WEAK MECHANISMS AND OUTDATED CODE OF ETHICS

Media self-regulation in Montenegro

Milica Bogdanović

OUR MEDIA:
A civil society action to generate media literacy and activism,
counter polarisation and promote dialogue

SEENPM
South East European Network
for Professionalization of Media

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I.
INTRODUCTION

The social and political crises that have been occurring in the world in recent years have encouraged the intense spread of misinformation, propaganda and hate speech. All of this affects the opinion of citizens, their decisions and the public debate on important social issues, thus undermining the fundamental values of a democratic society. Therefore, European countries, individually and at the level of the European Union, are introducing new regulations and strategic documents, and recognise self-regulation of the media as an important link in creating social resistance to the spread of misinformation.

Self-regulation, in a broader sense, is a type of voluntary initiative that enables business entities, social partners, non-governmental organisations or associations to adopt common guidelines for each other and for themselves, in addition to legislative, judicial and administrative mechanisms (EU Audiovisual Services Directive, 2018).[1] In a narrower sense, self-regulation is a regime designed and implemented by media professionals or the media industry without state intervention, to apply and preserve professional standards in the media and protect the public from unprofessional journalistic reporting.[2]

Montenegrin society is burdened by weak self-regulation of the media, as indicated by domestic and international organisations (Kalač & Rudović, 2023; Bogdanović, 2021; IREX, 2022). The European Commission's report on Montenegro's progress in the European integration process states that "the application of the journalistic code of ethics and professional standards remains uneven throughout the media community, since the media scene is still highly politically polarised, with weak self-regulation mechanisms" (European Commission, 2022).

The capacities of the existing self-regulatory mechanisms are limited and receive a small number of complaints. Although they strive to contribute to the promotion of ethical standards, the question is how effective are their decisions. In recent years, the state has financially supported their work, and in the process of amending the media laws, it announced the introduction

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1   See also: Kerševan Smokvina et al. (2017).

2   Contrary to self-regulation, media regulation implies traditional legal regulation and regulation by laws and by-laws, which are drafted, adopted and implemented within the limits of the state's authority, while co-regulation is a combination of self-regulation and legal regulation. It presupposes cooperation between entities that perform media activities and regulators. Sources: Kerševan Smokvina et al. (2017); Kerševan Smokvina & Furnémont (2017).

of an obligation for the media to develop self-regulatory mechanisms as a prerequisite for being able to apply for state funds.

The lack of strong self-regulation is increasingly pronounced: the development of technology has changed the ways of communication, and Montenegro has faced continuous political and social crises characterised by prominent polarisation. In such circumstances, self-regulatory bodies are additionally expected to contribute to greater respect for ethical standards and to help combat the spread of misinformation.

That is why the Montenegro Media Institute decided to review the content of ethics documents and examine the need to improve the Journalistic Code of Montenegro in light of the challenges in the digital environment faced by the media. In addition, we wanted to determine the structure and functioning of self-regulatory bodies in Montenegro and examine whether these mechanisms can adequately contribute to the fight against hate speech, propaganda and misinformation.

An important segment of this research is the need to determine whether the regulator and media self-regulation bodies in Montenegro are familiar with the new European regulation in the field of media and digital services, and whether they are ready to apply it in order to protect media freedom and the fundamental rights of media users and digital services.

The methodology for this research was developed by the Peace Institute Ljubljana, and in addition to Montenegro, the research was carried out in five other countries of the Western Balkans and in Turkey.

The research was undertaken in two phases:

First phase – analysis of regulations, codes of ethics, publicly available relevant research and analysis of international and domestic institutions and organisations in the field of self-regulation, as well as decisions of regulatory and self-regulatory bodies.

Second phase – in-depth interviews with representatives of established media in Montenegro, with media ombudsmen and representatives of self-regulatory and regulatory mechanisms, and media experts from the civic sector.[3] In order to encourage discussion and reflection on the issues we were investigating, we presented the interviewees with the questions based on which we analysed this area, and gathered their views and experience.

The goal of our analysis is to strengthen and support media and self-regulation mechanisms in Montenegro so as to improve ethical standards and contribute to the fight against growing challenges in the digital environment, to increase

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3   See list of interviewees at the end of this report. The interviews were held in Podgorica and via the Zoom platform, in the period from 20 April to 20 May 2023.

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the awareness of regulators, media, civil society and citizens about the benefits of the new EU regulation on media and digital services, and to improve the level of media literacy of all social actors.

This research was carried out by the Montenegro Media Institute as part of the project "Our Media: A civil society action to generate media literacy and activism, counter polarisation and promote dialogue". The project is carried out in cooperation with partners South East European Network for Professionalisation of Media (SEENPM) and its members Media Centar Sarajevo, Albanian Media Institute, Macedonian Institute for Media, Novi Sad Journalism School, Peace Institute and Bianet, and with the out-of-network partner Kosovo Press Council, with the financial support of the European Union.

II.

GENERAL OVERVIEW OF SELF-REGULATION IN MONTENEGRO

2.1. SELF-REGULATION THROUGH TIME

In 2002, Montenegro received the first Code of Journalists, which was drawn up by representatives of journalists' associations and foreign experts.[4] The Code contained 11 basic principles and several guidelines explaining and specifiying these principles (Kodeks novinara/novinarki, n. d.). The document is still in force today, but with the support of the Organization for Security and Co-operation in Europe (OSCE), it was amended in 2015.

After the adoption of the first Code, the Journalism Self-Regulatory Body (NST) began its work in 2003. NST was registered as a non-governmental organisation and existed until 2010. Financed from foreign donations (Vuković & Uljarević, 2019), this self-regulatory body brought together almost all journalists, and periodically published reports on compliance with the Code (Buljan & Vuković, 2015). It stopped working in 2010 when representatives of independent daily Vijesti and weekly Monitor left the Council because they disagreed with the interpretation of the application of the Code in the case of an interview by the then IN TV with controversial businessman Stanko Subotić (Vuković, 2013; Janković, 2010).

Part of the Montenegrin media founded the Media Council for Self-Regulation

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4   Taking part in the development of the Code were representatives of the Association of Journalists of Montenegro, the Association of Professional Journalists of Montenegro, the Association of Young Journalists of Montenegro, the Independent Union of Journalists of Montenegro, the Association of Independent Print Media of Montenegro (MONT PRESS) and the Association of Independent Electronic Media of Montenegro (UNEM), while among the founders of the Montenegro Media Institute were the Association of Professional Journalists of Montenegro, the Association of Young Journalists of Montenegro, the Independent Union of Journalists of Montenegro, the Association of Independent Print Media of Montenegro (MONT PRESS), the Association of Independent Electronic Media of Montenegro (UNEM), newspapers Vijesti, Dan and Pobjeda, RTCG, Radio Antena M, RTV Elmag, NTV Montena, MINA – MNNews, Monitor weekly, biweekly Polja, portal PCNEN, and others. Source: Vuković (2013).

(MSS) in 2012. This self-regulatory body was established as a non-governmental organisation that monitors media content, periodically publishes reports and decides on readers' complaints (Mandić, 2012). MSS was founded by IN TV, RTV Atlas, TV Crne Gore, NTV Montena, RTV Elmag, TV Teuta, TV MBC, TV Boin, newspapers Pobjeda and Dnevne Novine, and radio stations Radio Antena M, Skala Radio, Radio Montena, Radio Tivat, Radio Jadran, Radio Montenegro, Radio Dux and portals CafedelMontenegro (CdM) and portal Analitika (Portal Analitika, 2012). The composition of this body has changed in the meantime.[5]

At that time, the independent newspaper Vijesti, the newspaper Dan and the Monitor weekly established the Press Council, a body that never started working. These media later elected their own media ombudspersons. In 2013, Professor of Literature Bozena Jelušić was elected ombudsperson by the Vijesti newspaper (Radulović, 2013). In 2015, she was succeeded by the philosopher and civic activist Paula Petričević, who was also the ombudsperson of the Monitor weekly (Peruničić, 2015). Since 2014, the Dan newspaper has also had an ombudsman, Ilija Jovićević, who was also a journalist with that media outlet (Portal Analitika, 2014). Vijesti TV also had a media ombudsman for a short time (PCNEN, 2013).

The Self-Regulatory Council for Local Press was founded in 2012 as a non-governmental association. Its establishment was supported by 11 local media, joined after two years by another 11 new members. The members of the Council are predominantly representatives of the local press which does not publish on a daily basis, and some of them have stopped publication in the meantime (Interview with Amer Ramusović, president of the Self-Regulatory Council for Local Press).

When it comes to the public media, the Radio-Television of Montenegro (RTCG) Council has had a Commission for applications and appeals since 2002, which dealt with issues related to professional standards. This body did not evaluate how RTCG applies the Code of Journalists of Montenegro, but rather programme principles and professional standards of this media organisation. In cases where the Commission could not reach a majority standpoint, it forwarded the objections to the RTCG Council for further consideration. As legally required, the RTCG Council in 2021 appointed as its ombudsperson Danijela Popović, who was until then a director at RTCG (RTCG, 2021).

2.2. SELF-REGULATION IN REGULATIONS

The Media Law (2020) foresees that the media can form a collective external self-regulatory body, that each media outlet may form an internal self-regulatory body, and that the operating costs of various self-regulation mechanisms are

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5   Current members of this body are newspaper and portal Pobjeda, Nova M TV, Teuta TV, Radio Dux, Radio M, and Radio Antena M, and portals Analitika and CdM. More information about the Media Self-Regulation Council is available at https://bit.ly/3P40426 (retrieved 12 May 2023).

funded by the state Fund for Stimulating Media Pluralism and Diversity, which has two sub-funds (Zakon o medijima, 2020, articles 12-24). Each sub-fund has 5% allocated annually for operating costs of different self-regulation mechanisms.

The resources from the sub-funds of the pluralism fund are allocated by the Agency for Electronic Media (AEM) Council (60% of overall resources from the fund) and a special commission formed by the Ministry of Culture and Media (40%). The AEM Council allocates money to commercial and non-profit radio and TV stations and the ministry's commission to print and online media. By the end of 2021, self-regulatory bodies received a total of €17,201 for operating costs from the ministry's sub-fund and in 2022, a total of €19,340 (Ministarstvo kulture i medija, 2022).

In 2022, the AEM (2023) foresaw €25,802 for self-regulation from the sub-fund distributed by the Council. The request was submitted by the Media Council for Self-Regulation, but it was rejected because some media founders who established this body did not meet the requirements.

The law stipulates that these funds can be requested by a self-regulatory body that was established at least three years before submitting the application for funding, and that the media that are its founders should meet the following conditions: the media founder has published data on the ownership structure; submitted data on financing from the budget of Montenegro or the budget of local administration units; has paid taxes, contributions and fees; is not in bankruptcy or liquidation proceedings; its account is not blocked under a forced collection procedure; it was not temporarily deprived of its broadcasting licence and did not misuse previously allocated financing from the Fund.

This way of financing self-regulation was previously criticised by the Media Trade Union (Mina, 2019), and the interlocutors in this research expressed conflicting views as well. Some media experts believe that "the state must not interfere in self-regulation in any way, but a media that wants to take care of ethical standards should finance self-regulation or do it on a voluntary basis" (Interview with Duško Vuković) while the representative of the self-regulatory body considers this financing model to be "a great thing for self-regulation and its sustainability" (Interview with Ranko Vujović).

International experts indicate that self-regulation most often relies on membership fees as a source of financing. In some cases, in addition to membership fees, it is also financed from public funds, in which case special attention should be paid to protecting the independence of the self-regulatory body. According to their assessment, international funds could be an alternative model of financing, but such financing does not guarantee sustainability (Kerševan Smokvina & Furnémont, 2017).

In the case of RTCG, the new Law on the National Public Broadcaster RTCG

(2020) stipulates that this media company has an ombudsperson who is elected by the RTCG Council in a public competition, and who can also be dismissed by the council. The ombudsperson should be an established media expert with at least ten years of work experience in audiovisual media, who is a citizen of Montenegro, resides in Montenegro and has at least a VII-1 level of education. Their term of office lasts three years and they can be elected for two consecutive terms (Ukaz o proglašenju Zakona o nacionalnom javnom emiteru radio i televizija Crne Gore, 2020).

That Law stipulates that the ombudsperson is independent in their work and that they consider submissions and complaints from listeners, viewers and users of the RTCG portal; consider violations of human rights and discrimination of any kind in broadcast programme contents; monitor compliance with RTCG programme principles; monitor respect for citizens' right to freedom of speech, the right to access to the media, the right to accurate and verified information, the right to denial; submit quarterly reports on their work to the Council and make recommendations to the RTCG editorial board; and represents a mediator in the two-way communication between the media and the public. The Law stipulates that after the Council gets acquainted with the reports and recommendations of the ombudsperson, the reports and recommendations are published on the RTCG website. The work of the ombudsperson is financed from the RTCG budget, so they cannot apply for funds from the Fund for Pluralism (Zakon o medijima, 2020, article 19).

Numerous ethical principles from the Code of Journalists of Montenegro are at the same time legal provisions. Thus, the Law on Media, among other things, prescribes due journalistic attention, presumption of innocence in reporting, reporting on court proceedings, hate speech, protection of children, advertising, right to reply and correction, etc. (Zakon o medijima, 2020, articles 31, 34, 35, 36, 37, 38 and 48). The Law on Electronic Media requires, among other things, that on radio or television, events must be presented faithfully, that opinions and comments must be separated and their source or author identifiable, and that impartiality must be encouraged, with respect for differences in opinions on political or economic issues (Zakon o elektronskim medijima, 2020).

In addition, AEM has two regulations that deal with the issues contained in the Code of Journalists. These are the rulebook on programme standards in electronic media (e.g., the issue of public interest, the principle of accuracy, hate speech, the principle of freedom to publish comments, the rule of the other party, the attitude towards vulnerable groups, etc.) and the rulebook on commercial audiovisual communications (e.g., advertising and covert advertising, sponsored programmes, etc.) (AEM, 2011/2016; AEM, 2011).

The AEM as the national regulator is responsible for monitoring whether the electronic media comply with these regulations. However, an obstacle to effective regulation of electronic media in Montenegro is the outdated legal framework (Interview with Sunčica Bakić). AEM needs legal mechanisms to be

able to adequately grade sanctions depending on the severity and frequency of violations. For years, the civic sector has criticised the work of the regulator, arguing that it tolerated the violation of programme principles and standards (Đurović, 2019).

This was also referred to by an interviewee in our research, who believes that the AEM missed the opportunity to establish itself as an autonomous and professional regulator, but that under new management, this practice could change (Interview with Vladan Mićunović).

In 2021, the government of Montenegro sought to regulate the media sector strategically, including through self-regulation. The goals of the 2022–2026 Draft Media Strategy include improved self-regulation of the media, improved awareness of citizens about how to submit complaints about the work of the media and strengthening the capacities of journalists and media employees (Medijska strategija Crne Gore, 2022). However, the Draft Strategy has not yet been adopted.

2.3. FAR FROM NEW EUROPEAN REGULATION

Media regulation in Montenegro is not yet aligned with the revised Audiovisual Media Services Directive, nor with other legal acts in this field that the EU has adopted in the meantime. The adoption of the new Law on Audiovisual Services, which should replace the old Law on Electronic Media, is still expected. This regulation should prescribe the new competences of the AEM, primarily in relation to video-sharing platforms, and to clearly delineate the competences of regulation and self-regulation in the field of control of compliance with professional standards (Medijska strategija Crne Gore, 2022).

The new European regulations treat a number of important issues in the domain of media regulation and self-regulation and provide an answer to challenges the media are facing in the digital environment. Thus, the Audiovisual Media Services Directive (2018), among other things, deals with issues such as transparency of ownership, product placement, advertising, and the protection of minors. This regulation mentions the use of self-regulation and co-regulation, but it "should neither oblige Member States to set up self- or co-regulation regimes, or both, nor disrupt or jeopardise current co-regulation initiatives which are already in place in Member States and which are functioning effectively" (Audiovisual Media Services Directive, 2018).

The Proposal for a European Media Freedom Act (2022) states, among other things, that the regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on large Internet platforms. "They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards,

correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-recognised media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity".

In addition, the Digital Services Act, which was adopted by the European Union in 2022, foresees that "rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level", namely in the areas of combating counterfeit goods, illegal hate speech, the fight against disinformation, etc.

The consideration of these provisions, as well as the public discussion about these regulations, has not yet begun in Montenegro. This was confirmed by the interlocutors in this research, most of whom said that they were not familiar with the new European regulations.

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III.

CODE OF ETHICS IN NEED OF UPDATE

The main ethics document in the media community is the Code of Journalists of Montenegro. The Code contains 11 basic principles and a number of guidelines for their interpretation and application. It contains basic journalistic standards such as truthfulness and accuracy, methods for collecting information, differences between news/facts and commentary, protection of sources, privacy issues, integrity of minors, presumption of innocence and reporting on court proceedings, editorial freedom, and solidarity.

After the original version of the Code from 2002 was improved with the support of the OSCE in 2015, it prescribed, among other things, that online media should have rules for comments by readers and administrators who will moderate that content in order to protect freedom of expression and prevent the spread of illegal and unethical content.

The OSCE then formed the Technical Group for Self-Regulation[6] and continued to support its work, which resulted in the drafting of several important documents for the application of ethical standards. In 2019, this team produced a guide for the implementation of guideline 2.8. of the Code of Journalists of Montenegro, which refers to the obligation of online media concerning readers' comments (OSCE, 2019). In 2022, the working group prepared a Comment Moderation Manual with instructions for the media and a road map (OSCE, 2022), and a manual for media coverage during election campaigns (OSCE, 2023). The OSCE recently published a manual for reporting on gender-based violence against women (Pejović & Petričević, 2022). Representatives of self-regulatory mechanisms who were interviewed as part of this research stressed the importance of the support and assistance that the OSCE provides to self-regulation in Montenegro and considered the working group an example of good cooperation between self-regulatory bodies.

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6   The technical working group for self-regulation currently consists of Ilija Jovićević, ombudsman of the newspaper Dan; Ljiljana Minić, editor of the newspaper Dan; Mihailo Jovović, programme director of the independent newspaper Vijesti; Paula Petričević, ombudsperson of the independent newspaper Vijesti and weekly Monitor; Aneta Spaić, member of the Commission for Monitoring and Complaints of the Media Council for Self-Regulation; and Ranko Vujović, Executive Secretary of the Media Council for Self-Regulation.

RTCG, as a public media outlet, has had its own code of ethics since 2021, which establishes ethical standards when creating programmes, rules of conduct for journalists and employees, and the procedure for determining violations of the code (Etički kodeks Radio i televizije Crne Gore, 2021).

Table 1: **OVERVIEW OF EXISTING ETHICS CODES IN MONTENEGRO**

NAME OF THE CODE	GENERAL OR INDIVIDUAL	YEAR OF ADOPTION OR, WHERE APPLICABLE, AMENDMENT	APPLICATION IN PRACTICE	WHICH SELF-REGULATORY BODIES MONITOR THE IMPLEMENTATION OF THE CODE AND PROCESS COMPLAINTS RELATED TO THE CODE
Code of Journalists of Montenegro	general	(2002) 2015	YES	Media Council for Self-Regulation; RTCG ombudsperson; private media ombudspersons
RTCG code of ethics	individual	2021	YES	RTCG Council RTCG Ombudsperson
Private Media Code (independent newspaper Vijesti and Mina news agency)	individual	2020 2019	YES	No data available Chief editor of the Mina news agency
Code of individual local public broadcasters (RTV Budva)	individual	2013	YES	Council of the local public broadcaster

Certain private media have their own internal codes that contain information on the principles of work and rules of conduct for employees.[7] Some local public broadcasters also have internal codes (RTV Budva, n. d.). The interlocutors in our research believe that this is a good practice that should be followed by other media (Interview with Vladan Mićunović). The media in Montenegro do not have ethics codes that deal with specific issues important to the media, such as advertising or audience measurement.

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7   The Mina news agency and the independent newspaper Vijesti have internal codes of ethics available on their websites.

3.1. HOW IS THE CODE IMPLEMENTED?

Apart from AEM's monitoring of the compliance of electronic media (TV and radio) with laws and regulations, there is no mechanism in Montenegro that monitors daily and comprehensively whether all media comply with the Code of Journalists. There are only initiatives of civil society organisations that monitor the application of certain provisions of the Code, and individual responses of self-regulatory bodies.

The majority of interlocutors in this research believe that the electronic and print media in Montenegro try to apply the regulations and the Code, and that intentional violations of the rules of the profession are rare. They believe that omissions occur mainly due to insufficient knowledge of standards, understaffed newsrooms and insufficient time to check all information before publication (Interview with Ranko Vujović).

Civil society organisations and our interlocutors in this research recognise, by contrast, that online media are not committed to the full application of ethical standards and that among them there are some who continuously violate the Code (Montenegro Media Institute, 2022). "Violation of ethical standards most often comes from online media that are not registered in Montenegro, without identification data about the media, founder and responsible persons, and they deal with topics from Montenegro in a biased and unprofessional manner, which further complicates compliance with the rules in this area", the representative of the regulator believes (Interview with Sunčica Bakić).

The area in which some of our interlocutors recognise the most frequent violations is the "black chronicle", or crime news, which often list the names of minors (both perpetrators and victims) contrary to the Code, as well as details from the private lives of those involved in the reported events (Interview with Jelena Nelević). This is particularly visible in the reporting on the cases of mass murders in Cetinje in 2022 and in Belgrade in 2023.

Also, some of the interlocutors from the self-regulatory mechanisms indicate frequent non-compliance with the rules of presenting the opinion of the other party and a lack of balanced content (Interview with Danijela Popović). This was also confirmed by earlier research by the MMI, according to which online media generally convey announcements, statements or information without appropriate context and additional clarification. The media lack texts which present different opinions of interlocutors and which offer citizens an objective presentation of an important social or political topic (Bogdanović, 2020).

Although the Code stipulates that journalists must take special care not to contribute to the spread of hatred when they report on events and phenomena that contain elements of hatred, research by media organisations shows that the main online media report inadequately on such cases. Media monitoring by the Montenegro Media Institute showed that the media often do not put

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controversial statements in an adequate context and that they are not a strong enough barrier to the spread of hatred.

The interlocutors in this research recall examples showing that there is not enough sensitivity for gender issues in the media (for example, the author of a story about "buying brides in Albania" does not recognise sex trafficking)[8] and that they inadequately report on revenge pornography (Interview with Paula Petričević).[9]

The media find new sources of funding in commercialising their content and space, which is why they often do not adhere to the Code and its mandate that advertising and political advertising be clearly marked. In addition to the usual media advertising that is shown through "promotional banners" on portals, the media creates "sponsored" or "promo" ads that look like newspaper articles on web pages, and they are insufficiently visible to most citizens. There is a lack of editorial responsibility for the content and quality of the information presented to readers, and disinformation can be disseminated through such content.

In order to improve compliance with the Code in the media, one of the interlocutors suggests that Montenegrin newsrooms introduce the practice of regular analysis of their content. "The media can make a cross-section once, randomly. The programme can be analysed by the editor-in-chief or an external volunteer analyst. This is how journalists get to know the principles, and that is more important than learning the Code by heart" (Interview with Duško Vuković).

An interlocutor from the media community raised the issue of internal sanctions for journalists who violate the Code, which, in her opinion, could lead to greater adherence to the rules of the profession. However, the opinion of the representative of self-regulation is that the electronic media are under the supervision of the regulator who has the power to impose fines, and that for other media it is sufficient to publish a decision about a possible violation of the Code in the outlet concerned.

The majority of interlocutors recognise the key role of the ombudsman and other self-regulatory mechanisms in exercising their mandate proactively and in pointing out cases of violations in newsrooms and publicly, and thus promoting and improving adherence to ethical standards.

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8   In the RTCG show Gledajmo Se, one of the protagonists of the story, Milić Simonović from Beranselo, went with the RTCG crew to Durrës to meet a potential bride, because his previous attempts to get married failed. The report talks about arranging marriages and looking for "brides" in Albania. More information at: Gradski portal (2022).

9   See also Montenegro Media Institute (2023).

3.2. WHAT IS THE CODE MISSING?

Most of the interviewees for this research believe that the text of the existing Code is solid and contains all important principles for professional work. However, they believe that due to irregular updates it does not reflect the most current developments in the media sector and does not address topics that are specific to the digital environment, such as the use of technologies in reporting, management of social networks, and the fight against disinformation. "Online media, unfortunately, do not contribute to improving the situation in this area, considering that a number of them do not have clearly defined rules for commenting, a system for administering comments, or the capacity to consistently apply legal provisions and guidelines from the Code of Journalists", according to the representative of the regulator (Interview with Sunčica Bakić).

The interlocutors recall that according to the current Code, "the guidelines can be refined in accordance with the ethical dilemmas emerging in practice", which they believe should be used in future initiatives to improve the text. AEM, too, is of the opinion that in addition to the universal standards that apply to the journalistic profession, the Code of Ethics should follow all changes and ethical challenges in journalism and media activity and be updated accordingly. "In a situation where we have very weak self-regulation mechanisms, respect for professional and ethical standards depends mainly on the willingness of journalists and editors to protect the reputation of their media and their own reputation. We consider it necessary to extend the scope of application of the ethical standards defined by the Code of Journalists to online media. In order to achieve this, it is necessary to fulfill certain prerequisites related to legal obligations regarding registration and transparency", according to the representative of the regulator (Interview with Sunčica Bakić).

The existing text of the Code does not clearly mention the use of information technologies. Apart from the basic principles, such as supplementing incomplete information and verifying information, the application of which can help avoid the publication of incorrect information, the issue of suppressing disinformation is not explicitly mentioned. The interlocutors in our research hold diverging views on whether the Code should explicitly address the issue of misinformation. Some of them believe that journalists are already obliged by the Code (principle 1) to search for the truth and verify information, and that there is no need for additional clarification in the Code (Interview with Duško Vuković). "If you want to adhere to the existing Code, there is no room for misinformation. In this sense, it is not necessary to expand the Code, because it already covers that area. The obligation of accurate reporting to the extent possible, treatment of sources, general standards, these are some things that, if they were adhered to, there would be no disinformation", the media ombudsperson believes (Interview with Paula Petričević).

The existing text of the Code does not clearly mention the use of information technologies. Apart from the basic principles, such as supplementing incomplete information and verifying information, the application of which can help avoid the publication of incorrect information, the issue of suppressing disinformation is not explicitly mentioned.

On the other hand, the interlocutor from the self-regulatory body explains that "disinformation is a political problem, because it is marketed from certain countries with a political goal". He calls to mind that before the elections, the EU adopted a special Code against disinformation that we could use for guidance. "I think that the role of self-regulation could be expanded here, that they have a proactive role as a self-regulatory body, so that they don't wait to receive a complaint, but rather follow the media and register if a misinformation campaign starts and highlight it", believes the representative of the self-regulatory body (Interview with Ranko Vujović).

Some interviewees point to the nonchalant attitude of the online media when it comes to unacceptable comments from readers on their social network accounts. Most of the interlocutors in our research believe that this issue should be regulated by the Code, and some also suggest that it is necessary to raise the awareness of the online media on this issue (see section 5.2).

Also, the media ombudsperson believes that the Code must specify responsibility for the accuracy of information published as promotional content. She previously reacted in a case when the media she works for did not clearly mark advertising content and separate it from informative content (Petričević, 2021). The ombudsperson believes, among other things, that the guidelines related to hate speech (to prevent stereotypical portrayal of women), the guideline for reporting violence (for gender-based violence), and the guideline for conflict of interest should be improved.

Although interlocutors from the media community and media experts gave their opinion on how to improve the Code, one of them pointed out that the key role of media ombudspersons and self-regulatory bodies is to indicate, based on practice, possible changes or more detailed regulation of existing provisions (Interview with Duško Vuković). The media ombudsperson confirms that during the resolution of complaints, she writes down dilemmas and notes suggestions for improving the Code.

This research did not seek to collect detailed proposals for the improvement of the Code, but in conversations with the interlocutors, we examined their views on the need to amend the ethics document and presented the key proposals they shared with us.

IV.

SELF-REGULATORY MECHANISMS IN MONTENEGRO

Most interviewees in this research believe that Montenegrin self-regulation – which is actively implemented by one self-regulatory body, two media ombudspersons of private media and the RTCG ombudsperson – is not sufficient and needs to be improved. Some of them say that media ombudspersons are positive examples of self-regulation in the media community, and they see the role of the ombudsperson of the independent newspaper Vijesti and the Monitor weekly as important in resolving readers' complaints.

Table 2: **OVERVIEW OF EXISTING SELF-REGULATORY MECHANISMS IN MONTENEGRO**

NAME OF SELF-REGULATORY BODY/MECHANISM	YEAR OF ESTABLISH-MENT	FOUNDERS	SOURCE OF FUNDING	ACTIVE/ PASSIVE
Media Council for Self-Regulation	2012	20 media from Montenegro	Foreign donations, Fund for Pluralism	Active
Self-regulatory council for local press	2012	11 print media from Montenegro	No funding	Passive
Ombudsperson of the independent newsaper Vijesti and Monitor weekly	2013 and 2014	Independent newspaper Vijesti; Monitor weekly	Private media budget, Fund for Pluralism	Active
Ombudsperson of Dan newspaper	2014	Dan newspaper	Private media budget, Fund for Pluralism	Active
RTCG Ombudsperson	2021	RTCG	RTCG budget	Active

However, according to one interlocutor, Montenegro missed a precious chance to form a unique self-regulatory body that would show media employees and the public that it is possible to work and act authoritatively regardless of politics or political interests (Interview with Vladan Mićunović). Some of the interlocutors indicate that economic, social and political factors influence the media and prevent strong self-regulation. "The establishment of self-regulatory mechanisms is hampered by the political divisions that divide the journalistic community. The lack of dialogue and solidarity among different factions distracts journalists from a unified defence of common interests. Survival on the market often forces the media to flirt with interest groups and exposes them to continuous political pressure. In the current social circumstances, which are characterised by a multi-layered division of society, I do not believe in the foreseeable probability of the development of self-regulation", the representative of the regulator said (Interview with Sunčica Bakić).

The representative of the self-regulatory body agrees: "There is an obstruction in the development of self-regulation in Montenegro. I think that, specifically, a number of media do not want to accept self-regulation. If self-regulation is carried out professionally, it rather narrows the media's space for propaganda and manipulation, and some owners want to keep the possibility of being able to manipulate public opinion" (Interview with Ranko Vujović).

Our interlocutors expressed different opinions on whether it is better for the media community to establish a single self-regulatory body or simply to strengthen individual existing mechanisms. While one media representative believes that in the era of misinformation, umbrella self-regulation could significantly help the media, another is of the opinion that "there is no purpose or reason for a uniform approach if the existing bodies are doing a good job" (Interview with Milan Žugić; Interview with Jelena Nelević). Some of the representatives of self-regulation support the concept of a single self-regulatory body (Interview with Amer Ramusović; Interview with Danijela Popović). One of them believes that a single body would, through its decisions, help create a standard in the implementation of the Code. "It is important that we implement the codes in the same way and that we make the same decisions for the same violations. Since each case is special, it is very important that we work together in order to standardise the prescribed norms in practice", the representative of the self-regulatory body noted (Interview with Ranko Vujović).

Media experts also hold divergent opinions. Although one interlocutor pointed out that the divisions between the two media groups in Montenegro are deepening and that relations are "currently irreconcilable", he believes that a single self-regulatory body could impose itself as an authority that the entire media community would respect. "I think that there are professionals in Montenegro who could answer that challenge. Why not bring in people from outside with the help of the OSCE or the Council of Europe to help that self-regulatory body finally come to life and start acting in the spirit of best European

Some of the interlocutors indicate that economic, social and political factors influence the media and prevent strong self-regulation.

practice? To give an opinion in the best possible way, without sparing anyone, to react when it judges that there is a reason to react, to do case studies, to point out major media dilemmas", an editor and media expert said (Interview with Vladan Mićunović).

"My opinion is that the ombudsperson model is much better because it helps that, within the newsroom itself, within the media, more attention is paid to issues of professional standards and ethics than when you have self-regulation carried out by a body dislocated from the newsroom… It is the job of every media to ensure that professional standards are respected on a daily basis, and, unfortunately, this has not taken root", believes an editor and representative of a media organisation (Interview with Duško Vuković).

Bearing in mind the divisions in the media community, the AEM representative is of the opinion that under existing conditions, only self-regulation established by law can produce results that will have a positive reflection on the quality of media products and society (Interview with Sunčica Bakić).

The working group of the Ministry of Culture and Media, which is drafting changes to media laws, developed a proposal for improving self-regulation by prescribing an obligation for the media to establish a self-regulatory mechanism if they want to apply for funds from the state Fund for Pluralism. "No media outlet that is operating without self-regulation will be able to access the Fund for Media Pluralism. The Fund for Media Pluralism serves the purpose of financing media content of public interest from the state budget and, if the law is adopted, it will be over €2m. There is a danger that many will establish a self-regulatory body or appoint an ombudsperson, but then the media community and civil society organisations will come into play and test the extent to which these self-regulatory bodies are actually there to do their job. The society needs to react and be there as a corrective," said Neđeljko Rudović, general director of the Directorate for Media in the Ministry of Culture and Media, at a conference on the work of local public broadcasters (Radio Kotor, 2023).

4.1. FUNCTIONALITY AND EFFECTIVENESS OF SELF-REGULATORY BODIES

Four self-regulatory mechanisms are active in Montenegro: the Media Council for Self-Regulation, two private media ombudspersons, and the RTCG ombudsperson. They receive a relatively small number of complaints, which raises the question of whether the public recognises them as independent addresses to which complaints can be made. There is no public data on how extensively citizens use these mechanisms to protect their rights and whether they trust them. In addition, it is not known what effect their decisions have on the media and how much they contribute to a better application of standards.

NAME OF SELF-REGULATORY BODY/MECHANISM	Number of complaints in 2020	Number of complaints in 2021	Number of complaints in 2022
Media Council for Self-Regulation	3	4	9
Self-regulatory council for local press	0	0	0
Ombudsperson of the independent newsaper Vijesti and Monitor weekly	9	9	15
Ombudsperson of Dan newspaper	3	0	0
RTCG Ombudsperson	-	18	34

The Media Council for Self-Regulation (MCSR), whose members currently include newspaper and portal Pobjeda, Nova M TV, Teuta TV, Elmag radio, Dux radio, Antena M portal and radio, and Analitika and CdM portals, is facing financial problems which, in the opinion of the executive secretary of the Council, also reflects the number of complaints (Interview with Ranko Vujović). From its establishment until 2017, this body also considered complaints from media that were not its members, which caused criticism from some of the public. At the insistence of the international community, the statute was amended in 2017, and since then only complaints related to members have been considered. Appeals are decided by the Appeals and Monitoring Committee based on the rules of procedure. The Council has five members (executive secretary and four media experts) who are elected by the board of directors of this organisation for a period of four years (Medijski savjet za samoregulaciju, 2017). Members are entitled to financial compensation if the Council's financial capabilities allow. According to the Media Council's statute, a media outlet found to have violated the Journalists' Code is obliged to publish the Council's decision.

The media ombudsperson of the Dan newspaper says that since 2020, he has not had a single complaint and believes that this is a consequence of his preventive actions. The ombudsperson in this outlet is selected by the executive director and is accountable to them. The current ombudsperson is a full-time employee, and the employment agreement provides for the way in which they perform their duties, which is handling complaints and giving

written and oral warnings and recommendations. "Preventive action without meddling in editorial policy and without my determining what will be reported about or not", the ombudsman said. "We encounter a lack of understanding on the part of the readers, as if we kept something quiet, but in fact the Code was adhered to" (Interview with Ilija Jovićević).

The ombudsperson of Vijesti explains that only complaints that have formally entered the decision-making procedure are included in the statistics, and she treats all other readers' reactions as remarks that she resolves. She was chosen by the management of that media company.

Both media ombudspersons work on the basis of a rulebook, which contains procedures and decision-making processes (Dan, 2014; Vijesti, 2013). "If a reader believes that in a text in which he/she is personally mentioned or can be easily identified (it doesn't have to be by first and last name, but if you mention his/her office or company), there has been a violation of the Code, he/she has the right to appeal", explains Vijesti's ombudsperson (Interview with Paula Petričević).

The appeal may be formally correct or incorrect, while the decision may be to reject the appeal, to accept it in full, or to accept it in part. The ombudsperson's decisions are published on the website. Readers can propose a settlement, such as removing the text in question or publishing a denial, which the editors decide on. The rules of procedure specify the deadline by which the editor-in-chief and their deputies have to express their opinion on the appeal.

In addition to handling complaints, media ombudspersons can respond to violations of the Code on their own initiative and request that their response be published.

In addition to handling complaints, media ombudspersons can respond to violations of the Code on their own initiative and request that their response be published. When they consider it necessary, they can also publish an author's text on negative and positive trends in compliance with the Code, which the ombudsperson uses. According to the opinion of the interlocutors in our research, even in a case when the ombudsperson has no complaints but communicates within the newsroom to point out challenges as a preventive measure, they should inform the public about this (Interview with Vladan Mićunović).

The work of the RTCG ombudsperson is regulated by a rulebook which specifies the way the ombudsperson operates (see section 6).

Speaking about cooperation with the media and journalists, the executive secretary of the MCSR said that "its members are not happy when it is established that they have violated the Code". Vijesti's ombudsperson does not communicate directly with journalists, but through an editor in charge of communication with her. Dan's ombudsperson believes that "the ombudsperson's role is to gain the trust of journalists, to understand the weight of their work and not to be strict so that journalists perceive them as a censor".

4.2. CAPACITY OF SELF-REGULATORY BODIES

All self-regulatory mechanisms in Montenegro are facing the problem of insufficient resources.

The Media Council for Self-Regulation has an active executive secretary who also serves on a five-member committee that reviews complaints. The committee consists of long-time editors and journalists from the Montenegrin media – Sonja Drobac, Branko Vojičić and Danilo Burzan – as well as the dean of the Faculty of Law, Aneta Spaić, and the executive secretary of the council Ranko Vujović. There are no additional media experts or administrative staff in the organisation to help it function better. Also, limited resources prevent them from conducting continuous media monitoring, so they are forced to limit their work to deciding on appeals. Any citizen can file a complaint, even anonymously.

The ombudsperson of the Vijesti independent newspaper and Monitor weekly is not a journalist by profession but has many years of experience in analysing media content and in self-regulation, while the ombudsperson of Dan was previously a journalist and associate of that media company. Media ombudspersons are the only persons who engage in deciding on complaints and the issue of self-regulation in their media. The ombudsperson of Vijesti and Monitor explains that when she is on sick leave, there is no one to replace her and that this can slow down the decision-making process (Interview with Paula Petričević). Dan's ombudsperson is satisfied with the existing capacities (Interview with Ilija Jovićević).

During the election of the media ombudsperson of RTCG, part of the public criticised the choice of the current ombudsperson because she is a film director by profession while her opponent is a long-time journalist. The interlocutors in this research reflected on her appointment and believe that the position should be occupied by a person recognised by the journalistic professionals as credible and competent (Interview with Vladan Mićunović).

All representatives of self-regulatory mechanisms participate in expert meetings and forums in the country and abroad. They are also active in initiatives to strengthen media literacy. They believe that additional educational activities for improving knowledge and networking would be useful for them.

4.3. SUSTAINABILITY OF SELF-REGULATORY BODIES

Apart from the media ombudsperson of RTCG, whose sustainability is guaranteed by the budget of that media house, the other self-regulatory bodies have no secured long-term funding. The Media Council for Self-Regulation, which brings together several media, has been facing the problem of funding for years and has predominantly relied on foreign donations and, for the last

All self-regulatory mechanisms in Montenegro are facing the problem of insufficient resources.

two years, on financing from the Fund for Pluralism, which are not sufficient for its adequate functioning. Due to a lack of finances, this self-regulatory organisation suspended its work in 2019 and did not consider complaints. The organisation does not have its own premises but uses an office assigned to it by the Property Administration. The two media ombudspersons, meanwhile, depend on the budget of private media for their salary or honorarium. In the last two years, both media have received part of the money for this purpose from the Fund for Pluralism.

Table 4: **OVERVIEW OF ALLOCATIONS FROM THE STATE BUDGET FOR THE OPERATIONAL COSTS OF SELF-REGULATION**

NAME OF SELF-REGULATORY BODY	Allocated amount from the budget of the Fund for Pluralism for 2021	Allocated amount from the budget of the Fund for Pluralism for 2022
Media Council for Self-Regulation	€8,321	€10,462
Jumedia Mont – Dan ombudsperson	€5,000	€5,000
Daily Press –Vijesti ombudsperson	€3,878	€3,878
TOTAL AMOUNT	€17,201	€19,340

The ombudsperson of the Dan newspaper works on the premises of that media house, while the ombudsperson of Vijesti and Monitor works from home. The Self-Regulatory Council for the Local Press does not have an office or a secured source of funding but operates on the principle of volunteerism.

For better functioning, the engagement of additional staff and the professional training of ombudspersons and members of all self-regulatory mechanisms, it is necessary for the media to allocate more money and use funds from the Fund for Pluralism. In recent years, only rare initiatives by foreign donors (support to the Technical Working Group for Self-Regulation) have been recorded in this area, and their additional support and assistance is necessary to strengthen self-regulation and journalistic ethics.

Bearing in mind that in several countries of the former Yugoslavia there is no language barrier and that the media and media owners from Serbia have a strong influence in Montenegro, some of the interlocutors suggest strengthening cross-border cooperation in the field of self-regulation.

For better functioning, the engagement of additional staff and the professional training of ombudspersons and members of all self-regulatory mechanisms, it is necessary for the media to allocate more money and use funds from the Fund for Pluralism.

V.

CHALLENGES AND EXAMPLES OF SELF-REGULATION IN ONLINE MEDIA AND SOCIAL NETWORKS

In addition to the inconsistent application of ethical standards in reporting (see section 3.2), the interlocutors in this research recognise the problem of inadequate moderation of readers' comments in online media and the unregulated issue of moderating the content and comments of followers of media accounts on social networks.

5.1. READERS' COMMENTS: A CHALLENGE FOR ONLINE MEDIA

The main challenges faced by self-regulation bodies in online media in Montenegro is the application of the Code in terms of the establishment of clear rules for commenting and publishing in a visible place. Although a significant number of online media, in accordance with the Code, have internal rules that are mainly focused on the prohibition of hate speech, insults and defamation, and which represent guidelines for administrators who moderate readers' comments, this is still not a practice adopted by all online media.

Research by media organisations shows that the media consistently fail to follow the rules on commenting and the provisions of the Law on Media. Although the established online media are getting better every year at

moderating readers' comments, this still remains a challenge. The role of online comments on portals is to strengthen the interaction between media and readers and to engage in the discussion of copyrighted texts, this practice has not yet taken root in our online media.

Media organisations have previously indicated that it is important for readers to receive a response from the editors if they complain about the application of internal commenting rules, and for the media to introduce weekly comments in which they would provide an overview of good and bad practice in commenting and thus remind readers that only comments that are in line with the rules are acceptable (Bogdanović, 2018).

5.2. ACCOUNT MODERATION IN MEDIA SOCIAL NETWORKS

The moderation and removal of controversial readers' comments on the social network accounts of media outlets is not legally regulated and is not mentioned in the Code of Journalists of Montenegro. Therefore, in Montenegro, there is often a debate about whether the media are obliged to remove readers' comments from their pages on social networks if those comments are offensive or spread hatred.

In informal discussions, journalists shift the responsibility to social networks. For example, Facebook has rules for users which foresee that a user's comment is automatically removed if Facebook receives a report from a third party that the comment violates their rights. Facebook may remove a profile if, after one or more warnings, users continue to violate its rules or falsely identify, and "filter profanity" by automatically hiding comments (Bogdanović, Đurnić, Fazlić, & Sokol, 2023).

The continuous media monitoring carried out by the Media Institute of Montenegro shows that online media accounts on Facebook abound with serious insults, swearing and controversial speech.

However, the continuous media monitoring carried out by the Media Institute of Montenegro shows that online media accounts on Facebook abound with serious insults, swearing and controversial speech (Montenegro Media Institute, 2022). The conclusion of this monitoring is that the most read online media in Montenegro insufficiently filter the comments of their users and thus contribute to the further spread of offensive speech and hate speech in public communication. However, in August 2022, when a mass murder took place in Cetinje,[10] commenting was not allowed on most of the posts of established online media about this event. With this, the media showed that they can be responsible and adequately manage content on their Facebook pages (Radio Slobodna Evropa, 2022).

According to a MCSR survey, the majority of media actors from Montenegro believe that the situation on social networks is chaotic and unsustainable and that it requires some form of regulation. Most interlocutors in this research

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10   On 12 August 2022, 11 people were killed in Cetinje, including the attacker V. B. See Radio Slobodna Evropa (2022).

state that the obligation to manage social networks must be prescribed as soon as possible, and that self-regulatory mechanisms and media organisations must continuously monitor whether these provisions are respected. Some interlocutors said that the practices of the European Union should be followed and applied consistently for all other questions related to social networks (Spaić, Vujović, Petričević, & Jovićević, n. d.).

5.3. ALGORITHMS AND THE ROLE OF AI IN ONLINE MEDIA

Most interlocutors in this research assert that there has been no intensive discussion in Montenegro about the impact of algorithms on media work and the media's visibility on social networks, nor discussions about the role of artificial intelligence (AI) in online media. Only individual texts were observed in which Montenegrin media reported on cases of false information created with the help of AI, texts in which they tested ChatGPT, and asked journalists what they thought about the impact of AI on their work. However, a more extensive discussion in this area should be initiated as soon as possible.

VI.
CHALLENGES OF SELF-REGULATION IN PUBLIC MEDIA

The national regulator AEM is responsible for overseeing how public electronic media comply with laws and regulations, which contain many principles from the Code. By contrast, online media, both public and private, are exempt from the jurisdiction of regulators and institutions.

Public media apply the Code of Journalists of Montenegro, and RTCG has its own Code of Ethics, which includes ethical standards and rules of conduct for journalists and employees, as well as programme standards for creating content. Complaints about violations of the RTCG Code of Ethics can be submitted by citizens, members of the Council, the general director, as well as any RTCG employee. The application is submitted to the RTCG Council, which provides an opinion within 15 days and delivers it to the applicant and the general director, who then initiates disciplinary proceedings if it concerns an employee who violated the Code. As of 2021, RTCG has an ombudsman.

In addition to RTCG, public local media also operate in Montenegro – six local TV stations and 16 radio stations. Most broadcasters have a rulebook on programme principles and professional standards, which contains a number of ethical principles and states that citizens with complaints can turn to the Commission for Petitions and Complaints, which has its own rules of procedure.[11]

A search of the websites of local public broadcasters shows that most of them have a Committee for Petitions and Complaints of Listeners that considers citizen complaints. However, decisions on violation of programme standards are made by the Council of the media house, which proposes further measures to the director. Broadcasters also have forms for submitting complaints. The

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11   Information from the Union of Local Public Broadcasters submitted to the Media Institute on 31 May 2023.

members of the Commission are elected by the Council (Poslovnik o radu savjeta lokalnog javnog emitera "Radio Tivat" d.o.o., 2022, article 16).

A review of their websites shows that some local public broadcasters publish this information, but mostly it is not easily accessible and visible to viewers and listeners. There is no detailed information on the websites about the number of appeals or decisions of the Commission. There is no publicly available data on the extent to which the Code of Journalists is respected.

From a recent gathering of local public broadcasters emerged a proposal to regulate the issue of self-regulation through a single self-regulatory body, and for public broadcasters to renew their membership in the Union of Local Public Broadcasters, as a previously established association of local media, and thus jointly contribute to the prevention of unethical and illegal content (Radio Kotor, 2023).

6.1. POSITION OF RTCG OMBUDSPERSON

The competence of the ombudsperson of RTCG is defined by the Law on the National Broadcaster RTCG and the operational rulebook. Ombudsperson Danijela Popović is also a director in that media house. She considers audience objections, monitors compliance with programme principles, makes recommendations to RTCG management and acts as a mediator in communication between the media and the public. In addition, she submits quarterly reports on her work to the RTCG Council,[12] which, according to the Law, elects and dismisses the ombudsperson.

Media organisations and other social actors point to cases of occasional violations of the Code and rulebook on programme principles and professional standards, which, among other things, concern objectivity, impartiality, balanced reporting, the rights of women and victims of domestic violence, reporting on revenge pornography, etc.[13] Such cases are decided by the ombudsperson, who further informs the Council of reports and recommendations. That body can order RTCG management to take certain measures. However, the rules on RTCG reporting on the 2023 presidential election campaign mandated that viewers submit a complaint about possible violations to the ombudsperson, and that the decision be made by the Council (Savjet RTCG, 2023).

Although the Law and Regulations state that the ombudsperson is independent in their work, a long-time editor and media expert interviewed for this research criticises the fact that it is the RTCG Council that takes a standpoint on the

Media organisations and other social actors point to cases of occasional violations of the Code and rulebook on programme principles and professional standards, which, among other things, concern objectivity, impartiality, balanced reporting, the rights of women and victims of domestic violence, reporting on revenge pornography, etc.

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12 According to the Law on the National Public Broadcaster RTCG, the RTCG Council has nine members. A member of the Council can be an established expert in a field relevant to the performance of RTCG activities (journalism, art, culture, audiovisual media activity, sociology, history, law, economics, etc.), who is a citizen of Montenegro, has a residence in Montenegro, at least VII-1 level of education and at least five years of work experience in the field relevant to the performance of RTCG activities.

13 Reports on the work of the RTCG ombudsperson available at: https://bit.ly/3OAZAQv

recommendations of the ombudsperson and that the body, whose members are not experts in journalistic ethics, orders further measures (Interview with Vladan Mićunović).

The work of the ombudsperson, her minutes and information on how to send a complaint do not have a separate section on the RTCG website, but are a sub-section in the "Advice" section, which makes it even more difficult for users to inform themselves about how to submit a complaint. The contact information of the ombudsperson is not visible in the programme of this media house, nor on its social networks. The ombudsperson suggested to the editors that they broadcast her e-mail address ahead of news broadcasts (Interview with Danijela Popović). Guest appearances by the ombudsperson on the RTCG programme are rare and there is no continuous presentation of her reports in shows, where she could better promote her role as a mediator between this media outlet and viewers (Interview with Danijela Popović). In addition to the possibility of pointing out the obligation of ethical and high-quality journalistic reporting and the responsible behaviour of this media and journalists towards the public, the ombudsperson could additionally inform viewers about the possibility to contact her and point out possible omissions by making a public appearance.

By giving opinions and recommendations and through internal discussions and meetings, cooperation and communication between the RTCG employees and the ombudsperson could be strengthened. This would increase journalists' awareness of their responsibility towards the public and, ultimately, the practice of openly discussing ethical challenges and possible violations and omissions would develop in order to prevent the repetition of mistakes.

Although the ombudsperson says that she is satisfied with the relationship with the management and the RTCG Council (Interview with Danijela Popović), a more active approach within RTCG and towards the public would require greater support from the management and recognition of the ombudsperson's importance in improving the programme and strengthening viewers' trust.

6.2. READERS' COMMENTS AND PUBLIC MEDIA SOCIAL NETWORKS

RTCG's own portal edits readers' comments in accordance with the Code of Journalists of Montenegro. Monitoring of civil society organisations shows that readers' comments are generally adequately moderated and that there are no insults or hateful comments (Montenegro Media Institute, 2022). On the accounts of public media on social networks (especially Facebook), there is likewise no evidence of the spread of inadequate and unprofessional content: content shared on social networks rarely causes insults, inflammatory speech or hateful messages. In addition to moderators of readers' comments, RTCG has a team in charge of managing social networks, as well as internal procedures for publishing and moderating content on networks (Bogdanović, Đurnić, Fazlić, & Sokol, 2023).

VII.

CONCLUSIONS AND RECOMMENDATIONS

In Montenegro, ethical principles for professional reporting are contained in media laws and in the Code of Journalists. Montenegrin regulations in the field of media are yet to be reconciled with European legislation. A serious discussion has not yet begun on the amended Audiovisual Services Directive, the Digital Services Act or the Proposal for a European Act on Freedom of the Media, which are under intense discussion in the countries of the European Union, nor on other important issues for the media community, such as new forms of content monetisation, the impact of algorithms on media sustainability, and the impact of artificial intelligence on the work of journalists and the quality of content.

Self-regulation in Montenegro rests on the Code of Journalists of Montenegro, which is accepted by all media. The Code is outdated and does not provide guidance to the media on how to deal with challenges in the digital environment, such as content moderation and social media management, combating disinformation, verification of facts in advertising content, and many other issues. The discussion on these issues has not yet begun, nor is the option of changing and improving this document being considered, although this need is recognised by media representatives, media ombudspersons, representatives of regulators and self-regulation, and media experts with whom we spoke for the purposes of this research.

By establishing the Fund for Media Pluralism, the state allocates funds for the operational costs of self-regulatory mechanisms. It has announced that amendments to the media laws will oblige the media to develop self-regulatory mechanisms if they want to apply for money from the Fund.

The existing self-regulatory bodies, in accordance with their limited capacities, try to contribute to the promotion and respect of the Code of Journalists. However, that is not enough. The media scene needs stronger self-regulation that has the authority to point out omissions and set guidelines for improving the quality of reporting.

Media ombudseprsons of private media and the self-regulatory body receive a relatively small number of complaints. They lack the resources to improve their work, better promote their activities, and achieve greater visibility.

As long as the RTCG Council has the formal opportunity to consider the ombudsperson's reports and propose measures to the management, the RTCG ombudsperson cannot be fully independent in their work. Only with the support of the management of that media house can the ombudsperson build authority and be a reliable instance to which citizens can turn to have their rights protected.

Although aware of the political environment that affects the media community and the growing distance within the community itself, some interlocutors in this research express optimism that Montenegro could try to consider new models of stronger self-regulation. Some interlocutors believe that with the support of the international community and media organisations, and regardless of all the limiting factors, a discussion should be initiated on the possible formation of a single professional self-regulatory body.

In order to improve the situation in the field of self-regulation and strengthen self-regulatory bodies so they can adequately respond to challenges in the digital environment and protect citizens from harmful content, MMI proposes that:

• The media community and local media organisations, with the support of international organisations, consider the possibility of amending and improving the Code of Journalists in accordance with new trends and challenges faced by the media.

• The media community and local media organisations, with the support of international organisations, initiate a discussion on potential new self-regulatory models and consider the possibility of forming a single self-regulatory body led by independent media professionals and experts.

• Traditional and online media consider the possibility of adopting internal ethics guidelines for journalists, photographers, editors, and technical staff, permanent associates, and those who participate in the preparation of content. Media that have ethics guidelines should consider the possibility of continuously monitoring compliance with the guidelines.

• Online media consider the possibility of introducing occasional content analysis in order to improve quality and adherence to ethical standards.

• Media organisations and professional associations, in cooperation with self-regulatory mechanisms, organise training events for reporters and editors for the purpose of promotion and respect of the Code. Special attention should be paid to journalists in local public broadcasters and local media.

• Private media and media organisations, with the support of international organisations and foreign donors, consider the possibility of improving the capacity of existing self-regulatory mechanisms as well as their visibility and promotion in the public.

• The ombudsperson of RTCG, together with the management of that media company, consider the possibility of more frequent guest appearances on air, presentation of their work to the public, and better promotion of the protection of viewers' rights. It is necessary to establish transparent and clear protection mechanisms against the influence of the RTCG Council on the ombudsperson.

• Media organisations and international organisations, with the support of foreign donors, initiate educational activities (training, study visits and exchanges) for representatives of the existing self-regulatory body and media ombudspersons in the countries of the region and the EU.

• Media organisations, with the support of international organisations and foreign donors, initiate a discussion on stronger regional cooperation between self-regulatory mechanisms from Montenegro and the countries of the region in order to jointly contribute to the fight against unprofessional media content.

• The regulator and the competent ministry, with the support of media organisations, consider initiating discussions on future legal changes and new European regulations affecting the media.

• Media organisations, in cooperation with self-regulatory mechanisms, consider initiating a discussion on strengthening self-regulation of local public broadcasters.

• The media, media communities, the regulator and self-regulatory mechanisms consider the possibility of organising more frequent discussions on current ethical and other professional topics that affect the media and their work (development of artificial intelligence, the impact of algorithms on media sustainability, etc.).

• International organisations and foreign donors consider the possibility of intensively and continuously supporting the initiative for the development and improvement of self-regulation.

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LIST OF INTERVIEWS

The interviews for this research were conducted in Podgorica and via Zoom platform, between 20 April and 20 May 2023. We interviewed:

Sunčica Bakić (director of the Agency for Electronic Media);

Danijela Popović (RTCG ombudsperson);

Ranko Vujović (Executive Secretary of the Media Council for Self-Regulation);

Amer Ramusović (President of the Self-Regulatory Council for Local Press);

Paula Petričević (ombudsperson of the Vijesti independent newspaper and Monitor weekly);

Ilija Jovićević (ombudsman of the Dan newspaper);

Milan Žugić (editor with the Mina news agency);

Jelena Nelević (editor with the Pobjeda newspaper);

Vladan Mićunović (former editor of leading Montenegrin media and former director of the Montenegro Media Institute);

Duško Vuković (longtime journalist and president of the Media Centar Assembly).

ABOUT THE AUTHOR

Milica Bogdanović is a university-educated journalist by profession. She gained ten years of work experience in the media and non-governmental sector in Montenegro. She did this research as a researcher at the Montenegro Media Institute.

WEAK MECHANISMS AND OUTDATED CODE OF ETHICS

Media self-regulation in Montenegro

SEENPM
South East European Network
for Professionalization of Media