RESILIENCE:
For Media Free of Hate and Disinformation

NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORK AGAINST HATE SPEECH AND DISINFORMATION

FACTSHEET

Milica Bogdanović

MONTENEGRO

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1. INTRODUCTION

During the extended crisis caused by the coronavirus pandemic and complex political developments, the spread of disinformation, offensive speech, and hate speech has intensified. The fact that the state does not have a strategic approach to this problem also contributes to that, resulting in inaccurate information and conspiracy theories that affect citizens, their opinions, and decisions.

Disinformation is being continuously spread through those media outlets that were identified as channels for spreading propaganda, inaccurate information, and hatred in the previous research conducted by the Southeast European Media Professionalization Network (SEENPM). These are several media outlets with region-wide operations that are widely read in Montenegro, several right-wing online media outlets in Montenegro, and a number of pages on social networks.[1]

The spread of content that does not meet the standards of the profession is also contributed to by the fact that, in addition to problems related to financial sustainability and operations in an unregulated market, the Montenegrin media also face inconsistent application of professional standards. Still, public opinion polls indicate that the majority of citizens trust the media, follow television programmes, and believe that the media publish accurate and complete information.[2] Therefore, there is an additional responsibility for TV stations, especially those with national coverage, to ensure that the information they broadcast is accurate and complete and to prevent disinformation from shaping the attitudes of citizens by engaging in professional reporting.

1 *Bogdanović, Milica, Analysis of narratives containing hate speech and disinformation, Montenegro Media Institute, 2020. Available at: https://bit.ly/3uoLnsv. Accessed on: 27 September 2021.*

2 *Bogdanović, Milica, Strengthening public trust in the media as response to disinformation and propaganda, Montenegro Media Institute, 2021. Available at: https://bit.ly/2ZF8dCt. Accessed on: 27 September 2021.*

In order to strengthen institutions and regulators, and in order to encourage professional self-regulation that will contribute to the prevention of the spread of misinformation and hate speech, the Southeast European Media Professionalization Network (SEENPM) has decided to produce a review of the regulatory and self-regulatory frameworks that is based on local legislation, publicly available data of competent institutions, decisions of regulatory and self-regulatory bodies, and relevant studies by both national and international organizations.

Using a unique methodology developed by the Peace Institute from Ljubljana (Slovenia), researchers from the Western Balkans and the European Union analyzed the regulatory framework (regulations, their application, and measures undertaken to combat misinformation and hate speech) and identified good practices and initiatives of self-regulatory bodies that contribute to reducing the extent of this problem.

Based on this review, recommendations were made to the competent institutions, regulators, self-regulatory bodies, the civil sector, and the media so that they could contribute to the prevention of the spread of disinformation and hate speech through joint activities.

This review of the regulatory and self-regulatory frameworks represents the basis for further public dialogue on good practices and effective measures against the spread of disinformation and hate speech. This review was produced in the context of the EU-funded project "RESILIENCE – For Media Free of Hate and Disinformation," implemented in Montenegro by the Media Institute.

2. METHODOLOGY

Freedom of expression has been stipulated by the Constitution of Montenegro, according to which everyone is entitled to the right to freedom of expression by speech, writing, picture, or in some other form, and that this right may be limited only by the right of others to dignity, reputation, and honour.[3]

In addition to domestic law, the limitation of freedom of expression has been determined by international standards, which have precedence over national legislation. However, any limitations on freedom of speech must be applied restrictively, meaning that any interference with freedom of speech must take place under certain conditions.[4]

Article 10 of the European Convention on Human Rights reads that the right to freedom of speech may be restricted in order to protect national security,

3 *Article 47 of the Constitution of Montenegro ("Official Gazette of Montenegro", No. 001/07 dated 25 October 2007, 038/13 dated 2 August 2013). Available at: https://bit.ly/3zP5h2e. Accessed on: 27 September 2021.*

4 *Response of the Protector of Human Rights and Freedoms to the letter dated 17 September 2021.*

territorial integrity, or public safety; prevent disorder or crime; protect health or morals; protect the reputations or rights of others; prevent the disclosure of information received in confidence; or, maintain the authority and impartiality of the judiciary.[5]

In addition, the Constitution of Montenegro provides that the competent court may prevent the dissemination of information and ideas via the media only if so required in order to avert invitation to the forcible destruction of the order defined by the Constitution; preservation of territorial integrity of Montenegro; prevention of propagating war or incitement to violence or performance of criminal offenses; prevention of propagating racial, national and religious hatred or discrimination. In addition, the Constitution prohibits infliction or encouragement of hatred or intolerance on any grounds. At the same time, the Constitution prohibits discrimination on any grounds.[6]

In addition, the Law on Prohibition of Discrimination defines hate speech as any form of expression of ideas, statements, information, and opinions that spreads, stirs up, encourages or justifies discrimination, hatred, or violence against a person or group of persons because of their personal characteristics, xenophobia, racial hatred, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed in the form of nationalism, discrimination, and hostility against minorities. In addition, discrimination is considered to be any unwanted behaviour, including harassment through audio and video surveillance, mobile devices, social networks, and the Internet, that aims at or results in a violation of personal dignity, causes intimidation, produces feelings of humiliation or offensiveness or creates a hostile, degrading, or offensive environment.[7]

In addition to this, the Criminal Code of Montenegro refers to hatred towards another person due to their national or ethnic affiliation, race or religion, or due to lack thereof, disability, sex, sexual orientation, or gender identity.[8] Whoever incites violence or hatred towards a group, or a member of a group, on the basis of race, the colour of their skin, religion, origin, national or ethnic affiliation may face punishment by a prison sentence for a term from six months to five years, while for those who spread ideas of superiority of one race over another or propagate hatred or intolerance on the grounds

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5 European Convention on Human Rights. Available at: https://bit.ly/2WULrVW. Accessed on: 9 October 2021.

6 Article 50 of the Constitution of Montenegro ("Official Gazette of Montenegro", No. 001/07 dated 25 October 2007, 038/13 dated 2 August 2013). Available at: https://bit.ly/3zP5h2e. Accessed on: 27 September 2021.

7 Articles 2 and 9a of the Law on Prohibition of Discrimination ("Official Gazette of Montenegro", No. 046/10 dated 6 August 2010, 040/11 dated 8 August 2011, 018/14 dated 11 April 2014). Available at: https://bit.ly/3kH5EHY. Accessed on: 27 September 2021.

8 Article 42a of Criminal Code of Montenegro ("Official Gazette of Montenegro ", No. 070/03 dated 25 December 2003, 013/04 dated 26 February 2004, 047/06 dated 25 July 2006, "Official Gazette of Montenegro", No. 040 / 08 dated 27 June 2008, 025/10 dated 5 May 2010, 073/10 dated 10 December 2010, 032/11 dated 1 July 2011, 064/11 dated 29 December 2011, 040/13 dated 13 August 2013, 056/13 dated 06 December 2013, 014/15 dated 26 March 2015, 042/15 dated 29 July 2015, 058/15 dated 09 December 2015, 044/17 dated 6 July 2017, 049/18 dated 17 July 2018, 003/20 dated 23 January 2020, 026/21 dated 8 March 2021) Available at: https://bit.ly/2Y6bhHd. Accessed on: 27 September 2021.

of race, sex, disability, sexual orientation, gender identity or other personal characteristics or encourages racial or other discrimination, shall be punished by a prison sentence for a term from three months to three years. This issue is also addressed in the Law on Public Order and Peace, which stipulates that whoever insults another person on the grounds of national, racial or religious affiliation, ethnic origin, or other personal characteristics in a public place by means of speech, writing, sign or in any other manner shall be punished for such misdemeanour either with a fine in the amount from 250 to 1,500 euros or with imprisonment for up to 60 days.[9]

The Law on Media prohibits the publication of information in the media that expresses ideas, claims, and opinions that incite, spread, encourage or justify discrimination, hatred, or violence against a person or group of persons on the grounds of their personal characteristics, political, religious and other beliefs, xenophobia, racial hatred, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed in the form of nationalism, discrimination and hostility against the minority people and other minority national communities.[10] In addition, all online media are obliged to remove a comment containing illegal content without delay and no later than within 60 minutes of learning or receiving a report from another person that it features illegal content.[11] Also, the Law on Electronic Media stipulates that an AVM service must not incite, enable incitement or spread hatred or discrimination on the grounds of race, ethnic background, skin colour, sex, language, religion, political or other belief, national or social background, financial standing, trade union membership, education, social status, marital or family status, age, health status, disability, genetic heritage, gender identity or sexual orientation.[12] Also, the law provides for a fine of 500 to 6,000 euros for any legal entity that broadcasts programmes that emphasize and support violence, drug addiction, or similar forms of criminal conduct.

The issue of offensive and hate speech has been treated in the Rulebook on Programme Standards in Electronic Media[13] and the Rulebook on Commercial AVM Communications[14].

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9 Article 19 of the Law on Public Order and Peace ("Official Gazette of Montenegro", No. 064/11 dated 29 December 2011, 056/20 dated 15 June 2020). Available at: https://bit.ly/3zP5D94. Accessed on: 27 September 2021

10 Article 36 of the Law on Media ("Official Gazette of Montenegro", No. 46/2010, 40/2011 – other law, 53/2011, 6/2013, 55/2016, 92/2017, and 82/2020 – other law). Available at: https://bit.ly/3Dtv95U. Accessed on: 9 October 2021.

11 Article 26 of the Law on Media ("Official Gazette of Montenegro", No. 46/2010, 40/2011 – other law, 53/2011, 6/2013, 55/2016, 92/2017, and 82/2020 – other law). Available at: https://bit.ly/3Dtv95U. Accessed on: 9 October 2021.

12 Article 48 of the Law on Electronic Media ("Official Gazette of Montenegro", No. 046/10 dated 6 August 2010, 040/11 dated 8 August 2011, 053/11 dated 11 November 2011, 006/13 dated 31 January 2013, 055/16 dated 17 August 2016, 092/17 dated 30 December 2017). Available at: https://bit.ly/3ARhvJ6. Accessed on: 27 September 2021.

13 Rulebook on Programme Standards in Electronic Media. Available at: https://bit.ly/3ogLner. Accessed on: 27 September 2021

14 Rulebook on Commercial AVM Communications. Available at: https://bit.ly/3EZyWtg. Accessed on: 27 September 2021

3. HATE SPEECH IN PRACTICE

3.1. Work of the Prosecutor's office and the Judiciary

During 2020, the Police Directorate registered a total of 11 criminal offences of inciting national, racial, and religious hatred. By 1 September 2021, there were registered a total four such criminal offences. In addition to this, the element of hatred is an integral part of the description of the misdemeanour from Article 19 of the Law on Public Order and Peace (insulting other persons on the grounds of their national, racial or religious affiliation, ethical origin or other personal characteristics), so by 1 September 2021 there were registered 13 such violations from Article 19 of the Law on Public Order and Peace. During 2020, the number of such misdemeanours was 30.[15]Data published by the media show that a total of 13 cases reached the courts in the period between March 2020 and January 2021. In April, two people were sentenced to prison on charges of inciting national, racial, and religious hatred. In the months of May and June, four people were convicted on the same charge, three of whom were sent to prison, while the fourth person was given a suspended sentence.[16]

S. K. from Nikšić was sentenced to seven months imprisonment for inciting national and religious hatred after he shared an article from the "Bosna Info" website on his Instagram profile containing offensive content targeting Muslims in the first half of 2021[17]. Similar examples were recorded several days ahead of the parliamentary elections in 2020 when A. J. from Nikšić wrote "Hang Serbs by the willows" on his Instagram profile. At the end of April, Jovanović was given the first instance sentence of one year in prison for inciting national, racial, and religious hatred. N. N. from Podgorica, who swore in her TikTok video that she would set on fire and decapitate Milogorci (a derogatory term for supporters of President Đukanović and ethnic Montenegrins) and Šiptari (a derogatory term for ethnic Albanians), was given the same sentence.[18]

3.2. Work of the Agency of Electronic Media

The Agency for Electronic Media (AEM), acting as the national regulatory body, has issued four warnings and a number of other measures related to the topic of this study since 2017 (two warnings to Boin TV, a warning to Srpska TV, and the measure of limiting the broadcasting of Happy TV and Pink M TV

15 *A letter from the Police Directorate dated 13 October 2021.*

16 *Jovanović, Jelena, Call to Lynch: The War of Words Threatening Montenegro's Delicate Balance, Balkan Insight, 2021. Available at: https://bit.ly/2XUOU7f. Accessed on: 27 September 2021.*

17 *Robović, Bojana, A man from Nikšić sentenced to seven months of imprisonment for inciting national and religious hatred, Pobjeda, 2021. Available at: https://bit.ly/39H7wdr. Accessed on: 27 September 2021.*

18 *Jovanović, Jelena, Call to Lynch: The War of Words Threatening Montenegro's Delicate Balance, Balkan Insight, 2021. Available at: https://bit.ly/2XUOU7f. Accessed on: 27 September 2021.*

from Serbia due to promoting hatred, intolerance, and discrimination).[19] In SEENPM research from 2020, an AEM representative explained that one of the reasons why well-established electronic media did not engage in publishing such content might be found in the strict regulations in this domain.[20]

Towards the beginning of September 2021, the media in Montenegro reported that AEM had once again failed to limit the broadcasting of television programmes from Serbia, although they kept promoting hatred, intolerance, and discrimination. Media experts pointed out that in this case, each of the six criteria for establishing the existence of hate speech had been met and that the AEM had an obligation to protect the public media and the entire social domain using all legal instruments at their disposal [21]. On that occasion, in mid-September, the AEM sent a letter to the Regulatory Body for Electronic Media of Serbia regarding the content that incites hatred, intolerance, and discrimination against members of the Montenegrin nationality, and that was broadcast by Happy TV, Pink M TV, Pink TV and Pink Plus TV, claiming that they were violating the European Convention on Transfrontier Television and the Audiovisual Media Services Directive.[22]

The work of the AEM has been the target of civil activists' criticism for years. They feel that it tolerates serious violations of professional standards and that it resorts only to issuing warning measures.

3.2. Work of the Office of the Protector of Human Rights and Freedoms

According to the Office of the Protector of Human Rights and Freedoms, there has been an increase in the number of complaints lodged on the grounds of hate speech. In 2019, one complaint was lodged due to hate speech motivated by ethnicity; seven complaints were lodged in 2020; and 13 complaints by September 2021, of which seven were related to hate speech motivated by ethnicity, three were related to hate speech based on sex, gender reassignment or gender identity. The three remaining complaints were related to hate speech motivated by political or other opinions, affiliation to a group, and "other personal characteristics."

On a far greater number of occasions, instead of formally lodging complaints, citizens inquire about available mechanisms to have a comment they perceive as hate speech removed from social networks or portals as soon as possible since these dominate as a source of hate speech.[23]

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19 AEM's response to the letter dated 24 September 2021.

20 Bogdanović, Milica, The Political and Economic Foundations of the Media and Communications in Montenegro that Spread Hatred, Propaganda and Disinformation, Media Institute of Montenegro, 2020. Available at: https://bit.ly/3hZCv67. Accessed on: 27 September 2021.

21 Dragaš, Nikola, Happy TV on fire, AEM fails to react, Vijesti Online, 2021. Available at: https://bit.ly/3m5gqqN. Accessed on: 27 September 2021.

22 AEM's response to the letter dated 24 September 2021.

23 Response of the Protector of Human Rights and Freedoms to the letter dated 17 September 2021.

The Ombudsperson points out that social networks present a particular challenge because their reactions to the reported inappropriate content remain slow or non-existent. At the same time, it is difficult to delete profiles or remove content even in cases when the Police get involved, especially when it comes to locating IP addresses that are, most often, outside of Montenegro.[24]

However, the Protector of Human Rights and Freedoms warns that assuming that content of posts/comments/statements made in public is not protected by either the European Convention on Human Rights or domestic law, all restrictive measures must be applied only in exceptional cases and only if such messages are directed against the fundamental values and the paramount and vital interests of society – most often, these are extreme cases of hate speech invoking violence.[25]

24 *Ibid.*
25 *Ibid.*

4. DISINFORMATION IN THE REGULATIONS OF MONTENEGRO

Although the Montenegrin regulations do not define what is considered "fake news," the Criminal Code of Montenegro (CC) provides for the criminal offence of "causing panic and disorder" (Article 398), which, in early 2020, served as the legal basis of arrests of an FOS Media[26] portal journalist, and editors of the right-wing portals in4s.net and borba.me[27]. Said journalist was arrested amid the tensions related to the adoption of the Law on Freedom of Religion when she published "ROSU Forces in Montenegro on Christmas Eve," while the editors of the two mentioned media outlets were arrested after publishing news that there had been an explosion in Villa Gorica, which is used by the state protocol.

The criminal offence of "causing panic and disorder" is punishable by up to three years of imprisonment for journalists and all those who "using the media or other means of public information or similar means or at a public meeting" disclose or disseminate "false news or allegations" thereby causing "panic, or serious disruption of public order or peace, or thwarting or more significantly hindering the enforcement of decisions and measures of state authorities or organizations exercising public powers."[28]

In their condemnation of the arrests of said journalists, the NGO Human Rights Action pointed out that the Criminal Code does not provide what is considered "false news," nor what is considered to be "causing panic," nor does it provide for circumstances that justify such actions, which can easily be interpreted as a violation of the freedom of expressions, i.e. interpretations that are contrary to international standards. The criminal offence of "causing panic and disorder," which sanctions "false news" as a form of defamation, deviates from the legal order of Montenegro since it contains the punishment of imprisonment and formulations that depart from international standards of freedom of expression.

The HRA submitted an initiative to the Constitutional Court to review the constitutionality of that specific article of the Criminal Code. Since then, there have not been recorded any activities or initiatives of the competent institutions to find an appropriate solution instead of the unacceptable practice of arresting suspects for spreading disinformation and a passive approach to the issues of disinformation. The Montenegro Media Institute submitted an initiative to the Government to develop a Media Literacy Strategy, which would, among other things, provide a systematic response

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26 Čađenović, Ivan, Nikolić, Biljana, FOS journalist suspected of causing panic and disorder detained, Vijesti Online, 6 January 2020. Available at: https://bit.ly/3eu0Tft. Accessed on: 24 June 2020.

27 Čađenović, Ivan, Raičević and Živković out on bail, Vijesti Online, 13 January 2020. Available at: https://bit.ly/3hYu2RS. Accessed on: 24 June 2020.

28 Human Rights Action, A statement on the occasion of invoking the provisions related to the criminal offence "Causing panic and disorder" and imprisonment of journalists on that occasion, 13 January 2020. Available at: https://bit.ly/3DjwkVx. Accessed on: 7 October 2021.

to the problem of spreading disinformation and hate speech.[29] However, the Government has decided that this issue should be treated as part of a broader Media Strategy, which is to be developed by the Ministry of Public Administration, Digital Society, and Media for the period 2021–2025.[30]

The new Law on Media stipulates that the media outlets can establish a joint external self-regulatory body[31] but also that each media outlet is entitled to establish an internal self-regulatory body and that the operating costs of various self-regulatory mechanisms shall be financed from the state budget. The law stipulates that a request for financing may be submitted by a self-regulatory body established at least three years prior to the submission of such request.

Upon the adoption of the Law on the National Public Broadcaster[32], Danijela Popović, a TV director, was elected the RTCG ombudsperson. Marijana Camović Veličković, who is the chairperson of the Media Trade Union of Montenegro and serves as a member of the new RTCG Council, raised the issue of the manner of appointing the Ombudsperson.[33]

29 *Kalač, Damira, MMI sends an initiative to the Government: Adopt Media and Information Literacy Strategies, Vijesti Online, 2021. Available at: https://bit.ly/3icjRej. Accessed on: 27 September 2021.*

30 *RTV Budva, Invitation for the Members of Public on the Development of the Media Strategy of the Government, 2021. Available at: https://bit.ly/2WhdFtH. Accessed on: 27 September 2021.*

31 *Article 12 of the Law on Media ("Official Gazette of Montenegro", No. 46/2010, 40/2011 – other law, 53/2011, 6/2013, 55/2016, 92/2017, and 82/2020 –other law). Available at: https://bit.ly/3Dtv95U. Accessed on: 9 October 2021.*

32 *Law on the National Public Broadcaster – Radio Television of Montenegro ("Official Gazette of Montenegro", No. 080/20 dated 4 August 2020). Available at: https://bit.ly/3m854Tf. Accessed on: 27 September 2021.*

33 *RTCG, Veselin Drljević Appointed as the Chairperson of the RTCG Council, 2021. Available at: https://bit.ly/3CTGTyG. Accessed on: 27 September 2021*

5. HATE SPEECH AND DISINFORMATION AND SELF-REGULATION

5.1. The absence of self-regulation and its implications on combating hate speech and disinformation

The issue of curbing disinformation is not explicitly mentioned in the Code of Journalists of Montenegro. However, the basic principles of the journalistic profession are embodied in the guidelines that journalists are expected to follow in order to avoid publishing inaccurate information (supplementing incomplete and checking inaccurate information). In contrast, the issue of hate speech has been explicitly addressed in the guidelines accompanying Principle 4, which state that the media outlet must not publish material that could contribute to the spread of hostility and hatred and that it must take special precaution not to contribute to the spread of hatred when reporting on events or occurrences that contain elements of hatred.

In addition to the new Law on Media, which stipulates online media to remove problematic readers' comments, the Code of Journalists obliges such media to outline their internal rules in order to avoid illegal and unethical content in readers' comments, to inform readers about the rules, and to moderate comments in line with those rules. However, practice shows that inadequate moderation of readers' comments remains a problematic segment of the work of well-established online media. Although the analyses conducted so far do not indicate the existence of hate speech in the editorial content of said online media, the readers' comments abound with insults at the expense of various ethnic, religious, and sexual minorities, as well personal insults at the expense of political or ideological opponents of anonymous commenters.

The fact that there is no single self-regulatory body in Montenegro that would deal with the promotion and improvement of professional standards presents yet another problem. Several years ago, the Media Self-Regulation Council suspended its activities and abandoned the practice of dealing with complaints and appeals due to a lack of funds. Several private media outlets have chosen to appoint their own ombudspersons. The questions of the extent of their independence in relation to management and their contribution to improving professional standards remain. Judging by the Ombudsperson's actions following complaints published on the Vijesti Online website since 2014, readers have complained about various violations of the Code of Journalists of Montenegro – ranging from sensationalism in reporting, disrespect for the presumption of innocence, and publishing insufficiently verified information to managing comments on the Vijesti Online web portal.

In several cases, the Ombudsperson made a decision instructing the editorial board to disable the visibility of the comments section and thus protect the readers from content abounding in hate speech. The Ombudsperson also reacted in the case when the Vijesti daily reported on an invitation to a

conjugal prison visit that an opposition MP sent to his female colleague from the ruling party. The journalist conveyed this misogynistic statement without prior critical review, while the Ombudsperson believed that the journalist had to be careful not to contribute to the spread of hatred and not to give media attention and space to content that contributes to the spreads sensationalism and normalises sexual objectification of women.[34]

Prior to the legislative changes that allowed Radio Television of Montenegro to appoint an ombudsperson, the Council of this public broadcaster had the Commission for Petitions and Complaints that dealt with issues related to respecting professional standards. Acting on almost 60 complaints filed since 2019, the Commission has ruled on various violations of standards, mainly related to partial reporting, lack of objectivity, unverified information, etc. When it comes to cases where the Commission was not able to reach a majority position, it forwarded such objections to the RTCG Council for further consideration. This was also the case with the complaint of the viewers that "this media outlet published fake news and misleading content about the gathering of citizens in the yard of the Secondary General School in Bar Gymnasium using an old photograph." In addition to the viewers' complaints and the minutes from the meeting of the Commission, the Council also received the written statement of the editorial board, which considered such allegations to be unfounded. The Council accepted and adopted the minutes of the Commission.[35] Also, the readers pointed out the problem of the surge of insults in the readers' comments that referred to the families whose members died from the consequences of the coronavirus in Bar. In the minutes submitted to the Commission, the editorial board stated that the disputed comments were removed, while the Commission itself confirmed that there was a violation of programme principles and professional standards in this particular case.[36]

5.2. Lack of initiatives for reporting hate speech

Civil society organizations and other relevant social actors have been condemning the cases of spreading insults and hate speech on a continuous basis. However, there have not been any media community activities or initiatives to revise self-regulatory documents related to the provisions on hate speech and disinformation. Moreover, there are no platforms in Montenegro to which hate speech can be reported and which collect and report such cases to the competent authorities or self-regulatory bodies. Nevertheless, during the coronavirus pandemic, Montenegrin fact-checking platform Raskrinkavanje.me launched a fact-checking program in cooperation with the social network Facebook and the Agence France-Presse. Combating disinformation takes place in such a way that the fact-checking organization

34 *Petričević, Paula, Misogyny and Discrimination, Vijesti Online, 23 April 2018. Available at: https://bit.ly/3ahlJNu.*

35 *A complaint submitted to the Commission for Petitions and Complaints of the Public Broadcasting Service (RTCG) Council. Available at: https://bit.ly/3F6TRuT. Accessed on: 27 September 2021.*

36 *A complaint submitted to the Commission for Petitions and Complaints of the Public Broadcasting Service (RTCG) Council. Available at: https://bit.ly/3F6TRuT. Accessed on: 27 September 2021.*

marks certain information as false and which, in turn, reduces its visibility in the news feed and diminishes further dissemination.

5.3. Politicians as transmitters of insults

The spread of insults and incendiary rhetoric, as well as incitement to violence or hatred towards members of various ethnic and religious groups, is also contributed to by political actors who often spread incendiary statements. Mutual accusations, insults, and incendiary speech have become more frequent in recent years during the parliamentary session. The Rules of Procedure of the Parliament of Montenegro once stipulated penalties for the disruption of order at the session, but such stipulations were repealed following the 2020 amendments. However, analyses of various civil society organizations indicate that this measure could not compensate for the lack of personal and political culture and was not sufficient to motivate MPs to change their demeanour.[37] Additionally, the Code of Ethics of the Members of Parliament stipulates that MPs are obliged to address each other with respect, avoiding expressions that may insult or disparage others. However, this is not the case in the Parliament of Montenegro.

37 *Gvozdenović, Milena, Papović, Biljana, Parliament of Montenegro – Hindering or giving momentum to reforms and European integration?, CDT, 2021. Available at: https://bit.ly/3ogOQtt. Accessed on: 27 September 2021.*

6. RECOMMENDATIONS

In order to contribute to the improvement of legislation and its better application, as well as to prevent the spread of disinformation and hate speech, the Montenegro Media Institute used this review to develop a list of recommendations for decision-makers, the media community, and the civil sector.

• Competent institutions should react in case of spreading hate speech and introduce appropriate measures to combat the spread of disinformation, which would serve as a middle ground between arresting those who spread disinformation and a too passive approach to this problem. In addition to this, the Criminal Code should be amended since its lack of preciseness allows deviations from international standards of freedom of expression.

• In addition to the Media Strategy, which is to deal with the development of the media and creating a more enabling work environment for journalists, the Government must work on raising awareness and improving the knowledge through the development of a media literacy strategy and an accompanying action plan.

• In the long run, the media community should work on the establishment of a single self-regulation body, which would bring to light the examples of the spread of hate speech, disinformation, and propaganda, and work on the promotion of professional standards.

• Existing self-regulatory bodies should initiate the process of changing and amending the Code of Journalists of Montenegro to include the issue of preventing the emergence and the spread of disinformation. Moreover, in order to prevent the spread of hate speech, the existing self-regulatory bodies, including the RTCG's Ombudsperson, need to make a stronger effort in promoting the professional standards set out in the Code of Journalists of Montenegro.

• Online media outlets should undertake specific measures to improve systems for moderating comments on their websites and social networks and thus limit the spread of hate speech, disinformation, and propaganda through readers' comments.

• Professional associations and professional media organizations should help enhance the capacities of the media related to moderating comments, identifying propaganda, and verifying information.

• In close cooperation with the media community and relevant institutions, the civil sector needs to initiate the launch of a platform that would allow citizens to report hate speech online and forward reports to competent authorities.

Literature and sources

REGULATIONS

European Convention on Human Rights. Available at: https://bit.ly/2WULrVW

Law on Media ("Official Gazette of Montenegro", No. 46/2010, 40/2011 – other law, 53/2011, 6/2013, 55/2016, 92/2017, and 82/2020 – other law)

Constitution of Montenegro ("Official Gazette of Montenegro", No. 001/07 dated 25 October 2007, 038/13 dated 2 August 2013).

Law on Prohibition of Discrimination ("Official Gazette of Montenegro", No. 046/10 dated 6 August 2010, 040/11 dated 8 August 2011, 018/14 dated 11 April 2014).

Criminal Code of Montenegro ("Official Gazette of the Republic of Montenegro", No. 070/03 dated 25 December 2003, 013/04 dated 26 February 2004, 047/06 dated 25 July 2006, "Official Gazette of Montenegro", No. 040 / 08 dated 27 June 2008, 025/10 dated 5 May 2010, 073/10 dated 10 December 2010, 032/11 dated 1 July 2011, 064/11 dated 29 December 2011, 040/13 dated 13 August 2013, 056/13 dated 06 December 2013, 014/15 dated 26 March 2015, 042/15 dated 29 July 2015, 058/15 dated 9 December 2015, 044/17 dated 6 July 2017, 049/18 dated 17 July 2018, 003/20 dated 23 January 2020, 026/21 dated 8 March 2021).

Law on Public Order and Peace ("Official Gazette of Montenegro", No. 064/11 dated 29 December 2011, 056/20 dated 15 June 2020).

Law on Electronic Media ("Official Gazette of Montenegro", No. 046/10 dated 6 August 2010, 040/11 dated 8 August 2011, 053/11 dated 11 November 2011, 006/13 dated 31 January 2013, 055/16 dated 17 August 2016, 092/17 dated 30 December 2017).

Law on National Public Broadcaster – Radio Television of Montenegro ("Official Gazette of Montenegro", No. 080/20 dated 4 August 2020). Available at: https://bit.ly/3m854Tf. Accessed on: 27 September 2021.

Rulebook on Program Standards in Electronic Media. Available at: https://bit.ly/3nwhCVc

Rulebook on Commercial AVM Communications. Available at: https://bit.ly/3EdYeTC

STUDIES, PUBLICATIONS, AND ARTICLES

Human Rights Action, A statement on the occasion of invoking the provisions related to criminal offense "Causing panic and disorder" and imprisonment of journalists on that occasion, 13 January 2020. Available at: https://bit.ly/3DjwkVx. Accessed on: 7 October 2021.

Bogdanović, Milica, The Political and Economic Foundations of the Media and Communications in Montenegro that Spread Hatred, Propaganda and Disinformation, Media Institute of Montenegro, 2020. Available at: https://bit.ly/3hZCv67. Accessed on: 27 September 2021.

Jovanović, Jelena, Call to Lynch: The War of Words Threatening Montenegro's Delicate Balance, Balkan Insight, 2021. Available at: https://bit.ly/2XUOU7f. Accessed on: 27 September 2021.

Robović, Bojana, A man from Nikšić sentenced to seven months of imprisonment for inciting national and religious hatred, Pobjeda, 2021. Available at: https://bit.ly/39H7wdr. Accessed on: 27 September 2021.

Dragaš, Nikola, Happy TV on fire, AEM fails to react, Vijesti Online, 2021. Available at: https://bit.ly/3m5gqqN. Accessed on: 27 September 2021.

Čađenović, Ivan, Nikolić, Biljana, FOS journalist suspected of causing panic and disorder detained, Vijesti Online, 6 January 2020. Available at: https://bit.ly/3eu0Tft. Accessed on: 24 June 2020.

Čađenović, Ivan, Raičević and Živković out on bail, Vijesti Online, 13 January 2020. Available at: https://bit.ly/3hYu2RS. Accessed on: 24 June 2020.

Kalač, Damira, MMI sends an initiative to the Government: Adopt Media and Information Literacy Strategies, Vijesti Online, 2021. Available at: https://bit.ly/3icjRej. Accessed on: 27 September 2021.

Petričević, Paula, Misogyny and Discrimination, Vijesti Online, 23 April 2018. Available at: https://bit.ly/3ahIJNu.

RTV Budva, Invitation for the Members of Public on the Development of the Media Strategy of the Government's, 2021. Available at: https://bit.ly/2WhdFtH. Accessed on: 27 September 2021.

RTCG, Veselin Drljević Appointed as the Chairperson of the RTCG Council, 2021. Available at: https://bit.ly/3CTGTyG. Accessed on: 27 September 2021.

ONLINE REGISTERS

Complaints submitted to the Commission for Petitions and Complaints of the Public Broadcasting Service (RTCG) Council. Available at: https://bit.ly/3F6TRuT. Accessed on: 27 September 2021.

Complaints to the Vijesti Ombudsperson. Available at: https://www.vijesti.me/ombudsman. Accessed on: 27 September 2021.

About the author

Milica Bogdanović graduated with a journalism degree from the Faculty of Political Sciences in Podgorica. She gained her professional experience in the media and the non-governmental sector. She produced this study as a researcher of the Montenegro Media Institute.

This publication is a part of the RESILIENCE project research and advocacy component. It includes a series of factsheets on NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORKS AGAINST HATE SPEECH AND DISINFORMATION in Albania, Bosnia and Hercegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey. The series also includes a factsheet with examples of regulatory and self-regulatory mechanisms on the EU level and in the EU member states.

Nine media development organizations in the Western Balkans and Turkey have joined forces under an EU-funded project 'RESILIENCE: Civil society action to reaffirm media freedom and counter disinformation and hateful propaganda in the Western Balkans and Turkey'. The three-year project is coordinated by the South East European Network for Professionalization of Media (SEENPM), a network of media development organizations in Central and South East Europe, and implemented in partnership with: the Albanian Media Institute in Tirana, the Foundation Mediacentar Sarajevo, Kosovo 2.0 in Pristina, the Montenegro Media Institute in Podgorica, the Macedonian Institute for Media in Skopje, the Novi Sad School of Journalism in Novi Sad, the Peace Institute in Ljubljana, and Bianet in Istanbul.

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