



**ETHICAL CHALLENGES REGARDING
PROTECTION OF PRIVACY WHEN
REPORTING ON VIOLENCE
AGAINST WOMEN**

SENSATIONALISM BEFORE ETHICS?

(Case Study)



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Dušana Pejović

INTRODUCTION

Relevant global research confirms that the victims of domestic violence are predominantly women. According to the UN data, the primary cause of death or disability among women aged between 15 and 45 is neither illness nor traffic accidents, but violence. The most recent study, conducted in 2017 by UNDP and the Ministry for Human and Minority Rights, entitled "Research on Violence" shows that nearly one out of two women in Montenegro has suffered some form of violence (psychological, physical, economic or sexual) by a spouse or a partner in her lifetime. The international organization reminds that domestic violence is one of the most radical forms of gender-based violence and that its prevalence in Montenegro shows no tendency of decline, regardless of the efforts made to change this. As they added, it indicates that the patriarchal attitudes and traditional models of behavior, which are discriminatory and stem from gender stereotypes, are still very widespread in our country.¹

Despite some improvement in social awareness about gender equality being a social value and that the status of women in the society needs to be improved, the Study on Family Violence and Violence against Women in Montenegro indicates that one in four respondents believes that violence against women is justified, shifting the responsibility onto the victims.²

The media cannot solve the problem of violence against women, but they can serve as "whistleblowers" by drawing attention and informing the public about this problem with the maximum protection of the right to privacy; they can scrutinize the role and efficacy of the institutions, cover a story analytically and see it through to its resolution, and provide verified and accurate information placed in the appropriate context. Thus, the media contribute

- 1 UNDP. *Study on Family Violence and Violence against Women*, 2017. Available at: <http://www.un.org.me/Library/Gender-Equality/Istrazivanje%20UNDP%20o%20nasilju%20u%20porodici%20i%20nasilju%20nad%20zenama%202017.pdf>. Accessed: October 16, 2018.
- 2 Non-governmental organization *SOS Telephone*. *Study on Family Violence and Violence against Women*, 2012. Available at: <http://www.un.org.me/Library/Gender-Equality/4%20Studija%20o%20nasilju%20u%20porodici%20i%20nasilju%20nad%20zenama%20u%20Crnoj%20Gori.pdf>. Accessed: October 16, 2018.



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to prevention and the raise of public awareness about violence against women as a social problem rather than a sequence of isolated incidents. Such a public will not only condemn, but also report violence and the abusers. Therefore, reporting on violence against women requires a high level of sensitivity, knowledge and implementation of ethical and professional standards, as well as the international guidelines related to this subject.

Through the research conducted as part of the project “ RESPECT – Advancing respect for ethical standards by media and respect for ethical media by citizens „ we wanted to secure that the media recognize the challenges in reporting on violence against women and that they consistently implement ethical standards from the Code of Journalists of Montenegro. This implies that the journalists should eliminate sensationalism and attain a high level of sensitivity in reporting on violence against women, and above all protect the victims’ privacy. This would prevent further victimization, which implies an inadequate societal response towards the victim, as well as stigmatization or public condemnation.

1. LOCAL REGULATIONS AND INTERNATIONAL ACTS ON DOMESTIC VIOLENCE

Both local regulations and international acts contain definitions and regulation of domestic violence - violence against women, which contributes to a better understanding of this problem as well as to responsible reporting on the subject.

“Domestic violence” is the violence which occurs in family or a household, including violent acts between former or current spouses or partners, while “violence against women” is related to women exclusively and is not necessarily linked to the family environment.

The most important acts in the field of combating violence against women in Montenegro are the Law on Domestic Violence Protection, the Law on Gender Equality, as well as the Criminal Code. Montenegrin legislation does not define the term “violence against women”, however, the Law on Gender Equality contains a definition of the “gender-based violence” in Article 7, under paragraph 7. This definition includes “any act that causes or could cause physical, mental, sexual or economic harm or suffering, as well as threats of such act that seriously impede a person’s ability to enjoy his or her rights and freedoms in both public or private life, including domestic violence, incest, rape and trafficking in human beings.”³ Do-

3 Parliament of Montenegro. Law on Gender Equality in Montenegro. “Official Gazette of the Republic of Montenegro”, No. 46/07 from 31.07.2007 and “Official Gazette of Montenegro”, No. 73/10 from 10.12.2010, 40/11 from 08.08.2011, 35/15 from 07.07.2015. Available at: <http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=216889&rType=2&file=Zakon%20o%20rodnoj%20ravnopravnosti%202015..pdf>. Accessed on October 16, 2018.

mestic violence is defined by the Law on Domestic Violence Protection, in Article 2, as the “omission or commission by a family member in violating physical, psychological, sexual or economic integrity, mental health and peace of other family member, irrespective of where the incident of violence has occurred.”⁴ The Criminal Code of Montenegro, in Article 220, prescribes that “anyone who uses gross violence to violate bodily and mental integrity of their family members or members of a family community shall be punished by a fine or a prison term up to one year.”⁵

The definition of “violence against women” is found in several international documents, and some of the most important are the Council of Europe Convention on the preventing and combating violence against women and domestic violence (Istanbul Convention) and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The United Nations Convention was adopted in 1979, establishing a separate international legal framework for the protection of human rights of women, and the rights of women became an integral part of the international human rights laws. Over the years, this legal framework was complemented and improved by various international acts, one of them being the Istanbul Convention, which is integrated into the European framework for the protection of human rights.

The United Nations Committee on the Elimination of Discrimination against Women states that violence against women is a gender-based violence and hence the term “gender-based violence against women” is being used. The United Nations Convention CEDAW defines gender-based violence as a form of discrimination, and as violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.⁶

The Istanbul Convention defines violence against women as a violation of human rights and a form of discrimination against women. This means that states are liable in case they do not adequately react to this form of violence. The Convention requires states parties and other

4 Parliament of Montenegro. Law on Domestic Violence Protection. “Official Gazette of the Republic of Montenegro”, No. 46/2010. Available at: <http://media.cgo-cce.org/2013/06/18-Zakon-o-zastiti-od-nasilja-u-porodici.pdf>. Accessed on October 16, 2018.

5 Parliament of Montenegro. Criminal Code of Montenegro. “Official Gazette of the Republic of Montenegro”, No. 70/2003, 13/2004 - rev. and 47/2006 and “Official Gazette of Montenegro”, No. 40/2008, 25/2010, 32/2011, 64/2011 – other law, 40/2013, 56/2013 - rev., 14/2015, 42/2015, 58/2015 – other law, 44/2017 and 49/2018). Available at: <https://www.paragraf.me/propisi-crnegore/krivicni-zakonik-crne-gore.html>. Accessed on October 16, 2018.

6 The United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. Available at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/preporuka_35_sedow_srb.pdf. Accessed on October 16, 2018.



signatories to be fully committed to the prevention, protection, prosecution, and sanctioning of the acts of violence. Montenegro was among the first states to sign and ratify the Convention, which entered into force on August 1, 2014.⁷

1.1 International Guidelines for Reporting on Domestic Violence – Violence against Women

The implementation of the international acts and guidelines will facilitate ethical and sensitized media coverage of violence against women. With the aim of combating gender stereotypes in the media, the Council of Europe recommends to all member states that to “make available to the general public appropriate information concerning the different types of violence and their consequences for victims”.⁸

The United Nations Committee on the Elimination of Discrimination against Women calls on all States Parties to adopt and implement effective measures to eliminate discrimination against women and their activities, including the harmful and stereotypical representation of women.⁹

In the report from February 2018, the European Parliament urges all Member States to promote content on gender equality in public media. The report also emphasizes that editorial freedom must not, under any circumstances, serve to encourage or legitimize the degrading portrayals of women. The European Parliament recommends that plans and guidelines for gender equality should be adopted by the media organisations and thus set the standards for a positive portrayal of women in advertising, news, reporting, production or broadcasting, and cover all sensitive areas of content such as depiction of power and authority, expertise, decision-making, sexuality, violence, diversity of roles and the use of non-sexist language. In addition, public and private media are encouraged to integrate gender equality into all of their content and adopt equality plans in order to reflect social diversity. It is stressed that special attention should be paid to training on how the media report on cases of violence against women. It is suggested that continuous training on portrayal of women in the media

7 Council of Europe. *Istanbul Convention — convention on preventing and combating violence against women and domestic violence*. Available at: <https://rm.coe.int/1680464e6e>. Accessed on October 16, 2018.

8 Council of Europe. Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence and Appendix to recommendation Rec(2002)5. Available at: <http://www.womenngo.org.rs/panevropska/prevod2002-web.pdf>. Accessed on October 16, 2018.

9 The United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. Available at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/preporuka_35_sedow_srb.pdf. Accessed on October 16, 2018.

should be available to media professionals, including those in leadership positions.¹⁰

In the Media Coverage of Gender-Based Violence Handbook, published by the United Nations Entity for Gender Equality and the Empowerment of Women (UNW), it is stressed that the role of journalists in changing the attitudes and the perception of violence against women is pivotal. “What we highlight to be essential for changing the existing patterns of reporting is a careful selection of topics concerning violence against women, as well as the sources used and the visuals accompanying the media story”, it is stated in the handbook.¹¹

2. THE CONCEPT AND THE OBJECTIVE OF RESEARCH

Reporting on violence against women requires special attention and consideration, and sensitivity to a careful weighing of the public’s right to be informed against the protection of privacy.

The main objective of our research is to analyze Montenegrin media coverage of violence against women, as well as their implementation of ethical guidelines and the challenges they encounter, especially relating to the protection of privacy rights. The intention of this research is neither to evaluate the state of ethics in reporting on violence against women, nor to sit in judgement upon those who violate ethical norms or use sensationalism as a means to attract greater audience. Our sole intention is to point out the problems and open a public debate on the challenges in the reporting on violence against women as well as the protection of the right to privacy.

In our research, we focused on the implementation of the principle established in the Code of Journalists of Montenegro, which refers to the journalists’ obligation to respect the right to privacy. Principle 7 stipulates that “a journalist is obliged to take special caution when dealing with private lives of people.” It is added that “the right to privacy is inversely proportional to the importance of a public function that an individual performs, but at the same time, it is necessary to respect human dignity in such cases”.¹²

10 European Parliament - Committee on Women’s Rights and Gender Equality. *Report: gender equality in the media sector in the EU* (23. February 2018). Dostupno na: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bREPORT%2bA8-2018-0031%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>. Accessed on October 16, 2018.

11 Dekić, Slobodanka. *Media Coverage of Gender-Based Violence Handbook*. UN Women, 2017. Available at: <http://ba.one.un.org/content/dam/unct/bih/PDFs/UN%20WOMEN/UN%20woman%20prirucnik%20nasilje%20nad%20zenama-BH-WEB.PDF>. Accessed on October 16, 2018.

12 Code of Journalists of Montenegro, 2016. Available at: <https://www.osce.org/fom/255576?download=true>



In the research, we analyzed coverage of the selected case on a sample of eight media outlets: four daily newspapers - *Pobjeda*, *Vijesti*, *Dan* and *Dnevne novine*, as well as four online media portals: *CdM*, *Vijesti Online*, *RTCG*, and *Analitika*. In the case in question, the persons involved were private individuals, and the event occurred in the old town of Bar. Two women were harmed - one murdered and the other injured, while the husband of the murdered woman, then a suspect of the crime, committed suicide right afterwards. Many relatives and neighbors witnessed that the husband had beaten and harassed the victim before.

Media coverage of the case began on February 1, 2017, and lasted for the following couple of days, and 15 articles were published in our sampled media outlets (including the republication of content from other media) over this period of time.

In order to underline the most important segments of the right to privacy, we shall compare this case with another case of domestic violence where the perpetrator was a public figure. The latter was resolved by a settlement between the prosecutor's office and the offender where he pleaded guilty and paid a fine. The media reported about this in November 2016, and February 2017.

In the research, we also referred to the sources and showed how they could also generate challenges in protection of the right to privacy. We have described the case studies omitting identification, as we wanted to avoid a possible repeated violation of the right to privacy, as well as the victimization and stigmatization of victims. We also conducted interviews with self-regulatory bodies, media representatives and the non-governmental sector, as well as a media expert.

3. RESEARCH FINDINGS

Journalists and editors in the media which were reporting on the sampled case of violence against women have encountered a number of challenges related to the implementation of ethical standards in the protection of the right to privacy. In principle 7.1 of the Code of Journalists of Montenegro, which refers to the right to privacy, it is clearly stipulated that "all people have the right to dignity that a journalist must not arbitrarily violate, in the name of the public's right to know."

All the texts on the case that we have analyzed were published in the crime sections and accompanied by photographs that, together with the titles, can be put in the context of observing the right to privacy. Among the 15 articles, 7 texts were signed by their authors, while the rest cited other media as the source, or they were published unsigned. In three printed

media outlets, this story was featured on the cover page.

3.1 Disclosure of Identity

What's indicative is that all texts reveal full first and last names of the victim and the possible perpetrator, and some even specify the names of close relatives. This represents one of the most important challenges in the implementation of ethical standards which stipulate that "the victims of accidents or crimes have the right to special protection of their names" and that "the media must not interfere in a person's private life or report about them without permission." The question then arises as to whether the disclosure of identity in this case was necessary so that the public could gain a better understanding of an accident or a crime. The Code also requires the administration of the guideline which states that "before the publishing of the name of the victim/victims of violence or an accident, reporters must check that the victims' immediate family is informed of it."

In the published texts where the police statements were used as source, only the initials were published, but they also disclosed the age of the actors involved and the location where the crime occurred. In a couple of news reports, parts of the police statement were paraphrased, and then the full identity of the actors involved in the case was disclosed, so it was not clear enough what the original text had stated. However, in most cases, disclosure of the victim's and the perpetrator's identity is treated as facts with the source missing.

3.2 Disclosure of personal information

Regarding personal information, the texts typically state the age of all the actors involved, the city or district where the crime occurred, the current and the previous marital status, parenting status, which implies the mentioning of children and their age, family relations, background and earlier places of residence.

In addition to this information, the relations and the circumstances of family life are described, e.g. that the murdered woman was in a common-law marriage with the possible perpetrator of the criminal offense, that they have one child together, as well as children from previous marriages, that she was six months pregnant at the time of murder, that the suspect was a refugee from the neighboring state, that he was angry with his wife and her mother for leaving him and that he had planned a revenge for a long time... There is also mention of the victim's father and brother and their employment status, the suspect's brothers and sisters, and their place of residence, as well as a number of other details which merely serve to satisfy the public's curiosity. The sources are usually unnamed neighbors and relatives or they are completely omitted.



The Code of Journalists stipulates that “the reporting on a person’s private life can be justified when it is in the public interest to do so”, i.e. when it comes to “acts that endanger the health and safety of citizens and the society, such as criminal and terrorist acts, corruption, etc.” It is also added that “when reporting about privacy of a person of special public interest, the ethical boundaries must not be crossed by employing sensationalism, inappropriate curiosity, voyeurism, as well as intention to expose a person to defamation or violation of dignity.”

If we take this into account, a question arises on whether it is necessary to disclose details from the private life of the actors in the case and whether such reporting can be deemed as a sensationalist and an unjustified disclosure of privacy. The questions that also need an answer are whether such reporting simultaneously hurt the reputation and dignity of the victim, and whether they are further victimized and stigmatized by it, including their children and close relatives.

In this case however, the unnamed neighbors and relatives’ attest to a possible criminal offense (that the victim had suffered violent attacks before; that the husband had mistreated and beaten her; all of which resulted in her abandonment of the household, taking the child with her), is, in fact, a matter of public interest. It gave an opportunity to review and investigate whether domestic violence had been reported, and whether and how the institutions responded. The public was never informed on this, and it was pointed out in only one text, by the expert from the NGO sector.

3.3 Graphic depiction

Ethical challenges regarding the right to privacy which lead to discussions about sensationalism are especially important when it comes to graphic depiction of shocking content.

Namely, the Code of Journalists states that „the depictions of shocking content can only be justified if their aim is to draw attention to the consequences of an utterly unacceptable social behavior.“

In practice, the majority of texts describe in detail the way in which the murder took place, the gruesome scenes, the crime scene with the traces of blood, as well as the reactions and screams of the children who witnessed the murder; the scene where the wounded victim covered in blood is trying to get to the hospital by herself is described in full detail. The terminology used is histrionic and adds to the shocking nature of the story: „man butchers wife and mother-in-law“, „blood traces can be seen in front of the house and in the area“ „blood-bath“, „victim’s blood found on a parked car.“ Description of the manner in which the suicide

was committed („stabbed himself in the neck“, „took his own life by slitting his throat with a knife“) is another problematic issue in the implementation of ethical standards in which the Code advises extreme care and judgment. The Code of Journalists specifies that „in such situations, it is not necessary to publish names and detailed descriptions of the circumstances in which a suicide occurred.“

3.4 Disclosure of information on physical and mental state, illness or injury

Problems with the implementation of ethical standards are also visible in disclosure of information on a person’s physical and mental state or injuries, all of which fall within the privacy domain. The texts provide details on the physical and mental state of the injured victim, the type of injuries, the way in which injury was inflicted and the parts of the body that were injured. The sources of this information are predominantly doctors, while some texts do not mention the source, but in fact conclude that the injuries are “evidence that the victim defended herself from the killer.”

3.5 The use of images

The Code of Journalists stipulates that “before the publishing of photographs and footage from the site where an accident or violence occurred, the reporter needs to carefully assess if it is in public’s best interest to disclose the identity of the victims or to show shocking scenes (corpses, blood, wounds, fractures and so on).”

In the analyzed sample of 15 articles, 14 of them feature photographs. These photographs show parts of the neighborhood, the street and the house where the crime took place. A total of 29 such photographs were published, as well as an illustration in one text which depicts the act of aggression - a man about to strike a woman. Some photographs were also accompanied by text: “the house where the killer barged in with a knife”, “the site of the tragedy”, “crime scene investigation in Bar”. Some of the photographs show the placing of a dead body in the car, blood stains on a staircase, and bloody prints that were enlarged and published in color. Violation of privacy by publishing photographs is an ethical issue in media coverage of violence against women and it reopens the question of sensationalism.

3.6 Headlines

In disregard of the presumption of innocence, the headlines mostly describe the manner in which the crime was committed, attempting to attract the readers by using strong language and wording to announce a shocking story: “DISTURBING: Pregnant Woman Screamed and Begged for Mercy”, “Unprecedented Crime in Bar: Man Murders Pregnant Wife in front of



Child “; “Man Butchers Wife and Mother-in-Law, then Commits Suicide” etc. Journalists and editors in charge of the headlines, single out the most explicit details of the violent event, as well as the unconfirmed assertions in order to dramatically announce the following, shocking story. Thus, by using sensationalism and bias, they try to attract and retain the attention of the audience.

Such practices raise concerns, not only about the violation of ethical standards relating to the right to privacy, but also about the misleading conduct of the media and pandering to people’s base instincts, thus creating an environment for retaliation and possibly new or repeated crime. The likelihood of such an outcome is confirmed by the statements of unnamed sources in certain texts, where the brother of the murdered woman stated that he would seek retaliation for his sister.

Although we focused our attention on the protection of privacy in this case study, there are also issues with the presumption of innocence in all texts. This sends the wrong message to the public, creating an illusion that all the facts in the case and the perpetrator of the crime have already been affirmed.

3.7 The right to privacy of private citizens and public figures

When comparing the case we analyzed, where the actors involved were private citizens, with a case of domestic violence against the former wife in which the perpetrator was a public figure, it appears that the media were more considerate when reporting and protecting the private life of a public figure than the private citizens.

However, the Code of Journalists of Montenegro stipulates that “the right to privacy is inversely proportional to the importance of a public function that an individual performs, but at the same time, it is necessary to respect human dignity in such cases”. Therefore, the question remains as to whether the society, as well as the journalists of Montenegro, still hold on to a stereotype that public figures and officials deserve a higher degree of protection of their reputation and privacy than the private citizens. It is also possible that this practice arises out of fear that the actors will initiate a lawsuit for a breach of honor and reputation, which is more probable when reporting about powerful individuals than the ordinary citizens.

It is difficult to make conclusions based on just one analyzed case, but it would be beneficial to conduct a more detailed and comprehensive analysis of this topic in future research. We

would also stress that, according to the Code, disclosure of victim’s identity is tolerated if the victim is a public figure.

Although reports on the case where the public figure was involved disclose full identity of both actors, differences in reporting are evident. Unlike the first case, which was covered by all media outlets in Montenegro, the other case was covered by only three media outlets - two daily newspapers and on one portal. These texts mostly used police sources and unofficial information from the prosecutor’s office, while the actors’ statements were quoted. Dramatic tone to the story was avoided; there were no field reports or shocking descriptions from neighbors and relatives, and no details about family circumstances. There were no references to relatives or children, age, background, earlier marital status, or the site where the violence had occurred. There is only mention of the suspect’s occupation, along with the information that the prosecutor’s office investigates his erstwhile business dealings. The presumption of innocence is respected and the case was seen through to the end. The details of the trial closed to public were not disclosed, except for the information that the perpetrator had reached a plea bargain with the prosecution, admitted the offense and agreed to pay a fine. Photographs of the neighborhood, the street or the house where the violence took place were not published, only the photos of the public figure in question. Possible issues and challenges in the media coverage of this case relating to sensationalism and protection of privacy are contained in descriptions of the affliction of injuries during the course of the proceedings, without specifying the source which would confirm that the former wife had stated this before the prosecutor. Also, one of the headlines describes the manner in which the suspect had beaten his wife, which attracted the audience to read the text.

4. OPINIONS AND EXPERIENCE OF SELF-REGULATORY BODIES, MEDIA AND NGO SECTOR

After the qualitative analysis of content from the media reports published on the selected case, we sought additional answers and clarifications for the problems in the implementation of the ethical standards when reporting on violence against women, through the interviews with representatives of self-regulatory bodies, journalists and editors, NGO activists and media experts. All interviews were conducted by e-mail in September 2018, except for the one that was conducted in August. The interviewees expressed a desire to participate in the research and actively contribute to the implementation of ethical standards from the Code of Journalists of Montenegro.



4.1 No appeals to self-regulatory bodies

Self-regulation is a primary mechanism that should be activated when the media do not enforce ethical standards. It represents a good way to encourage professional self-reflection in the media community itself and eliminate difficulties in complying with professional standards and principles of the Code of Journalists of Montenegro. We have asked the Executive Secretary of the Media Council for Self-Regulation, Ranko Vujović, as well as ombudspersons of the daily newspapers *Dan* and *Vijesti*, Ilija Jovičević and Paula Petričević, about the most common problems in the implementation of ethical principles when reporting on domestic violence/violence against women. The media council for self-regulation gathered 19 media outlets, which is merely a portion of the media community in Montenegro. The work of the council was discontinued in early September 2018, because, as Ranko Vujović¹³ stated, this body had been operating for two years with no financial resources. The Media Council had a Committee for Monitoring and Appeals which, according to the internal rules of procedure, was obligated to consider appeals related to the work of all media outlets registered in Montenegro, regardless of whether they were members of the Media Council for Self-Regulation or not, if the appellant found that their work was not in accordance with the Code of Journalists.

In the last two years, the Media Council for Self-Regulation, as well as ombudspersons of *Vijesti* and *Dan* newspapers have not had any complaints or appeals about reporting on domestic violence - violence against women, including the reporting that we analyzed in our research. This is the most important information highlighted in respondents' answers.

Ranko Vujović and Ilija Jovičević¹⁴ state that they themselves did not notice issues in the implementation of ethical standards, and consequently there was no need to issue notice to the media outlets. However, Vujović believes that violation of the right to privacy is the most sensitive part of a story dealing with domestic violence. On the other hand, the ombudsman of the *Vijesti* newspapers, Paula Petričević, estimates that there is a slight improvement in compliance with the Code in *Vijesti* when it comes to reporting on violence against women.¹⁵ She's had several self-initiated interventions where, among other things, she pointed to the violation of the principle 7.1 relating to privacy, or sensationalist reporting, as well as the use of word constructions that were degrading and/or discriminatory for women. Since her

13 Interview with Ranko Vujović, executive secretary of the Media Self-Regulation Council. Interview conducted via e-mail, on September 11, 2018.

14 Interview with Ilija Jovičević, an ombudsman at daily newspaper *Dan*. Interview conducted via e-mail on September 11, 2018.

15 Interview with Paula Petričević, an ombudsperson at daily newspaper *Vijesti*. Interview conducted via e-mail, on September 11, 2018.

warning, she says, she hasn't noticed the same mistakes being repeated. She advises that the trainings on reporting about gender-based violence should be imposed continuously, incorporating other useful activities as well.

"I believe that the existing Code of Journalists should be complemented with guideline(s) related to reporting about gender-based violence, but also on human trafficking. In the meantime, the manuals related to this issue should be produced or the existing ones should be used..." (Paula Petričević)

4.2 The identity of the victim is known even though it is protected by all

The experiences and opinions of journalists who write about violence against women, as well as editors of crime sections where these texts are generally published, contribute to a clearer view of the challenges that the media face in the implementation of ethical standards as well as the protection of privacy. Therefore, we sought opinions on this subject from Dražen Živković, a former long-serving journalist of the *Dan* newspaper and current journalist and editor at the *Borba* portal; Lejla Hadžimović, a journalist from *Dnevne novine*; Milica Krgović, the editor of Society section in *Dan*, and Nataša Pajović, the editor of the Crime section in *Dnevne novine*. Journalists were asked what challenges they have encountered in reporting, how they were resolved, whether editors were reviewing their texts and gave comments, and whether they had complaints about their reporting on domestic violence. We also wanted to know if they had undergone training for reporting on this subject and whether they thought such trainings were beneficial.

Dražen Živković states that he was dismissed from the *Dan* newspaper in July 2017, after disclosing the identities of actors in the case of domestic violence.¹⁶ Živković explains that, although the brother of the victim had asked that the identity of his sister and brother-in-law was revealed, Živković decided to wait for the police to issue a statement on the case with the actors' initials, and only then revealed their identity in his report. He emphasizes that his report was reviewed and approved by editors prior to publishing. The newspaper received a formal complaint for violating the Code of Journalists, followed by a disciplinary procedure, after which he was fired from the job, while, as he points out, the editors did not bear any responsibility. He adds that prior to his dismissal he was more than once visited by victims of violence in the editorial office, wanting to share their experiences, but after only a couple

16 Interview with Dražen Živković, a journalist and editor at *Borba* portal and former journalist at *Dan* newspaper. Interview conducted via e-mail on August 31, 2018; addendum from September 20, 2018.



of hours they would call him on the phone asking him not to write about it. He believes that many women do not report violence primarily because of fear, but also because some competent authorities advise them to give up the report «so as not to disgrace the family's name.» Živković is explicit that the editors never advised him to pay attention to the ethical standards in his reporting. Regarding the need for trainings of the journalists, Živković thinks that it wouldn't be of much help. His conclusion is that sensationalism is the most important guideline for the media owners and editor-in-chiefs, and that little can be done in today's media.

Journalist Lejla Hadžimuhović states that, based on her experience, the women who are victims of violence often do not want their identity to be disclosed, and they usually ask that their initials or a «code name» is used. She says that such cases are the perfect examples of dilemmas that the journalists face. She hasn't received any objections or appeals to her work so far. However, editors often advise her to use precaution when questioning the victim about whether she wants her identity to be revealed. Hadžimuhović did not receive any training on reporting about domestic violence, but she believes it would be beneficial for journalists.¹⁷

In the form of a written interview, the editors evaluated media coverage of violence against women and gave their opinions about the idea of appointing a person in the editorial office that would monitor and alert about the violations of ethical standards. We also wanted to know if they are monitoring journalists' reports, what problems they detect in the implementation of ethical standards, and whether there receive complaints by the readers, the NGO sector or the self-regulatory bodies about reporting on this issue. We asked them whether they thought a special education on gender-sensitive reporting is needed and whether their journalists have been trained.

Editors of society and crime sections in daily newspapers *Dan* and *Dnevne novine*, Milica Krgović and Nataša Pajović, point out that so far there have been no objections to the reporting of these media on cases of domestic violence and violence against women, and that the ethical standards are respected. Nataša Pajović, the editor of the Crime section in *Dnevne novine*, says that the newspaper puts effort to protect the identity of the victims, but at the same time point to the problem of violence against women, which in her opinion, is not covered by the media as much as it should be.¹⁸

17 Interview with Lejla Hadžimuhović, a journalist from *Dnevne novine*. Interview conducted via e-mail on September 12, 2018.

18 Interview with Nataša Pajović, the editor of Crime section in daily newspaper *Dnevne novine*. Interview conducted via e-mail on September 10, 2018.

“There is always a certain dilemma in such texts, because the identity protection of a woman who is a victim of violence leads to the identity protection of the perpetrator of the crime as well, so these texts appear dry and tedious to readers who always demand as much detail as possible. I advise journalists to always protect the victim's identity, whenever it is possible, and they always respect this suggestion.”¹⁹ (Nataša Pajović)

Milica Krgović, the editor of the society section in *Dan*, also points out the dilemmas regarding the disclosure of identity in situations where the victim or a close person requests it. She states that the victim's identity is never revealed, especially when it comes to juveniles, and that it is also her suggestions to the journalists, which they respect. She admits there are many dilemmas. One of them being “whether the coverage may worsen the situation, regardless of the fact the identity remains hidden, because the initials can also be recognizable if a small community is in question,” explains Krgović.²⁰

While Nataša Pajović believes that the training on reporting on domestic violence would be beneficial for both journalists and editors, Milica Krgović thinks that no separate training is needed, but at the same time she does not dispute that any training is useful. Both respondents think that as long as the editors have a good understanding of the Code of Journalists and advise their journalists on the implementation of its principles, it is not necessary to appoint a person who would advise the colleagues about gender-sensitive reporting and the implementation of ethical standards.

4.3 It appears that sensationalism is more important to the media than privacy protection

Non-governmental organizations dealing with protection and assistance to victims of domestic violence can clearly and precisely identify the most common challenges and problems in media reporting about violence against women. We asked Nada Koprivica and Biljana Zeković from *SOS Telephone for Women and Children Victims of Violence* from Nikšić and Podgorica for their views and opinions on this subject. In the interviews, they analyzed media coverage of the topic by pointing out the issues they had encountered in the texts. We were curious about whether they filed complaints to the media outlets, or to self-regulatory bodies and ombudsmen, as well as to describe their cooperation with the media outlets and whether the media contact them for statements. We also inquired about whether they had

19 Ibid.

20 Interview with Milica Krgović, the editor of Society section in daily newspaper *Dan*. Interview conducted via e-mail on September 11, 2018.



offered or carried out trainings for reporting about violence against women and if they had any suggestions on how to improve reporting on the topic.

Nada Koprivica from the SOS Telephone organization based in Nikšić, considers majority of media reports on violence against women to be sporadic, superficial, sensationalist, and lacking valid argumentation, where sensationalism is especially evident in the headlines.²¹

She points out that the largest problem lies within the identity disclosure of the woman victim of violence, her children and other family members, as well as the publication of photographs of their living space. All of that, explains Koprivica, further victimizes and stigmatizes victims in the community and represents violation of human dignity. Biljana Zeković from the SOS Telephone organization based in Podgorica, also sees a sensationalist approach as a key problem in media reporting.²²

„The use of initials is utterly pointless considering that the texts contain information about the locality (descriptions of the area and often the street where the victim lives), as well as the relatives, neighbors and other persons related to the victim. This kind of reporting in small Montenegrin communities is extremely dangerous and leads to further (re)victimization. “²³ (Biljana Zeković)

Zeković explains that journalists do not perceive domestic violence as a serious social problem with far-reaching consequences, but rather as shocking news that will attract readers. A particular weakness in media reporting in Biljana Zeković's opinion is the insufficient protection of the victim's identity. Both activists admonish journalists who sometimes seek statements from women who have suffered violence. They state that the only result from this is attracting a greater number of readers or viewers, and at the same time putting the victim in an uncomfortable position within her community. Nada Koprivica emphasizes that the media never investigate whether and to whom the victim of violence previously turned to and what the institutions did to help. There is no analysis of how the specific case was handled, and no continuity of reporting until the completion of the legal procedure. Both activists say that they alert the media about oversights, that they respond publicly, make statements and reports that point to cases of unethical reporting.

Both SOS Telephone organizations have established adequate cooperation with almost all media which publish their announcements and invite the activists to make statements. By

21 Interview with Nada Koprivica, SOS Telephone for Women and Children Victims of Violence, Nikšić. Interview conducted via e-mail on September 16, 2018.

22 Interview with Biljana Zeković, SOS Telephone for Women and Children Victims of Violence, Podgorica. Interview conducted via e-mail on August 30, 2018.

23 Ibid.

the end of 2018, SOS Telephone from Nikšić are planning to organize two training workshops on sexual violence against women and children, while in the past the training was conducted by several journalists who were sensitized for these topics.

Respondents from non-governmental organizations have suggested things the media could do in order to effectively face the ethical challenges when reporting on domestic violence. They have offered to organize specialized trainings for journalists and editors so they could get a better understanding of the problems, circumstances and needs of the victims, and to be able to inform and sensitize the public accordingly through the acquired knowledge. The SOS Telephone organization from Nikšić have also proposed that the media outlets introduce thematic programs and feature stories aimed at preventing violence against women; and also that those who disclose the identity of victims of violence, as well as the contexts that might lead to violence, should be penalized through the legislation and the victims of violence indemnified.

4.4 Self-regulation and education - requirements for better media

Gender equality and media expert, Slavica Striković, is one of the first NGO activists who organized training on gender-sensitive reporting for women journalists, and it was therefore interesting for us to hear her opinion on reporting about violence against women and what problems she identifies in this regard. We asked her whether she thought that journalists, editors, self-regulatory bodies and state authorities respond adequately when ethical standards are not respected, and about her ideas on how to improve media coverage of the subject.

Slavica Striković says that a comprehensive assessment of reporting methods should be based on monitoring and quality analysis of all the Montenegrin media, which, in her opinion, is a small number.²⁴

„ If the majority of the media do not have an ombudsperson as a quality tool for analysis and self-regulation; if the boards of national and local public services are least concerned with the analysis and scrutiny of practices and quality of the programs; can we then expect a responsible media attitude and, at the least satisfactory reporting when it comes to one of the the most vulnerable groups of Montenegrin society - the women who suffer violence in the family or their immediate environment?“²⁵ (Slavica Striković)

24 Interview with Slavica Striković, gender equality and media expert. Interview conducted via e-mail on September 12, 2018.

25 Ibid.



Striković adds that the journalists are extremely disinterested in the trainings which cover the topics of reporting on discriminated groups of society. She stresses that the media attitude towards domestic violence can be described as an utter lack of interest by the journalists and editors for women who are victims of violence. Striković explains that, by their superficial and negligent reporting about violence against women, the media indirectly reproduce common stereotypes deeply embedded in Montenegrin society, for example that violence is something that happens within the family, that it needs to be solved sporadically and that the woman surely deserved it. She concludes that media interest emerges only in such cases where the subject matter can be covered in a sensationalist manner, or ensure better circulation of the particular media content, which brings the media very close to the 'yellow journalism'.

“The specific problems in violating the Code of Journalists of Montenegro are rarely recorded, and the media with their poor reporting or non-reporting of violence against women do not fulfill one of their ethical and professional obligations: to shed light on the problem and demand solutions from the competent institutions,” says Striković. She recommends that the media should report about violence against women: without sensationalism and tabloidization; avoiding maudlin tone; objectively, using verified facts and the gender-sensitive language.

5. PRACTICE IN OTHER COUNTRIES - FROM PRIVACY PROTECTION TO JUSTIFICATION OF VIOLENCE

In order to further highlight the challenges of the Montenegrin media in the implementation of ethical standards related to reporting on violence against women and protection of privacy, we have looked for examples of practices from other countries, namely, Slovenia and the United Kingdom. These two countries were chosen because they are home to partner organizations participating in the project (Peace Institute from Ljubljana and the Ethical Journalism Network from London).

The Slovenian example will be best explained by getting familiar with some of the most important principles from the Code of Ethics of Slovenian Journalists. The Code protects individual's right to privacy and stipulates avoiding of sensationalist and unjustified disclosure of privacy, except in the cases where there is an overriding public interest. The Code stipulates that the identity of victims of sexual harassment, family tragedy and aggravated offences

must not be disclosed, except with the consent of the victim. According to the same document, with public officials the public's right to be informed is greater.²⁶

In a current case from February 2018, the non-governmental organization SOS Telephone for Women and Children Victims of Violence from Ljubljana filed a complaint to the self-regulatory body Journalists' Court of Honor against the journalist and the editor-in-chief of the daily newspaper *Dnevnik* from Ljubljana as well as the editor-in-chief of the daily *Večer* from Maribor, concerning violation of the provisions of the Code of Ethics of Slovenian Journalists in the case of reporting about the murder of a young woman.²⁷

The Journalists' Court of Honor (JCH) assembled and concluded in a statement that some of the clauses of the Code were violated. Their commentary contains conclusions which can be valuable for journalists in Montenegro as well. The sole act of disclosing victim's and suspect's initials was not deemed by the JCH as a violation of the right to privacy per se, or as a sensationalist and unjustified disclosure of privacy. However, the use of initials was accompanied by other information (age, exact address, family circumstances and parental status), where the journalist had revealed more details that could have led to the identification of the suspect and his relatives, and the JCH qualified it as an excessive breach of privacy motivated by sheer curiosity.

The Court concluded that there was an inordinate breach of privacy in this case. They also noted that, although the journalist did not disclose full names of the victim and the suspect, by which he displayed a certain degree of consideration for the protection of the victim's identity, he still violated another clause from the Code of Ethics, by publishing information about the suspect's parent, which, together with the initials, could have led to the identification of the affected individuals. On the other hand, the journalist did not violate a clause which forbids the disclosure of the victim's identity, as he did not publish the victim's name, age or any other information that would serve as an indication of identity to the public. Both the journalist and the editors were also relieved of responsibility for violating the presumption of innocence by publishing of a photograph, because, as explained by the JCH, the image

²⁶ Journalists' Court of Honor. *Code of Ethics of Slovene Journalists*. Available at: <https://razsodisce.org/o-ncr/na-podlagi-cesa-ncr-deluje/novinarski-kodeks/>. Accessed on October 16, 2018.

²⁷ Journalists' Court of Honor. *Adjudication of Journalists' Court of Honor (February 12, 2018)*. Available at: <https://razsodisce.org/2018/02/drustvo-sos-telefon-za-zenske-in-otroke-zrtve-nasilja-pritoznik-proti-novinarju-petru-lovsinu-odgovornemu-uredniku-miranu-lesjaku-oba-dnevnik-in-matiji-stepisniku-odgovornemu-uredniku/>. Accessed on October 16, 2018.



showed the judge and the prosecutor solely. It was concluded that the publishing of such a photograph is not disputable.²⁸

In addition to Slovenia, we were also interested in the practices in this area in the UK. The National Union of Journalists (NUJ) issued the first Code of Ethics back in 1936, and the latest version was published in 2011. The Code has 12 articles and every journalist who is a member of this association must sign a statement obliging him/her to adhere to its principles. It is stipulated that a journalist shall not intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest. It is also stipulated that a journalist shall not produce any material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation.

In 2013, the same association published a separate set of rules on how to report about violence against women. Among other things, it is said that violence against women should be designated as such and avoid using phrases such as "bad relationship". It is added that journalists should not »refer to abusers as "monsters", "fiends", "maniacs" or "beasts" as this creates the myth that abusers are noticeably and substantially different from "normal" men. " The regulatory authority for British broadcasters (Ofcom) punished a London-based television station called "The Islam Channel" for a series of breaches of broadcasting regulations. This television station was fined £30,000 because the host publicly advocated (something they designated as «Muslim customs») that a woman should not refuse sexual intercourse within marriage, and that a husband is allowed to force himself upon a woman. The media outlet thus sent a message that physical punishment towards women was acceptable and justified. The same television station breached the broadcasting regulations when, on the panel about domestic violence, its representatives disparaged women and called them offensive names.

28 Journalists' Court of Honor (JCH) is a joint body of the Association of Journalists of Slovenia and the Union of Slovene Journalists, which ensures that members of the press community work in compliance with the ethical and professional principles contained in the Code of Ethics of Slovene Journalists. An appeal against a violation of the Code may be sent to an arbitration council composed of nine elected journalists and editors, as well as two representatives of the public. Procedures before the JCH are generally conducted publicly, which attests to the transparency of its work, and at the same time contributes to the awareness of the ethical principles for both journalists and citizens. Compliance with the ethical principles in reporting about violence against women is a recurring topic in the work of the Association of Slovenian Journalists which cooperates with the SOS Telephone for Women and Children Victims of Violence through training and sensitization of journalists in this field. More information about the adjudications of the Journalists' Court of Honor is available at the following address: <https://razsodisce.org/category/razsodba/>.

The protection of the identity and privacy of victims in reporting about violence against women is a quintessential and universal principle in many European countries with advanced self-regulatory mechanisms within the media and journalist community and is contained in codes which stipulate the ethical and professional regulations, necessary for the work of journalists.

6. CONCLUSIONS

Contrary to the popular belief that the right to privacy is typically violated by the tabloid media, and not by professional media, the blurring of these lines is evident, especially in reporting about cases of violence. In the protection of the right to privacy, one of the pivotal ethical issues is that, as a rule, the full names of the victim and the suspect are being disclosed. It is important to answer the question of whether identity disclosure was necessary for the public to better understand violence or crime. Descriptions of shocking scenes and details of private life also raise questions about professional ethics - whether it is a case of excess curiosity or groundless disclosure of privacy with the sole intent of attracting audiences. The issue of sensationalist reporting can also be brought up when publishing information about the physical and mental state or injuries that fall under the sphere of privacy within the Code, and also when choosing to publish the photographs of the crime scene or shocking details.

Biased headlines which describe the crime and are often misleading, are practices that deviate from the principles and guidelines from the Code of Journalists. Problems with respect for the presumption of innocence also indicate that journalists should pay more attention to abiding by this principle. Despite many challenges that the media in this field are facing, interestingly, in the last two years the self-regulatory bodies have not received any complaints or appeals about reporting on domestic violence - violence against women. The risk of the media damaging the reputation and dignity of the victims and exposing them to further victimization and stigmatization, including their children, should be subject to continuous scrutiny by the journalists and editors alike, as well as evaluation of whether the ethical standards are enforced and the possible consequences of their disregard.



7. RECOMMENDATIONS

- Educate journalists and editors on gender-sensitive reporting, paying special attention to gender-based violence.
- Produce a manual on reporting about gender-based violence that will contain solutions to concrete and common challenges in the implementation of ethical standards on this issue.
- Amend the Code of Journalists with the guidelines related to gender-sensitive reporting.
- Instigate an extensive debate on reporting about violence against women and the most common problems and challenges.
- Appeal to the media, professional journalist associations and non-governmental organizations to monitor, conduct regular analyses and point to ethical issues in media reporting on gender-based violence; invite ombudsmen and the Self-Regulatory Council to do the same.
- Invite the non-governmental organizations dealing with protection and assistance to the victims of domestic violence, along with journalist and media associations to establish an annual award for the best media coverage of gender-based violence cases.
- More often publicly promote positive examples of ethical and gender-sensitive reporting.
- Introduce curriculum on gender-sensitive reporting in the Journalism Department of the Faculty of Political Science; encourage academic papers on the subject, on graduate, master and doctoral studies. encourage graduate, master and doctoral studies on the subject.
- Conduct the analysis of the implementation of the principle of the presumption of innocence as a separate study.

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LIST OF INTERVIEWS

Interview with **Biljana Zeković**, representative of the *SOS Telephone for Women and Children Victims of Violence, Podgorica*. Interview conducted via e-mail on August 30, 2018.

Interview with **Dražen Živković**, a journalist and editor at *Borba* portal and former journalist at *Dan* newspaper. Interview conducted via e-mail on August 31, 2018; addendum from September 20, 2018.

Interview with **Ilija Jovičević**, an ombudsman at daily newspaper *Dan*. Interview conducted via e-mail on September 11, 2018.

Interview with **Lejla Hadžimuhović**, a journalist from *Dnevne novine*. Interview conducted via e-mail on September 12, 2018.

Interview with **Milica Krgović**, the editor of Society section in daily newspaper *Dan*. Interview conducted via e-mail on September 11, 2018.

Interview with **Nada Koprivica**, representative of the *SOS Telephone for Women and Children Victims of Violence, Nikšić*. Interview conducted via e-mail on September 16, 2018.

Interview with **Nataša Pajović**, the editor of Crime section in daily newspaper *Dnevne novine*. Interview conducted via e-mail on September 10, 2018.

Interview with **Paula Petričević**, an ombudsperson at daily newspaper *Vijesti*. Interview conducted via e-mail, on September 11, 2018.

Interview with **Ranko Vujović**, executive secretary of the *Media Self-Regulation Council*. Interview conducted via e-mail, on September 11, 2018.

Interview with **Slavica Striković**, gender equality and media expert. Interview conducted via e-mail on September 12, 2018.

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