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Challenges to the Rule of Law and Media Freedom in Montenegro

Shadow Report

Montenegro Media Institute

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Introduction

In June 2024, Montenegro adopted an important set of new laws in the field of media freedom, which, inter alia, allowed the country to receive positive feedback¹ for the Interim Benchmark Accession Report (IBAR) and thus move forward on the EU accession process. The laws transposed the 2018 Audiovisual Media Services Directive (AVMSD) into the national legal framework, strengthened the legal foundations for the managerial and financial independence of the national and local public service broadcasters, improved provisions related to the transparency of online portals, and encouraged media outlets to enhance self-regulatory mechanisms and practices. Following the adoption of the laws, Montenegro's status in the Creative Europe program was reinstated. This program represents one of the most extensive support networks in the field of culture and media. Montenegro had previously been suspended from the program due to the delayed adoption of media legislation.

The adoption of these laws allowed Montenegro to temporarily close Chapter 10 of the accession negotiations, while its full effective implementation is essential for meeting the final benchmarks related to the rule of law. However, this report argues that key institutions in the media sector are still exposed and vulnerable to political influence. Even worse, compared to 2024, the situation is progressively deteriorating as there is an ongoing worrying trend of inconsistent law implementation which can potentially reverse the progress achieved.

This shadow report will focus on the most critical aspects of the media sector in Montenegro, in particular on political influence vis-a-vis the public service, the regulator as well as the overall foreign influence. The European institutions seem to be aware of the situation, in spite of the positive IBAR assessment. In early June 2025, a non-paper² was shared with many media in Montenegro and it summarised the concerns of the EU institutions, including those about media freedom as outlined in this shadow report.

¹ Historic Day: Montenegro Receives Positive IBAR, available at https://www.eeas.europa.eu/delegations/montenegro/historic-day-montenegro-receives-positive-ibar_en (accessed on 9 June 2025).

² Pobjeda, Funkcioneri i političari izjavama podrivaju povjerenje u pravosuđe, 5 June 2025. Available at <https://www.pobjeda.me/clanak/funkcioneri-i-politiciari-izjavama-podrivaju-povjerenje-u-pravosude> (accessed on 6 June 2025).

1. The legal framework

In June 2024, the National Assembly of Montenegro passed the Law on Media³, the Law on Audiovisual Media Services⁴ and the Law on the National Public Broadcaster⁵. The three laws entered into force on 29 July 2024.

Prior to the laws, the Government of Montenegro had adopted in October 2023 a Media Strategy and the relevant action plan for the period 2023-2024⁶. The goal of the strategy is to adopt and implement the highest standards concerning freedom of expression, harmonisation with EU legislation and the creation of a favourable environment for the work of media and for a free and professional journalism, which guarantees media pluralism and ensures that every citizen is truly and completely informed. The adoption of the law is foreseen by the Action Plan.

The laws served the purpose of transposing the Audiovisual Media Service Directive⁷, the recommendations of the Committee of Ministers of the Council of Europe and the practice of the European Court of Human Rights into the national legal framework, while also strengthening provisions on media transparency. The autonomy of the governing structures of audiovisual media services and the national public broadcaster were strengthened, particularly for local public broadcasters, which were granted stable public funding.

However, significant challenges in the implementation of these laws remain. Additionally, the media reform process (adoption of the media laws and the media strategy) did not create the conditions to address some of the key issues in the media landscape, such as media sustainability, transparency and concentration of ownership, and foreign influence.

While specific challenges of the small, vulnerable local media scene remains and obstacles to the consistent enforcement of the law need to be removed, the Government has decided to focus on aligning national regulations with the EU acquis in the field, particularly with the Digital Service Act (DSA) and the European Media Freedom Act (EMFA).

³ Zakon o Medijima, Službeni list Crne Gore, n. 054/24, 11.06.2024.

⁴ Zakon O Audiovizuelnim Medijskim Uslugama, Službeni list Crne Gore, n. 054/24, 11.06.2024.

⁵ Zakona O Nacionalnom Javnom Emiteru - Javnom Medijskom Servisu Crne Gore, Službeni list Crne Gore", n. 060/24, 24.06.2024.

⁶ The text of the strategy is available at <https://www.gov.me/en/documents/3d29965b-5536-41d7-875f-02316d5524ed> (accessed on 02 April 2025)

⁷ Audiovisual Media Service Directive, Official Journal of the European Union, L 303/69, 28.11.2018.

2. Threats to media integrity

2.1 The public broadcaster

The public broadcasters of Montenegro are facing some serious challenges which are jeopardising its editorial independence, its professionalism and the institutional autonomy.

The reappointment of the outgoing director in August 2024 represents the most worrying episode of this crisis and it shows how final and binding court decisions can be actually bypassed by the adoption of *ad personam* legislative amendments.

The current director was reappointed thanks to the fact that in June 2024⁹, the Parliament, when adopting the amendments to the Law on the Public Broadcaster, relaxed the rules for the appointment of the director: in the amendments, the required years of work experience for the position of the director of the public service were lowered from 10 to 5 years⁸. This allowed the then acting director, Mr. Raonić, to be appointed to the position of director.

Prior to this episode, the appointment of the same Raonić had been successfully challenged in court twice: Raonić was initially appointed in 2021, but his appointment was annulled in first instance in January 2023 by the Podgorica basic court. This decision was then confirmed by the Podgorica High Court in May 2023 and by the Supreme Court in March 2024. In June 2023, the Council of the Radio Televizija Crne Gore (RTCG) reappointed him to the same position. Besides public criticism, this episode also prompted a criminal investigation into the case against the members of the RTCG Council for contempt of the court, which is still ongoing.

⁸ Vijesti, Istekao konkurs: Direktora RTCG biraju do kraja avgusta, 16 August 2024, <https://www.vijesti.me/vijesti/drustvo/720102/istekao-konkurs-direktora-rtcg-biraju-do-kraja-avgusta> (accessed on 24 May 2025)

⁹ Vijesti, Vrhovni sud odbio reviziju odluke Višeg suda: Raonić nezakonito imenovan u avgustu 2021., 4 March 2024, available at: https://www.vijesti.me/vijesti/drustvo/696688/vrhovni-sud-odbio-reviziju-odluke-viseg-suda-raonic-nezakonito-imenovan-u-avgustu-2021?utm_source=vijesti&utm_medium=article_related&utm_campaign=article_intext_related (accessed on 25 June 2025).

In April 2024 again the Podgorica Basic Court annulled his appointment. The High Court confirmed this decision in November 2024¹⁰. In the meantime, the law had already been changed, allowing Raonić to be appointed for the third time to the position of RTCG director. This situation was only partially noted in the 2024 Report for Montenegro of the European Commission¹¹.

The irony of the whole situation is that the amendments to the Law on Public Service, which have lowered the requirements for the minimum work experience, are the same amendments which were positively assessed by European Council for the temporary closure of Chapter 10¹².

Although there are no EU standards for the minimum work experience of the RTCG Director, reducing the required work experience from 10 to 5 years, besides lowering the standards, in the eyes of many appeared as a move to adjust the law to favour the acting director¹³.

Additionally, the National Assembly was hesitant to issue a public call for the appointment of new members to the RTCG Council. Although the law obliges it to announce the call no later than February, it was issued only in mid-May 2025¹⁴. The names of the three new Council members (out of total of nine) are expected to be known by October this year.

In parallel with that, a group of NGOs - led by the Civic Alliance, which was previously headed by the current director of RTCG, Boris Raonić - submitted to the National Assembly an initiative to change the Law on the National Public Broadcaster, which is a step backward compared to the existing solution and opens the door to inappropriate political influence to be exerted in the selection of the members of the Council of the RTCG. The current arrangement in fact excludes the competence of the Administrative Committee of the National Assembly from the selection process and via rigid criteria it allows NGOs to nominate their candidates. The new proposal, which was delivered to a number of deputies by a group of non-governmental organisations, restores the possibility for politicians, via the Administrative Committee, to predetermine the composition of the key steering bodies of the Council of RTCG. While, at the time of the writing of this report, this proposal has not yet been put on the agenda, this possibility is an indicator of serious problems in the respect for the rule of law and the independence of the public broadcaster.

¹⁰ Pobjeda, Sudovi presuđuju, Raonić ostaje , 6 November 2024, available at: <https://www.pobjeda.me/clanak/sudovi-presuduju-raonic-ostaje-2> (accessed on 24 June 2025).

¹¹ European Commission, Montenegro 2024 report, p. 38, available at: https://enlargement.ec.europa.eu/document/download/a41cf419-5473-4659-a3f3-af4bc8ed243b_en?filename=Montenegro%20Report%202024.pdf (accessed on 24 May 2025).

¹² Council of the EU, Press release, 16 December 2024 available at: <https://www.consilium.europa.eu/en/press/press-releases/2024/12/16/seventeenth-meeting-of-the-accession-conference-with-montenegro-at-ministerial-level/> (accessed on 24 May 2025).

¹³ <https://www.pobjeda.me/clanak/raonic-ponovo-u-trci-za-celnika-rtcg>.

¹⁴ Pobjeda, Skupština sa tri mjeseca zakašnjenja raspisala konkurs, 30 May 2025, available at: <https://www.pobjeda.me/clanak/skupstina-sa-tri-mjeseca-zakasnjnja-raspisala-konkurs>, (accessed on 25 June 2025).

The public broadcaster has a stable income from the state budget, which is a precondition for an editorial and managerial autonomy: every year, 1.34% of the state budget is allocated to the public broadcaster. This year the RTCG received a record amount of 20.08 million euro, which significantly exceeds the budgets of private media. RTCG is the most dominant player on the market, with more than half of the total revenue, while its viewership share is around 20 percent — indicating a clear imbalance between its financial power and actual audience influence.

Commercial broadcasters argue that RTCG's advertising should be abolished by law and point to the absence of measures protecting market competition in the audiovisual sector. Ahead of the adoption of the new Public Service Law, they warned that the act represents a step backward compared to the previous law, as it allows the public broadcaster to air commercials during prime time (20:00–22:00).

There are also serious criticisms regarding its editorial policy. Experts characterize the editorial policy of the public broadcaster as “benign” and they don’t consider the public service as a body that could criticize the government or as a source of investigative journalism. The whole programming is defined as “ineffective and expensive”. As one of the experts interviewed for this report put it, “the public, in spite of the significant state resources received, compared to commercial media is not getting a content which justifies the amounts spent on the public broadcaster”¹⁵.

The situation in the public broadcaster needs to remain under close scrutiny. In this regard it is encouraging that in spite of the provisional closure of Chapter 10, the Foreign Affairs Committee of the European Parliament in mid-May 2025 called on “the Montenegrin authorities to ensure the editorial, institutional and financial independence of the public service broadcaster”¹⁶. Even if Chapter 10 has been temporarily closed, it will be important for the issue of the RTCG to remain on the agenda. In particular, the recruitment of its director should be based on objective criteria. Five years of working experience for the position of director of a public service is a very loose requirement, paving the way for unqualified candidates to apply for the job. It is clear that potential candidates for the position should meet the requirements and not that requirements should be adjusted to the candidates.

¹⁵ Interview with one of the media experts, Podgorica, 2-4 April 2025.

¹⁶ Draft Report on the 2023 and 2024 Commission reports on Montenegro, (2025/2020(INI)), Committee on Foreign Affairs, Rapporteur: Marjan Šarec https://www.europarl.europa.eu/meetdocs/2024_2029/plmrep/COMMITTEES/AFET/PR/2025/05-12/1315165EN.pdf

2.2 The new Law on Audiovisual Media Services and Challenges to Regulatory Independence

The new law on Audiovisual Media Services (AVMS)¹⁷ has transposed the 2018 EU AVMS Directive into national legislation, enhancing the regulator's authority and expanding the range of sanctions that may be imposed on AVMS providers in cases of non-compliance. The Agency for Audiovisual Media Services (the Agency) has regained the authority to impose financial penalties—a power it lost 15 years ago—thus strengthening its regulatory role.

Previously, the regulator's effectiveness in overseeing the broadcasting market was limited to a narrow range of sanctions, varying from ineffective warnings to the most severe—license revocation. Although the regulator operates independently from the Government, the Parliament holds the authority to approve and amend its financial plans and reports.

Available reports indicate that the current management is performing its tasks in a professional and transparent manner. However, there are ongoing attempts at increasing political control and jeopardising the autonomy of the agency. Under the pretext of procedural issues, the Parliament of Montenegro rejected the nomination of a civil society representative to the Council, leaving the regulator's governing body incomplete a year after the law was adopted. This situation jeopardises the regulator's autonomy. The public context for the selection of two NGO members of the Council of the regulator was annulled twice: the Council of the regulator has therefore three members instead of five as foreseen by the law.

In a similar manner to what happened to the RTCG, there are law proposals which were submitted to the National Assembly to strengthen political influence in the appointment of members of the Council and to restore a decisive function to the Administrative Committee of the National Assembly of Montenegro. To date, however, those proposals have not been put on the agenda of the National Assembly. This move is seen as an attempt to increase political control over these institutions.

¹⁷ <https://amu.me/wp-content/uploads/2024/07/Zakon-o-audiovizuelnim-medijskim-uslugama.pdf>

More than 100 non-governmental organizations have addressed parliamentary groups, urging them not to support legislative changes that would endanger the independence of the AVMS regulator and public broadcaster¹⁸. Civil society representatives warn that this initiative is clearly aimed at shrinking the space for independent regulatory bodies and undermining the role of civil society in the democratization of the media system.

They call on the Parliament and the Administrative Committee to abandon these regressive initiatives and obstructive practices, and to urgently implement the existing legal framework. NGOs must retain the right to select their own representatives through a transparent and credible process—not through political decree. Following strong pressure from numerous NGOs, and the reaction of the EU Delegation in Montenegro, the Parliament has announced a call for the selection of a Council member in May¹⁹.

Inconsistency in the implementation of regulations was also noted in the European Commission's non-paper, a document published in the media, which calls on the Parliament to "urgently appoint new members of the Council of the Agency for Media, in order to ensure its full functioning and independence"²⁰. Still, there is serious concern that alleged procedural reasons might, for the third time, prevent the election of a candidate who enjoys the trust of a significant part of civil society and is considered a professional with integrity from becoming a member of the Council.

2.3 Ownership and media concentration

The media strategy and the amended media laws have not provided adequate responses to some of the key issues facing the media landscape; thus, the existing legal framework needs to be strengthened with decisions that will enable effective regulation in the areas of media ownership transparency and media concentration. Although the current solutions are in line with European standards, there remains a need to improve the system and ensure its full alignment.

¹⁸ <https://cgo-cce.org/en/2025/03/31/initiative-by-101-csos-against-amendments-to-media-laws-aimed-at-establishing-political-control-over-rtcg-and-the-agency-for-avm-services/>

¹⁹ See the call of the Parliamentary Assembly to NGOs to nominate members, available at <https://www.skupstina.me/me/clanci/predsjednik-skupstine-crne-gore-javni-poziv-nevladinim-organizacijama-iz-oblasti-medija-canu-i-crnogorskom-pen-centru-2>, (accessed on 24 June 2025).

²⁰ Analitika, Delegacija EU: Izmjene medijskog zakonodavstva ne bi smjele da ugroze političku nezavisnost upravljačkih tijela RTCG i AMU, 2 April 2025, available at: <https://www.portalanalitika.me/clanak/delegacija-eu-izmjene-medijskog-zakonodavstva-ne-bi-smjele-da-ugroze-politicku-nezavisnost-upravljackih-tijela-rtcg-i-amu> (accessed on 25 June 2025).

Montenegro is a small country with a population of around 620,000 persons, yet its media market is highly concentrated, with over 230 media outlets and significant influence exerted by a few key media actors. Although the new media law, for the first time, requires mandatory registration to increase transparency and discourages the operation of online portals without editorial and ownership responsibility, the latest data on the total number of media outlets is unknown. There is no unified public media register.

The new legal framework has expanded obligations related to ownership transparency, but a functional mechanism for monitoring ownership across all types of media is still lacking. Despite progress in protecting against illegal media concentration and recognizing electronic publications as media actors²¹, no regulator has been designated for this type of media format. Online media are still not covered by rules on media concentration.

There are no reliable, universally accepted data on the size of the media market or audience trust, which prevents an objective assessment of the media's impact on the public. Such data and the obligation to track audience trust, viewing and listening have only been partially introduced—limited to electronic media (television and radio), with responsibility assigned to the Agency for Audiovisual Media Services (AVM).

The need to improve the legal framework in this area has been highlighted by relevant media actors and experts in Montenegro. “The current legal framework is solid, but it represents the bare minimum. There is a justified demand for a serious revision of the entire chapter concerning ownership transparency and media concentration”, says the Agency Director Sunčica Bakić²².

The need for regulatory revision is also pointed out by media law expert and professor of the Faculty of Law in Podgorica, Aneta Spajić, who warns of a “highly concentrated media market that is easy to manipulate if actors with a political agenda gain access to it”²³.

²¹ Monitoring Media Pluralism In The Digital Era Application Of The Media Pluralism Monitor In The European member states And candidate countries In 2023: Montenegro Country Report, 2023, p. 6, available at: <https://cmpf.eui.eu/media-pluralism-monitor/>, accessed on 28 may 2025.

²² Interview with the Executive Director of the Agency, 3 April 2025.

²³ Interview with the Dean of the Law Faculty, 4 April 2025

RECOMMENDATIONS:

- Ensure full implementation of the June 2024 laws that guarantee the managerial and editorial independence of RTCG (Radio and Television of Montenegro).
- Ensure respect for the relevant court decisions.
- Ensure clear and precise criteria for the position of RTCG director, including at least 10 years of relevant experience.
- Ensure the enforcement of the laws adopted in June 2024 and allow the regulator to operate autonomously and free from political pressure in regulating Montenegro's audio-visual media sector.
- Guarantee a transparent process for appointing members of the AVMS Council and ensure the meaningful participation of civil society in the democratization of the media landscape in Montenegro.
- Additional mechanisms should be provided to the regulator in the field of transparency of media ownership as well as in the assessments of media concentration, plurality, editorial independence, and market sustainability.
- Adequate financial, human, and technical resources should be provided to the regulatory enabling well-grounded interventions in the sector. Transposition of the European Media Freedom Act provisions in that regard into domestic legal framework are strongly recommended.
- Establish effective mechanisms for monitoring ownership across all types of media. It is advisable to establish a unified register of media owners.
- Introduce an obligation for a transparent, impartial, and widely accepted system for measuring the market and audience trust, enabling well-founded regulatory interventions.
- Strengthen the competences of AVM, both in overseeing media concentration and in developing a system for audience measurement.

3. Safety of journalists

3.1 Violence against journalists

The Safejournalists platform has been recording the cases of attacks against journalists in Montenegro: in total 156 incidents are reported since 2014²⁴. In the last 5 years, i.e. 2020-2025, the number of attacks against journalists has varied significantly: 17 attacks against journalists in 2020, 28 in 2021 and 2022, 16 in 2023 and again 22 in 2024. For the first months of 2025, 9 attacks have been recorded; all of them regarded threats towards journalists including death threats. In all those attacks, the police reacted immediately and the cooperation between police and journalists has in general been considered good.

Threats, and especially online threats, have been the most common problem faced by journalists, as reported by the Trade Union of Media of Montenegro (TUMM). Besides threats, attempts at coercion are often recorded during high risk events, when for instance demonstrators try to prevent journalists from performing their job, by taking their phone or preventing them from filming. Physical attacks are now somehow decreasing, but nevertheless they are occurring.

In any case, the cooperation with the police could be improved: for instance protocols and handbooks for police officers on how to conduct investigations when the journalists are victims, have not yet been drafted²⁵, nor are there specialised units tasked with investigating exclusively attacks on journalists and media.

Very often, as reported by the TUMM, problems occur once the case enters its judicial phase. Court proceedings remain problematic and the courts have rejected cases even when it was clear who was the perpetrator. In other cases, attacks against journalists have been treated as misdemeanor cases, which, due to the backlog of the courts in Montenegro, can easily be dismissed due to the statute of limitations. In many cases the penalties imposed on the perpetrators are too mild and they don't have the expected deterrent effect.

²⁴ See https://safejournalists.net/incidents/?lang=en&keyword=&country=ME&gender=&type_of_incident=&incident_means=&incident_year=&who_was_attacked=&we_re_authorities_informed=&by_whom=&perpetrator=&judiciary_status=&type_of_violation=&ja_reaction=&ja_was_informed=&page=1, (accessed on 11 June 2025)

²⁵ Trade Union of Media of Montenegro, Indicators on the Level of Media Freedom and Journalists' Safety Index – Montenegro 2023, p. 29, available at: <https://sindikatomedija.me/en/publications/indicators-on-the-level-of-media-freedom-and-journalists-safety-index-montenegro-2023/> (accessed on June 10 2025).

According to the TUMM, it was a welcome step to amend the criminal code in 2021 so as to increase the penalties for certain types of violent crimes when these are committed against journalists, since they are performing work which is of public importance. However, those legal changes have not yet produced effects and the mild sanctions applied by courts do not contribute enough to strengthening the position of journalists. This can lead to censorship or self censorship by the journalists themselves.

When it comes to the conduct of local politicians, condemnations of attacks against journalists are the rule only when it is perceived that those under attack are “their” media, i.e. media close to the views of the politician in question. Reactions by politicians are therefore selective. Even worse, in certain cases journalists are sometimes publicly discredited by politicians and this can also be considered a form of pressure as reported by the TUMM.

Yet, while the recent record has somehow been encouraging, Montenegro is facing difficulties in tackling the most serious cases, including important cases from the past like the shooting of investigative journalist Olivera Lakić in 2018 or the murder of Duško Jovanović in 2004. For this purpose, a special “Commission to follow the investigations on the attacks on journalists”²⁶ has been operating under different compositions since 2013.

The current composition of the Commission was established in 2021 and it has recently issued its 9th report for the period December 2024 – March 2025²⁷. In this report, the Commission has remarked on the difficulties in obtaining information by the Supreme State Prosecutors Office.

The most famous case which is currently being investigated by the Commission is the murder of Duško Jovanović, the publisher and editor-in-chief of the daily Dan who was killed in May 2004. In this case only one person was arrested and sentenced to jail for assisting in the murder. In 2024, on the eve of the 20th anniversary of the murder, the Commission proposed to the government to give a reward of one million euro to whomever could provide information on the murder²⁸.

²⁶ <https://komisija.me>

²⁷ Komisija za pracenje postupanja nadležnih organa u istragama slučajeva prijetnji i nasilja nad novinarima, ubistava novinara i napada na imovinu medija, Izvjestaj O Radu Za Period Od 1. Decembra 2024. do 31. Marta 2025. godine. Available at: <https://www.gov.me/dokumenta/1d3b2885-7e5b-40fe-8d21-5e36ecb9226c>

²⁸ Balkan Insight, Montenegro Marks 20 Years Since Journalist’s Unsolved Murder, available at: <https://balkaninsight.com/2024/05/27/montenegro-marks-20-years-since-journalists-unsolved-murder/> (accessed on 10 June 2025).

It was only the following year, on the 28 May 2025, that the Government of Montenegro finally voted and approved the proposal and promised the reward²⁹.

Other cases pending before the Commission are of a more recent nature and they include the recent attacks on journalists which occurred in 2024.

3.2 Social and economic condition of journalists

Like for many of their colleagues in the region, the social and economic conditions of work of journalists are not easy and the sector is suffering from a constant drain of media workers and journalists to other more rewarding positions.

Out of the around 1,800 employees in the media sector³⁰, it is estimated that approximately 50% of journalists are below the net average salary of 810 Euros per month³¹. In particular female journalists appear to be particularly affected by this: even if salary policies are not public, they often discover that their salaries are lower than those of their male colleagues who perform the same functions³².

Small media, where editorial teams are not big and the working tasks are often disproportionate to the existing capacities, are the ones where the salaries are the lowest, also because those media do not regularly pay additional salary allowances. Trade Union representatives commented that while salaries increased in the previous two years, it appears that media workers were not affected by such an increase.

³⁰ Milica Bogdanović, More Media, Rising Challenges For Journalists The Future of the Media in Montenegro, Montenegro Media Monitoring Institute, January 2025, p. 9. Available at: <https://www.mminstitute.org/wp-content/uploads/2025/04/Ourmedia-Montenegro.pdf> (accessed on 7 June 2025).

³¹ Trade Union of Media of Montenegro, Indicators on the Level of Media Freedom and Journalists' Safety Index – Montenegro 2023, p. 20, available at: <https://sindikatomedija.me/en/publications/indicators-on-the-level-of-media-freedom-and-journalists-safety-index-montenegro-2023/> (accessed on June 10 2025).

³² Ibidem, p. 24

For what concerns the contracts, while most media workers have permanent contracts, there are no standard collective agreements. Only local public broadcaster RTV Budva, and RTCG have a standard collective agreement, but for other media, in particular small ones, such contracts are not in place. Negotiations on the collective agreement are often accompanied by pressure from management on journalists and media workers to abandon their demands for higher salaries and better working conditions.

In recent days, journalists and media workers who are members of the RTCG Employees' Union have faced pressure from management to give up on salary increases, and a significant number have left the Union out of fear of losing their jobs³³. The Trade Union has been trying for years to agree on a sectoral collective agreement for all the media workers but without success, because the state doesn't participate and the owners of media do not want to fulfill the requests. Nevertheless the trade union managed to include the discussion about the collective agreement in the media strategy: even if the deadline has expired already, it is expected that discussions will open soon.

The overall situation of journalists in Montenegro remains difficult: besides the uncertainties linked to contracts and salaries, journalists face a significant number of challenges and are often exposed to burnout, excessive workloads or problematic work environments. They are also exposed to long term pressure and targeting; all of this has an impact on their wellbeing and it also induces them to self-censorship. It is not a coincidence then that one of the most popular services offered by the Trade Union is psychological support: the psychologist currently employed for this service is constantly busy and there is definitely a demand for more psychological support.

³³ Press release by the Trade Union of Media of Montenegro, Sindikat zaposlenih RTCG: Umjesto pregovora, ucjene i pritisci, available at <https://sindikatmedija.me/saopstenja/sindikat-zaposlenih-rtcg-umjesto-pregovora-ucjene-i-pritisci/> (accessed on 06 June 2025).

RECOMMENDATIONS:

- Develop the necessary protocols and handbooks for police officers on how to conduct investigations on violence against journalists.
- Establish special police units in charge of investigating attacks on journalists.
- Ensure that all reported cases of threats and violence against journalists are promptly, independently, and impartially investigated. Suspected perpetrators should be prosecuted without delay, and if found guilty, sanctioned with penalties proportionate to the gravity of the offense. Victims must be provided with adequate reparations.
- Establish a national mechanism dedicated to the safety of journalists and media professionals, focused on both the prevention of attacks and an effective response when incidents occur.
- Guarantee that the “Commission to follow the investigations on the attacks on journalists” has full access to the necessary information to carry out its mandate effectively and that it is sufficiently funded and equipped to do so.
- Ensure a smooth cooperation between the “Commission to follow the investigations on the attacks on journalists” and the State Prosecutor.
- Implement the media strategy for the conclusion of the collective agreement for journalists.
- Expand psychological and other types of support for journalists and media workers.
- Establish mechanisms for collecting, verifying and monitoring key media sector data by using reliable and standardized methodology, including number, structure, wages of media workers which are essential for designing evidence based public policies in the field.

4. SLAPPs and other legal threats

There is no precise data on the number of SLAPPs (Strategic Lawsuits Against Public Participation) cases in Montenegro in recent years. However, relevant international organizations report an increasing trend of such pressure being exerted on journalists, media outlets, and activists³⁴.

Defamation and insult were decriminalized in Montenegro in 2011 and journalists and media outlets cannot be criminally prosecuted for such offenses committed through the media. However, it is concerning that some politicians have recently advocated for the re-criminalization of defamation, which would undermine all efforts Montenegro has made to improve its legal framework³⁵.

At the time of writing this analysis, a notable ongoing SLAPP case involves the influential daily newspaper Vijesti, which is facing a lawsuit filed by businessman Andrej Vučić, brother of the President of Serbia, Aleksandar Vučić, and a member of the ruling Serbian Progressive Party (SNS). In June of this year, he testified before the Basic Court in Podgorica, requesting that the newspaper be fined 5,000 euros for allegedly damaging his reputation and honor following an article that mentioned him in connection with individuals involved in organized crime³⁶.

At the beginning of the year, the police filed a misdemeanor charge against one of the most widely read journalists and columnists in Montenegro, Brano Mandić, over a column³⁷ in which Mandić criticized a university professor who made a sexist remark toward a female host on a TV show.

³⁴ Human Rights Committee, Concluding Observations on the second periodic report of Montenegro, 28 March 2025, CCPR/C/MNE/CO/2, para. 46, available at https://www.ecoi.net/en/file/local/2124171/CCPR_C_MNE_CO_2_62744_E.pdf (accessed on 10 June 2025).

³⁵ Resource Center on Media Freedom in Europe, SLAPP — Mechanism for silencing the public: Analysis of Strategic Lawsuits against Public Participation in Serbia, BiH and Montenegro, November 2023, available at https://www.rcmediafreedom.eu/Resources/Reports-and-papers/SLAPP-Mechanism-for-silencing-the-public-Analysis-of-Strategic-Lawsuits-against-Public-Participation-in-Serbia-BiH-and-Montenegro?utm_source=chatgpt.com (accessed on 10 June 2025).

³⁶ Vijesti, Andrej Vučić: Cilj je bio dehumanizacija i kriminalizacija mog brata i predsjednika Srbije, Aleksandra Vučića, 11 June 2025, available at <https://www.vijesti.me/vijesti/crna-hronika/762155/andrej-vucic-cilj-je-bio-dehumanizacija-i-kriminalizacija-mog-brata-i-predsjednika-srbije-aleksandra-vucica> (accessed on 11 June 2025).

³⁷ Available at: <https://normalizuj.me/praxis/zasto-mi-je-policija-upala-u-tekst>, (accessed on 12 June 2025).

A group of NGOs³⁸ reacted to the police action, pointing out that initiating misdemeanor proceedings 'threatens freedom of speech' and called on the police to withdraw the charge. The case received significant media attention, and under pressure from the civil sector, the police eventually withdrew the charge³⁹.

Another prominent case that caused public concern and protests was that of writer and historian Boban Batrićević. The Higher State Prosecutor's Office in Podgorica sought to punish him for expressing value judgments and criticism of the Serbian Orthodox Church's activities in Montenegro, published in a newspaper column. Following strong reactions from both the domestic and international public, the prosecution withdrew the case. Legal experts widely considered this to be a classic example of a SLAPP case⁴⁰.

Local NGOs report that SLAPPs in Montenegro are not limited to typical defamation lawsuits based on critical speech. In some cases, activists have been targeted for protests or public performances⁴¹.

Although the actual number of potential SLAPP cases is likely much higher, identifying them remains difficult due to the lack of a legal definition of such pressure in the Montenegrin legislation. There are no records in court practice either, as courts lack the criteria and legal basis to recognize and treat a case as a SLAPP.

Relevant studies assess that⁴², at the domestic level, Montenegro already has procedural safeguards and remedies applicable in civil matters, but they are not consistently used in SLAPP cases. These existing mechanisms form a solid foundation for implementing and transposing European anti-SLAPP standards. Authorities in Montenegro should treat the Council of Europe Recommendation CM/Rec(2024)2 and EU Directive (EU) 2024/1069 as minimum standards and aim for the highest level of protection for public participation.

³⁸ Available at: <https://www.mminstitute.org/blog/2025/03/07/saopstenje-povodom-pokretanja-policijskog-postupka-protiv-novinara-brana-mandica/> (accessed on 12 June 2025).

³⁹ Available at: <https://www.slobodnaevropa.org/a/crna-gora-policija-brano-mandic/33348099.html> (accessed on 12 June 2025).

⁴⁰ Vijesti, Batrićević: Nema toga ko će nas natjerati da ućutimo, 22 January 2024, available at https://www.vijesti.me/vijesti/drustvo/690835/batricevic-nema-toga-ko-ce-nas-natjerati-da-ucutimo?utm_source=vijesti&utm_medium=article_related&utm_campaign=article_intext_related (accessed on 11 June 2025).

⁴¹ Balkans Civil Society Development Network, *From Silence to Strength: A Regional Response to SLAPPs in the Western Balkans*, 2 July 2024, available at <https://balkancsd.net/from-silence-to-strength-bcsdns-report-on-slapps-in-the-western-balkans-is-out-now/> (accessed on 9 June 2025).

⁴² Protecting Freedom of Expression and of the Media in the Western Balkans (PRO-FREX), *Regional Baseline Assessment of Legislative and Policy Needs for Implementing Council of Europe and European Union Standards on Countering the Use of SLAPPs*, December 2024, available at <https://rm.coe.int/regional-baseline-assessment-of-legislative-and-policy-needs-for-imple/1680b2e38f> (accessed on 11 June 2025).

RECOMMENDATIONS:

- Amend existing legislation to effectively address and prevent SLAPPs, including laws on media, civil procedure, and defamation.
- Provide financial and psychological support to victims of SLAPP lawsuits, ideally through journalist associations or civil society organizations.
- Train judges and prosecutors on anti-SLAPP standards and procedures.
- Conduct awareness-raising campaigns to inform the public, legal professionals, and media actors about SLAPPs and their impact on freedom of expression.

5. Country-specific issues

5.1 Disinformation

What is the problem with disinformation in Montenegro?

Disinformation, as per the definition of the EU Commission can be described as the *“creation, presentation and dissemination of verifiably false or misleading information for the purposes of economic gain or intentionally deceiving the public, which may cause public harm”*⁴³.

Disinformation has been a serious and growing issue in Montenegro for years, especially during elections and times of social crisis. The country is highly vulnerable and exposed to disinformation campaigns. Key distribution channels include social media, tabloids, online portals, and certain television stations from Serbia, with which Montenegro shares the same language, as well as Montenegrin platforms that were, until recently, unregistered and lacked editorial and ownership accountability.

The experience from the past has identified some worrying trends of how disinformation can play out during elections. In the recent years, during the electoral period in fact, panic was created by spreading false information⁴⁴ about the arrival of hooligans from Croatia, as it happened during the parliamentary elections in 2020, or like in 2021, when false information circulated about the government preparing firetrucks for the purpose of dispersing possible demonstrations. The circulation of such information occurred via synchronized posts and reposts by hundreds of accounts on social media.

On other occasions, like in 2023, it turned out that fake surveys were conducted by non-existing agencies in neighbouring Serbia and sent to a few selected media which widely recirculated them. These fake surveys predicted the victory of the elections for certain parties and their goal was to discourage and demoralise the opponents of those parties, and in particular those who were uncertain about voting, so that they would not turn up and vote⁴⁵.

⁴³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions, “Tackling online disinformation: a European Approach”, 2018

⁴⁴ Center for Democratic Transition, Kako dezinformacije mijenjaju politički pejzaž Crne Gore -Izborna reforma kao odgovor na dezinformacije, June 2024, p. 7

⁴⁵ Kako dezinformacije mijenjaju politički pejzaž Crne Gore, p. 8.

A third modality disinformation operated, again in 2023, was thanks to the partiality of specific media, in particular from Serbia, who simply departed from the most basic reporting standards, disclosed partial or incomplete information and openly favoured one side. In particular, tabloids associated with the parties in power in Serbia were identified as those conducting such campaigns and their free circulation in Montenegro had the effect of further polarising the political environment⁴⁶.

Although the government acknowledges the problem, its response has been fragmented and limited. Moreover, the weak enforcement of existing laws—which are otherwise a solid foundation for preventing disinformation while protecting freedom of expression—amplifies the adverse effects of disinformation and increases social division, particularly during elections.

Existing policies and initiatives

The government has amended the Media Law to introduce mandatory registration of portals, targeting platforms known for spreading disinformation and harmful speech without editorial or ownership responsibility. It also prohibited public enterprises from advertising on unregistered portals and promoted self-regulation through the Media Pluralism Fund.

The media strategy envisions mechanisms for close coordination between different sectors of society in combating hate speech, online harassment, and disinformation; however, these mechanisms have not yet been implemented. Measures related to media literacy in the education system have also not been operationalized.

The government has expressed interest in aligning with new European legislation, including the Digital Services Act (DSA), the Digital Markets Act (DMA), and the European Media Freedom Act (EMFA). It has begun exploring how to transpose relevant provisions into the national legal system and invited civil society actors to join the relevant working group⁴⁷.

⁴⁶ Kako dezinformacije mijenjaju politički pejzaž Crne Gore, p. 9.

⁴⁷ See the recent governments' invitation to join the working group, available at <https://www.gov.me/clanak/javni-poziv-za-nvo-2> (accessed on 10 June 2025)

However, studies and experts warn that this process must be approached gradually and contextually to ensure that future legal solutions are enforceable in practice⁴⁸. Although online media are recognized as a primary source of disinformation, state oversight and response capacities are insufficient or poorly applied. There are no clear rules governing online political advertising, and the current law regulating this area dates back to the 1990s, rendering it outdated. As a result, online platforms remain outside the scope of electoral law, allowing for covert campaigns and the manipulation of public opinion⁴⁹.

The digital environment remains at high risk due to the lack of transparency, content control, and unregulated online media markets⁵⁰.

Relevant studies suggest that the issue must be tackled seriously and through multiple approaches, including the cooperation of institutions, civil society, and the media, with support from the European Commission, as was the case with election campaigns in Moldova⁵¹, when the EU Commission and the Moldovan authorities held an election readiness exercise and online platforms agreed to create a temporary escalation mechanism to flag contents threatening the integrity of the electoral process and a dedicated monitoring was conducted during the election period in Moldova.

5.2 Foreign influence

A key vulnerability of Montenegro's media environment and its small market is the risk of exposure to foreign influence, particularly through commercial and ownership pressures that can affect editorial independence. This influence has become increasingly prominent in recent years, primarily originating from Serbia, via media outlets owned by companies and individuals affiliated with the regime of Aleksandar Vučić.

All commercial TV stations in Montenegro with national coverage—four of them—are owned by foreign companies or individuals, specifically from Serbia.

⁴⁸ Open Society Foundations Western Balkans, Partneri. Srbije, Towards a Feasible Implementation of the Digital Services Act in the Western Balkans, June 2024, available at <https://www.partners-serbia.org/public/news/dsa-wb-new.pdf>, (accessed on 10 June 2025).

⁴⁹ Monitoring Media Pluralism In The Digital Era Application Of The Media Pluralism Monitor In The European member states And candidate countries In 2023: Montenegro Country Report, 2023, p. 22, available at: <https://cmpf.eu/media-pluralism-monitor/>, (accessed on 9 June 2025).

⁵⁰ Ibidem, p. 27

⁵¹ See, <https://digital-strategy.ec.europa.eu/en/news/commission-services-and-moldovan-authorities-hold-election-readiness-exercise-online-platforms> (accessed on 9 June 2025).

The fifth television station with a national frequency is the public broadcaster RTCG, which, according to relevant data, holds only around 20% of the audience share. A similar ownership pattern dominates the print and online media sectors.

Cable television penetration in Montenegro stands at 95%, with 70% of the market controlled by operators from Serbia, while Deutsche Telekom owns the remaining 30%. Furthermore, advertisers from Serbia often offer advertising space in Montenegro free of charge, which further undermines the viability of the domestic media market.

Since 2020, when major shifts in media ownership occurred with huge penetration of foreign ownership in the key commercial media⁵², civil society actors and media experts have been raising concerns calling for the introduction of a foreign influence harm test—a regulatory tool used in some EU member states—to assess the impact of foreign ownership on national interests⁵³. Montenegro’s current regulations do not impose restrictions on foreign ownership.

Recently, the Agency for Audiovisual Media Services has joined these calls, warning that strong foreign ownership presence may negatively affect smaller, local media outlets, which already struggle to survive in a fragmented and saturated market. The Agency has emphasized on several occasions that foreign media ownership in Montenegro is not driven by commercial interest but rather by attempts to shape public opinion, which further exacerbates an already deeply politically polarized media landscape⁵⁴.

Despite these warnings, the Media Strategy and the most recent legislative changes from 2024 have failed to recognize this issue or initiate public debate on whether the entry of new media owners has contributed to a diversity of views or served the needs of the local population.

⁵² Vuk Maraš, *Strano Vlasništvo Nad Medijima*, Center for Democratic Transition, 2023, available at <https://www.cdtmn.org/wp-content/uploads/2023/02/cdt-vlasnistvo-nad-medijima.pdf> (accessed on 24 June 2025).

⁵³ Milica Bogdanović, *More Media, Rising Challenges For Journalists The Future of the Media in Montenegro*, Montenegro Media Monitoring Institute, January 2025, available at: <https://www.mminstitute.org/wp-content/uploads/2025/04/Ourmedia-Montenegro.pdf> (accessed on 27 May 2025).

⁵⁴ Agency for Audiovisual Media Services, *Reagovanje Amu Na Izvještavanje Portala RTCG*, 10 March 2025 <https://amu.me/wp-content/uploads/2025/03/AMU-Reagovanje-na-izvjestavanje-portala-RTCG.pdf>

RECOMMENDATIONS:

- Ensure the full enforcement of existing media laws that safeguard media integrity and protect against political interference in media work, as well as the independence of media regulators.
- Enhance the legislative framework by focusing on regulating online political advertising, particularly in the digital media sphere.
- Review and strengthen mechanisms for media ownership transparency and include all online media in regulations that address prohibited media concentration.
- Establish an institutional framework for monitoring, evaluating, and responding to disinformation, with clearly defined responsibilities.
- Operationalize the measures from the Media Strategy 2023–2027 related to combating disinformation and enhancing citizens' resilience through improved media literacy.
- Gradually transpose relevant EU acts (such as DSA) into Montenegro's legal system based on a clear roadmap and accompanied by capacity-building for regulators.
- Ensure that any revision of the regulatory framework strikes a balance between freedom of expression and the need to combat disinformation.
- Explore the possibility of requesting support from the European Commission to mitigate disinformation risks during elections and social crises, particularly content spread via Very Large Online Platforms (VLOPs)—as was done in the case of Moldova.
- Given the vulnerability of Montenegro's media market and the growing impact of non-institutional foreign actors, it is necessary to open a dialogue on a solution to protect the audience from potential negative influence in an already highly concentrated media market. The authorities should provide a risk assessment test on potential negative influence of foreign influence on the media sector and audience.

List of interviews:

- Ministry of Culture and Media of Montenegro
- Ombudsman of Montenegro
- OSCE Mission to Montenegro
- Agency for Audiovisual Media Services
- Atlantic Council of Montenegro
- Faculty of Law of Montenegro
- Trade Union of Media of Montenegro
- Center for Democratic Transition
- BIRN
- Media Center
- Delegation of the European Union to Montenegro

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