Self-regulation in Montenegro: Challenges and Opportunities

Damar Institute

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/ 01.
Introduction

The first lines of this report were written on the day the new Law on Media came into effect in Montenegro. This law, arguably harmonized with the EU Acquis Communautaire while also incorporating state-of-the-art provisions, marks uncharted territory in a relatively polarized political and media environment. Ensuring self-regulation represents a challenge that must build on previous experiences, including hardships and mistakes, to promote the highest journalistic standards.

Montenegro's journey towards establishing an independent media landscape is fraught with complexities, not unique to this small Balkan country. As a nation aspiring for European Union membership, Montenegro has made significant strides in reforming its media laws and practices. However, the implementation and effectiveness of media self-regulation remain contentious issues. This report delves into the nuanced challenges and prospects of media self-regulation in Montenegro, drawing on insights from over 30 semi-structured qualitative in-depth interviews with media representatives and regulatory institutions.

Since 2002, when Montenegro introduced its first Code of Journalists comprising 12 principles and established the First Self-Regulatory Body of Montenegrin Journalists (NST) in 2003, there have been continuous attempts to improve the framework within which Montenegrin media operates. However, such efforts have sometimes been marred by setbacks. For instance, NST dissolved in 2010 after key members departed due to disagreements over the interpretation of the code following a controversial interview case. In 2012, several Montenegrin media outlets formed the Media Council for Self-Regulation (MSS), an NGO tasked with monitoring media content, publishing reports, and handling reader complaints. Founding members included various television stations, radio stations, and online portals. Meanwhile, the independent newspapers Vijesti, Dan, and Monitor created the Press Council, though it never became operational. Instead, these outlets appointed their own media ombudspersons, still widely known as 'ombudsman/men' in Montenegro.

The principle of media self-regulation hinges on the media's ability to govern itself without external coercion, ensuring ethical standards and accountability while preserving editorial independence. International bodies such as the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe emphasize self-regulation as crucial to safeguarding freedom of expression and promoting high journalistic standards (OSCE 2012; Council of Europe 2011). However, applying these principles in Montenegro presents a unique set of challenges.

One fundamental issue facing media self-regulatory bodies is grappling with enforcement and credibility in a polarized political environment. Media outlets often oscillate between adhering to ethical codes and succumbing to political and commercial pressures. This dichotomy raises critical questions about the efficacy of self-regulation in fostering a free and responsible press.

Through 22 semi-structured qualitative interviews with journalists, editors, media owners, and regulators, this report seeks to uncover the practical realities of media self-regulation in Montenegro. It examines systemic issues undermining self-regulatory efforts, including political interference, economic constraints, and the fragmented nature of the media landscape. Furthermore, it explores industry perspectives on potential pathways to strengthen self-regulation mechanisms. Alongside the qualitative research, a quantitative survey was conducted among adult citizens of Montenegro, with a sample size of 1002 respondents. The aim of the quantitative survey was to assess the knowledge and perceptions about media self-regulation in Montenegro.

As Montenegro progresses towards EU integration, the role of media self-regulation becomes increasingly pivotal. This report not only highlights current challenges but also offers recommendations to bolster the self-regulatory framework in support of a more transparent, accountable, and free press. By providing a detailed account of the experiences of media professionals and regulatory bodies, this study aims to contribute to the ongoing discourse on media freedom and regulation in Montenegro and beyond.

/ 02.

Self-regulation: definitional properties

Media self-regulation is a system designed and implemented by media professionals or the media industry, to uphold professional standards and protect the public from unprofessional journalism.[1] As such, self-regulation is envisaged to exist beyond or in parallel to the media regulation carried out by the state. Unlike self-regulation, media regulation involves traditional legal frameworks governed by laws and regulations created, adopted, and enforced by the state. Co-regulation combines self-regulation and legal regulation, involving collaboration between media entities and regulators. [2]

Self-regulation in Montenegro is defined through several different provisions. Arguably the most important definition is outlined in the Code of Journalists of Montenegro, which is generally accepted by all media outlets. Some principles from the Code are incorporated into the Media Law, covering topics such as due journalistic care, the presumption of innocence in reporting, reporting on judicial proceedings, hate speech, child protection, advertising, and the right to reply and correction.

Additionally, the Agency for Audio-visual Media Services has a Rulebook on Programming Standards in Electronic Media that addresses issues also covered by the Journalists' Code. Moreover, the Public Broadcasting Service (Radio-Television of Montenegro, RTCG) has a Rulebook on Programming Principles and Professional Standards, as well as an Ethical Code, which outline the principles of professional reporting and the rules of conduct for employees. Some local public broadcasters, like Radio-Television Budva, have similar documents.

1   Patterson, P., & Wilkins, L. (2013). Media Ethics: Issues and Cases (9th ed.). McGraw-Hill Education.

2   JUFREX. 2017. Analysis of the Media Sector in Montenegro with Recommendations for Harmonization with the Standards of the Council of Europe and the European Union. Available at https://aemcg.org/wp-content/uploads/2018/05/Analiza-medijskog-sekto-ra-u-Crnoj-Gori-29.12.2017.pdf Accessed 17 July 2024.

In recent years, several private media outlets, such as the newspaper and portal Vijesti, have adopted their own internal ethical codes aimed at ensuring professional reporting. Self-regulation in Montenegro is also legally defined by the overarching Media Law. This law states that "media founders can establish or join an external self-regulatory body, and each media founder can form an internal self-regulatory body." It further specifies that "self-regulatory bodies monitor the adherence to professional and ethical standards contained in the Code of Journalists, promote these standards, and handle complaints from viewers, listeners, or readers regarding the adherence to these standards."

Although media self-regulation has long been legally defined and financially supported by the state, the Montenegrin media sector is characterized by weak self-regulation. This is primarily evidenced by the fact that only a small number of media outlets have internal self-regulatory bodies or have joined an external self-regulatory body. Currently, there is only one external body in Montenegro, the Media Self-Regulation Council (MSS), established in 2012, which now has 16 media members, down from the initial 19.

Internal self-regulatory bodies, or ombudspersons, are present in the Public Broadcasting Service Radio-Television of Montenegro, introduced by the 2020 Law on the National Public Broadcaster RTCG.[3] Independent daily and online outlet Vijesti, daily newspaper Dan, and weekly Monitor also have ombudsperson, although Vijesti TV briefly had one as well.

Both domestic and international organizations highlight the low level of media self-regulation in Montenegro in their reports. The most significant of these, the 2023 European Commission (EC) Report on Montenegro, states that "the very weak self-regulation of the media remains a cause for concern, as the few existing self-regulatory bodies have limited reach and media outlets and journalists often bypass them by filing lawsuits against competitors in court. A credible and effective system of media self-regulation has yet to be established to strengthen media professionalism and integrity."[4]

The Montenegrin media community has also recognized the problem of weak self-regulation. The first Media Strategy of Montenegro 2023–2027 includes goals aimed at improving media self-regulation. These goals include increasing the number of media outlets that are members of external self-regulatory bodies or have internal self-regulatory bodies, enhancing public awareness about how to submit complaints regarding media conduct, and increasing the number of complaints from citizens who consume media content.[5]

3   Zakon o nacionalnom javnom emiteru. 2020. Available at https://rtcg.me/upload/media/2020/11/2/1112952/Zakon%20o%20nacionalnom%20javnom%20emiteru%20Radio%20i%20televizija%20Crne%20Gore%20(1)-converted.pdf Accessed 17 July 2024.

4   AEMCG. Raspodjela sredstava. Available at https://aemcg.org/obavjestenje/raspodjela-sredstava/ Accessed 17 July 2024.

5   Available at https://www.gov.me/dokumenta/b7e6dde8-74a2-4ce7-b58c-376a85ed0416 Accessed 17 July 2024

/ 03.

On Data and Method

To understand the common issues and opportunities associated with media self-regulation in Montenegro, we conducted a mixed methods study, comprising of a public opinion survey and semi-structured qualitative interviews. The public opinion survey was conducted during June 2024 on the representative three-stage (region, household, member of the household based on birth date) stratified sample of citizens older than 18 years (1,002 respondents). The method of data collection was Computer Assisted Personal Interviewing (CAPI), with the average length of the interview 14 minutes. Overall, the role of quantitative interviewing is to assess the attitudes of the general population towards media, including consumption patterns, coverage and the understanding of self-regulation (see Table 1 and Table 2).

COLLECTION DATE:	June 2024
SAMPLE:	Montenegrin citizens older than 18
SAMPLE SIZE:	1,002 respondents
SAMPLE TYPE/STAGES:	Three-stage, stratified
	First stage: Region
	Second stage: Household
	Third stage: Household member, based on birth date
METHOD:	CAPI – average length 14 minutes

Table 1: Quantitative data collection

		%
GENDER	Male	47.8%
	Female	52.2%
AGE	18-24	13.5%
	25-34	21.3%
	35-44	18.2%
	45-54	17.5%
	55-64	15.3%
	65+	14.2%
EDUCATION	No education	0.1%
	Elementary education	7.8%
	High school	61.0%
	Higher education	12.9%
	Undergraduate studies	16.3%
	MA/postgraduate	1.6%
	PhD	0.3%
EMPLOYMENT STATUS	Employed or unemployed (including family business)	56.2%
	Uneducated	26.4%
	Student	4.1%
	Other but not working (retired, inactive etc.)	13.4%

Table 2: Demographics

As per the qualitative portion of the research, we conducted a total of 22 semi-structured, in-depth qualitative interviews. The questions for the semi-structured qualitative interviews correspond to some of the key themes included in the public opinion survey aimed at the general population. For this reason, the results will be presented in accordance with these key themes (understanding of self-regulation, the internal and external mechanisms and the attitudes towards the Code of Ethics). Each of the themes will first be introduced with the results of the quantitative study, followed by the in-depth interviews with the experts.

As per our interlocutors for the qualitative interviews, we relied on targeted sampling. Our respondents were either journalists/editors employed at the Montenegrin media outlets of different types or representatives of the relevant public institutions and civil society organizations dealing with the media. We also conducted interviews with most editors of the media outlets as well as ombudspersons. The complete list of organizations targeted through our sampling strategy is provided in the Table 1 below. The complete list of organizations targeted through our sampling strategy is provided in Table 1 below. The initial target for completed interviews was 35. However, we soon realized that reaching this target was both unrealistic and arguably unnecessary in the context of saturation. Obtaining informed consent from journalists was not difficult, but arranging interviews during the summer vacation period (June-July 2024) certainly was. Another challenge was coordinating interviews with journalists who operate under precarious conditions and inconsistent schedules. Often, we had to make repeated calls to arrange an interview—not because our prospective interlocutors were uninterested, but because they could not confirm their daily schedule until their meeting with the editor each morning. This highlighted the difficulties faced by the Montenegrin media scene and the daily stress journalists in the country endure. The stressful work environment was a frequently voiced theme in the interviews, indicating significant room for improvement in this area. For these reasons, and in consideration of ethical concerns outlined in the informed consent form, we use pseudonyms throughout the report.

TV STATIONS	ONLINE/PRINTED OUTLETS/RADIO	INSTITUTIONS/ CSOS
RTCG (Public Broadcaster)	RTCG	Center for Civic Education
Vijesti	DAN	Ministry of Culture and Media
NOVA	Vijesti	Media self-regulation Council
PRVA	Radio Berane	Society of Professional Journalists
E	Standard	Agency for Audio-visual Media Services
Gradska	Antena M	Media Center
Pljevlja	M portal	Civic Alliance
NK	Analitika	Human Rights Action
	MINA News Agency	CIN-CG
	Monitor Weekly	Media Trade Union
	Forbes Magazine	

Table 3: The list of media interlocutors
contacted for interview

It was already at about 10 interviews that the themes started to reappear, to the point of saturation[6], in which no new or substantive data could be found. Nevertheless, we continued with the original plan and tried to get as many interviews as possible. As per the data collection, we used reflexive thematic analysis[7], a qualitative research method focused on identifying, analyzing, and interpreting patterns of meaning (themes) within data. This approach is characterized by its flexibility and emphasis on the researcher's active role in the process, acknowledging that their subjectivity and reflexivity influence theme development. The method involves iterative phases, including familiarization with the data, generating initial codes, searching, reviewing, defining and naming themes, and producing the final report. Reflexive thematic analysis is distinct in its rejection of a purely mechanical coding process, instead emphasizing the depth of engagement and the interpretative analysis that leads to rich, insightful themes. In this particular case, we relied on the abductive coding scheme: pairing the deductive set of themes provided by OSCE with the themes that inductively emerged from the data. For technical purposes and readability, we did not refrain to the terms "codes" and "categories" in this report.

Overall, the qualitative interviews pointed to some important takeaways for the understanding of media self-regulation in Montenegro. However, we found little regularities concerning the type of the media outlet (TV/online portal/radio), which is why the following sections contain very few distinctions in line with the logic of sampling. This means that the media scene in Montenegro is divided along political issues but these divisions do not necessarily reflect on the understanding of professional standards.

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6   Saunders, B., Sim, J., Kingstone, T., Baker, S., Waterfield, J., Bartlam, B., ... & Jinks, C. (2018). Saturation in qualitative research: exploring its conceptualization and operationalization. Quality & quantity, 52, 1893-1907.

7   Braun, V., Clarke, V., Hayfield, N., Davey, L., & Jenkinson, E. (2023). Doing reflexive thematic analysis. In Supporting research in counselling and psychotherapy: Qualitative, quantitative, and mixed methods research (pp. 19-38). Cham: Springer International Publishing.

/ 04.

Media consumption patterns in the general populace

To understand the media consumption patterns in the broader population, it is best to outline the results of the public opinion survey, which shows that a large majority of respondents (61%) follow the news on everyday basis, while 20.6% do so several times a week. Only 9.3% of respondents rarely or never follow the news (see Graph 1). Cross-tabulations reveal that older individuals, especially those over 65 (86.3%), most frequently follow the news, whereas young people aged 18-24 (23.4%) are the least likely to do so. Women (63.0%) tend to follow the news daily slightly more often than men (58.9%). Additionally, individuals with primary education (76.9%) are the most regular news followers.
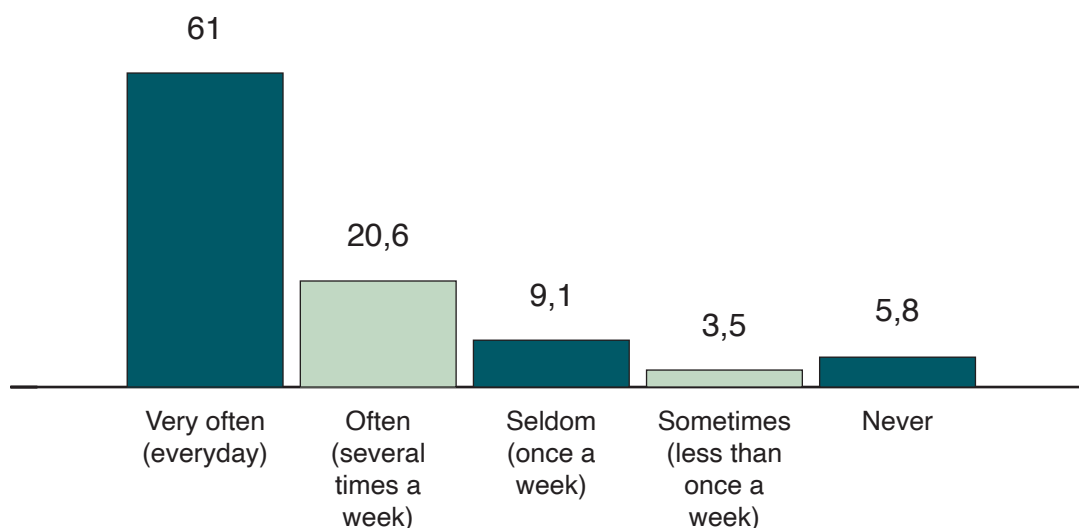

Graph 1: How often do you follow the news in Montenegrin media?

Respondents most frequently follow the news via television (47.6%), with a significant percentage doing so through online media (22.5%) and social networks (18.9%). Printed media (7.0%) and radio (4.0%) are less popular among respondents. Men primarily use television (51.1%) and social networks (19.4%) for news, while women prefer television (44.4%) and online media (26.0%). The youngest age group (18-24) predominantly uses social networks (48.1%) and online media (32.3%). Conversely, the older population (65+) overwhelmingly follows the news via television (88.4%). Residents from the northern region mostly use television (53.6%) and social networks (27.2%) for news. In the central region, online media (27.2%) are popular, whereas residents from the southern region also prefer television (48.9%) and online media (24.8%, see Graph 2)
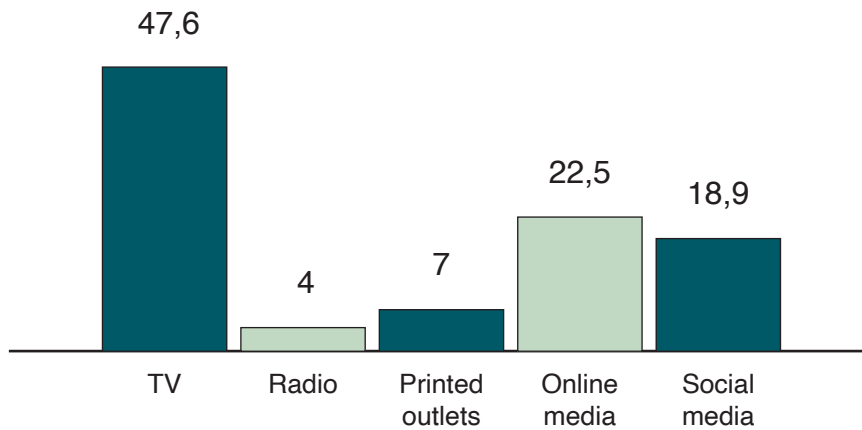
Graph 2: Which type of media do you use most often to follow the news?

When it comes to the use of social media, most respondents (57.4%) very often or often use social media to follow the news. Specifically, 33.1% of respondents use social media very often for this purpose, while 24.3% use it often. Occasionally, 20.4% of respondents use social media for news, rarely 8.6%, and 13.6% never use social media for this purpose (see Graph 3).
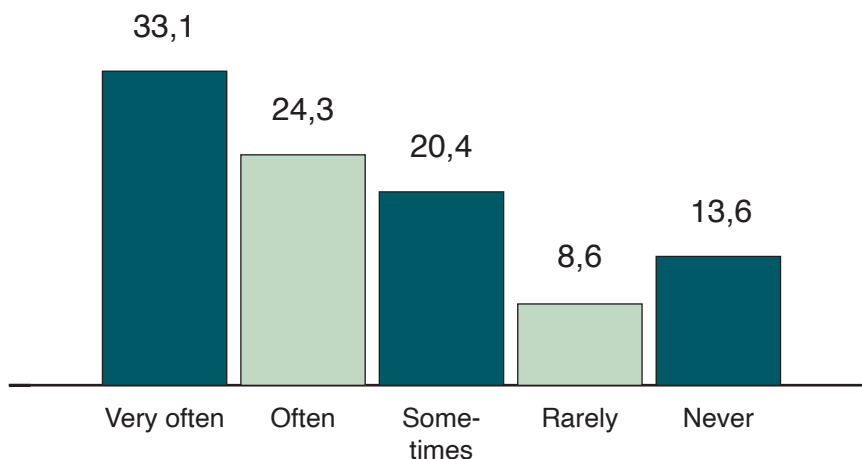
Graph 3: Which type of media do you use most often to follow the news?

Women (33.5%) use social media to follow the news slightly more than men (32.6%). Additionally, women have a lower percentage of those who never use social media for news (14.6%) compared to men (12.6%). The youngest age group (18-24 years) leads in frequent use of social media with 67.1% using them very often for news, while those aged 65 and older are the least likely to use social media, with 69.9% never using them. Age groups between 25 and 44 years also show high frequency of use. Respondents with higher levels of education more often use social media very often: 39.6% with higher education and 47.5% with completed master's studies. Respondents with primary education most often never use social media (46.3%). Citizens from the northern region (35.0%) most frequently use social media very often, while those from the southern region have the lowest frequency (32.3%). Citizens from the central and southern regions show similar patterns of social media use. Overall, these results will be particularly important when discussing the opportunities and challenges for regulating media content that appears on the social media (see p. 30).

The most commonly used social media platforms for news consumption are Facebook (71.4%) and Instagram (55.6%). YouTube is used by 31.7% of respondents, while former Twitter (X) is used by 12.2%, and TikTok by 11.2%. LinkedIn is used by 3.7% of respondents, while 8.4% use other platforms (see Graph 4).

Platform	Percentage
Facebook	71,4
X (Twitter)	12,2
Instagram	55,6
Youtube	31,7
TikTok	11,2
Linkedin	3,7
Other	8,4
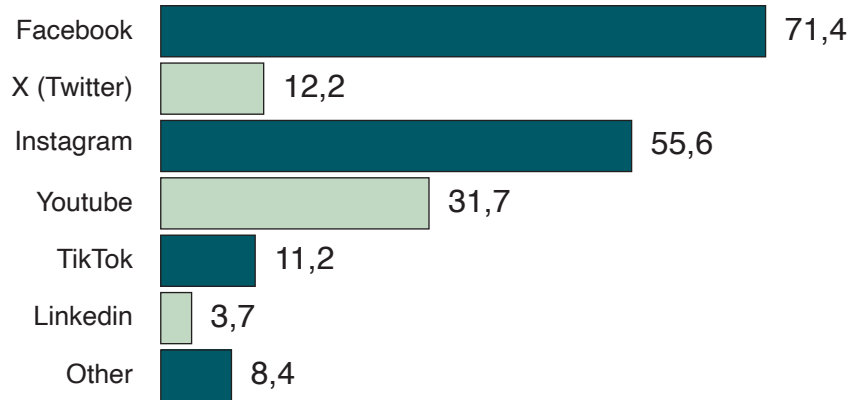
Graph 4: Which social media you use to get informed about the current events (more than one answer)

Men most commonly use Facebook (72.7%) and Instagram (53.2%), while women prefer Facebook (70.1%) and Instagram (57.8%). The youngest age group (18-24) mostly uses Instagram (84.7%) and Facebook (61.8%). The older population (65+) primarily uses Facebook (44.6%). Respondents with a medium level of education mostly use Facebook (74.2%) and Instagram (56.7%), while those with higher education prefer Facebook (67.8%) and Instagram (63.1%). Residents of the northern region most commonly use Facebook (78.4%) and YouTube (38.6%) for news consumption. In the central region, popular platforms are Facebook (64.7%) and Instagram (63.1%), while residents of the southern region also prefer Facebook (75.8%) and Instagram (55.8%).

We also asked about the behaviour of our respondents on the social media, with rather disturbing findings. Nearly half of the respondents (48.3%) have encountered content on social media that they would consider unethical or violating professional media standards, while 51.7% have not encountered such content. Almost equal percentages of men (48.4%) and women (48.2%) have come across content they deem unethical or in violation of professional media standards (see Graph 5).

48,3
51,7

■ Yes
■ No
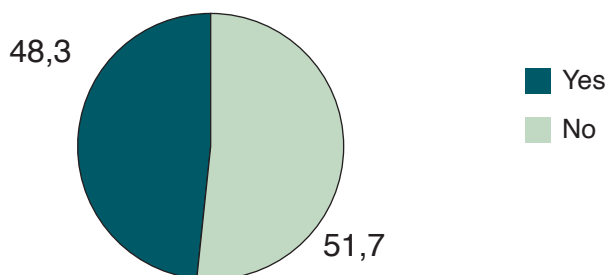
Graph 5: Have you ever encountered content on social media that you would consider unethical or violating professional media standards?

The highest percentage of respondents who have encountered unethical content belongs to the 45-54 age group (56.0%), while the lowest percentage belongs to the oldest group aged 65 and above (28.1%). Younger respondents also frequently encounter unethical content, especially those aged 25-34 (51.3%). Respondents with the highest levels of education, including those with doctoral degrees (66.0%), are most likely to report encountering unethical content, as opposed to those with elementary education (19.4%). Citizens from the northern region most commonly reported encountering unethical content (53.1%), while citizens from the central and southern regions reported slightly lower percentages (46.4% and 46.5%).

Only 4.1% of respondents have reported any content on social media for violating platform rules or media standards, while 95.9% have never reported such content. Among those who reported content on social media for rule violations, the majority did so directly on platforms like Facebook and Instagram. Some reported content to social media user services, while others filed reports with the police. There were also reports made to social media editors and to the individuals who posted contentious content.

However, the general population appears to be aware of the influence of the social media platforms on the types of news they read. For instance, 31.6% of respondents consider the influence of social media platform rules on the selection of news they see most often as positive, while 13% believe this influence is very positive. 29% hold a neutral stance, 9.8% view the influence negatively, and 2.9% very negatively. Additionally, 13.8% of respondents are unaware that such rules exist (Graph 6).
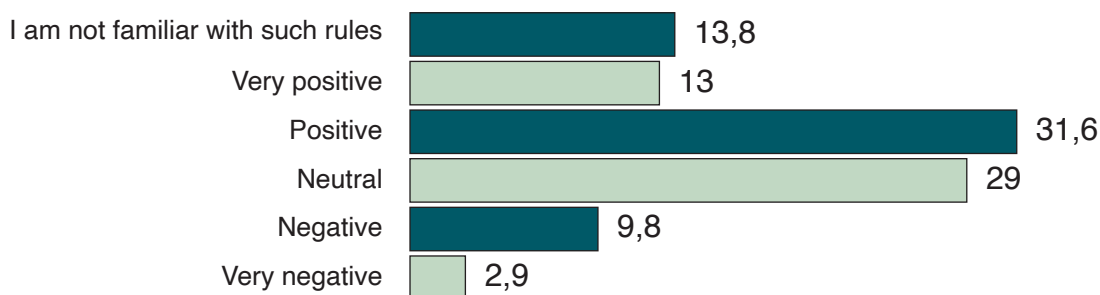
Graph 6: How do you assess the influence of social media platform rules on the selection of news that you most often see?

Men tend to have a more positive attitude towards the influence of social media platform rules on news selection, with 14.8% rating the influence as very positive and 30.1% as positive. Women are less positive, with 11.3% rating the influence as very positive and 32.9% as positive. Younger respondents (18-24) are among the most positive, with 16.6% rating the influence as very positive and 31.8% as positive. Older respondents (65+) are the least positive, with only 7.2% rating the influence as very positive and 17.3% as positive. Citizens from the northern region are less positive, with 11.8% rating the influence as very positive and 30.2% as positive.

We also asked a set of questions about the public broadcaster (RTCG). The majority of respondents occasionally follow content broadcasted by RTCG (45.3%). 18.5% follow it often, while 7.6% do so very often. On the other hand, 18.9% of respondents rarely follow RTCG content, and 9.7% never do (see Graph 7).

45,3

18,5   18,9

7,6   9,7

| Very often | Often | Some-times | Rarely | Never |
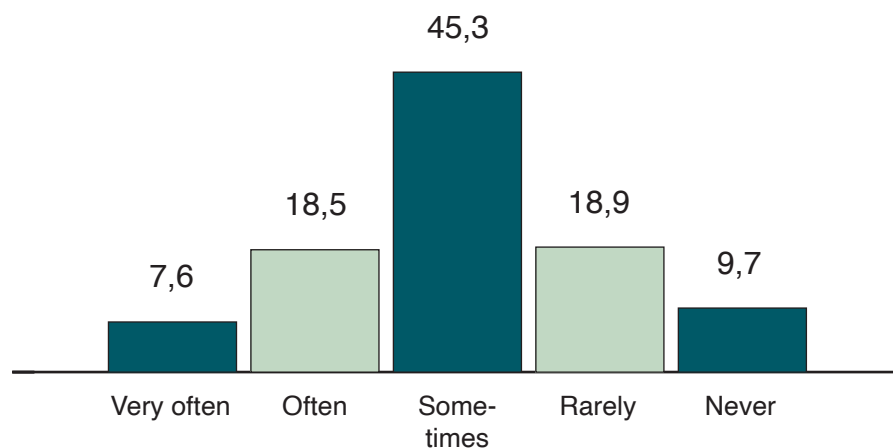
Graph 7: How do you assess the influence of social media platform rules on
the selection of news that you most often see?

A similar percentage of men (7.5%) and women (7.7%) follow RTCG content very often. However, women are slightly more likely (20.1%) than men (17.4%) to report rarely following RTCG content. The highest percentage of those who follow RTCG very often belongs to the age group 65+ years (23.3%), while the lowest percentage is in the 18-24 age group (2.5%). Older respondents are generally more inclined to follow RTCG content more frequently. Citizens from the southern region most frequently reported occasionally following RTCG content (51.6%). At the same time, half of the respondents (49.9%) have a neutral opinion on the level of professionalism in RTCG programs. 32.5% consider the programs professional, while 3.9% believe they are very professional. On the other hand, 10.8% of respondents rate the programs as unprofessional, and 2.8% as very unprofessional. Men are slightly more likely to consider RTCG programs professional (34.4%) compared to women (30.7%), while a higher percentage of women (54.9%) than men (44.5%) have a neutral opinion on the professionalism of the programs. The youngest respondents (18-24 years old) most often have a neutral opinion on the professionalism of the programs (59.5%), whereas the oldest respondents (65+ years old) have the most positive opinion, with 8.2% considering the programs very professional. Respondents with a master's degree most often consider RTCG programs professional (52.4%).

Citizens from the northern region most frequently have a positive opinion about the professionalism of RTCG programs (46.6%), while citizens from the central region most often have a neutral opinion (59.5%). Citizens from the southern region most frequently consider the programs professional (35.0%).

As per the role of the institutions, we asked a set of questions about the Ministry of Culture and Media and its role in the Montenegrin media scene. Most respondents are not sufficiently familiar with the role of the Ministry of Culture and Media in media regulation in Montenegro, as 44.6% are unaware, and 40.9% claim to be poorly informed about this role. Only 13% of respondents have some knowledge, and 1.6% are very knowledgeable about the Ministry's role. The majority of respondents (89.6%) were unsure whether the Ministry of Culture and Media effectively supports media self-regulation. Only 4.0% believe that the Ministry effectively supports self-regulation, while 6.4% think it does not. Respondents who believe that the Ministry of Culture and Media effectively supports media self-regulation cite several reasons. Some believe that the Ministry has jurisdiction and provides support to the media, and that they are doing a good job with room for further improvement. Others have heard about support through television information, committee discussions, and project funding announcements. Some believe that the Ministry supports only certain media, often those that work in their favor, while others think that self-regulation is part of the Ministry's internal affairs. Respondents who believe that the Ministry of Culture and

Media does not effectively support media self-regulation also cite several reasons. Many believe that the Ministry is not independent from political influence and supports only certain media. They think that the Ministry should focus more on educating the public about complaint rights and should support self-regulation more by proposing legislative regulations without direct interference. Some respondents believe that there are no visible results of effectiveness and improvement, while others think that the Ministry lacks sufficient control over the media. Additionally, some believe that ministers are partisan individuals and that politics influence all aspects of life, including the media. There is also an opinion that the Media Council should have a greater role in self-regulation, supported by the Ministry.

Most respondents have a neutral stance on the transparency of the Ministry of Culture and Media regarding its role in media self-regulation (44.1%). Only 17.1% consider it transparent, while just 1.3% find the Ministry very transparent. Conversely, 13.3% of respondents believe the Ministry is not transparent, with 6.1% considering it very non-transparent. The remaining 18.1% of respondents are unsure how to evaluate this transparency (see Graph 8).

Very transparent	1,3
Transparent	17,1
Neutral	44,1
Not transparent	13,3
Very non-transparent	6,1
Do not know	18,1
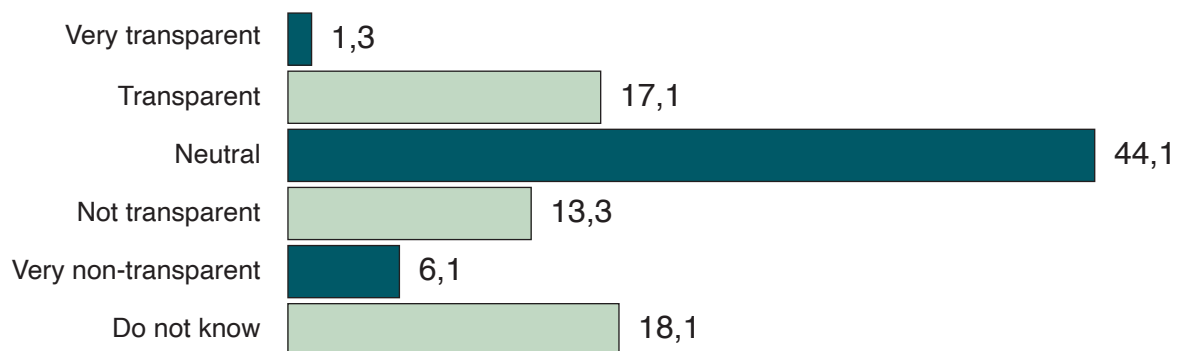
Graph 8: How do you evaluate the transparency of the Ministry of Culture and Media in the media regulation process in Montenegro?

Both men (44.9%) and women (43.4%) are most frequently neutral regarding the Ministry's transparency. More women (7.1%) than men (5.1%) perceive the Ministry as very non-transparent. The highest percentage of young respondents aged 18-24 (22.2%) are uncertain about the Ministry's transparency. Age groups from 25-54 are mostly neutral, ranging between 39.4% and 47.2%. Respondents with a master's degree (40.2%) are most likely to view the Ministry as transparent, while those with primary (22.8%) and secondary education (22.8%) more often perceive it as non-transparent. Citizens from the southern region (51.3%) are most frequently neutral towards the Ministry's transparency, while those from the northern region (25.9%) are most uncertain. Citizens from the central region provide the highest number of neutral responses (44.6%).

The majority of respondents (91.3%) do not know whether the Ministry of Culture and Media should be more or less active in the process of media self-regulation. Only 6.8% believe the Ministry should be more active, while 1.9% think the current level of activity

is adequate. Respondents who believe the Ministry of Culture and Media should be more active in the process of media self-regulation cite several key reasons and suggestions. Many believe the Ministry should dedicate more attention to this issue due to its importance to the public interest. They propose increasing transparency, educating the public about complaint rights, and better enforcement of legal regulations. Some also argue for greater independence of ombudspersons and media councils, as well as strict adherence to ethical standards without political influence. There is a sentiment that the Ministry supports only certain media and that more effort should be made to raise professional and ethical standards across the entire media community.

Finally, we asked about the habits of Montenegrin citizens when it comes to reporting content. Only 8.5% of respondents have ever lodged a complaint about media coverage in Montenegro, while 91.5% have never done so. Men (9.3%) tend to file complaints about media coverage slightly more often than women (7.7%). The majority of both men (90.7%) and women (92.3%) have never filed a complaint. Young respondents aged 18-24 (96.2%) least frequently file complaints, whereas age groups 25-34 (11.8%) and 35-44 (11.2%) years old file complaints most often. Older respondents, especially those over 65 years old (93.8%), file complaints less frequently. Respondents with higher levels of education tend to file complaints more often. Those with primary (6.4%) and secondary education (6.5%) file complaints least frequently. Citizens from the southern region (19.2%) file complaints about media coverage most frequently, while citizens from the central (5.5%) and northern regions

(4.1%) file complaints less often. Among respondents who lodged a complaint about media coverage in Montenegro, the main issues raised were hate speech (32.5%) and bias in reporting (20.3%). Inappropriate content was a concern for 21.4% of respondents, while 16% of complaints were related to inaccuracies in information. Privacy violations were cited as a reason for complaint in 9.7% of cases.

Respondents lodged complaints about media coverage through various channels. The most common methods were via phone calls (31.3%) and through social media (26.9%). Email was used by 22.4% of respondents to submit complaints, while 17.1% did so directly on the media's website. Only 2.2% of respondents filed complaints in person. Among respondents who filed a complaint about media coverage, 21.7% received a response and were satisfied with it. A majority, 52.0%, received a response but were not satisfied, while 26.3% of respondents did not receive any response to their complaint. Among respondents who were dissatisfied with the response to their complaint, 41.9% lodged a complaint with the Agency for Audio-visual Media Services and were satisfied with the outcome. 20.8% filed a complaint with the court and were satisfied with the outcome. On the other hand, 14.3% complained to the Agency but were not satisfied with the outcome, while 13.6% were not satisfied with the outcome of their complaint to the court. The remaining 9.4% did not complain to either the court or the Agency (see Graph 9).

Yes, to the court, and I was satisfied with the outcome.   20,8

Yes, to the Agency, and I was satisfied with the outcome.   41,9

Yes, to the court, but I was not satisfied with the outcome.   13,6

Yes, to the Agency, but I was not satisfied with the outcome.   14,3

No, I did not complain to either the court or the Agency.   9,4
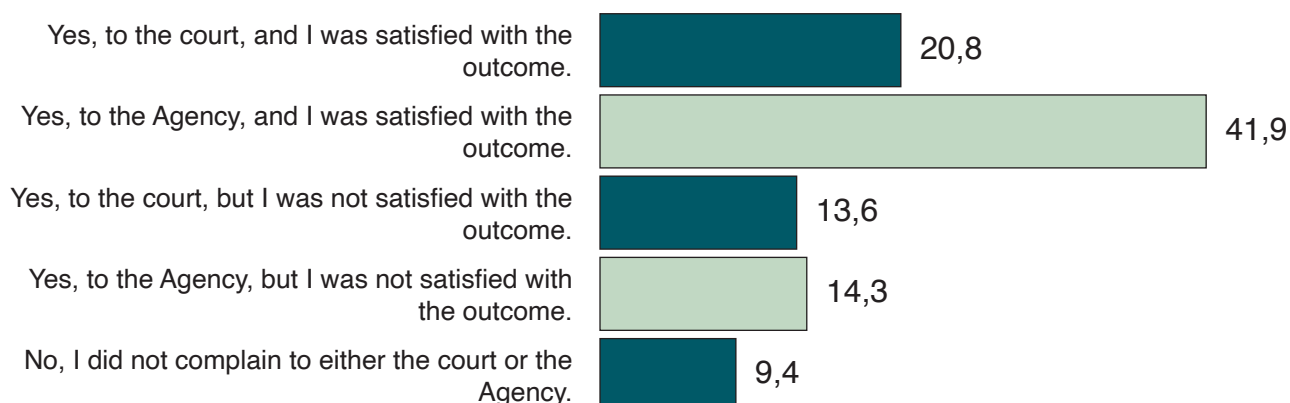
Graph 9: If you were dissatisfied with the response, did you complain to the Agency for Audio-visual Media Services or the court?

Be that as it may, there is little visibility of the self-regulation mechanisms, which should be understood as a warning sign to anyone dealing with the Montenegrin media – some of which we also attempted to probe in the interviews below. Most respondents believe that the self-regulation mechanisms and ways in which citizens can submit complaints on media portals and websites are largely invisible (37.7%) or completely invisible (18.0%). On the other hand, 35.7% of respondents believe these mechanisms are mostly visible, while 8.6% consider them very visible and transparent. A majority of respondents (53.3%) think that increasing the visibility and transparency of self-regulation by the media would not improve its outcomes and effectiveness, while 46.7% believe it would have a positive impact.

/05.

The ABCs of self-regulation in the views of our respondents

Most of our conversations with interlocutors working on the media commenced with three relatively simple questions: What is self-regulation? How is it implemented in your line of work? What are the main challenges associated with its implementation? But before we delve into this, the sleight of opinion of the general population extracted from the quantitative survey shows a striking lack of familiarity with the concept of self-regulation. For the purpose of the report, the data will be presented in a relatively technical manner, showing the nuances in support (or lack thereof) for individual statements.

As noted above, the public opinion survey has shown that four out of five respondents (74.5%) are not familiar with the concept of media self-regulation, while only one in four (25.5%) knows about this term (see Table 13). Men (28.7%) are slightly more familiar with the concept of self-regulation compared to women (22.5%). Older individuals, especially those aged 45-54 (37.7%), are most familiar with the concept of self-regulation. Differences by regions show that citizens from the north (29.3%) and south (26.9%) of the country are somewhat more familiar with the concept of media self-regulation compared to those from the central region (22.4%).

25,5

74,5

■ Yes
■ No
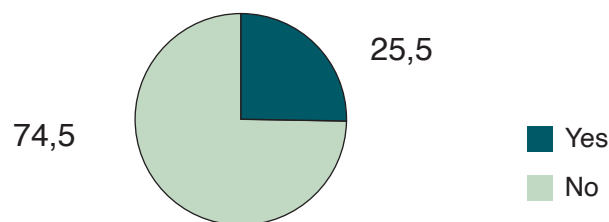
Graph 10: Are you familiar with the notion of self-regulation in the media?

But let us turn to the minority familiar with the concept. Nearly 60% of the respondents who expressed familiarity with the concept are either very satisfied or satisfied with the current state (see Table 11). Specifically, 9.6% of respondents are very satisfied, while 49.2% are satisfied. About 28.6% hold a neutral stance, while 11.4% are dissatisfied and 1.2% are very dissatisfied with the current state of media self-regulation in Montenegro. Men are slightly more satisfied (52.8%) than women (45.0%), while women tend to be more neutral (32.7%) and dissatisfied (12.0%) compared to men. The youngest respondents (18-24 years) express the highest dissatisfaction (22.7%), while the oldest (65+) are most often neutral (41.2%).

Satisfaction increases with age, with the highest percentage of satisfied respondents among those aged 45-54 years (56.1%). Respondents with higher education are more satisfied (59.9%), while those with primary education are the least satisfied (25.0%). Citizens from the southern region are the most numerous among the very satisfied (16.9%), while the north has the highest percentage of satisfied respondents (57.8%). The central region shows the highest dissatisfaction rate (14.4%).

Category	Value
Very satisfied	9,6
Satisfied	49,2
Neutral	28,6
Dissatisfied	11,4
Very dissatisfied	1,2
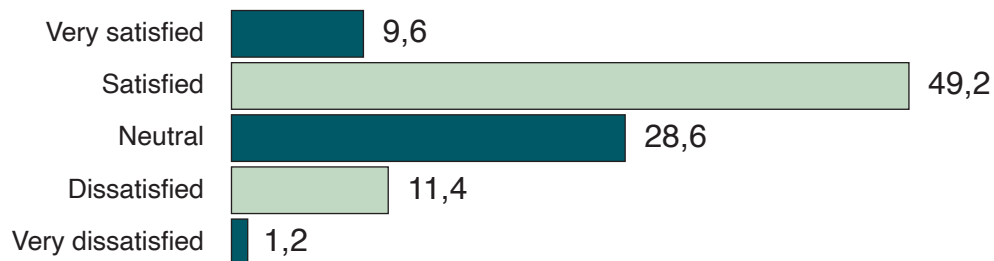
Graph 11: How satisfied you are with the implementation of self-regulation in Montenegro?

One fundamental challenge identified by many of our interlocutors during interviews was the lack of understanding of the term "self-regulation." Some respondents highlighted the difference between self-regulation and other forms of regulation in the media, emphasizing the importance of the voluntary aspect of self-regulation—the willingness to moderate and improve one's content without external coercion. They stressed that self-regulation should not be associated with a system of penalties, distinguishing it from regulation or co-regulation.

> The main criticisms are that a self-regulation system alone does not yield sufficient results unless there is synergy with a co-regulation and regulation system. In other words, self-regulation cannot be effective without an independent regulator that also monitors the application of professional standards and sanctions media outlets that consistently violate these standards. Self-regulation does not entail sanctions for those who breach standards and relies entirely on voluntary compliance. This is why the EU, through its directives, has established a regulatory system based on sanctioning unprofessional media behaviour. Stevica, NGO, 26 June 2024.

Such remarks were followed by criticism in the Montenegrin media scene, divisions reflecting broader issues within the society. These criticisms were recurrent: a sort of an elephant in the room that conditions all the relevant developments in a society, including self-regulation. While we will engage with such assessments and the future prognosis later in the report, the polarization on the Montenegrin media scene significantly impacts the very understanding and practice of self-regulation in the Montenegrin media. Be that as it may, the overarching dissatisfaction with the state of the Montenegrin media was evident in the most, if not all interviews we conducted. At the same time, many interlocutors warned against "mystifying self-regulation ". In the words of such respondents, media self-regulation is on paper voluntary but it is essentially derived from the imposed need to "continue their existence" in the media market.

Self-regulation is a voluntary effort, a voluntary organization of media without a specific standard. The key is to have a credible body that would deal with complaints, make independent and reliable decisions and demonstrate its competence through concrete examples. Everything hinges on this independence. In Europe, there are variations on this theme, but the crucial point is that all media accept the decisions of the collective commission. Whether the state participates in funding is just a variation on the theme.
Bojan, Media Council for Self-Regulation, 24 June 2024.

Self-regulation is simply: following the Code of Ethics of Journalists.
Ivana, MINA, 26 June 2024.

But being the voluntary effort, one would expect that the media outlets interested in promoting self-regulation would at least publicly disclose the appointment of their ombudsperson. However, that is very often not the case, leading to not only the audience of the media being uninformed about the ombudsperson but also the employees in the media outlet.

When the Ombudsperson institution was established, we did not have any information about it on the news. It was on the portal, published by other portals. My start was very unusual, especially since immediately after my appointment, a new Council was appointed to manage RTCG, overseeing the television management. They were not hostile, but they were extremely cautious towards me, wondering if I would be dismissed. However, it turned out that I was lawfully appointed and there were no grounds for my dismissal. This lasted until October 2023, when I had a semi-annual or quarterly report published by an independent daily – it was publicly available on the portal. Only then did 90% of the people at the television station learn that I was the ombudsperson. People working in the public broadcaster literally do not watch the public broadcaster, so no journalists knew about it.
RTCG Ombudsperson, 19 June 2024.

Nor does the general population. The majority of respondents (69.0%) are not aware of the existence of an ombudsperson at RTCG, while 31.0% are aware. The citizens of the South are more aware (44.2%), whereas the citizens of the Central region appear to be the least informed (25.3%). However, more than 70 percent of the population finds that the ombudsperson is effective in their work. Among respondents who are aware of the existence of an ombudsperson at RTCG, 48.2% believe that the ombudsperson's presence improves self-regulation at RTCG. On the other hand, 19.0% do not share this belief, while 32.8% are unsure. Simultaneously, among respondents who are aware of the existence of an ombudsperson at RTCG, 33.9% believe that RTCG occasionally reports on the activities and decisions of its ombudsperson. 14.0% think it does so often, while 4.1% believe RTCG reports on this very often. This may also be brought into conversation with the overall findings concerning the visibility and popularity of RTCG, examined in the previous section (see p. 13).

Respondents aged 25-34 are the most likely to believe that the ombudsperson improves self-regulation (50.9%), while older respondents are the most uncertain about the ombudsperson's impact (38.3% for ages 55-64 and 39.1% for ages 65+). Respondents with a master's degree are the most likely to believe that the ombudsperson's presence improves self-regulation (63.0%), while those with a doctorate show high uncertainty on this issue (49.0%). Citizens from the southern region most frequently believe that the ombudsperson's presence improves self-regulation (53.7%), whereas citizens from the central region are the most critical, with 25.7% believing that the ombudsperson does not contribute to self-regulation. As per the attitudes on transparency, slightly more than half of the respondents (52.5%) believe that RTCG should increase the transparency of its self-regulatory activities, while 47.5% do not share this opinion. Citizens from the southern region are the most supportive of increasing transparency (63.6%), while those from the central region are the least supportive (45.2%). Citizens from the northern region are in between (54.9%).

Besides communicational hardships, other respondents were slightly more insistent on the formal requirements associated with self-regulation, offering a quasi-textbook definition of the term.

> Media self-regulation in Montenegro can be explained as a collection of various activities aimed at achieving high standards of media professionalism, including objectivity, accuracy, and adherence to European principles and standards. These activities can be legal and regulatory, such as laws, bylaws, codes, and general acts of the media themselves. They also include efforts like communication with consumers, i.e., citizens, training sessions, seminars, professional gatherings, and collaboration with the NGO sector in this field.
> Ivan, Gradska TV, 27 June 2024.

Now, amid very similar understandings of what self-regulation should represent, there were also significant criticisms and fingers pointed with respect to who bears the responsibility for the ongoing hardships concerning self-regulation in Montenegro. The spectrum of "culprits" was relatively broad, stemming from the journalists themselves, the editorship, the readership/audience, the institutions etc. Some of the criticisms were aimed even at the international organizations and the European Union, who were perceived as the "protectors of the pre-2020 opposition ".

> The public is not sufficiently informed because self-regulation is constantly obstructed, even by the international community. The primary goal was to change the government by 2020, so many turned a blind eye to the actions of certain media outlets—an oversight that will eventually backfire. True self-regulation, with a unified practice and effective complaint mechanisms, would require media outlets to publish the Ombudsman's decisions when they breach the code, providing some satisfaction. Additionally, effective self-regulation would save people from costly legal proceedings by offering resolution through the regulatory process. Ultimately, self-regulation aims to reduce the number of court cases.
> Bojan, Media Council for Self-Regulation, 24 June 2024.

> *The Ombudsman serves as a gateway to the courtroom, that is, someone who is supposed to prevent from court cases from happening. Let's resolve issues here through mediation to avoid going to court. The essence of the Ombudsman's work is mediation. Self-regulation is basically a message to the state: keep your hands off the media. Of course, these are figures of speech, they should not be understood literally but the logic remains the same.* Ombudsperson, DAN, 30 June 2024.

When discussing the matter with the institutions partially in charge of regulating media content in the country, such as the Agency for Audio-visual Media Services, we noticed a need to confine one's authority in an attempt to identify responsibilities for a given situation, in part due to the fear that the regulators will be involved in self-regulation. With that in mind, AEM is frequently perceived in the public as "the main regulator" (Ivana, AEM, 24 June 2024) in the domain of self-regulation, which is not or should not be the case. Self-regulation, as such, should be perceived in a twofold way: one is through the established frame of responsibility towards the audience, colleagues and the trade; another is a form of "self-protection" against everything that could possibly negatively influence the work of journalists on day-to-day basis: misinformation, biased reporting, undesired influence over the content etc. These two interpretations of self-regulation are very important in understanding the potential motivations but also the limits of the existing procedures in "regulating self-regulation" and its role in a prosperous society.

> *With the new law on AVM (audio-visual media) services, these provisions have been removed, creating significant space for self-regulation to take its rightful place. It is essential that the media demonstrate their commitment to these professional standards. The agency's role is simply to recognize whether something exists or does not exist.* Ivana, AEM, 24 June 2024.

However, it was not always very clear as to what exactly the role of the agency is, judging by the responses of other interlocutors from the media.

> *Yes, definitely, I think the state regulators, such as the AEM, should be more involved. Not necessarily in the self-regulation process, we all know this is something that should be within the purview of the media outlets but when it comes to regulating content.* Dragan, NGO expert, 26 June 2024.

However, when asked to elaborate on the potential involvement of AEM, our respondents did not provide substantive information. Considerable discussion centered around the Fund for Promoting Pluralism and Media Diversity, established as a legal institute under the auspices of the competent Ministry and overseen not only by the Agency for Electronic Media (AEM), but also by an independent commission established by the Ministry. Despite earmarking €89,554 for self-regulatory bodies in 2023, no funds were allocated due to the absence of applications. In 2022, €54,813 was designated for self-regulatory bodies, but the sole application, submitted by the Media Self-Regulation Council, was rejected because some member media outlets did not meet application requirements, including unresolved tax and contribution obligations. A similar scenario unfolded in 2021, when €25,802 was allocated but remained undistributed.[8]

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8   *Available at https://aemcg.org/obavjestenje/raspodjela-sredstava/ Accessed 17 July 2024.*

The 2024 Media Law voted in 2024 further encourages media to implement self-regulation by stipulating that media outlets can only apply for funds from the Fund for the Promotion of Media Pluralism and Diversity if the media founder is a member of an external or has established an internal self-regulatory body. [9]

On the one hand, the provisions stipulated by the Fund also envisage support for independent self-regulatory bodies; on the other hand, such funds have not been used as the provisions are deemed overly restrictive, both by the media respondents and by the AEM interlocutors. Some of these regulations should have been alleviated with the new set of media laws but our respondents had difficulties identifying the mechanisms through which such form of support could be facilitated.

> *Through this fund, we can ensure the sustainability of media outlets. Until now, self-regulatory bodies have not received funds because they did not meet the stringent requirements set by the law. Previously, the law imposed restrictive conditions, preventing self-regulatory bodies from receiving funds unless each founder met 10-12 criteria. For instance, if a body applied but 2 out of 10 members hadn't paid taxes, they were disqualified. The new law has relaxed these conditions, and we hope that self-regulatory bodies will apply in the next round. In one round, there was only one application, and after that, there were none.* Ivana, AEM.
>
> *I think most of these requirements are largely irrelevant for the day-to-day work of the Montenegrin media outlets. If you do not pay taxes regularly this does not mean you cannot produce quality content. I understand that the funds come from the state which is why you want to ensure you are supporting something that will generate quality work but then again, if nobody has received these funds then something has to be wrong...* Dragan, NGO expert, 26 June 2024.
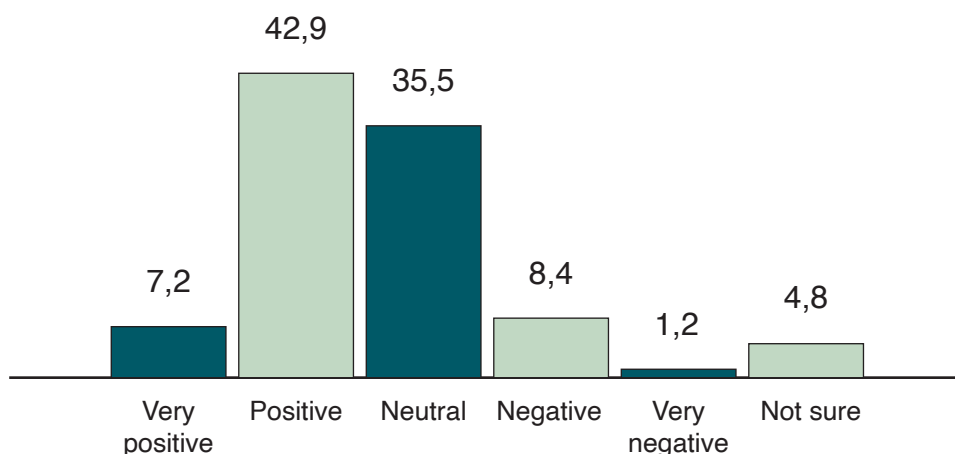>
> *The new media law encourages self-regulation by requiring all media founders who wish to participate in the Fund for the Promotion of Media Pluralism and Diversity to engage in some form of self-regulation. This means they must either join an existing external self-regulatory body or appoint their own ombudsman.* Đorđije Drinčić, Ministry of Culture and Media, 01 July 2024.

The general population had a somewhat positive (although mainly neutral) take when it comes to the involvement of the state in supporting the media.
Just over half (50.1%) of the respondents positively assess the government's decision to financially support media self-regulation (42.9% positive and 7.2% very positive). Around one-third (35.5%) have a neutral stance, 8.4% view this decision negatively, while 1.2% have a very negative opinion. The remaining 4.8% are unsure (see Graph 12).

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9   Available at https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-ak-ti/257/3418-19523-10-3-24-2-5.pdf Accessed 17 July 2024

Graph 12: How do you evaluate the government's decision to financially support media self-regulation?

Men (52.7%) view the government's decision slightly more positively compared to women (47.1%). Among men, 32.2% have a neutral stance, while among women it's 39.4%. Negative opinions are held by 10.0% of men and 6.5% of women. The youngest respondents (18-24) have the highest percentage of negative opinions (27.3%) and neutral stances (31.8%). Those aged 25-34 view this decision most positively (48.9% positive and 6.4% very positive). Older respondents (65+) have the highest percentage of neutral (41.2%) and negative views (17.6%). Respondents from the northern region are the most positive (58.0% positive), while those from the southeastern region have the highest percentage of neutral stances (45.6%). Respondents from the central region have balanced views with 36.9% neutral and 37.3% positive.

Different understandings of self-regulation ultimately hinder efforts to regulate other important aspects of media work, such as advertising. While most of the respondents employed at the media outlets in Montenegro did not reflect on some of these issues, the institutions in charge of regulating media outlets did.

> *Does self-regulation apply only to media content or also to viewers as co-producers? We don't regulate this, but it's important. For example, how should media handle content with advertisements? Many questions arise, and the law can always be improved. The Agency can only encourage co-regulation and define measures for protecting minors. Service providers must clarify if content is an advertisement, especially if targeting minors or promoting harmful products like alcohol. It would be helpful if advertising and media associations set rules, such as disclaimers for ads containing additives or harmful foods, similar to those for medications. There is also the issue of gambling ads during sports events watched by children. Self-regulation could address this, and if not, we step in. As regulators, our role is to encourage and mobilize co-regulation and self-regulation. Any advertising code should be accepted by all stakeholders, including consumers and service providers. It must clearly define implementation, oversight, complaint handling, publication of decisions, and the powers of the regulatory body. This framework is essential for effective self-regulation.* Ivana, AEM, 19 June 2024.

The difficulty in deciphering who exactly stands for a 'consumer' is what determines most of the developments in this space, especially in the online domain. Indeed, one of the common issues affecting the process of (self)regulation in Montenegrin media, besides delegating and interpreting the relevant authority/ies, is the emergence of new trends impacting self-regulation, such as the online media portals and the advent of artificial intelligence. As per the former, it has often been recognized as an issue not even worthy of discussing, a helpless terrain that can never be fully unpacked. This in part due to the nature of the internet, the lack of interest of internet companies in assisting the authorities in Montenegro when it comes to such issues but also the fact that Montenegrin media outlets are continuously understaffed and as such cannot moderate the comments posted on their social media profiles. Overall, the traditional outlook on media (giving preference to TV and printed sources) is still informing the issues in the Montenegrin media space.

> *Social media is like a ticking time bomb, constantly releasing misinformation and partial truths. However, I believe journalists can tackle this if they set their minds to it. I'm not sure exactly how, but honesty and self-reflection are certainly part of the solution. We need to understand this. Ivana, MINA, 26 June 2024.*
> *It's impossible to regulate the online media space when the environment is so fragmented; a collective effort is needed. This issue extends beyond comments on online portals. There is an entire segment related to social media, with many future tasks and challenges. But without taking basic steps first, we can't tackle the more complex issues.*
> Bojan, Media Council for Self-Regulation, 24 June 2024.

The majority of the general population was in favor of state having a greater impact on regulating social media content, which is in line with Bojan's take. Just under two-thirds (61.5%) of respondents believe that state regulations should not have a greater impact on regulating content on social media, while 38.5% think they should have a greater impact (see Graph 13).

38,5

61,5

■ Yes

■ No
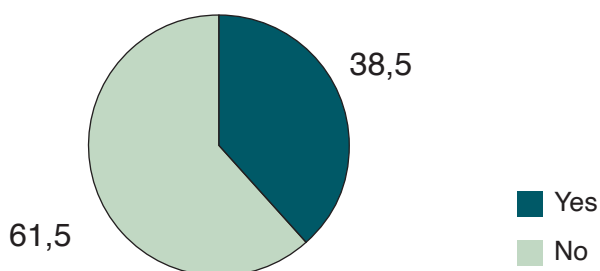
Graph 13: "Do you believe that state regulations should have a greater influence on regulating content on social media?"

For those who voted yes, we asked for additional explanation. The summary of the answers to this question can be found below:

Reducing misinformation: Many respondents believe that greater influence from state regulations would reduce the number of false and unverified information on social media.

Penalties for inappropriate content: Increased regulation would enable sanctions against those who knowingly publish false information or offensive comments.

Protection of youth: Greater regulation would contribute to reducing inappropriate content and increasing safety for minors.

Respect for the law: State regulations would ensure that laws are respected and enforced, including media laws.

Quality of information: Better control and stricter criteria would lead to more accurate and credible information.

Prevention of violence and hate speech: Regulation would help suppress hate speech, violence, and other negative content on social media.

Media equality and impartiality: The state could help reduce political influence on media and ensure unbiased reporting.

Access restriction: Regulation could restrict access to certain content, especially for minors.
Greater media accountability: Media would become more accountable for the content they publish, increasing public trust.

Men (40.8%) are somewhat more inclined to support greater state regulatory influence compared to women (36.3%). However, most respondents of both genders are against greater regulatory influence (59.2% men, 63.7% women). Older respondents, especially those over 65 years old (56.8%) and in the 45-54 age group (53.7%), are most supportive of greater state regulatory influence. Younger age groups, particularly respondents aged 18-24 (21.0%) and 25-34 (23.1%), are least likely to support this idea. Citizens from the northern region (46.8%) are most supportive of greater state regulatory influence, while citizens from the central (34.9%) and southern regions (35.8%) are less inclined to support this idea.

At the same time, there is a pronounced distrust towards the social media companies when it comes to regulating content. Social media platforms often effectively regulate media content according to 25.9% of respondents, while 42.8% believe they do so sometimes. Rarely effective regulation is seen by 18.1% of respondents, 10.1% think they never do, and only 3.1% believe platforms always effectively regulate media content (see Graph 14).
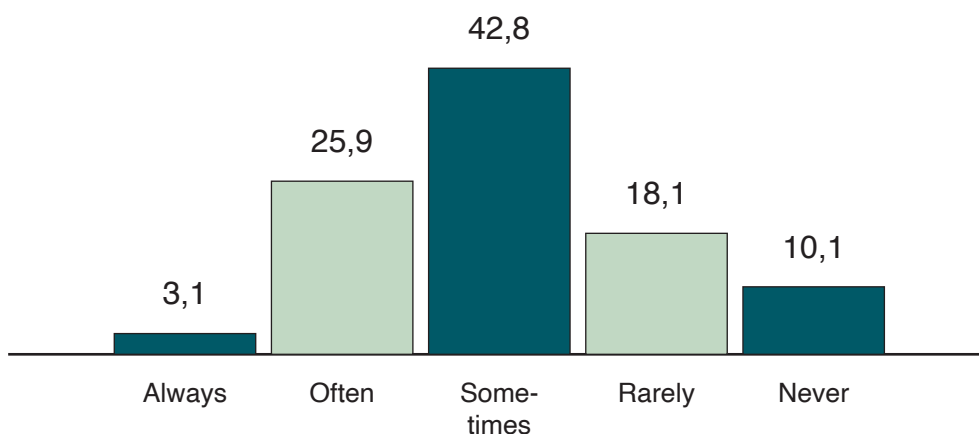
Graph 14: Do you believe that social media platforms effectively regulate the media content that appears on their platform?

Damar Institute

Men are somewhat more inclined to believe that platforms often effectively regulate content (26.2%) compared to women (25.7%). However, a higher percentage of women (44.4%) think that platforms sometimes effectively regulate content compared to men (41.1%). Older respondents, particularly those over 65 years old, have the least belief in the effectiveness of platform regulation, with 27.3% believing platforms never regulate content effectively. Younger respondents aged 25-34 are slightly more optimistic, with 26.2% believing platforms often effectively regulate content.

Another set of issues is commonly associated with the hardships when it comes to regulating comments on social media pages. This is not deemed as problematic when it comes to the online portals – as per the general population, most respondents sometimes read comments below news articles on online portals (40.6%), while 18.9% do so frequently, and 7% always read them. Rarely reading comments is practiced by 19.7% of respondents, while 13.8% never read comments below news articles (see Graph 15).
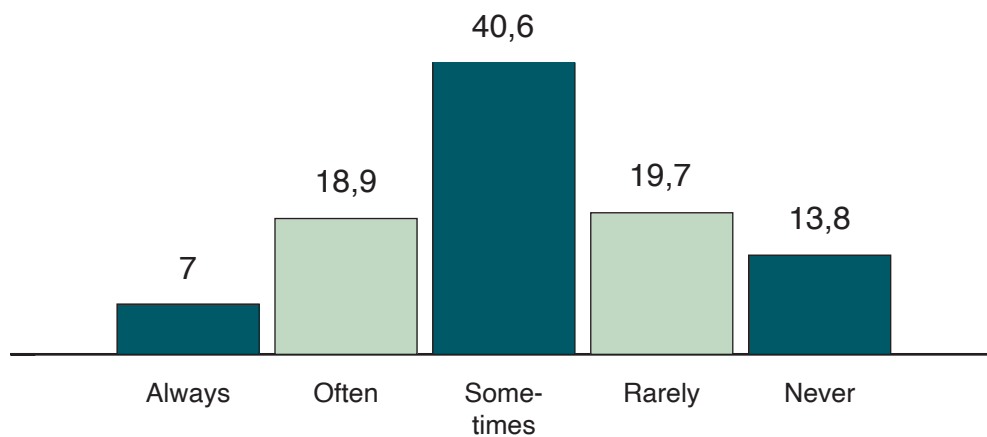
Graph 15: How often do you read comments under the news in online portals?

Women tend to read comments below news articles slightly more often, with 8.4% doing so always. Respondents aged 45-54 often read comments, with 10.9% doing so always and 18.8% frequently. Respondents over 65 years old read comments the least, with 2.2% doing so always and 12.2% frequently, while 38.8% never read comments. Citizens from the southern region read comments most frequently, with 10.3% doing so always and 22.2% frequently. Respondents from the central region read comments less often, with 5.2% doing so always and 16.5% frequently. Just over half of the respondents (53.5%) believe that comments on online portals often contain inappropriate content such as hate speech and misinformation, while 46.5% of respondents do not share this opinion. A higher percentage of women (54.1%) than men (52.8%) believe that comments on online portals often contain inappropriate content. Respondents aged 25-34 are most likely to believe that comments contain inappropriate content (59.0%), while those over 65 are least likely to think so (43.2%). The highest percentage of respondents with higher education levels believe that comments contain inappropriate content (55.3%), while those with elementary education levels are least likely to believe this (39.8%). Citizens from the southern region most frequently believe that comments contain inappropriate content (55.4%), while citizens from the northern region least frequently believe this (51.6%).

In the qualitative interviews, the respondents most often indicated that commenting (both on the portals and on the platforms) is vastly unregulated, mostly due to the fact that it "takes resources to do that" (Edin, DAN). But even the comments on the online portals are often not sufficiently regulated, which should be somewhat of an easier option. This issue was, perhaps expectedly, raised only by the representatives not belonging to a public or commercial media outlet, usually through a comparative prism.

> *In our region, the topic of comments on news portals has never been addressed because these comments are often used for propaganda purposes. They are artificially created for various agendas. While some media outlets publish spontaneous posts, others generate their own comments to manipulate public opinion artificially.*
> Bojan, Media Council for Self-Regulation, 24 June 2024.

When asked about the responsibility for regulating the content, the quantitative findings indicate that online portals themselves, through internal moderation teams, should be responsible for controlling comments on online portals (28.7%). Independent self-regulatory agencies are the second most common choice (23.9%), while 20.5% of respondents believe that users should have this responsibility through reporting mechanisms. State institutions were mentioned by 12.2% of respondents, and a combination of all options was supported by 10.0% of respondents. The remaining 4.7% are unsure who should be responsible (see Graph 16).
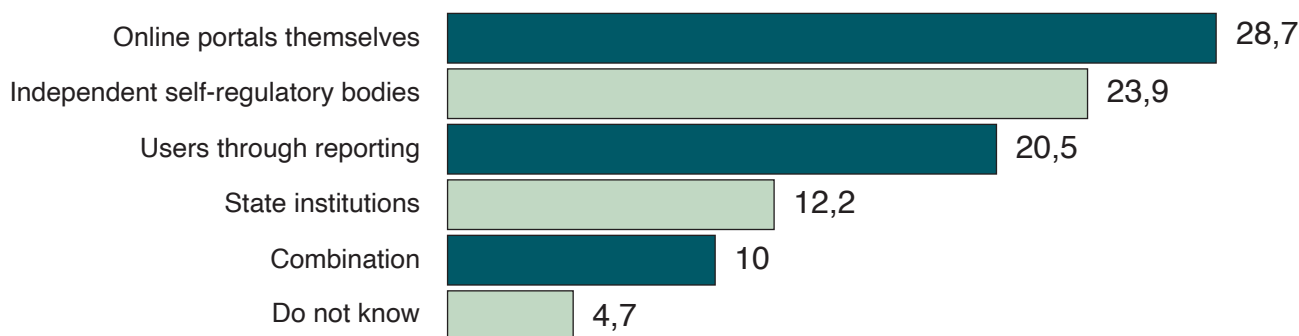
Graph 16: Who should be responsible for moderating comments on online portals?

A higher percentage of women (31.2%) than men (26.0%) believe that online portals themselves should be responsible for comment moderation. Men slightly prefer independent self-regulatory agencies (24.3%) compared to women (23.6%). Respondents in the 18-24 age group are most likely to believe that online portals themselves should be responsible for comment moderation (34.8%), while the older group aged 65+ least prefers this option (19.2%). The 35-44 age group most prefers independent self-regulatory agencies (33.1%). The highest percentage of respondents with higher education (36.4%) believe that online portals themselves should be responsible for comment moderation. Respondents with elementary education most commonly believe that users should report inappropriate comments (29.0%). But do citizens themselves engage in reporting content?
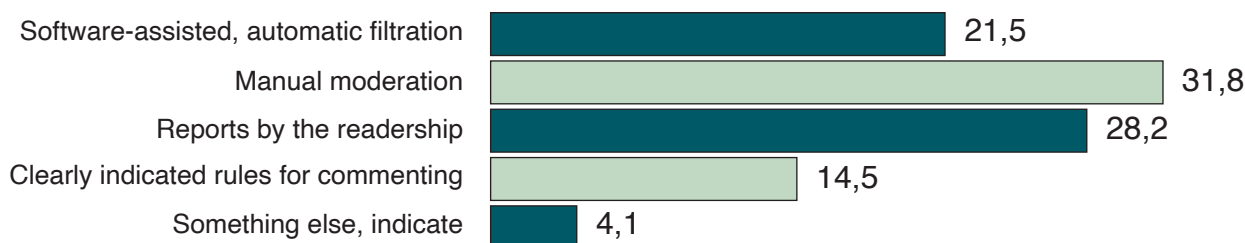
Our research shows that there was very little knowledge and engagement. Only 3.2% of respondents have reported a comment on an online portal that they considered inappropriate, while 96.8% have never reported such a comment. Most of those who reported an inappropriate comment did so directly on the platform or portal. Some reported it to the customer service for inappropriate content or to the police. Additionally, a few individuals contacted the comment's author, while some were unsure whom to report to (see Graph 17).

3,2

96,8

■ Yes (to whom?)
■ No
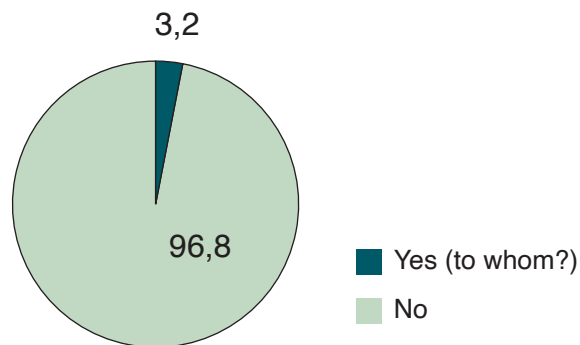
Graph 17: Have you ever reported a comment on the portal you deemed inappropriate?

The efficiency of existing mechanisms for moderating comments on online portals in Montenegro is perceived differently among respondents. 30.8% believe the mechanisms are effective, while 12.1% think they are very effective. 27.7% hold a neutral stance. 15.0% find them ineffective, and 3.2% find them very ineffective. Additionally, 11.2% of respondents are unaware that such mechanisms exist. A higher percentage of men (14.3%) than women (10.1%) believe the mechanisms are very effective. However, women more frequently than men indicate they are unaware of the existence of such mechanisms (11.7% compared to 10.6%). The highest percentage of young people aged 18-24 believe the mechanisms are effective (30.4%), while those over 65 are least likely to believe in their effectiveness (19.9%) and more often mention being unaware of their existence (17.8%).

Respondents believe the most effective methods for regulating comments on online portals are manual moderation by portal staff (31.8%) and user reporting of inappropriate comments (28.2%). Automatic filtering using software is considered effective by 21.5% of respondents, while 14.5% believe that clearly published rules and guidelines for all users are the most effective ways of regulating comments. The remaining 4.1% have other suggestions for comment regulation (seeGraph 18).

|	
Software-assisted, automatic filtration	21,5
Manual moderation	31,8
Reports by the readership	28,2
Clearly indicated rules for commenting	14,5
Something else, indicate	4,1

Graph 18: Which methods do you consider most effective for regulating comments on online portals?

As per the relationship between content moderation and free speech, about two-thirds (64.5%) of respondents believe that stricter regulation of comments on online portals would not affect freedom of expression, while 35.5% think it would have an impact.

/ 06.

The internal and external self-regulatory mechanisms

To understand the distinction between the internal and external mechanisms in relation to self-regulation, the public opinion survey shows striking results. Among respondents familiar with the concept of media self-regulation, close to 60% are also familiar with the concept of internal media self-regulation (such as the existence of the Ombudsperson at Vijesti, Dan, and RTCG respectively), while 40.6% of respondents are not familiar with this concept (see Graph 19). Men (60.1%) are slightly more familiar with the concept of internal media self-regulation compared to women (58.7%). Older respondents generally have a better understanding of the concept of internal media self-regulation. The highest familiarity is among respondents aged 45-54 years (72.7%), while the youngest respondents (18-24) are the least familiar (40.9%). Respondents with higher levels of education show greater awareness. Citizens from the central region (68.9%) and the south (65.7%) are more familiar with the concept of internal media self-regulation compared to citizens from the northern region (42.5%).
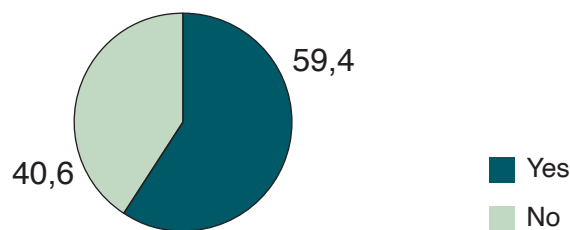
Graph 19: Are you familiar with the concept of internal media self-regulation (Ombudsman at Vijesti, Ombudsman at Dan, Ombudsman at RTCG, etc.)?

Among respondents familiar with the concept of media self-regulation, 61.7% are familiar with the concept of external media self-regulation (Media Self-Regulation Council), while 38.3% are not familiar with this concept (see Graph 20). Women (63.5%) are slightly more familiar with the concept of external media self-regulation compared to men (60.2%). The highest familiarity is among respondents aged 45-54 years (72.7%), while the youngest respondents (18-24) are the least familiar (31.8%). Citizens from the central region (68.0%) and the south (70.4%) are more familiar with the concept of external media self-regulation compared to citizens from the northern region (46.8%).

61,7

38,3

■ Yes

■ No
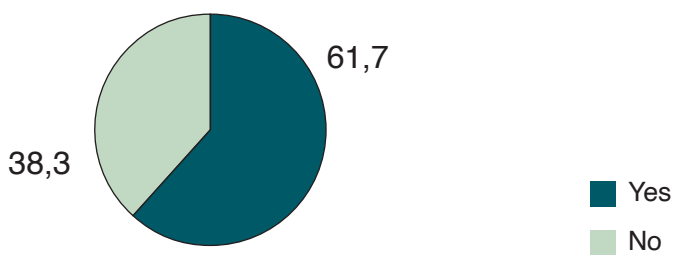
Graph 20: Are you familiar with the concept of external media self-regulation (Media Self-Regulation Council)?

Finally, we also asked about the level of satisfaction with the existing external mechanisms of self-regulation. Of course, responding to such a question ultimately depends on the familiarity with the very mechanisms. Among those respondents familiar with the concept of internal media self-regulation, 14.2% are very satisfied with the effectiveness of existing mechanisms, while 49.4% are satisfied (see Graph 21). A neutral stance is held by 26.7% of respondents, and 9.8% are dissatisfied with the effectiveness of these mechanisms.

Men are generally more satisfied (53.8%) compared to women (44.0%). However, women are more likely to be dissatisfied (14.3%) than men (6.1%). The most satisfied are respondents aged 25-34 years (26.1% very satisfied), while the least satisfied are respondents aged 18-24 years (33.3% dissatisfied). Citizens from the southern region are the most satisfied (63.1% satisfied), while citizens from the central region have the highest percentage of dissatisfied individuals (18.3%).

Continuous training of journalists and editors on ethical standards	14,5
Create clearer guidelines for handling contentious situations	13,9
Develop more detailed rules for moderating content and comments	13,8
Increase independence of ombudspersons within media houses	13,2
Increase transparency of editorial decisions	12,5
Increase state financial support for the work of ombudspersons	12
Implement regular internal audits of media content	10,8
Strengthen internal sanctions for breaching professional standards	8,5
None of the above	0,6
Something else, please specify	0,3

Graph 21: What changes would you propose to improve internal media self-regulation?

Respondents also suggested several key changes to improve internal media self-regulation. Continuous training of journalists and editors on ethical standards is the most frequently proposed change (14.5%), followed by creating clearer guidelines for handling contentious situations (13.9%) and developing more detailed rules for moderating content and comments (13.8%). They also propose increasing the independence of ombudspersons within media houses (13.2%) and enhancing transparency in editorial decision-making (12.5%). Increasing state financial support for ombudspersons's work (12%) and implementing regular internal audits of media content (10.8%) are also recognized as important changes. Strengthening internal sanctions for breaching professional standards (8.5%) and other specific solutions (0.3%) are among other suggestions.
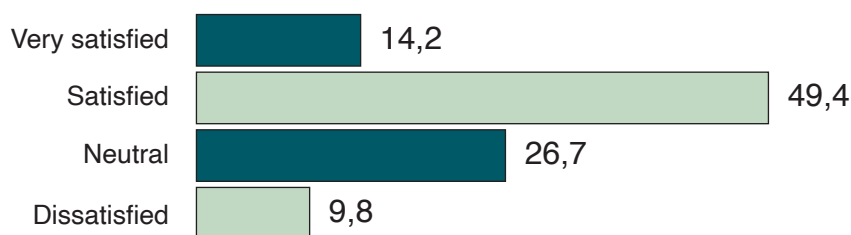
Graph 22: How satisfied are you with the effectiveness of the existing external mechanisms of media self-regulation (Media Self-Regulation Council)?

We asked about the perceived effectiveness of the implementation of the internal self-regulatory mechanisms. 39.8% of respondents familiar with the concept of internal media self-regulation believe that media in Montenegro sometimes adequately apply internal self-regulation mechanisms (see Graph 23). Additionally, 37.7% believe they do so frequently, while 13.3% think media rarely apply these mechanisms adequately. 6.8% of respondents believe that media always apply internal self-regulation mechanisms adequately, while 2.3% think they never do.
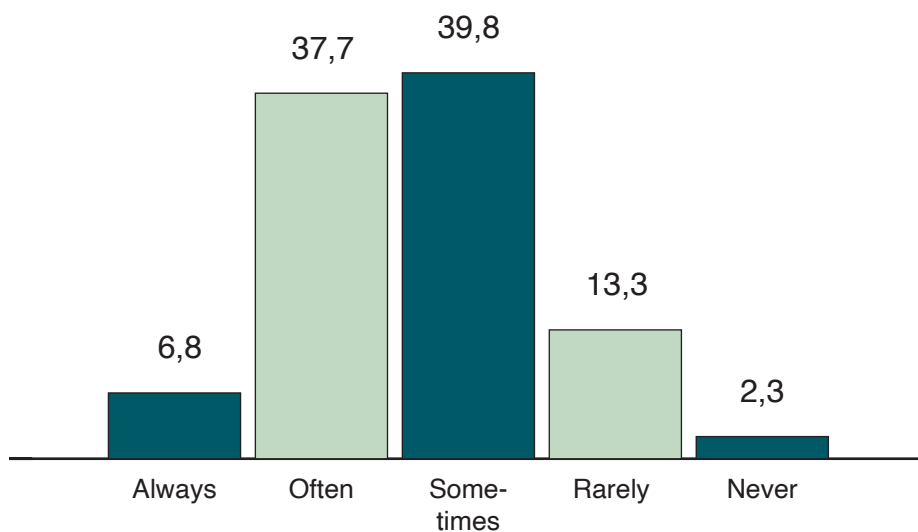
Graph 23: Do you think that media in Montenegro adequately apply internal self-regulation mechanisms?

Men (8.8%) are more likely to believe that internal self-regulation mechanisms are always adequately applied compared to women (4.5%). On the other hand, women more often believe that these mechanisms are never applied (3.9%) compared to men (1.0%). The youngest age group of respondents (18-24 years) has the highest percentage who believe that internal mechanisms are never applied (33.3%). Conversely, the 65+ age group has the highest percentage who believe that these mechanisms are always applied (10.0%). Citizens from the southern region most commonly believe that internal mechanisms are always adequately applied (16.6%), while citizens from the northern region have the highest percentage who believe that these mechanisms are never applied (7.2%).

Among respondents familiar with the concept of external media self-regulation, 39.3% believe that external self-regulation mechanisms frequently effectively monitor media content, 37.0% believe they sometimes do, while 14.1% think they rarely do. 7.8% of respondents believe that these mechanisms always effectively monitor media content, while 1.9% think they never do (Graph 24).
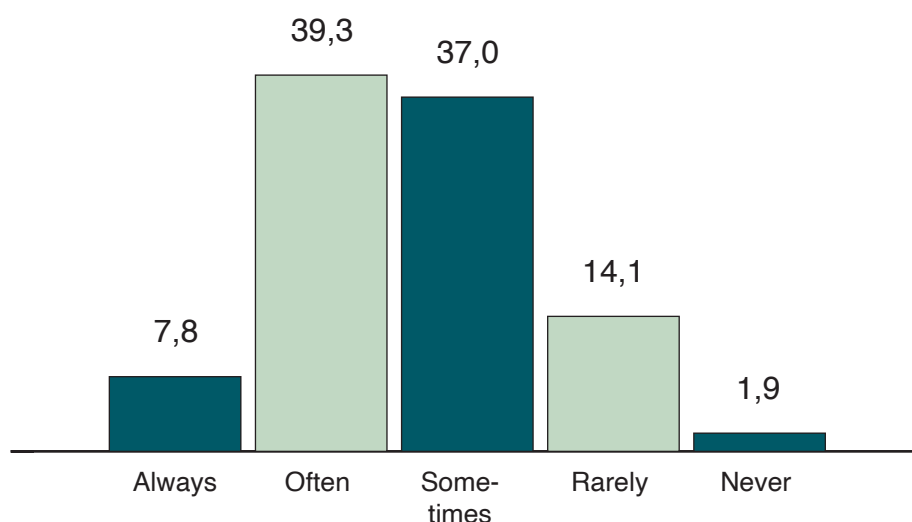
Graph 24: Do you think that external self-regulation mechanisms effectively monitor media content?

Men (9.9%) are more likely to believe that external mechanisms always effectively monitor media content compared to women (5.4%). On the other hand, women are more likely to believe that these mechanisms never effectively monitor media content (3.9%). The youngest age group (18-24 years) has the highest percentage of those who believe that external mechanisms never effectively monitor media content (14.3%). Conversely, the 35-44 age group has the highest percentage of those who believe that these mechanisms frequently effectively monitor media content (58.8%). Citizens from the southern region most commonly believe that external mechanisms always effectively apply (13.1%), while citizens from the central region have the highest percentage who believe that these mechanisms never apply (3.0%).

	%
Increase transparency of self-regulatory bodies	8.3
Increase government financial support for the ombudsman's office	9.6
Enhance independence of self-regulatory bodies and the Media Agency	14.5
Introduce stricter penalties for violating ethical standards	16.9
Improve cooperation between self-regulatory bodies and civil society	11.6
Establish specialized committees at the national level for media complaints	11.7
Regularly publish reports on self-regulatory activities	8.6
Enhance public education programs on the role and importance of media regulation	8.3
Increase international cooperation in media regulatory matters	5.7
Develop better practices for monitoring and evaluating the impact of media regulation	3.9
Something else, please specify	0.1
None of the Above	0.8

Table 4: Which changes would you propose to improve external media self-regulation?

The results show that respondents most strongly support the introduction of stricter penalties for violating ethical standards, with 16.9% of the votes, as a key change to improve external self-regulation of the media. Enhance independence of self-regulatory bodies and the Media Agency also receives significant support (14.5%), while Establish specialized committees at the national level for media complaints ranks third with 11.7%. Improving cooperation between self-regulatory bodies and civil society (11.6%) and increasing financial support for the ombudsman through the Media Pluralism Fund (9.6%) are also highly ranked. Other proposals, such as regular publication of reports and increasing the transparency of self-regulatory bodies, received lower but still notable support, while options such as international cooperation and monitoring the effects of media self-regulation garnered the least number of votes.

In response to the perceived challenges by the public, Montenegrin media have several mechanisms at their disposal. The number of ombudspersons in Montenegro has been growing over the last few years, following the failure to set up a unified self-regulatory body at the country level. With that in mind, many respondents were referring to the early 2010s and the attempts to form a unified self-regulatory body but also the reasons as to why this happened. Interestingly, this was the only instance in the interviews where several respondents asked for their identities to be protected. At the same time, this "dispersion of authority", as noted by our interlocutors, was deemed problematic in the context of regulating media content.

> The biggest problem is the excessive dispersion in self-regulation. For self-regulation to be successful, it requires the voluntary agreement of media outlets to adhere to certain rules and behaviors, and their willingness to address issues collectively. I have advocated for implementing this at the national level for RTNK, so that we have a secondary body independent of RTNK. This would provide readers with an avenue to appeal if they are dissatisfied with the ombudsman's decisions. However, I fear there is no will to pursue this, as the media landscape is deeply divided, not just politically but also in terms of the policies they uphold. Goran, RTNK, 18 June 2024.

Of course, the ombudsperson is not entirely independent in their line of work, which can be at times difficult for those working in the media.

> *The RTCG Ombudsman cannot publish their conclusion until the Council is informed. While the Council may have an opinion, they are not allowed to vote on these conclusions or overturn them. In any case, they must not influence the Ombudsman's decisions or comment on them. This has led to delays in responses and has prolonged one-way communication.*
> *The second-instance body is the Agency for Audio-visual Media Services (AEM). It is rare for someone from RTCG to send a complaint to them. RTCG is independent in terms of regulation but can receive complaints forwarded to the AEM. These are entirely separate bodies, but concerning AEM, all complaints must be forwarded to RTCG/AEM. Within RTCG, the Council makes recommendations.* Dejana, RTCG, 19 June 2024.
>
> *In certain situations, we encountered, in our opinion, inadequate interpretations of some complaints by the external self-regulatory body. If adopted, these interpretations could have negatively impacted editorial policy and media freedom. However, our appeal against their decision was accepted. We were persistent in proving that no professional standards had been violated. On the other hand, we must also acknowledge the helpfulness in resolving specific uncertainties.* Ivan, RTCG, 09 July 2024.

As an institute, the Ombudsperson's Office exists only in the public broadcaster (RTCG), Vijesti, Dan and in weekly Monitor. In the Western Balkans, it is also found in Slovenia. With that in mind, it seems as if the Montenegrin media scene is more advanced than that of the region but this is not necessarily the case, according to our interlocutors. At the same time, one of the main debates in the Montenegrin media scene was related to whether there should be a unified self-regulatory body or not.

> *I am strongly in favor of a unified self-regulatory body. This is beneficial for institutional memory, ensuring that there is a consistent practice of determining whether something is a breach of the code or not, analyzing articles or segments, and ultimately bringing together diverse structures, qualifications, and expertise. This would also lend greater weight to decisions, supported by a unified media scene. I am much more inclined towards the formation of such a body.* Dejan, TV Vijesti, 03 July 2024.

> *This [decentralized self-regulation] would not be a problem had we lived in Sweden, Norway, or Finland. It wouldn't be a problem, but you are dealing with self-regulation in a devastated media landscape. The media are being brutally misused. You are putting out fires. In a well-organized system, it would be completely unnecessary, and it wouldn't need to exist – there are EU member states that have no media self-regulation at all. These are well-ordered environments without vulgar, savage propaganda in the media. That is why I think a central regulatory body is very important in this situation. Self-regulation is good, but it cannot impose certain penalties. The media wouldn't be able to do what they've been doing for the last 15 years. Therefore, a collective body is essential at this moment.* Bojan, Media Council for Self-Regulation, 24 June 2024.

There were also other takes on the issue: interestingly, from the seemingly identical side of the polarized media spectrum.

> *I am not an advocate of a single self-regulatory body; I don't think that is the practice in the EU either – practices vary. In our countries, besides these external self-regulatory bodies, there are also ombudspersons within media outlets, etc.* Milana, CIN-CG, 20 June 2024.

The attitude of the general population was relatively bent in the direction of a single self-regulatory body. About two-thirds (65.5%) of respondents believe it would be better for all media in Montenegro to be part of a single joint self-regulatory body, while 34.5% disagree with this idea (see Graph 25). More women (68.0%) than men (63.4%) support the idea of a unified self-regulatory body for all media in Montenegro. The highest support for this idea comes from the oldest respondents (65+ years) with 88.2% in favor, while the youngest respondents (18-24 years) show the lowest support at 50.0%. Respondents aged 25-34 years also express high support (70.2%).

65,5

34,5

■ Yes
■ No
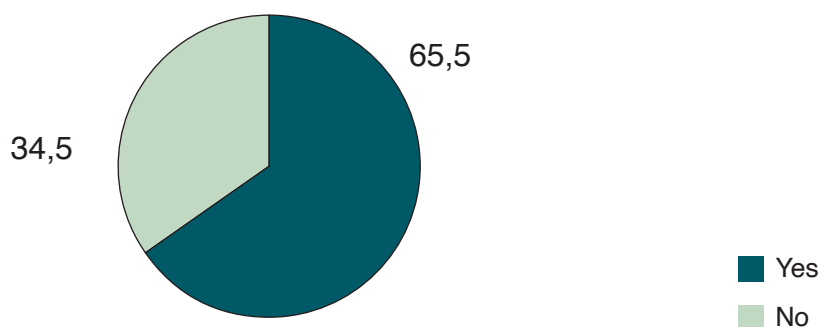
Graph 25: Would it be better if all media in Montenegro were part of a single joint self-regulatory body?

Irrespective of the take on the existence of a single self-regulatory body, the frustration with the lack of adequate consequences for those who are continuously engaging in unprofessional conduct was relatively visible in several interviews we conducted with those working on self-regulation in the media.

Notwithstanding the improvements, the viewers' rights protector (ombudsperson) is a relatively rare occurrence in the Montenegrin media, so its existence already signifies progress since viewers now have someone to turn to when they have complaints. However, I believe there should be stricter and harsher regulations and penalties. During a study trip to the Netherlands, I saw how their self-regulatory body functions. It may sound intimidating, but journalists who seriously violate programming principles and the ethical code lose their license to work. We do not have such measures here.
Dejana, RTCG, 19 June 2024.

First of all, I have to say that I believe self-regulation has not taken root in any media outlet in Montenegro. Consequently, self-regulation currently represents merely a formality and proves that the media are not ready to subordinate commercial and other interests to the rules of the profession and the public interest. There are several established self-regulation mechanisms (internal ones in the form of ombudsperson and one collective self-regulatory body), but when analyzing their effectiveness, it becomes clear that there is inconsistent practice in interpreting ethical principles and a lack of willingness from management to comply with the decisions of ombudsperson and the Media Self-Regulatory Body (MSB), which, through the prescribed process, determine violations of certain articles of the Journalists' Code. This is the case with Vijesti, the Public Service, and some private media outlets gathered by the MSB, while the ombudsman of Dan regularly emphasizes that no violations of the Code have been found and that they receive an exceptionally small number of complaints. Media Trade Union of Montenegro, 04 July 2024.

Effective self-regulation, which genuinely prevents the recurrence of professional mistakes, enhances the overall public trust in the media. Citizens can recognize the media's efforts and the founders' desire to improve their work. They can also identify when founders aim to turn the media into a propaganda tool for political or economic power centers. Whether we have the effective self-regulation or not, it is hard to tell. Stevica, NGO, 26 June 2024.

Some respondents did not only raise the issue of unregistered media outlets but also of unregistered journalists (see the Code of Ethics section). According to the argumentation of such respondents, the fundamental problem with journalists not being registered is the lack of trackable responsibility for misconduct. In other words, journalists can hypothetically be disciplined or even fired by the outlet for not abiding by the ethical principles but they may then be employed by a rival outlet. At the same time, the problem of unsigned reports is still relatively prominent in the Montenegrin media, based on the accounts of our respondents. This fundamentally weaponizes the important tool of social critique.

> *It would be better if not everyone entered journalism and if not everyone agreed to do this job. One should be able to stand behind what they have written and reported. I regret that the latest amendments don't stipulate that nothing can be published in the media without an identifiable author. We have a flood of articles on websites without any author attribution. In specific situations, the editorial team can sign off, but this should be rare. There should be a person accountable, someone who can be tracked as the one who stood behind the content. This would greatly increase responsibility, even if it's just an administrative role on the website. Hiding behind the editorial team while calling others out for accountability...I don't know, it just doesn't work that way.* Dejan, TV Vijesti, 03 July 2024.

Besides the ombudsperson, there are also other ways in which the Montenegrin media agencies (self-reportedly) perform self-regulation. One is to establish a second-order body which will render the disputes following the decision of the ombudsperson. This is a relatively rare occurrence in Montenegrin media.

> *We are the only media outlet in Montenegro that has introduced a secondary level of appeal. If a citizen is dissatisfied, their first step is to complain to the ombudsman. If the citizen is not satisfied with the ombudsman's decision, they have the right to appeal to the commission for complaints, which is formed based on the decision of the Council and consists of three relevant individuals from the local community. This usually includes someone from the media who is not employed by RTNK. The condition is that they are not employed by us; they can be professors, media workers, but the idea is to give them greater freedom and the ability to objectively assess the problem. This has proven to be very effective due to the perception among citizens that they have the right and opportunity to appeal to a secondary body.* Goran, RTNK, 18 June 2024.

When probed with such a question, the majority of our respondents indicated a reservation towards such a solution, simply because it may have a negative impact on the self-regulation process as such, building up on the previously mentioned fear of "overregulating self-regulation".

> *We do not shy away from second-level oversight, but we must always ensure there is a consensus as a good foundation to avoid stepping outside the bounds of self-regulation. Any corrective mechanism, whether it is an appeals process or something else, should not be interpreted as a form of regulation over self-regulation.* Đorđije Drinčić, Ministry of Culture and Media, 01 July 2024.

Another way of resolving or supplanting the in-house ombudsperson is using the ombudsperson from a different media: the ombudsperson for Vijesti also assesses the claims and objections made by the audience of Monitor and CIN-CG. However, such occasions were admittedly rare. Finally, those media outlets which do not have their own ombudsperson or are a part of a self-regulating network, to rely on the wisdom of editors in addressing the potentially problematic situations.

> *There are very few of us, and if there's something I'm not sure about or need to consult on, I usually do so with the editor-in-chief. I discuss with him to determine whether the source is reliable or not, and then proceed accordingly. We recently had a situation where I had two sources contradicting: it was a claim about a relative of a high-ranking officer in one of the ruling parties, like that person was supposed to become the head of a state institution. The sources from the party told me that they are unaware of this relationship (relative) but I had a reason to trust the original source. We found middle grounds in the actual text, where I was a bit cryptic but I conveyed the rumor and it turned out I was correct.* Andrej, DAN, 30 June 2024.

But one may ask: what happens if the editor is unresponsive or not around? The fast-paced media environment may also imply that at times, things cannot wait for verification. The lack of a reliable source/arbiter in such situations may prove particularly damaging in the long run. There are also several other, associated, hardships we identified. The most common one is associated with the lack of resources, including time, which results in many media agencies not having the capacity to adequately regulate content or to organize the necessary education and training. Our conversations with the editors have shown that there are opportunities, some of which are well thought and perceived necessary for the media outlet but at the same time such messages do not seem to reach their intended audience – the journalists.

More specifically, when asked about the trainings their media outlets provide to their employees, most of our respondents offered a "yes, but" type of response: yes, there are opportunities but there is very little time for such activities amid the abovementioned dynamic work environment. Indeed, most of the journalists who are also not editors or in the managing structure of the media, admitted that they never took part in any particular trainings.

> *No one has come to us, and we haven't been sent anywhere either. We simply don't have the time. Currently, I am the only one in this position out of the four of us, the only reporter, so my absence would have a significant impact. We can't afford to spend one or two days elsewhere. I'm not even sure if such opportunities are available.* Dragica, Prva, 29 June 2024.
>
> *I don't have time for training, and I don't know about others. I don't remember any training sessions. Honestly, I can't recall if I've ever been offered one. For other colleagues, I can't say because any invitation for training, workshops, or similar activities typically goes to the chief editors or the deputy editor. They discuss and decide who should attend. I haven't received such invitations.* Edin, DAN, 30 June 2024.

In subsequent interviews, we shared these findings with our interlocutors and asked if they perceive this problem to negatively affect the Montenegrin media scene in the years to come. However, they did not see the way out of this fast-paced commercial deadlock, in which the insatiable lust for content also results in a superficial dealing with issues in a divided media society.

/ 07.

Challenges with implementing self-regulation in practice

Some of the challenges with respect to the implementation of self-regulation were noted above. The public opinion survey has accentuated the issue of competing interests as the main obstacle to the self-regulation process. More specifically, the greatest challenge in the process of media self-regulation in Montenegro is the influence of media owners' interests on editorial policies (18.4%). Weak implementation of existing ethical codes and guidelines (16.9%) and lack of transparency in the work of media outlets (16.6%) are also significant issues. Insufficient training for journalists on ethical standards (16.2%) and inadequate independence of media self-regulatory bodies (15.2%) further complicate effective self-regulation. Limited public awareness of rights and complaint mechanisms (10.5%) and lack of legal and financial resources (4.6%) are also recognized as challenges (see Table 5).

	%
Lack of transparency in the work of media outlets	16.6
Poor implementation of existing ethical codes and guidelines	16.9
Lack of training for journalists on ethical standards	16.2
Insufficient independence of media self-regulatory bodies	15.2
Media owners' interests influencing editorial policy	18.4
Limited public knowledge of rights and complaint mechanisms	10.5
Lack of legal and financial resources for effective self-regulation	4.6
Something else, please specify	0.8
None of the above	0.8

Table 5: Which challenges you identify in the process of self-regulation?

We also asked the more specific questions about the process of self-regulation, such as the perceived benefits of including the public. In other words, we were interested if the challenges outlined above could be mitigated by involving the general public.

26,3   **73,7**

Yes
No
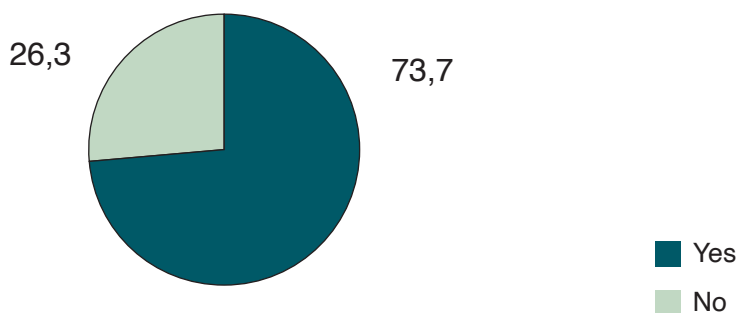
Graph 26: Do you believe that greater involvement of the public can improve
the process of media self-regulation?

Nearly four-fifths (73.7%) of respondents believe that greater public involvement can improve the self-regulation process in the media, while 26.3% do not share this view. Both men (73.4%) and women (74.0%) believe similarly that greater public involvement can enhance media self-regulation. Older individuals, especially those over 65 years old (88.2%), have the highest belief in the positive effects of increased public involvement. In contrast, the youngest age group (18-24 years) has the lowest percentage who believe in the positive impact of greater public involvement (45.5%). Respondents with higher education levels, including those with completed higher education (78.5%), show the greatest support for greater public involvement. Citizens from the central region (79.9%) express the highest belief in the positive influence of increased public involvement, while support is lowest among citizens from the southern region (67.3%).

In relation to the specific question, we asked about the ways in which self-regulation can be improved in the work of public broadcaster. The most frequently proposed measure is increasing public insight into the work and decisions of the ombudsperson (18%), followed by enhancing internal reporting channels for irregularities and abuses (17.9%) and strengthening the independence of the ombudsperson within RTCG (15.5%). Additionally, there is a suggestion to introduce regular training on ethical standards for all employees (14.7%) and increase transparency in decision-making and editorial policies (11.1%). Other proposals include forming an independent panel to monitor complaints and suggestions (11%), organizing public discussions on media ethics and standards (8%), and other specific changes (1.2%). The remaining 2.5% of respondents believe that none of the listed changes are necessary (see table 6).

	%
Increasing transparency in decision-making and editorial policies	11.1
Strengthening the independence of the ombudsman within RTCG	15.5
Enhancing public insight into the work and decisions of the ombudsman	18.0
Improving internal reporting channels for irregularities and abuses	17.9
Introducing regular training on ethical standards for all employees	14.7
Forming an independent panel to monitor complaints and suggestions	11.0
Organizing public discussions on media ethics and standards	8.0
Something else, please specify	1.2
None of the above	2.5

Table 6: Which changes would you recommend to improve self-regulation in
the public broadcaster (RTCG)?

Damar Institute

Almost an equal percentage of respondents are either unsure (45.8%) or believe there is no need (45.7%) to improve mechanisms for filing complaints about media reporting. Only 8.5% of respondents believe there is a need to improve these mechanisms (see Graph 27). Again, there is a need to bring these results into conversation with the general habits with respect to reporting outlined on pages 27-28.
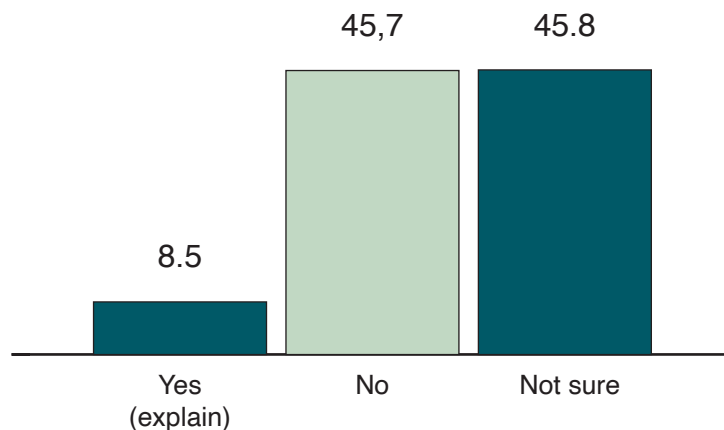
Graph 27: Do you think there is a need to improve the mechanisms for submitting complaints regarding media reporting?

Respondents who believe there is a need to improve mechanisms for filing complaints about media reporting cite several key reasons:

1. Simplicity and accessibility: There is a need for simpler and more accessible ways to file complaints, especially for older people and those less familiar with technology.

2. Better information: Many respondents do not know how to file a complaint. There is a need for more education and public awareness about rights and procedures for filing complaints.

3. Timeliness and efficiency: Respondents want faster and more timely responses to complaints filed.

4. Visibility and transparency: Greater transparency in complaint filing processes and public disclosure of complaint outcomes can increase trust in the media.

5. Ethics and professionalism: There is a need for greater adherence to journalistic ethical codes and professional standards to reduce bias and political influence in the media.

6. Improved comment regulation: Enhanced mechanisms could reduce inappropriate comments and misinformation.

7. Media credibility: Strengthening complaint mechanisms would help maintain media credibility and increase public trust in the accuracy of information.

With the media division in mind, there were also rather telling cases of self-criticism, in which journalists openly admitted that their media outlet does not even meet the basic self-regulation requirements. This is a warning sign that should not be associated with a single media outlet but an overall lack of capacity to adequately advance the principles of self-regulation. In addition to that, it was also important to highlight the fundamentally problematic ways in which societal polarization impacts the media environment.

> *Honestly, I don't know because our media house is aligned with one political side, so other perspectives are not considered, including different speakers and topics. If it's our side, everything gets published, so we don't have self-censorship in that sense. The division is clear, and I haven't been able to align with it because it seems unclear to me, but that's my response.*
>
> *There have been complaints about one-sided reporting, especially when we call out or label someone personally, leading them to use legal means for defense. We often breach impartiality by publishing only the side that suits us. Regarding guest appearances, our morning show features people who support our views, but those with opposing views are not invited. Dragica, Prva, 29 June 2024.*

There were also other, more specific criticisms and cases related to the hardships in implementing self regulation. To protect the identity of those involved, we deliberately offer as little information as possible about the particular examples.

This was congruent with the finding from our quantitative study, which indicated that the majority of our respondents (58.6%) do not find believe that RTCG does not provide enough space for public criticism of its work, while 41.4% believe that RTCG does provide enough space for it. Men (43.8%) slightly more often believe that RTCG provides enough space for public criticism compared to women (39.3%). Women are more likely to think that RTCG does not provide enough space for public criticism (60.7%). Respondents aged 25-34 are the most supportive of RTCG providing enough space for public criticism (47.7%), while those aged 35-44 are the least supportive (38.8%). Older respondents, especially those over 65 years old, are equally divided on this issue (39.7%). Citizens from the southern region are the most supportive of RTCG providing enough space for public criticism (57.7%), while those from the central region are the least supportive (35.3%). Citizens from the northern region are in between (37.2%).

Our respondents mentioned also other examples where the Ombudsman reacted in a preventive manner but also following the reaction of the affected individuals:

> *Recently we had somewhat of a tricky situation which entailed due dilligence on the side of a journalist. Following the tragedy [double murder of alleged members of a criminal organization], we had the prosecutor not reveal identity of the suspect during the press conference but the official from the police authority used the initials and was very detailed in describing who this individual his so it became very clear to the media who he was referring to. The lawyer of the mentioned individual supposedly made contact with the media, indicating that these accusations are biased and unwarranted. Most of the media revealed the identity of the suspect, based on this information and we did same but we made sure to clarify that this is just an accusation, also removing the information on the suspect from the title so as not to infer anything. Dragan, DAN, 30 June 2024.*

Overall, these and many other examples provided by our interlocutors indicate that abiding by the self-regulation mechanisms in practice is not always easy. Striking a fine balance between the right to privacy and the right of the public to know and be informed is usually an ostensibly difficult task to perform. Many respondents highlighted this in the context of traffic accidents, which was deemed a clear-cut case by my interlocutors. For instance, the benefit of protecting the harmed families was far greater than the right of the public to know about the identity of the injured or killed, especially in small societies with strong kinship ties such as Montenegrin. At the same time, the journalists and ombudspersons operate under consistent pressure by the public, which conditions their responses.

> *However, I must say that on several occasions, I have been criticized by certain NGOs regarding my conclusions. A few months ago, there was an announcement for an event, and I received a complaint from a particular NGO. After I addressed the complaint, they issued a public statement, calling me out, "hoping I would make the right decision." In that same conclusion, I stated that such criticism from that NGO constitutes pressure on the media and the Ombudsman.*
>
> *We are all politically oriented; that's the situation, an inevitability in Montenegro, but I do not wish to make biased judgments. Social media and the media don't influence me. The only problem arises if other media outlets publish something and we do not.* Dejana, RTCG, 19 June 2024.

Other considerations were also made in the context of health issues of the people being writing about. This situation also describes how ombudsperson reaches decisions but also the necessary considerations needed for day-to-day work.

> *In my editorial office, we have an Ombudsman, and decisions about what will be published are made daily during editorial meetings. During these meetings, we also resolve all ethical dilemmas and suspicions of misinformation. For example, the latest case involved a school principal who participated in a political rally and sent very harsh and offensive messages. Naturally, we started looking into his case, but we found out that his mental health is fragile, so we decided not to publish the article about him.* Biljana, FORBES, 03 July 2024.

When (self)-regulating the work of journalists, many respondents pointed to a set of practices that should be integrated in the Montenegrin media community. Some of these practices were associated with the broader societal trends, such as the simultaneous pressure from the public but also the adequate regulative framework that would facilitate improvements among journalists. Others were more specific, such as forming a chamber of journalists that would ideally regulate, within the boundaries of the law, the profession.

> *The one who provides you with a service should be responsible for what they are providing you. When you go to a doctor, you expect a certain standard. When you repair your car, you expect a certain quality of service. Here, we do not have media literacy; you do not expect and do not show that you expect some kind of quality. That quality could be achieved by recognizing that a certain TV station lied to you, was biased, and you decide not to watch it. Now, you will remain loyal to your TV station but you will criticize it, maybe send a complaint to a regulatory body [...] The demand for quality should dictate changes. As long as this does not exist, the media will not be socially responsible. So, as they say, we should work on two tracks. That is, raising awareness and, on the other hand, developing social responsibility.* Ivana, AEM, 19 June 2024.

There was also an emphasis on the best practices from the region (and beyond) that should facilitate the improvement of conditions under which media agencies operate but also in which journalists are deemed more responsible towards the society. The excerpt below is arguably the only instance in which the conditions on the job market were also put in question: namely, the fact that the number of journalism students actually becoming professional journalists is arguably decreasing, affecting both the quality of journalism but also broader issues on the job market.

> *Well, we should probably offer some guidance to these journalism students as well. For instance, in Serbia, there is the Press Council, which gives opinions, and there are 10-15 people sitting there. When you see what a person from Dan, Vijesti, or RTCG thinks, you are essentially debating with an individual or a specific media outlet, not with journalism as a craft. Just as there is a Chamber of Physiotherapists or Psychologists, why isn't there a Chamber of Journalists? Why shouldn't we have a registry of journalists so we know who is a journalist? Yes, it is a free profession, but let's at least know who we are. Why shouldn't there be a body within that Chamber to say whether there has been a breach of the journalist code of ethics? Freedom is interpreted in the wrong directions. Freedom does not mean the absence of organs and institutions. We still have individual associations registered as NGOs, which gather smaller or larger numbers of people, often their members belong to certain media groups, and there is no connection to journalism as a whole. That's why I think there should be some legally recognized bodies, not to stifle journalism but to promote it.*
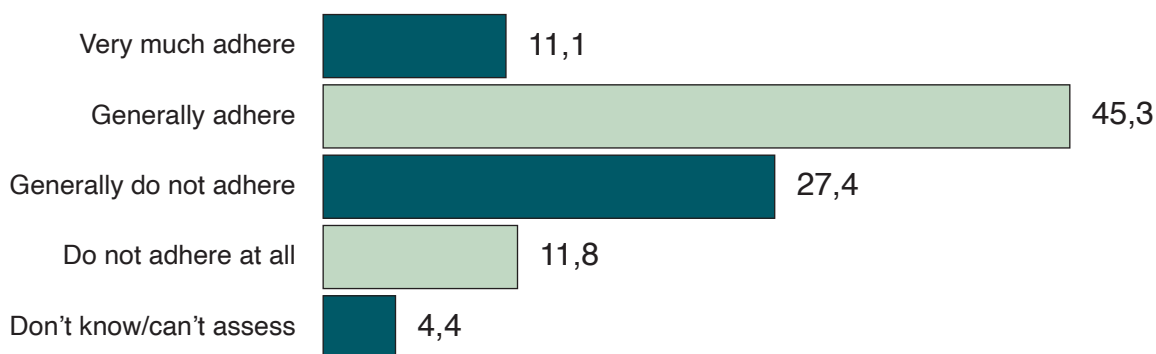> Dejan, TV Vijesti, 03 July 2024.

Other examples of best practices were usually related to the Western societies, such as the previously mentioned example from the Netherlands (in which the license can be revoked following the breach of Ethical Code). Overall, the internal procedures in the Montenegrin media outlets do not differ substantially or significantly but there are nonetheless procedural hardships that create problems in the day to day functioning self/regulation.

> *At first, it was quite strange until the editors understood that they had to respond to complaints and provide comments to me. After all, the editor is hierarchically above the journalist, gives assignments, and needs to be informed. There were situations where someone was obliged to respond to me because I was interested, and it was necessary to review the report and verify the claims from the complaints and the editor, and to make a conclusion that would adhere to the rules and ethical code. It also took some time for the Council to understand that time is needed to forward a response to the person or organization that submitted the complaint. Thus, in the first month, a practice was established that during electronic sessions, the Council would be informed about complaints.*
> RTCG Ombudsperson, 19 June 2024.

/ 08.

Code of Ethics

The last batch of questions in our topic guide was unpacking the attitudes towards the Code of Ethics for the employees in the media sectors. The public opinion survey has shown that, among respondents familiar with the concept of media self-regulation, just over half (56.4%) believe that journalists and media outlets adhere to the ethical code in their reporting (see graph 28). Specifically, 11.1% think it is highly respected, while 45.3% believe it is generally respected. In contrast, 39.2% of respondents believe that journalists mostly or entirely do not adhere to the ethical code. Specifically, 27.4% think it is mostly not respected, and 11.8% think it is not respected at all. The remaining 4.4% of respondents either do not know or cannot assess. Men and women hold similar opinions regarding the adherence to the ethical code, with men more frequently believing that it is generally respected (48.4%) compared to women (41.6%). The youngest respondents (18-24 years) have the highest percentage believing that the ethical code is not respected at all (18.2%), while those aged over 65 are most likely to believe it is mostly not respected (52.9%). Residents of the southern region are most likely to believe that the ethical code is highly respected (19.5%), whereas those in the central region are most likely to believe it is not respected at all (23.3%).

Very much adhere — 11,1
Generally adhere — 45,3
Generally do not adhere — 27,4
Do not adhere at all — 11,8
Don't know/can't assess — 4,4

Graph 28: How much, in your opinion, do journalists and media outlets adhere to the ethical code in their reporting?

Our interviews have also generally indicated a relatively high level of familiarity with the Code and its provisions: however, some journalists (including those working in TV, printed and online outlets) were admitting that they have „heard about the Code but have never really read it nor use it in their day-to-day work".

> *I mentioned the informational guide I prepared, which should be reviewed in collaboration with the employees to assess if their knowledge is up to date. However, this has not happened. Regarding workshops within RTCG, I am not sure if such a thing exists – if anyone received that when they started working... I don't know. Walking through the TV station, I found two copies of the ethical code. One is posted in my office, and one is in the building. It really happened that a journalist who had a dilemma called me to ask if they could do something, and that makes me happy. Not because it flatters my ego, but because it shows that journalists are questioning themselves.* RTCG Ombudsperson, 19 June 2024.
>
> *Such claims are usually followed by anecdotes which are supposed to demonstrate the relatively high professional standards of the interlocutors but nonetheless appear also as a potential warning sign. Indeed, only a few editors (mostly of TV stations) have indicated that the Code of Ethics is frequently referred to and discussed in everyday activities, the creation and the moderation of the content. Moreover, a journalist can always refer to the Code of Ethics if they are asked to write something they do not want to or that serves a particular interest group, a relatively common occurrence among journalists* (Biljana, Vijesti Ombudsperson, 04 July 2024).

Some respondents indicated that The Code of Ethics is about to be changed although there is no visible dissatisfaction with its provisions. In fact, most interlocutors did not raise any issues with the Code, also signalling that the changes are mostly due to the new developments worldwide, mostly in relation to the role of artificial intelligence and regulating online communication. Some of the comments concerning the Code were also indicative of wider developments (and dissatisfactions) with the Montenegrin political and/ or media scene.

> *Our Code of Journalists is 90% identical to most European codes. These are standard themes addressed in all codes, timeless issues that are covered across all media technologies. There are new elements like algorithms, artificial intelligence, and other advancements that have come with digitalization. By the end of this year, we will likely begin updating our existing code to include these innovations. Artificial intelligence is not yet widely recognized in the media; it is more associated with social networks, but it is definitely on our agenda for the end of this year or early next year.* Milana, CIN-CG, 20 June 2024.

> *All matters related to the code and regulation are voluntary. Media outlets can do as they please, write their own codes, and appoint their own people. However, from what I observe, today's media do not have the time or resources to engage in self-regulation, except for the public service broadcasters who have both the space and resources. Other media outlets literally do not have the capacity or time to send a journalist to our training sessions. They cannot afford to be without a journalist for even one day, given their limited material conditions. In such a situation, there is no time for serious oversight of journalists; it is likely handled on an ad hoc basis, from one situation to another.* Bojan, Media Council for Self Regulation, 24 June 2024.

The most important aspects which should be introduce to the new Code of Ethics are related to the use of AI and the online domain.

> *Portals, social media, and the tools available in the digital era are often sources of hate speech. This is one of the critical reasons for concern. You will almost never find hate speech or misinformation in traditional media or those with significant or relevant experience.* Đorđe Drinčić, Ministry of Culture and Media, 01 July 2024.

Perhaps this quote sums up the role of ombudsperson in a prosperous society, in light of the announced changes to the Code of Ethics.

> The function of self-regulation is to strictly enforce the Code of Ethics, without consulting the owner or the journalists, but adhering to the letter of the code. That's why I am here, and investing in an ombudsman is not a small expense. That's why it's often said that an ombudsman is an expensive asset. Self-regulation benefits the owner by reducing pressure from the state and judicial authorities, and it benefits journalists because adherence to the Code is a measure of professionalism. Readers also recognize and appreciate the application of the Code. Ilija Jovićević, DAN, 30 June 2024.

The takeaways are that the consequences for inadequate conduct for journalist should be harsher and more visible. One of our respondents mentioned the example of the Netherlands, where severe breach of the Code of Ethics may result in having license revoked. But there is another problem: the journalists in Montenegro are not registered (Dejan, Vijesti, 04 July 2024). Another, related issue is that the consequences are not clear even for the editors:

> *As for the Vijesti Code of Ethics, I think it is too strict, but a third of its provisions are not followed (starting with the editors), so I don't see the point in revising it.* Biljana, Vijesti Ombudsperson, 03 July 2024.

/ 09.

Conclusions and recommendations

Although the conclusions of a report should not be replete with primary data, we will use the opportunity that, once again, through quotes and references, point to a set of takeaways when it comes to self-regulation in Montenegro. Our interviews have shown a relatively high degree of familiarity with the self-regulatory process and the limited level of trust in the system of (self-)regulations. There are several reasons for reaching such conclusions. On the one hand, the challenges with respect to procedures and the role of relevant stakeholders in the process. The editors were relatively content with how the self-regulation as a principle and a process was implemented within their media outlets. There were also some exceptions:

> *In general, I believe that the issue of self-regulation is of exceptional importance for Montenegro because the country has certain problems regarding professional standards and codes, and violations of the Code do occur. There is not a strong enough expression of self-regulation, and except for a few ombudspersons working for specific media outlets, there is no developed system of self-regulation. Unfortunately, a self-regulatory body has often served as a tool to punish certain media while tolerating violations by others. It has not been sufficiently guided by principles, and there has not been enough trust in the body. The system of self-regulation has even been misused to intimidate or punish certain media outlets.* Milana, CIN-CG, 20 June 2024.

The Ombudspersons we discussed were pointing to the hardships with the editorial team (in the case of RTCG and Vijesti) but also the importance of frequent communication with the editorship and the journalists (Dan). The journalists, on the other hand, did not appear to have much interaction with the ombudsperson in their media outlet, nor was this interaction deemed important in line of their day-to-day work. Finally, the regulatory bodies and Media Trade Union were relatively dissatisfied with how the self-regulation works. This lengthy excerpt by the Media Trade Union pinpoints the main challenges ahead of the institution of the ombudsperson in different media outlets. At the same time, it should be taken with a pinch of salt but also indicative of the broader and potentially problematic trends in the Montenegrin media.

When reading the decisions of the Vijesti ombudsperson, it becomes evident that journalists and editors do not respond promptly to her inquiries during mediation attempts. When they do respond, it is often in a confrontational tone, and they never admit their mistakes. The positive aspect of her work is that the ombudsperson publicly publishes the entire process she conducted, and it is available on the website, although not in a prominent place. Additionally, the content of earlier complaints has been removed for some time, leaving only a few accessible.

One of the problems with self-regulation at Vijesti and Dan is the limited scope of those who can file complaints. Only those directly mentioned in the article or their legal representatives can do so, excluding, for example, citizens who notice violations of the Journalists' Code. There have been cases where details of rape victims were published, with the full name omitted but circumstances described in a way that made it clear to readers who was involved. In such cases, only the victim and their legal representative could react, not the expert or lay public.

Regarding the RTCG ombudsperson, another issue is the disregard for this legally established institution by management. They (management) do not respond to the ombudsperson's inquiries, engage in arguments, and undermine her during Council meetings simply because she decides to accept certain complaints. Additionally, the Law guarantees the ombudsperson's independence in RTCG's operations, yet during Council meetings, decisions are commented on and sometimes opposed, but measures, possibly including sanctions, are never proposed to the editorial team to stop practices identified by the ombudsman or to hold anyone accountable for unprofessional conduct. Media Trade Union, 04 July 2024.

As noted, these comments should be taken seriously, although they do not necessarily align with our conversations with the ombudspersons of Dan and RTCG. The Dan Ombudsperson, for example, emphasized the attention given to reporting on serious crimes, claiming there is relatively regular contact between the editorship and journalists when discussing such challenging topics.

Nevertheless, challenges associated with specific domains of regulation and self-regulation persist, comparable to those in other countries. Regulating online media remains a significant problem for several reasons. First, regulation is often controlled by social media companies rather than local bodies. Second, financial pressures drive media outlets to amplify their social media presence, sometimes at the expense of content regulation. Third, the media may sometimes promote polarizing or hateful speech to increase their online presence.

Furthermore, education within the media sector is an ongoing issue. Many outlets are understaffed and often cannot allocate time for professional training of their employees. The pronounced discrepancy between the accounts of editors and journalists highlights the challenges ahead.

Ultimately, the report illustrates that there is still much room for improvement in self-regulation in Montenegro. However, it also offers hope for overcoming barriers induced by societal and political polarization.

A key finding of this research is that the pronounced division in the Montenegrin media scene predominantly exists in the minds of the divided, rather than in the interpretation of professional values and standards, including self-regulation.

The experiences shared by our interlocutors underscore the importance of understanding self-regulation not just as a theoretical concept but as a practical tool that requires commitment and consistency. This aligns with extant literature, which highlights the need for clear guidelines and robust implementation to foster media integrity and public trust. As Montenegro navigates these complexities, ongoing dialogue and training will be crucial in bridging gaps and enhancing the effectiveness of self-regulation frameworks.

/ 10.
Recommendations

Building on some of the conclusions outlined in this report, we also prepared a list of recommendations. The recommendations were primarily based on the data collected and should as such be corroborated and strengthened with the existing documents regulating the media scene in the country. As such, these recommendations should be taken with a pinch of salt, nonetheless signalling a need for continuous improvement amid the striking discrepancy between the public opinion and the attitudes of experts, partly in light of the polarized media scene.

1. The Ministry of Culture and Media, media outlets, local media organizations, and professional associations, supported by international organizations and foreign donors, to launch a broad year-long campaign to promote self-regulation, aiming to raise awareness among as many citizens as possible.

2. The media community, with mediation from the Ministry of Culture and Media and professional and international organizations, should consider the possibility of forming a unified self-regulatory body led by independent experts.

3. All media outlets should implement self-regulation or establish internal ethical guidelines and mechanisms for self-regulation, or join an external self-regulatory body if not already established. Media with existing mechanisms should continuously monitor compliance with these guidelines and publish periodic reports on the operation of their self-regulatory mechanisms on their websites.

4. All media outlets need to increase the visibility of self-regulation and actively promote it. Users must have the opportunity to easily submit complaints and receive responses promptly.

5. Media organizations, in collaboration with self-regulatory mechanisms, media associations, and professional organizations, should organize ongoing training sessions for journalists and editors on respecting and promoting the Journalistic Code of Ethics and other self-regulation provisions.

6. The public broadcasting service Radio-television of Montenegro (RTCG) should focus on developing and promoting self-regulation. The RTCG Ombudsperson should appear more frequently on programs, regularly present their work to the public, and advise viewers about their rights. Since the RTCG Ombudsperson operates independently, transparent and clear mechanisms should be established to protect them from influence by the RTCG Council.

7. All online media platforms must establish detailed content moderation rules and comment policies to reduce hate speech and misinformation.

8. Within the media community, there is a need for an honest debate about the possibility of stricter penalties for violations of ethical and professional standards. This debate should not lead to self-censorship or censorship among journalists.

9. Media outlets, self-regulatory mechanisms, media associations, and professional organizations, with support from international organizations and foreign donors, should organize study visits and exchange experiences with self-regulatory mechanisms from neighbouring countries and the European Union to enhance efforts against cross-border unprofessional media content.

10. The Ministry of Culture and Media, the Agency for Audio-visual Media Services, media outlets, self-regulatory mechanisms, media associations, or professional organizations should initiate timely debates on new ethical dilemmas arising from technological advancements (such as the impact of artificial intelligence on journalism or algorithms on social media affecting the reach of media content) and provide precise responses to these dilemmas.