup, Ukrali zlato, Ukrali novčanik i bojler, Baba tražila da joj unuke osude na po pedeset godina zatvora, Bio u bjekstvu, a slavio u DPS-u, Čekićem ubio sugrađanina, Bivši policajac dilovao marihuana, Makedonac švercovao zlato, Dječak opljačkao kazino, Ukrali skupe cigarete, Opljačkao 'Voli', Podgoričanin opljačkao 'Voli', Skank krio u rezervoaru, Pištoljem pokušali iznudu od 10.000 e, Ukrao lijekove vrijedne 12.000, Drogu krili ispod rezervnog točka, Pokušali da iznude 10.000 eura, Ubicama pružao logističku pomoć, Tukao desetogodišnjaka, Oteo 5.000 eura, pa ih potrošio, Crnogorci pljačkali po Italiji, Žarko Pavićević Opštinu oštetio za 75 hiljada eura, Prevezio 20 kilograma skanka, Identifikovan piroman iz Budve, Ubio ženu pa pozvao policiju, Starca pretukao pa pokrao, Podvodili plesačice u Budvi, Ranio komšiju, Bjelopoljac silovao Ukrajinku, Albanac prevezio 20 kilograma marihuana, Prijetio policajcu, Tukli trojicu mladića, Dilovao heroin, Švercovao 100 kilograma heroina, Vođe 'delija pokušale da naplate 250.000 eura, Iznajmio auta, pa ih nije vratio, Silovao u Njemačkoj, Nasilnik u pritvoru, Krao cigarete, Obljubio djevojčicu, Ranio sugrađanina zbog konobarice, Aktivirao bombu ispod automobile, Pipkao djevojčicu, Utajili preko milion eura, Pretukli policajca i njegovu suprugu, Pet hitaca u leđa nevjenčane supruge, Švercovao cigarete, Predstavljao se kao policajac, Nehotice ranio brata, Dok je pljačkao policajci mu nesvjesno pomagali, Obijao lokale, Razbojnik u pritvoru, Krao po Baru, Nakon potjere kacigom gađao policajce, U stanu krio heroin i kokain, Rus ukrao pare, Na primorju podvodili djevojke, Davao maloljetniku drogu, Prebili Podgoričane pa pucali na njih, Ranio beskućnika, Satarom ubio ženu, Pokušao da sakrije pištolj, Diler u pritvoru, Švercovali heroin, Puštena na slobodu i nastavila da krađe, Druga pozvao u pomoć pa pokušao da ga ubije, Novljanina tukao pištoljem, Pustio pse na policajce, Pokušao da ubije sugrađane, Opština Budva pronevjerila 3,5 miliona, Krao novac i nakit, Pljačkali lokale i tukli radnike, Nikšićni pljačkali firmu 'Montekargo';,

**Dnevne novine:** Falsifikovali pasoše i lične karte, U koferu krio marihuana, Maloljetnik oštetio EPCG za 8.000 eura, Uhapšen a 220 grama skanka, Krali dobrotvorne priloge iz crkve, Opljačkali magacin, Upadali u tuđe kuće i automobile, Mladić ukrao telefon bivšoj djevojci, Krali amfore i ćupove, U potkrovlju krio skank, Sjekirom nasrnuo na mladića, U krovu džipa švercovali 16 kilograma skanka, Štampali novac pomoću skenera, Držao dvije puške, Palicom po izlozima, Priveden nakon krađe telefona, Poštar lažirao napad, Budvanin Ukrajinki isjekao ruku, Pucao u sestru i ostavio

je zaključanu u zapaljenoj kući, Krao akumulatoru i gorivo, Upadao u tuđe kuće i iz njih krao novac i telephone, Nakon pljačke prijetio tužiou, Šarić drogu nabavljao i za 'Ndragentu', Uhvaćen u krađi, Na smrt pretukao maloljetnu suprugu, Uhapšena trojica Kosovara, Pokušao da ukrade brod 'Sveti Marko', Italijan švercovao 10 kilograma skanka, Uhapšeni pljačkaši, Blagajnik odnio 32.000 eura, Dva puta krali isto vozilo, Maloljetnici ukrali automobil, Zbog tezge nožem nasrnuo na ženu, Pucao u koleginicu, pa zatim sebi oduzeo život, Maloljetnik nožem opljačkao kazino, Švercovao heroin, Uhapšen razbojnik, Pištoljem pokušali iznudu od 10.000 e, Bacio heroin, pa napao policajca, Nudila mito za muževu vizu, Ukrao zlatni lanac, Uzgajao kanabis, Ukrali 'golf' da bi otišao na more i u pljačku kuće, Iz tuđe kuće ukrao petsto hiljada eura, Premlatili braću, Švercovao skank, ne i heroin, Ubio brata, Akter pucnjave se predao policiji, Pokušao da iznudi 4.800 eura, Obili jedanaest automobile, Krali podupirače za građevinske skele, Pokušali da iznude 250.000 E, Prijetio policiji, Sekretar zloupotrijebio ovlašćenja, Oštetila RTV Nikšić za preko 37.000 eura, Iz Rode krala kozmetiku, Ukrao đaćku torbu, Benzinom polio vozilo BMW, Prebio sugrađanina i ukrao mu 80 eura, Pucao drug na druga, Ukrao 385 eura iz marketa, Oštetili budžet za 1.000.000 eura, Ubio ženu, pa se brani sa slobode, Krala po Sutomoru, Ranio bata, pa pucao na policiju, Pucao u nevjenčanu suprugu, Ojadila žirante za 100.000 eura, Priveden pljačkaš kladionice, Opljačkao tri objekta u Podgorici, Računovođa oštetio budžet za 5.137 eura, Srbijanac obio deset kuća, Krali kočione umetke sa vagona, Ranio suprugu nožem u stomak, Službenik bezbjednosti unio mobilni u zatvor, U frižideru čuvao sintetičku drogu, Nakon svađe potegao pištolj, Nožem izbo najboljeg druga, pa pobjegao, Stanišić i Klikovac u Spuzū, Iznudili 450 eura na ime navodnih šlep usluga, Određen pritvor razbojniku, Pokrala turiste, Osumnjičeni pustio psa na policajca, Pištoljem izudarao Hercgnovljanina, Napao policajce, Krali željezo iz hala 'Radoja Dakić', Muzičar švercovao 20 pištolja, Crnogorac pao sa 30 kg marihuana, Tukli, maltretirali, krali, pa demolirali, Prodavao drogu djetetu;

**Vijesti:** Trio iz Bara iz kuća krao televizore, garniture, Kamionom švercovali farbu u Crnu Goru, Udario policajca tokom pretresa kuće, Kompija bombu postavio sudiji, Maloljetnici ukrali novac i obijali magacije sa alatom, Miki prodavao kokain Ndrangeti, Pakovanja skanka spremao za prodaju, Ukrao televizor i 'Hilti' bušilicu sa opremom, Uzeo pare za izgradnju apartmana, pa nestao, Sjekiricom udario Džerija, U 'bunkeru' krio 16 kilograma skanka, Maskiran i naoružan krenuo u 'trgovinu', Ukrao jastuke, vrata, brave, parket i tabure, Pretukao Kosovara i oduzeo mu mobilni telefon, Maloljetnik krao novac, telefone, cigarete, Dječaci iz Bara ukrali televizor i automobile, Dvojica pljačkala, a dvoje otimali novčanike, : Iskidao joj tetive, nakon pijanke, Pod prijetnjom nožem, ukrao 700 eura, Provalili u kuću Engleza i krali alat i tehniku, Ukrali novac i hranu iz školske kantine, Spremao se da uždi dva vozila, Razbojnik sa nožem trčao kroz Delta siti, Krali bakarne cijevi i bijelu tehniku, Tukao komšiju pištoljem po glavi, Italijan u patosu i krovu automobila krio drogu, Maskirani i naoružani iz kazina odnijeli 2.300 eura, Bjelopoljac uhapšen u Srbiji zbog pronevjere, Ukrali tašnu sa nakitom i djelove transformatora, Lopovi u pritvoru, za 92.00 E se još traga, Maskirani maloljetnik oteo Pazar iz kazina 'Kojot', Benzinom zapalili 'seat toledo' pa pobjegli, Krali automobile i telefone, otimali torbice, Urezervoaru nosio 8,5

kilograma skanka, Milijan nožem prijetio da će zaklati dijete, Gile prebio Bobana, pa dobio metak, Policajcu zapalio automobil jer ga je na ulici legitimisao, Milošević sklapao ubojitu napravu, Paljušević 'pao' sa 100 kg skanka, Švercovani mlijeko u prahu i domaću rakiju, Bjelopoljac i Budvanin tukli dvojicu Nikšićana, Ilija Džojić uhapšen sa dvadeset grama heroina, Tukao, otimao i bježao policiji, Dražen Rašović prijetio policajcu koji ga je hapsio, U autu prevezio 20 kilograma skanka, Iz Srbije švercovali robu vrijednu 500.000 eura, Šipkom po glavi, da bi ukrao 80 eura, Seksualno maltretirao 15-godišnju djevojčicu, Nakon svađe pucao u druga, Radnicim marketa prijetio da će ih ubiti, Ranio brata pa pucao na auta i policiju, Trgovao lažnim novčanicama, Zakupac plaže tukao turiste, Kupačima u sutomoru krao torbe i telefone, Sa pet metaka usmrtio Tanju Šekarić, Za sat vremena počinio šest krivičnih djela, Ukrali 'pežo', alat, gorivo, mobilni telefon..., Podgoričanin gađao policiju kacigom, Iz kuća krao novac, oružje, nakit, mobilne telefone, Avdulj ponovo isjekao suprugu, Kesice droge čuvao u frižideru, «Vojvode» povrijedile sedam policajaca, Biber nožem jurio Nikšićanina, S pištoljem «CZ M-70 došao na posao, Lumaj pokušao da otme novac trgovcu, Nožem izbo druga, Uz prijetnju nožem iz kazina oteo 700 eura, Dva mjeseca izdržali na slobodi, Reketirai kamiondžiju, Podgoričanin Novljnina udario pištoljem po glavi, Košarkaš švercovao kokain, Isjekao se da ne bi više stražario, Iz kaveza pustio psa na policajce, Trojica Barana pesnicama pretukla mladića iz Srbije, Zbog 700 eura plijena pretukao i vezao starca, Pokušali da ukradu alat iz hale «Radoja Dakića», Alen Hot iz kuće ukrao hiljade eura, Stražar pokušao da uese telefon;

**Pobjeda:** U Baru uhapšeni pljačkaši, Dolijao zbog pljačke kladionice, Za noć pokušao tri razbojništva, Osumnjičeni drogu krili u rezervnom točku, Podgoričanin krijumčario heroin u čarapama, U stanu krio veliku količinu oružja, Baranin u stanu krio skank, Obili kuće i odnijeli namještaj od 1.000 eura, Iz kuće ukrali sanitarije i alat, Obio magazin i odnio paket sa obućom, U prtljažniku krili drogu, Krali kamene posude teške više od 100 kilograma, Bar: Ukrali 280 eura sa pumpe, Bjelopoljac napao sugrađanina sjekirom, Albanski državljani uhvaćeni sa 16 kilograma skanka, Bar: Uhapšen vozač koji je udario dječaka, Na smrt pretukao maloljetnu suprugu, Petnaestogodišnjak EPCG nanio štetu od 8.000 eura, CKB: Milka i Bose čašćavale milione tuđim parama, Nastavniku produžen pritvor zbog seksualnog uznemiravanja učenika, Na smrt pretukao maloljetnu suprugu, Prijeteći nožem odnijeli 2.300 eura, Opljačkali kazino, Barani ukrali kompjuter, "reno senik" i televizor, Obijali prodajne objekte i krali novac, 'Nezavisni' mediji koriste žrtve za medijski obračun, Vlasnici butika 'digli' novčanik, Predsjednik opštine Ulcinj nanio štetu Vodovodu od 160.000 eura, Ubio, pa opljačkao svoju babu, Obio prozor i na silu ukrao 5.000 iz ormara, Podvodili djevojke i ugovarali cijenu, U Kotoru uhapšen diler droge, Upadao u stanove i krao svari, Berane: Mladić pretukao 85-godišnjeg komšiju, Uhapšen zbog sedam krađa u Baru, U sjedištu motocikla krio pištolj i marihuana, Nikšićanin krio kokain i skank u stanu, Crnogorac pokušao da prokrijumčari 20 pištolja, Ukrao tri pnte sa Male plaže u Ulcinju, Čuvar pokušao da doturi mobilni pritvoreniku;

**Blic CG:** 'Jednoki' razbojnik pokušao tri pljačke, uplašio se, pa uhapšen, Oteo djevojku jer nije platila vožnju, Putnica iz Danilovgrada kamenovala voz, Razbojnik iza



brave, Namjestio rođaku milionsku zaradu, Razbojnik uhapšen ubrzo nakon pljačke, Prevaranti iza brave, Poštar potrošio pare, pa izmislio da je opljačkan, Osujećen u pokušaju paljenja automobila, Majka tražila milost za sina koji je ubio babu, Đeka ošteti Vodovod za 160.000 eura, Makro htio da bije novinare, Batinama iznuđivao novac i automobil od starca, Tražili 250.000 eura reketa, Oprao više od milion i po eura, Oštetili državu za više od milion eura, Sa pet metaka u grudi ubio nevjenčanu ženu, Svađu prekatilo pištoljem, Ranio brata, pucao na policiju, izazvao sudar, Lažni saobraćajac naplaćivao kazne, Obezbjedenje tuklo Nikšićane, Čuvar htio da unese telefon zatvoreniku, Zagoričani napali i pretukli mladića, Iznudili 450 eura od kamiondžije koji je imao udes, Bivši košarkaš Budućnosti švercovao kokain, Brutalni lopov pao na granici;

**CdM:** Zbog šverca kokaina uhapšena i tri Crnogorca, Vozom pokušao da prokrijumčari preko četiri kilograma skanka u Srbiju, U bunkeru u krovu džipa krili 16 kilograma skanka, Uhapšen Nikšićanin zbog krađe u marketu Albona, Tivat: Zloupotrebom položaja oštetili Kraljevcinina za 348.000 eura, Dva puta silovao cimera u ZIKS-u, Incident u Zagoriču: Nakon udarca, kamenom istjerivao pravdu, Budvanin optužen za silovanje turistkinje iz Hrvatske, Vuksanoviću 30 dana pritvora zbog ranjavanja Klisića, Srpkinja reketirala italijanskog paroha, Nikšić: Uhapšen zbog pokušaja ubistva, Rožaje: Nožem ranio suprugu;

**Portal Analitika:** UP: Zaplijenjena sintetička droga iz Srbije, diler uhapšen, Krvava drama u Osijeku, Zagoričani saslušavani zbog bombaškog napada na kuću Lakovića, U pucnjavi u izbjegličkom naselju ranjena jedna osoba, Nikšić: Uhapšen zbog pokušaja ubistva;

**Portal Vijesti:** Riješen slučaj u Ulcinju: Marko pucao u Ceku, pa u sebe, Brusilicom na oca zbog izbora i DPS-a, Pristala da švercuje heroin jer je skupljala novac za vještačku oplodnju;

**Portal RTCG:** Podgorica: Ukrao kinesku obuću, Vlasnik "Narcisa" naručio prebijanje, Taksista založio auta kod kamataša i pobjegao, Uhapšen zbog ubistva maloljetne su-pruge, Uhapšen zbog pokušaja ubistva;

**In4S:** Bivsi DPS-ov gradonacelnik Niksica-ostetio opstinski budzet za-150-000-evra, Odbijena žalba, Tijanin ubica ostaje u pritvoru.

## Principle 11

**Dnevne novine:** Merkator mijenja ime u Roda trgovinu, Zoran među frizerskim ikonama, Jaja neće poskupiti, Sniženje na 19. rođendan, Razgovor uz kafu: Nova kolekcija zaslužuje pažnju, Otvorili filijalu u Prištini, Polupodmornica za razgledanje podmorja, Razgovor uz kafu: Dva albuma u najavi, Novi nivo usluga.

**Dan:** Po 100 eura za pet beba, Otvorili devetu pumpu u Nikšiću, Sajder s ukusom trešnje uskoro na tržištu, Brige stop, uplate non-stop, 4G internet za posjetioce Si Densa;

**Portal Vijesti:** Helikopterom u luksuznu avanturu istraživanja Crne Gore, U Nikšiću otvorena drogerija „Dama“, Dukljanski vrtovi: Za mjesec dana prodana četiri apartmana;

**CdM:** Nova agencija u Porto Montenegro: Otkrijte Crnu Goru iz vazduha, Zorica Živković i Nevenka Dragović dobile Gorenje mašinu, Vrhunsko američko obrazovanje i tražena zanimanja: Studiraj menadžment u turizmu!;

**Portal Analitika:** Upoznajte Crnu Goru iz Porto Montenegro;

**Pobjeda:** Samsung Galaxy S5 se može rezervirati

### Principle 12

**Dnevne novine:** Opra i Snup Dog se pomirili, Foto priča: Grad kao platno, Foto priča: Legende na premijeri, Foto priča: Pas kao svjedok, Foto priča: Najstarija boca s porukom, Gagin striptiz za dečka, Atomska bomba, Foto priča: Polokov 'mural', Foto priča: Stan vrijedan 42 miliona, Upoznajte novo lice Grčke, Foto priča: Kako je izgledao Rim?, Foto priča: Ričards piše za djecu, Preminuo 'glas trejlera', Foto priča: Džempereri za pingvine, Foto priča: Hodao po žici, Serija nesrećna za neke glumce, Foto priča: 'Mladi zec' velikog Direra, Naslovnica Voga dočekana na nož, Foto priča: Strah od sira, Skok za svjetski record, Foto priča N: Njemački umjetnik u Ermitažu, Da li je Hitlerova žena bila židovka?, Transvestit sa Kosova postao zvijezda, Uzeću pušku i upucati u čelo tog gada Putina, Na žiro -račun mu greškom uplatili 31.000 dolara, Foto priča: Rijetka bolest, Bez naslova (Vijest je o poseti britanskog princa i njegove supruge Novom Zelenaud), Učenik izbo 20 drugova, Favele u Riu ponovo gore, Foto priča: Zapanjujući primjer fotosintezeFoto priča: Čestitke kralja, Foto priča: Dragocjena minduša, Foto priča: Čovjek jede eksere, Obrok od 1.500 eura, Bez naslova (performans na Trafalgar skveru), Foto priča: Najstariji čovjek, Foto priča: Šou uplakanih beba, Prva iskustva tek nakon 20. Godine, Foto priča: Travoltu vole u Indiji, Foto priča: Napravio drvenu 'bubu', Foto priča: Napravio drvenu 'bubu', Foto priča: Bob Dilan kao slikar, 'David' u opasnosti, Bajkovite fotografije, Karavađa čuvaju na promaji, Foto priča: Psi liče na pande, Foto priča: Najgojaznija žena na svijetu, Foto priča: Čovjek koji vozi svoj kofer, Foto priča: Edrijan Brodi sa ružom, Zvižduci za oskarovca, Foto priča: Vik Muniz u Soteriju, Foto priča: Zmajevi na kroazeti, Foto priča: Najniži vatrogasacFoto priča: Kad pitoni masiraju, Rafael van der Vart bez Svjetskog prvenstva, Najljuće jelo na svijetu, Foto priča: Uginula najstarija mačka na svijetu, Dan žalosti: Ukrajinci tuguju za poginulim vojnicima, Foto priča: Žvakaće gume na skulpturi, 'Robinzon' na maloj stijeni, 'Vrući' karneval Latinoamerikanaca privukao turiste, Foto priča: Kuća pečurka, Filip VI krenuo u obnovu monarhije, Foto priča: Emili Blant protiv svemiraca, Foto priča: Nagrada Džejn Fonda, Supergrabljivac u okeanu, Foto priča: Anđelina Džoli kao



Grdana, Foto priča: Američki Robin Hud, Irak klizi u ruke terorista, Foto priča: Lanac nezavisnosti, Foto priča: Pijaca Elizabete druge, Foto priča: Legende zajedno na bini, Fedeks, zbogom, Najstariji univerziteti na svijetu, Pola miliona ljudi u protstnoj šetnji, Tornado Đoković, Naj 'selfi' na svijetu, Sirijci juče birali Asada, Hamel - grad lovca na pacove, Otkriven slonomiš, Teško Kolumbijcima ako osvoje Mundijal, Kad se kapiten plaši, Pijetlovi ponovo lete, Rubrika: HotSpot: Dvije fotografije, Pustinjske lisice pravi heroji nacije, Robot piše Sveto pismo, Bivši gradonačelnik osuđen zbog mita, Kosta Konkordija ponovo pluta, 60.rođendan kancelarke Mrkel, Foto - zum, Amelija obletjela svijet, Foto piča: Izazov ljubavi, Oland ponovo izviždan, Vojna parda na Dan pda Bastilje, Neguori protutnjao Okinavom, Neočekivane ljepot Jadrana, Britanija gura hitan zakon o prisluškivanju, Francska želi novu EU ekonomsku strategiju, Udovici pušača 23,6 milijardi dolara odšete, Ljubav je ipak najjača, Najskuplji medeni mjesec na svijetu, Foto priča Vjenčanje krave i bika, Devet najšokantnijih knjiga za djecu ikada, Skala izopačnosti' doktora Majkla Stouna, Pomoć sudovima sa smrtnim pesudama, Tekst i fotografija iz Gaze (bez naslova), Hamas je kao Al-kaida, Kraljevsko priznanje za Lansburi, Benksi snimljen, Foto priča: Zvijer' i 'lav' u Londonu, Tragedija koja nas upozorava, Najfotografisanije građevine svijeta, Kampovanje u Sjvrnoj Koreji, Kina protiv 'terapije za konverziju homoseksualizma', Italija uhapsila mafijaše širom Evrope, Obama o problemu imigranata, Nakon izbora o penzijama, Ne naplaćujte ono što vam je obaveza, Foto priča: Priča o princezi, Šareni okean od milion cvjetova, Krv oboji zemlju i more u crveno, Karvahal nedostižan za američku pravdu, Evropa da ne bude tačkica na Gugl mapi, Potukli se turski poslanici, Pacovi opkolili Luvr, Dvije trećine Francuza protiv povratka Sarkozija, Zemljotres odnio 381 života, Gaza se uzda u pregovore, Držali muškarca kao roba i tukli ga, Referendum o kanabisu, Misteriozno jezero, Plutajući hotel, Graun, selo pod vodom, Lion King u metrou bez reakije putnika, Hrabri' Ljaško nokautiran, Plvo-žuta zastava na neboderu, Zašto se bebe smiju, Ovaj čovjek se zove Mančester junajted, Filmovi u pijesku, Neredi utihnuli, objavljeno ime policajca ubice, Nestao novac sa računa putnika leta MH370, Molitva za korejske katolike, Zalutala mlada, Otac Majkla Brauna pozvao na tišinu i mir, Peminuo glumac i režiser Atenboro, Kara Delvinj uživa u bogatom životu, Petodnevno primirje nakon razmjene vatre, Za supermena tri miliona, Pustoš u avionima Malesija erlajns, Otpuštju 6.000 radnika, Pronađena tijela 18 imigranata, spašeno ih više od 3.500;

**Blic CG:** Glumac izigrao dječaka oboljelog od raka, Stros - Kan ulazi u novi posao, Misteriozna žena zvala pilota nestalog aviona, Ubio troje u jevrejskom centru, Ppronađeno 13.000zlatnih artefakata, Japanski avioni u pripravnosti zbog 'Iljušina', Signale nestalog aviona 'čuli' Kinezi i Australijanci, Kina kupuje rudnik bakra u Peruu, Osumnjičena da je ubila sedam beba, Susret počeo napeto, završio se smijehom, Upao u školu i klao djecu, Šerpasi odbijaju da vode alpiniste na Mont Everest, Američki nadbiskup poslije kritike vjernika prodaje vilu vrijednu 2,2 miliona dolara, Pronađena djevojka oteta prije deset godina, SAD uputile još vojnika radi portage, Održan šampionat u nošnju suprug, Opuštena zbog pozdrava, Najbrža kada na svetu, Kafić za ljubitelje pacova, Počela trka s bikovima, Do kraja veka većina ljudi biće kiborzi, Noćenje u Njujorku za 1 dolar, Gugl uništio srpski restoran u Vašingtonu, Umrkla na porođaju, pa čudesno oživjela, UN:

Izrel i Hamas ne štite civile, Na seksi pogon u drugi krug, Putinova smotra na Krimu, Papa bijesan zbog stana pohlepnog kardinala, Bajdenov sin radi za ukrajinsku kompaniju, Paralizovanog sina odneo na vrh planine, Papa: Smartfoni su beskorisni, Čarli ludovao sa Paris, Farmer smiruje krave trombonom, Panter skočio volonterki u krilo, Nastavnica u školi bez pantalona, Političar šetao go, Izigravao duha na groblju, Jedu mrtve majmune i pacove i šire ebolu, Dečak kome se poklonila cela klinika, Berlusconi dao Rubi milione da ćuti, Ebola odnela prvu žrtvu u Evropi, Bes i neredi zbog ubistva tinejdžera, Sad hoće i bolesnog dječaka, Talas nosio ljude, Aleksandra se ne odvaja od telefona, Zarađuju jer liče na svetske lidere

**Vijesti:** Najtraženijih trinaest ljudi, Kokain u torbi 'bijeje dame', Francuska ministarka odbila da pjeva himnu, Dejstvo 'tamiflua' nije jače od 'oaracetamola', Advokat: Bio je dobar đak i uklapao se u društvo, U lavini na padinama Mont Everesta stradalo 12 vođača, U Avganistanu 2.000 ljudi nestalo poslije odrona, Nekoliko đaka životno ugroženo očekuje se da prežive, Masa u Kramatorsku: Vratite se odakle ste došli, Članovi Boko Harama oteli više od sto srednjoškolki, Stros-Kan najavio tužbu protiv autora filma, Razvodi se Džeremi Klarkson, Benks ljuta i uvrijeđena, U Turskoj bol prerasta u bijes, Uhapšen bivši Berlusconijev ministar, Za državne škole 120 miliona dolara, Francuska u suzama, Riberi ne ide u Brazil, Udaje se Monika Seleš, Rafa Borin, Obama: Putin se ne ponaša racionalno, Osamnaest godina silovao djevojčice, Miler je pravi idol, a ne čudaci kao Mesi ili Ronaldo, Rusija uhapsila pet ukrajinskih oficira, Stiven sigal održao koncert u Sevastopolju, Eksperti odustali od plana da istraže mjesto pada, Oteli suprugu zamjenika kamerunskog premijera, U padu aviona 39 stradalih, devet povrijeđenih, Iljumžinov ponovo na čelu svjetske šahovske federacije, Protesti zbog ubistva nenaoružanog mladića, Novi sukobi zbog ubistva afroameričkog mladića, Podnosim ostavku, stidim se svojih djela kao šef vlade, Moja imaginacija je kao životinja koju moram paziti;

**Pobjeda:** Viktorija Bekam odbila da dizajnira vjenčanicu za Kim Kardašinaj, Salama sa likom Končite Vurst, Foto-zum, Silvio Berlusconi na društveno korisnom radu, Bijonse i Džej Zi potvrdili krizu u braku, Pistorijus mentalno zdrav, Španci zastavama pozdravili novog kralja, Nigerijski dodir sudbine, Neymar juče nije trenirao, Majka želi da joj kćerke izgledaju kao barbi, Foto zum, Dijete žrtva 'primirja' u Gazi, Novi luksuzni vozovi, Foto -zum, Robi Vilijams priželjkuje sina, Foto-zum;

**Portal Vijesti:** Koncentrišite se!, Pet namirnica koje možete jesti u neograničenim količinama, Čemu teška veza?, Zategnite stomak i kožu izbjegavajući samo jednu namirnicu;


**Portal RTCG:** Utvrdiće se odgovornost za poplave, SAD gase HAARP, Hrvatska: Istraga zbog pucanja nasipa, Sudanka osuđena na smrt rodila djevojčicu;

**In4S:** Lukašenko: Radićemo i na vojnoj integraciji Evroazijskog saveza, SAD obučava ukrajinske specijalce da efektnije ubijaju svoj narod, Interesantne činjenice o snovima koje vjerovatno niste znali, Rasmusen: Gruzija na putu ka NATO;

**CdM:** Po Interpolovoj potjernici iz Beograda: Uhapšen Ajkula u Crnoj Gori, Tri trika koja eliminišu glavobolju za samo minut, Čime možete zamijeniti jaja, tjesteninu ili majonez?;

**Analitika:** Zoran Ajković Ajkula uhapšen u Podgorici po potjernici iz Srbije, Orah za ljepotu i zdravlje;

**Dan:** Svi svatovi preživjeli.



**MONITORING OF JOURNALISTIC  
SELF-REGULATORY BODIES  
IN MONTENEGRO**  
**September 2012 – Septembar 2014**  
Podgorica 2015

Publisher

**Human Rights Action**

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For the Publisher

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MONITORING OF JOURNALISTIC  
SELF-REGULATORY BODIES  
IN MONTENEGRO

**2012**

**2014**

september



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