

**Alternative Report to the UN Human Rights Committee
For the 2nd Periodic Review of Montenegro under the ICCPR**

Submitted by: Trade Union of Media of Montenegro (TUMM)

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I. General Information on the National Human Rights Situation

1.1 The Trade Union of Media of Montenegro (TUMM) represents journalists, editors, camera operators, photojournalists, and other media professionals across Montenegro. TUMM advocates for enhanced labor rights, improved working conditions, and the safety of journalists while monitoring violations of press freedom.

1.2 This report assesses Montenegro's compliance with ICCPR provisions, specifically Articles 19 (Freedom of Expression), 22 (Freedom of Association), and 26 (Equality Before the Law), with a focus on journalist safety, labor rights violations, media laws, and systemic challenges to press freedom. The report includes:

- TUMM's research and monitoring data on labor conditions and journalist safety.
 - Data from SafeJournalists.net regarding attacks on journalists.
 - Legal analysis of Montenegro's media laws and policies.
 - Case studies and testimonies from journalists and media workers.
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II. Constitutional and Legal Framework within Which the Covenant is Implemented (Article 2)

2.1 Montenegro has made progress in legal reforms aimed at protecting human rights, including media-related provisions. However, TUMM's concerns focus on the insufficient implementation and gaps in protections for journalists and media workers. While the **Montenegro State Report** discusses these reforms, it does not adequately address how these laws are enforced or the challenges that remain.

2.2 The **Montenegro State Report** underlines the ongoing need to strengthen legal frameworks, particularly in ensuring the full protection of workers in vulnerable sectors, including the media. TUMM's report highlights the failure to provide adequate protection for freelance journalists, the lack of a sector-wide collective bargaining agreement, and continued political interference in public media, despite legal reforms.

III. Specific Information on the Implementation of Articles 1–27 of the Covenant

A. Freedom of Expression and Protection of Journalists (Response to LOI Section 14, Article 19 ICCPR)

3.1 Attacks on Journalists and Press Freedom

3.1.1 Between 2021 and 2024, 92 attacks and threats to journalists and media outlets were recorded, averaging 23 attacks per year. This marks as much as **200% increase** compared to the previous four-year period (2017-2020), where 30 attacks were recorded¹. Despite this rise, Montenegro's **Press Freedom Index**² remains stagnant, with a ranking of 40, falling only behind North Macedonia in the region.

3.1.2 **In response to the Committee's 2020 inquiry regarding impunity for attacks on journalists (LOI para. 14)**, Montenegro has made limited progress. The trial for journalist Olivera Lakić's attempted murder began only in December 2024, six years after the crime. This delay violates ICCPR Article 2's obligation for effective remedies. Despite legal reforms, the slow judicial process continues to undermine press freedom.

3.1.3 Key cases of violence against journalists include:

- **The Attack on Ana Raičković**³ (November 2024) – Regardless their swift reaction, the prosecution failed to apply enhanced protections for journalists under the Criminal Code, demonstrating gaps in legal protection.
- **Attempted Murder of Olivera Lakić** – The trial began six years post-attack, reflecting delays in the judicial process.
- **Unsolved Murder of Duško Jovanović** – Despite two decades, no resolution has been reached, indicating systemic impunity.
- **During the 2022-2024 period**, significant increase of aggressive, harassing and discriminatory statement has been recorder, out of 13 as much as 10 were made by high public officials.

3.1.4 The **Montenegro State Report** acknowledges challenges in addressing violence against journalists but does not provide a clear plan for addressing impunity or ensuring effective remedies for journalists under attack. Although the Supreme Prosecutor's Office has made strides by introducing a contact point for attacks on journalists and implementing mandatory guidelines for prosecutors to handle such cases, the impact of these measures has yet to yield tangible results. Despite multiple announcements, the Police Directorate has not established contact points within the police administration. Moreover, no formal risk assessment mechanisms exist within the media sector to evaluate and mitigate the safety risks that journalists face. TUMM has been a key player in initiating activities aimed at introducing a risk assessment culture in the sector⁴. It is

¹ Data obtained from database of Safe Journalists network: www.safejournalists.net

² Press Freedom Index 2024, Montenegro, URL: <https://rsf.org/en/country/montenegro>

³ Attack on journalists Ana Raičković, database of Safe Journalists, URL: <https://safejournalists.net/incident/attack-on-journalists-ana-raickovic-podgorica-10-11-2024/>

⁴ Trade Union of Media of Montenegro, Guidelines to Risk Assessment, 2022, URL: <https://sindikatomedija.me/publikacije/izgradnja-kulture-bezbjednosti-u-crnoj-gori/>

crucial that Montenegro takes immediate and effective action to address the ongoing culture of impunity for attacks on journalists. The country must ensure that all attacks against journalists, including physical violence, threats, and harassment, are swiftly investigated and prosecuted in accordance with the law. This should be a priority for both law enforcement and the judiciary, which must work together to ensure timely responses. A critical aspect of this process is the ongoing cooperation between the judiciary, law enforcement, and the media community. In order to improve the effectiveness of investigations and prosecutions, it is essential to establish regular dialogue between these key stakeholders. Organizing trainings, workshops, and meetings that bring together law enforcement, the judiciary, and media professionals is vital. These sessions would help ensure that all parties involved understand the unique challenges faced by journalists and the importance of their protection under the law. Additionally, they would promote the exchange of knowledge on best practices for handling cases involving journalists, as well as strengthen the trust and collaboration between the media community and legal institutions.

3.1.5. The recent amendments to the Law on the Public Broadcasting Service (RTCG), which reduced the criteria for selecting the general director from 10 years to 5 years, and bypassed the working group, raise concerns about the intentions behind these changes. Specifically, the amendments appear to be designed to facilitate the reappointment of the current director, despite two final rulings against his appointment. This situation casts doubt on the commitment of the political establishment to safeguarding the independence of public service media from direct political influence. This concern aligns with issues highlighted in **paragraphs 168 and 169 of Montenegro's response**, where the government discusses its efforts in media reforms and the importance of ensuring the independence of public service media. However, the reduction of the selection criteria and the potential reappointment of the director, despite legal rulings to the contrary, suggest that the reforms may not be sufficient to prevent political interference. The lack of a transparent, merit-based process for leadership appointments could undermine the autonomy of RTCG, in turn impacting the editorial independence and credibility of the public broadcaster. This situation triggered reaction of International and European federations of Journalists⁵. As noted in **paragraphs 168 and 169**, while Montenegro has made some legal improvements, there is still a concern that political pressures might continue to influence the media sector. This poses a challenge to Montenegro's obligations under Article 19 of the ICCPR, which guarantees the right to freedom of expression and the independence of the media. To strengthen public trust in RTCG as an impartial institution, it is essential that leadership appointments be made through a transparent, merit-based process, free from political interference.

3.2 **SLAPPs and Defamation Lawsuits as Tools of Intimidation**

3.2. In addition to physical violence and harassment, journalists in Montenegro face significant threats from **SLAPPs** (Strategic Lawsuits Against Public Participation) and defamation lawsuits. These lawsuits, often used by powerful political, economic, or social

⁵ <https://www.ifj.org/es/sala-de-prensa/noticias/detalle/category/comunicados-de-prensa/article/montenegro-alarming-last-minute-changes-to-the-draft-law-on-national-public-broadcasting>

actors, are aimed at silencing critics and discouraging investigative journalism. Defamation laws, while essential for protecting individual reputations, should not be exploited to suppress public interest reporting and intimidate journalists. Research conducted during the period from 2011, when defamation was decriminalized, through 2021, shows a troubling trend. A total of **210 defamation lawsuits** were filed against journalists, with the total amount requested in damages nearing **3 million euros**. These lawsuits frequently involved individuals with significant political, economic, or social power. In **35 of these cases**, the plaintiffs were figures from positions of power, such as political or business elites, who used legal action to intimidate media outlets. These cases also accounted for the highest damage claims, with one particularly egregious claim amounting to an astonishing **150,000 euros**. A recent high-profile example of a potential SLAPP involves a member of the management of Montenegro's **Public Broadcasting Service** suing two media outlets and Marijana Camović Veličković, Vice President of the **Trade Union of Media of Montenegro (TUMM)**, for comments regarding an employment contract. This case appears to be a textbook example of a SLAPP, where legal action is used to stifle free speech and discourage public debate on issues of public concern. Despite the growing use of SLAPPs and the chilling effect they have on journalistic freedom, Montenegro currently lacks anti-SLAPP mechanisms. Some civil society organizations have recognized this issue and are working on initiatives⁶ to address it, but no comprehensive legal framework exists to protect journalists from these abusive lawsuits.

IV. Challenges and Recommendations for Advancing Media Freedom and Labor Rights in Montenegro

B. Labor Rights in the Media Sector (Response to LOI Section 10, Article 22 ICCPR)

4.1 Working Conditions and Job Precarity

4.1.1 Media workers in Montenegro continue to face significant challenges, including job insecurity, low pay, and precarious contracts. While some journalists earn above the national average, many are employed under unstable terms. This situation is particularly concerning for freelance journalists, who are especially vulnerable to exploitation, as there is no clear legal framework in place to protect their rights. Many freelance journalists experience inconsistent compensation and lack access to basic worker protections, exacerbating their precarious status within the sector.

4.1.2 One of the most vulnerable groups within the media sector are young journalists, who often face weak positions in the newsroom. These young professionals are frequently tasked with high workloads and demanding responsibilities but often do so without the stability or protections that more established journalists enjoy. As a result,

⁶ Center for development of CSOs in Montenegro, Research on SLAPPs, 2024, URL: <https://crnvo.me/istrazivanje-o-strateskim-tuzbama-protiv-ucesca-javnosti-slapp-u-crnoj-gori/>

they are more susceptible to job insecurity, low pay, and exploitation. Many young journalists are employed on short-term contracts or as freelancers, which leaves them without access to health insurance, retirement benefits, or job security. This precarious position is compounded by a lack of mentoring and support in many newsrooms, leaving young journalists to navigate the challenges of the media industry without the necessary guidance or protection.

4.1.3 Despite the Montenegro State Report acknowledging efforts to improve labor protections across various sectors, it does not sufficiently address the specific challenges faced by media workers, particularly the most vulnerable groups such as young journalists and freelancers. The Trade Union of Media of Montenegro (TUMM) has been at the forefront of advocating for better working conditions, fairer compensation, and stronger legal protections for all media workers, including freelance professionals. TUMM has also been instrumental in providing critical support to journalists and media workers in distress, offering free legal and psychological assistance to help them navigate the challenges they face, particularly when dealing with legal harassment or mental health issues stemming from their working conditions.

4.1.4 Through its work in the Working Group for the Media Strategy, TUMM has advocated for placing a special emphasis on the socio-economic position of media workers. One of the key objectives of the Media Strategy 2023-2026 is the signing of a Collective Agreement for the media industry. However, despite this objective, progress has been slow, as the sector still lacks a Collective Agreement due to the reluctance of employers to engage in negotiations. The only media outlets that currently have such an agreement are Radio Television of Montenegro (RTCG), the public media service, and Radio Television of Budva. These agreements are crucial as they provide basic labor protections, such as fair wages, job security, and access to social benefits, yet the vast majority of media workers remain unprotected by such agreements.

4.1.5 TUMM's advocacy work continues to play a vital role in addressing these challenges. Through various campaigns and initiatives, the union works to raise awareness of the difficult working conditions faced by media professionals, especially freelancers and young journalists. However, until a Collective Agreement is signed for the wider media sector and legal frameworks are implemented to protect freelance journalists and young workers, the media industry will continue to experience instability and exploitation.

V. Recommendations

1. Ensure Comprehensive Criminal Protection for Journalists and Strengthen Legal Safeguards

While Montenegro has made some legal strides, the government must revise and strengthen its criminal code to provide enhanced protections for journalists. This should include criminalizing all forms of violence, threats, and harassment against journalists and ensuring swift investigations and prosecutions. Establishing a clear legal framework that categorizes attacks on journalists as a distinct criminal offense, coupled with enhanced penalties, will send a strong signal that crimes against journalists will not be tolerated. Moreover, mandatory training for law enforcement and judicial bodies should be implemented to improve the handling of journalist safety cases, ensuring that such incidents are treated with the utmost seriousness.

2. Implement a National Risk Assessment and Safety Mechanism for Journalists

The government should establish a national journalist protection mechanism, inspired by international best practices, that includes a system for conducting risk assessments across all media outlets. Media organizations, in cooperation with the government and civil society, should implement a culture of risk assessment to evaluate and mitigate safety risks for journalists, particularly those working on sensitive stories. This system should provide protection for journalists at risk of physical, psychological, or legal harm and establish clear protocols for media outlets and authorities to follow in such cases. This will promote a safer working environment for journalists, enabling them to report freely without fear of retaliation.

3. Promote Active State Engagement in Collective Bargaining for Media Workers

The state must take a more proactive role in facilitating negotiations between media unions and employers to secure a Collective Agreement for the media sector. The government should act as a mediator in these negotiations, ensuring that fair working conditions, job security, and social benefits are established for all media workers, including freelancers and young journalists. This proactive involvement is crucial to overcoming the resistance from media employers and achieving the signing of a Collective Agreement that guarantees fair wages, job stability, and access to essential social protections.

4. Foster Collaboration Between Media, Law Enforcement, and Judiciary for Journalist Protection

To improve the safety of journalists, the government must encourage closer collaboration between media organizations, law enforcement, and the judiciary. Establishing regular dialogue and joint training sessions will help ensure all actors understand the unique challenges journalists face and the legal protections required. This collaboration should also include workshops on best practices for investigating crimes against journalists and handling related legal issues, ensuring that all parties are aligned in their efforts to protect media workers. Furthermore, the creation of designated contact points within the police and judicial systems for cases involving media workers should be expedited and enforced.

5. Introduce Legal Protections and Social Benefits for Freelance Journalists

Freelance journalists, as one of the most vulnerable groups in the media sector, require specific legal protections to ensure fair compensation, social security, and access to healthcare and retirement benefits. The government should introduce clear legal frameworks that mandate basic rights for freelance journalists, including access to contracts, paid leave, and protection from exploitation. Media employers should also be incentivized to offer freelancers stable working conditions and benefits, ensuring they are not left at a disadvantage compared to their full-time counterparts.

6. Strengthen the Political Independence of Public Media Services

The government must take immediate and sustained action to reduce political pressure on the Public Broadcasting Service (PBS), ensuring it operates free from undue political interference. This includes revising legal frameworks and policies that may inadvertently enable political control over PBS operations and leadership appointments. In addition, it is essential for the government and public officials to understand that media outlets, regardless of their editorial policy, are vital for a functioning democracy. Media, including those with which officials may not always agree, play a critical role in fostering transparency, accountability, and public discourse. To support this understanding, the government should implement education programs for public officials that highlight the importance of media independence for the health of democratic institutions. These programs should emphasize that public service media must be allowed to function without political bias or interference, ensuring they can effectively serve the public interest.

VI. Conclusion

6.1 Despite legal reforms, Montenegro continues to face significant challenges related to press freedom, impunity for attacks on journalists, and deteriorating working conditions in the media sector. The slow judicial process, political interference in public media, and lack of job security for media workers undermine the protection of fundamental freedoms.

6.2 TUMM calls for urgent action to improve legal protections for journalists, enforce labor rights, and address political interference in public media. These steps are critical for Montenegro to meet its ICCPR obligations and to align its media laws with international standards.

6.3 TUMM remains committed to working with both national and international stakeholders to improve press freedom, safety, and labor rights in Montenegro.