

# **Independent Legal Mission to Study Press Freedom in Montenegro**

*A Report Prepared by the Swedish Bar Association  
and the New York City Bar Association*

**10 May 2013**

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### **EXECUTIVE SUMMARY**

In February of 2013, the Swedish Bar Association and the New York City Bar Association, through its Cyrus Vance Center for International Justice and Committee on Communications and Media Law, sent a four-lawyer team to Montenegro at the initiative of the Media Development Investment Fund (“MDIF”) to assess the state of press freedom in Montenegro. Concerns had been raised about incidents of violence against journalists, the number of libel suits brought by plaintiffs allied with the government, and the government’s financial influence in the media marketplace. During a visit to Montenegro in February 2013, the team met with journalists, government officials, members of the bar, news industry executives, and representatives of advocacy groups. It also reviewed laws pertaining to the press and documents prepared by various parties concerning issues of press freedom in the country.

While the team found that the laws governing the press are generally satisfactory, the relationships between the independent press and the government and between the independent press and pro-government press are permeated by polarization and antagonism. The government continues to influence the marketplace for news through its ownership of a daily paper and its placement of a high volume of advertising in favored media. Certain incidents of violence against journalists have not been adequately investigated, and the number of libel suits remains a concern. In addition, independent observers repeatedly noted that the lack of clear ethical standards or a generally accepted self-regulatory body undermines the quality of journalism in Montenegro.

As detailed in the report, the assessment led to these conclusions and recommendations:

- I. A lack of transparency has undermined trust and created an environment that makes it difficult for a free press to function
  1. Greater transparency is needed as to how acts of violence are being investigated and prosecuted
  2. Greater transparency is needed concerning the operation of the court system in its handling of libel cases

3. Greater transparency is needed into government financial support of Pobjeda (direct funding and advertising)
- II. Libel litigation remains a concern, and close public monitoring of the court system is needed to ensure that ECHR decisions are implemented to discourage frivolous and politically motivated lawsuits and to identify areas where further law reform is needed
  - III. While a voice in support of the dominant political party is an important element in the marketplace of ideas, government financing of a newspaper (whether directly or through inordinate amounts of advertising) creates conditions for the abuse of power and the further entrenchment of the government
  - IV. The failure of the news industry to create a true self-regulatory body underscores the need for both an accepted code of ethics and independent private-sector monitoring institutions to promote ethics, address citizen complaints, and use the power of publicity to spotlight ethical misconduct and elevate standards