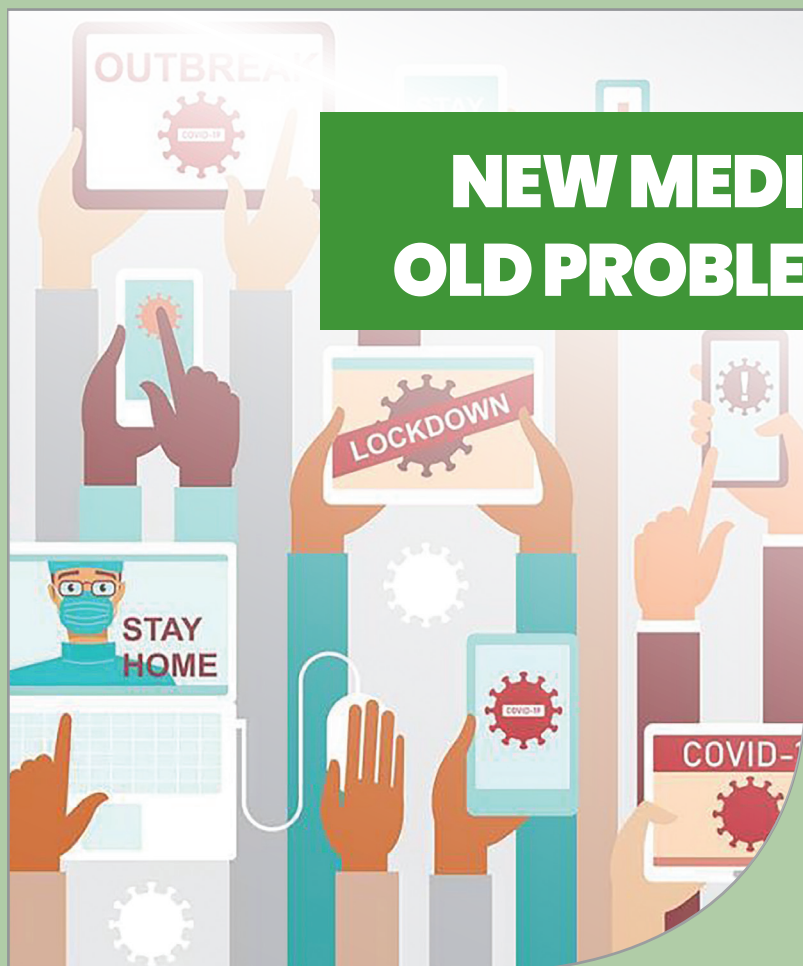


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# NEW MEDIA – OLD PROBLEMS

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*Design and printing:* nITech doo  
*Circulation:* 100 copies  
*December 2020.*

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CIP - Каталогизacija у публикацији  
Национална библиотека Црне Горе, Цетинье

ISBN 978-9940-9922-5-5  
COBISS.CG-ID 15950596

ISBN 978-9940-9922-5-5



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# SUMMARY

The report "New Media - Old Problems 2020" is a continuation of a three-year analysis of the digital media sector in Montenegro. In addition to the position of employees and the situation in digital media, this year we also have analysed the impact of the Covid-19 pandemic and the possible effects it could have on both the portals and their employees.

The report presents the findings of desk research and surveys with owners and journalists employed in digital media. It is a continuation of the research conducted in 2018 and 2019, which was the first research in this area in Montenegro. The report summarizes the findings of a three-year research and monitoring of the situation in online media and offers recommendations for improving and resolving the identified problems.

The document in front of you is part of the project "**Union to Union – Recruitment and Organizing in CEE 2020**", which is traditionally implemented by the Trade Union of Media of Montenegro (the TUMM) with the support of the International Federation of Journalists (the IFJ) and the Swedish Union of Journalists. The main goal of the project is trade unions strengthening in their fight for better working conditions in digital media, while last year's and this year's research are a way for representatives of the Trade Union of Media of Montenegro, as well as the international and domestic public, to get acquainted with the situation in this area. In 2020, the focus of our work, as well as the work of the International Federation of Jo-

urnalists, is to support colleagues in the fight for jobs and better working conditions during the global pandemic, which threatens both public health and the labour market.

The research was conducted by Bojana Lakovic Konatar for the needs of the Trade Union of Media of Montenegro, using:

- Qualitative Documents Analysis (QDA), i.e. analysis of studies published in this field by other organizations, academies, NGOs, individual researchers, as well as analysis of legal and by-law provisions adopted by public institutions and media announcements;
- Survey with journalists employed by digital media in Montenegro. The survey involved 22 journalists;
- Survey with media managers and owners on the business conditions of digital media during 2020. 17 representatives of digital media in Montenegro participated in the survey;
- Official statistics collected from available websites or other published sources.

In 2020, a new Law on Media was adopted, prescribing that the Ministry of Culture will be competent for keeping the record of portals in the future<sup>1</sup>. The Law, however, still does not prescribe a clear definition of what portals or internet publications are, thus providing room for a broad interpretation. What a new solution offers is the opportunity for

<sup>1</sup> *At the end of 2020, a new Government was formed and, in the future, the competencies of the Ministry of Culture will be within the Ministry of Public Administration, Digital Society and Media.*

this type of media to participate in the distribution of financial assets from the Fund for Media Pluralism, which seems to have encouraged many owners to register their online publications.

During almost four years, 101 internet or electronic publications have been established in Montenegro, and a significant number of registered portals are web presentations of various organizations that have no points of contact with the media.

The owners of the portals have the obligation to register portals and provide information about the headquarters, ownership structure, as well as contact information. However, the state did not envisage punishment mechanisms for situations like those that occurred before the 2020 elections when the establishment of publications was aimed at advocating a certain political ideology and spreading inaccurate, unverified and often offensive news and when ownership structure was unknown.

During the first wave of the coronavirus, the state recognized the importance of digital media. Thus, five media with the largest number of views received financial assistance. In October 2020, the Trade Union of Media of Montenegro conducted a pilot survey with owners and editors of digital media, but also with journalists of those media to find out what consequences the coronavirus had left on their work. The research was not representative and its aim was to provide an overview of the situation after eight months of working within the Covid crisis.

Media employees agree that the coronavirus negatively affected their work (86%). As the most common consequence of the coronavirus, the employees list increased workload (45%), difficult working conditions (30%) or reduced earnings (15%). The work in most media was changed, and employees were allowed to work from home (70%). Thus, 36% of employees said that they had worked remotely for more than three months. Almost all of the respondents said they had clear guidance from their managers. Although according to the answers of the employees, teleworking affected their private lives, as well as the way they reached their interlocutors and stories, they would still do the job that way.

A survey with the owners and editors-in-chief of the portals showed that, despite numerous differences, they all saw the survival of these media almost identically. The managers surveyed agreed that the Covid-19 pandemic had a negative impact on their work, and the main consequences were an uncertain economic situation (47%) and a decline in employee productivity (41%). All of the employers surveyed allowed employees to work from home, but only 88% of them gave clear guidelines for such a way of working. The employers surveyed were unanimous that state assistance was insufficient during the first wave of the Covid-19 pandemic. That is why they are proposing greater financial assistance, release from financial obligations, as well as the expansion of the state aid package or the establishment of a fund for financial assistance to the media.

# INTRODUCTION

The media scene, both in Montenegro and worldwide, underwent major changes in 2020 and, like other activities, suffered major financial losses. The Covid-19 pandemic has further weakened and downgraded the already difficult working conditions in the media, and the consequences are, unfortunately, still unforeseeable. The loss of advertisers, changed working conditions, fear for life, and struggle to preserve jobs are just some of the problems facing everyone in the media sector. Digital media, portals or electronic publications are no exception. On the contrary, as the “youngest” media and often the least regulated, these media were perhaps most affected by the pandemic.

Although the establishment of electronic publications - portals in Montenegro began relatively early, their work is still subject to great improvisation by the owners and founders as well as the state that persistently fails to regulate this area. Employees in these media suffer the greatest consequences due to such a situation. The situation is further complicated by the fact that the number of electronic publications in Montenegro is increasing daily. Thus, since 2016, when the Register of Electronic Publications was established in Montenegro, 101 portals have been registered.

We have witnessed that almost the whole year was marked by the activities of all countries in order to fight the global monster - the Covid-19 virus pandemic and that all other activities were secondary compared to the struggle for preserving public health. It was the same situation in Montenegro, as well. The beginning of the year was characterized by strong cooperation between the

media sector and the state and almost united work in educating citizens, which was accompanied by financial assistance to the media. However, as the epidemic progressed, cooperation between the state and the media became weaker.

The field of digital media in Montenegro has undergone numerous changes this year, but the working conditions within this field are still at an unenviable level. This year, problems such as low wages, overtime work, low number of employees, overwork and work 24/7, were joined by fear of losing even such jobs. All these are the reasons that led us from the Trade Union of Media of Montenegro to, for the third year in a row, conduct research of the situation in this area in order to draw attention to the problems and help solve them, especially through the union organizing of the employees.

The research “New Media - Old Problems 2020” offers an overview of the situation and innovations in this area, with the first research on the possible effects that the pandemic will have on work in digital media. In addition, the research includes two case studies on how the media reacted to the pandemic and reported on it.

In 2020, after two years of work on amendments, part of the media laws was finally adopted. Amendments to the Law on Media adopted in August 2020 are, in the first instance, important for the work of digital media. The amendments offer an additional degree of regulating this, so far almost completely unregulated, field. The process of amending the Law on Media began in 2018 and it was initiated because earlier solutions were obsolete and largely outdated.

While earlier legal solutions, contained in the Law on Electronic Media, offered a precise description of what was considered an electronic publication or portal<sup>2</sup>, it seems that the legislator has now defined these media very broadly:

**“An online publication is a medium whose content is communicated via the Internet and which cannot be considered an audio-visual media service under the law governing the field of audio-visual media services.”<sup>3</sup>**

The main novelty for portals in Montenegro prescribed by the Law on Media is that the Agency for Electronic Media will no longer be the competent authority for these media, but the Ministry of Culture. Namely, since the adoption of the Rulebook on Electronic Publications<sup>4</sup>, the Agency for Ele-

ctronic Media (the AEM) has registered and kept records of electronic publications, i.e. portals. The media could submit a request for registration on their own initiative. The register of all publications can still be found on the AEM website, with basic information about the specific medium. In the future, the Ministry of Culture will keep the register or records of the portals.

„The records shall include the following:

1. name of the medium;
2. personal name of the founder and editor-in-chief of the medium;
3. authorisation number for the provision of audio-visual media service;
4. information on the language in which the media service is provided;
5. information on the media format (printed, audio-visual, online publications);
6. e-mail address of the medium;
7. business name/title, headquarters and TIN of the media founder/media service provider;
8. changes in recorded data and date of data change.”<sup>5</sup>

The disadvantage of previous but also new legal solutions is the lack of determining the liability for media that do not register. In addition, a very bro-

<sup>2</sup> Thus the Law Amending the Law on Electronic Media stipulates that: “Electronic publications are editorially designed websites and/or portals that contain electronic versions of print media and/or information from the media in a way that they are available to the general public regardless of their range.” (Article 8)

<sup>3</sup> Law on Media, Article 26

<sup>4</sup> Council of the Agency for Electronic Media of Montenegro, Rulebook on Electronic Publications, (Podgorica: Agency for Electronic Media, 2016)

<sup>5</sup> Law on Media, Article 10

ad definition of the so-called online publications provides a great opportunity for free interpretation, which could be prevented by the adoption of bylaws. On the other hand, the Law defines that these publications have a responsibility in terms of readers' comments (Article 26), corrections or responses (Article 51) as well as the publication of imprints (Article 11). The practice so far has shown that the part concerning the imprint has been particularly disputable. A small percentage of registered digital media published an imprint on their websites, which was in favour of non-transparency. Now the founders of the media, who do not publish this piece of information, are threatened with a fine of 1,000 to 8,000 euros<sup>6</sup>.

The legislator once again missed the opportunity to establish a clear distinction between internet publications as media and creators of public opinion, on one side, and internet publications as websites of various non-governmental or other organizations, on the other side. This is particularly important bearing in mind that the Law on Media has provided the opportunity for online publications to apply for the competition for the distribution of funds from the Fund for the Promotion of Pluralism and Diversity of the Media, which is also a novelty in the new Law on Media. The Law stipulates that the state allocates at least 0.09% of the current budget of Montenegro to the Fund, which shall be used for financing the projects in the field of information<sup>7</sup>. Out of that amount, an independent commission set up by the Ministry of Culture will, in the future, distribute 40% to daily and weekly print media and online publications. This opportunity seems to have been recognized not only by the media but also by various other organizations, which used the second half of 2020

to register their websites with the AEM<sup>8</sup>.

If the situation, which existed before the 2020 elections and was related to the establishment and work of the medium that apparently had a goal to promote certain political views by publishing often inaccurate and unverified information, recurs, it is still unclear what the state will be able to do.

**“Recently, we have noticed the existence of portals that have not fulfilled their legal obligation in terms of entering the Register and providing the identification data. With respect to the fact that we do not have data on the basis of which we would be able to contact certain portals, we use the opportunity to invite them, in accordance with the Law, to make an entry in the Register and to publish identification data on their portal.”<sup>9</sup>**

The Agency for Electronic Media seemed to be aware of the omissions of certain media, but that body could not impose “administrative and supervisory measures or a fine for a misdemeanour”, due to, as they said, incomplete legal regulation. The Ministry of Culture has also shown weakness in regulating the work of online media. The Ministry said it was not possible to find out who was behind the unregistered portals and that there was no opportunity for initiating a possible misdemeanour procedure<sup>10</sup>.

8 *Broadcasters, operators and publications, Agency for Electronic Media, URL: <https://aemcg.org/emteri-operatori-i-publikacije/>, accessed: 1 December 2020*

9 *AEM: “Pojedini portali izbjegavaju registraciju”, [Some portals avoid registration], Safejournalists.net, URL: <https://safejournalists.net/me/aem-pojedini-portali-izbjegavaju-registraciju/>, accessed: 1 December 2020*

10 *Ministry of Culture: “Nemamo kapacitete za otkrivanje osnivača medija Udar.me”, [We do not have the capacity to discover the founder of the medium Udar.me], PCNEN.me, URL: <https://www.pcnen.com/portali/2020/09/11/ministarstvo-kulture-nemamo-kapacitete-za-otkrivanje-osnivaca-medija-udar-me/>, accessed: 1 December 2020*

6 *Law on Media, Article 60*

7 *Law on Media, Article 18*



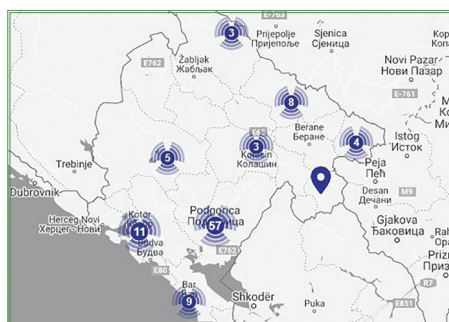
# PORTAL REGISTRATION – FROM THE OBLIGATION TO EARNING OPPORTUNITY

Despite the fact that they have existed in Montenegro for years, it still seems that neither the public nor the legislators understand what digital media/electronic or internet publications/portals are. The media that refused to register, as well as various organizations that registered their websites as media, took advantage of such a situation. Namely, statistical data and a detailed overview of all portals registered during the previous four years (since the recommendation for registration has been adopted) may be found on the Agency for Electronic Media's website. By the beginning of December, 101 electronic publications used the opportunity to register. Given the fact that there are 193 media outlets<sup>11</sup> in Montenegro, electronic publications make up more than half of all registered media outlets. Real statistics are significantly different, primarily because there are not so many digital media or information portals.

It is noticeable that the largest number of portals was registered during 2020. This can be partly attributed to the fact that participation in the competition for the distribution of money from the Fund for Media Pluralism is envisaged for those who are registered. However, there is still a part of the media that does not want to register and some of them were very active during the pre-election period when they published various un-

verified, often inaccurate information, which was pointed out by individuals, NGOs<sup>12</sup> as well as the Agency for Electronic Media<sup>13</sup>.

Picture 1. Overview of registered portals per municipalities (source: the AEM)



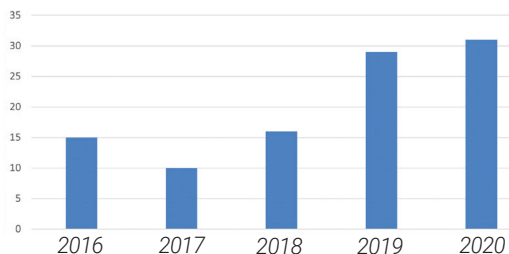
When it comes to statistics, it is interesting to note that the lowest number of portals was registered in 2017 - only 10, while 31 publications were registered during 11 months of 2020. Also, it is symptomatic that since the adoption of the Law on Media, 19 portals have used the opportunity to register while 17 of them were registered in just one day (out of which 16 were founded by the same legal person).

11 The AEM Register shows that 188 media are active in Montenegro, as follows: RTCG (5), local public broadcasters and radio and television (16), commercial TV broadcasters (4), commercial radio broadcasters (36), non-profit radio broadcasters (2), AVM operators (24) and electronic publications (101). In addition, four daily newspapers and one weekly newspaper are published.

12 Media Center: "Uočen negativan trend u praćenju predizborne kampanje od strane TVCG"; [Negative trend observed in the monitoring of the pre-election campaign by TVCG], *Vijesti.me*, URL: <https://www.vijesti.me/vijesti/politika/460283/media-center-uocen-negativan-trend-u-pracenju-predizborne-kampanje-od-strane-tvcg/>, accessed: 3 December 2020

13 AEM: "Pojedini portali izbjegavaju registraciju"; [Some portals avoid registration], *Safejournalists.net*, URL: <https://safejournalists.net/me/aem-pojedini-portali-izbjegavaju-registraciju/>, accessed: 1 December 2020

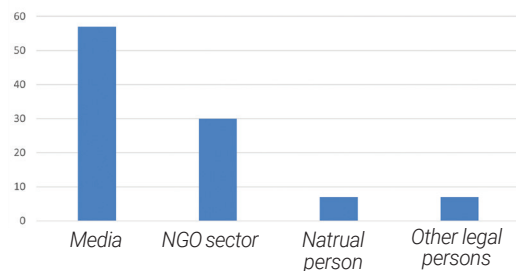
Chart 1. Number of registered portals per year



For the third year in a row, the Trade Union of Media of Montenegro has been pointing out the insufficiently precise legal solutions enabling the registration of numerous online publications that are not media in the true sense of the word.

An analysis of the AEM Register showed that almost half of the registered publications consisted of various websites of organizations, individuals or companies that were not actually media. Namely, 57 media and 44 publications have been registered so far, the founders of which are NGOs, natural or legal persons. This way of keeping records prevents the transparency of the media sector, but also makes it difficult to monitor the work of digital media.

Chart 2. Founders of electronic publications



# IMPACT OF THE COVID-19 PANDEMIC ON ONLINE MEDIA IN MONTENEGRO

When the coronavirus spread to Montenegro in March 2020, it greatly affected the work of digital media. Since the beginning of the pandemic, the Government of Montenegro has introduced some very restrictive measures at the state level. Some of them were: teleworking, state authorities stopped working with citizens, traffic between cities was closed, some basic services were unavailable. The complete lockdown of the state had effects on the work of both the media and journalists who, in addition to fearing for their lives, needed help in preserving their jobs.

The appearance of the virus has led to close cooperation between the state and the media, all with the aim of preserving public health. Prime Minister Dusko Markovic also praised the good cooperation, thanking the print and electronic media for "quality and professional reporting" on his Twitter account<sup>14</sup>.

*Picture 2. Post by Prime Minister Dusko Markovic (Source: Twitter)*



This was followed by financial assistance to the media. According to the data from June, the direct financial assistance of the Government of Montenegro to the media amounted to more than 310,000 euros. The Government provided an additional 300,000 euros of assistance in the form of release or deferral of payment of obligations<sup>15</sup>. The media also had the option to defer payment of taxes and contributions for 90 days. The Government announced that subsidies for salaries were provided to employees in the media sector, which was classified as an endangered activity. In addition, the Investment and Development Fund provided a special credit line for loans in the amount of up to 600,000 euros. In the explanation of this decision, the Government stated that "it wants a sustainable media community, an independent editorial policy of the media, which will inform the citizens professionally and accurately, respecting ethical norms and standards."<sup>16</sup> The goal, as they explained, was to assist the financial sustainability of the media. However, the assistance was provided to the media with the largest audience that broadcasted an informative program every day. Thus, the assistance was provided to five portals with the highest number of visits (Vijesti, CdM, Analitika, FOS, Antena M), but also to 14 local public broadcasters, most of which have their own electronic edition.

<sup>14</sup> Dusko Markovic, Twitter, URL: <https://twitter.com/DuskoMarkovicCG/status/1243440128699269120?s=20>, accessed: 1 December 2020

<sup>15</sup> "Direktna pomoć medijima 310.000 eura" [Direct assistance to the media in the amount of 310,000 euros], Safejournalists.net, URL: <https://safejournalists.net/me/direktna-pomoc-medijima-310-000-eura/>, accessed: 1 December 2020

<sup>16</sup> *Ibid.*

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“Also, the safety and security of journalists is a value to which we are committed every day, so journalists and media employees are provided with free protective equipment during the coronavirus epidemic in Montenegro.”<sup>17</sup>

In addition, the Agency for Electronic Media recently made a decision to release commercial and public broadcasters from the obligation to pay the fourth quarterly instalment for broadcasting during 2020. The Agency similarly helped the media in March, as well.

Despite the generosity of the regulator and the state, it seems that media employees have not felt any improvement. On the contrary, it is not known that any media outlet increased the salaries of employees or gave them an allowance, although their workload increased significantly. It was these employees who were the main cause of increased trust in the media during the pandemic. The research, conducted by the Digital Forensic Center in April 2020<sup>18</sup>, found that about 15% of respondents mostly or completely trusted portals. Furthermore, more than half of the respondents said that they usually got information about the news related to the coronavirus epidemic in Montenegro on the internet portals.

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<sup>17</sup> Ibid.

<sup>18</sup> “Medijska pismenost, korona virus i građani Crne Gore - Istraživanje javnog mnjenja” [Media literacy, coronavirus and citizens of Montenegro - Public Opinion Research], (Digital Forensic Center, Podgorica: 2020)

# RESEARCH ON THE IMPACT OF CORONAVIRUS ON DIGITAL MEDIA AND EMPLOYEES

The crisis caused by the coronavirus has brought a number of challenges when it comes to the rights of employees in digital media. Working from home, as the main feature of this year, certainly affects family life and represents one of the biggest influences we have to face. Work from home and the means of work that are used (telephone, internet, all equipment, heating), represent a burden for employees, but also a saving for employers, because some newsrooms are empty. The problem is also that employees rarely decide to report such behavior.

That is why the Trade Union of Media of Montenegro, with the support of the International Federation of Journalists, decided to conduct a pilot study on the impact of the coronavirus on media employees, but also on the media business. For these purposes, two very short online surveys were conducted and sent to media owners and editors and digital media journalists. The survey, conducted in October, aimed to provide an overview of the situation and point out the main challenges in the functioning of digital media, which certainly reflect the work of journalists and other employees. It is important to note that the surveys are not representative and do not offer the possibility of conclusions at the level of the whole community, but they provide enough information and offer certain conclusions about the consequences of the pandemic on the youngest media in Montenegro.

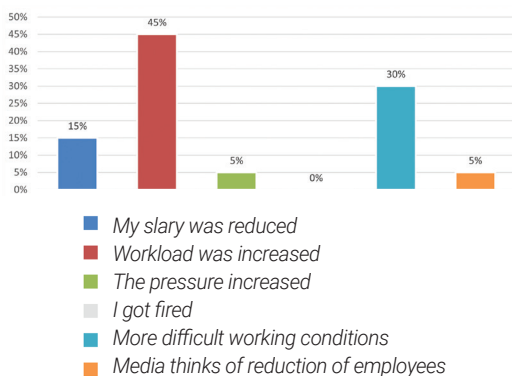
When it comes to the survey with journalists, it consisted of 13 questions, on the basis of which the journalists described the working conditions during the corona and gave recommendations so

that the Trade Union could be involved in improving working conditions. 22 respondents participated in the research with journalists.

Almost all respondents agree that the Covid-19 epidemic had a negative impact on their work, while about 14% of respondents say that they do not know or that there was no negative impact.

When it comes to the effect that the virus had on their work, the respondents agree that in most cases there was an increase in the volume of work. Also, working conditions were difficult for a third of the respondents, and as many as 15% of them reported that their salaries were reduced during the pandemic.

Chart 3. How did the epidemic affect your business?

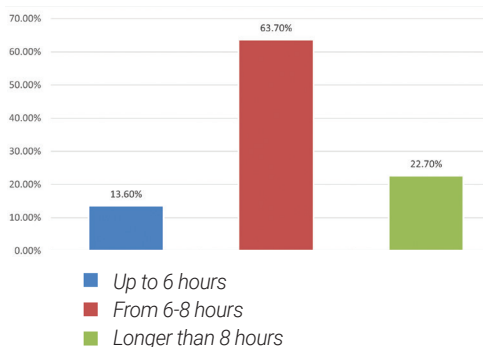


More than half of the respondents (59%) said that their work in the newsroom was changed during the pandemic, while about 32% of them said that their work in the newsroom was partially chan-

ged. 9% of respondents said that there was no change in work, even during the pandemic. The absolute majority of respondents (more than 70%) said that the media they work for enabled work from home, but, among them, there were those media that provided this only at the request of employees (18%). The research showed that online media in Montenegro enabled their employees to work from home for a longer period of time. Thus, 36% of employees said that they worked from home for more than three months, the same number of them worked from home for one to three months, while slightly less than 14% of journalists in digital media worked from home for less than 30 days. Among them were those who pointed out that they usually work from home, which is actually one of the problems that the Trade Union of Media of Montenegro regularly points out. Slightly less than 10% of respondents also said that they worked alternately from home and from the newsroom.

The research showed that online media managers in Montenegro had clear guidelines for their employees and thus made it easier for them to work in the changed conditions. As many as 95.5% of respondents said they had clear guidelines. However, the pandemic affected the extension of their working day. Regardless of the specific working conditions (radiation exposure, eyestrain, etc.), the working day of employees lasted on average longer than six hours, and in as many as 23% of cases longer than eight hours. The Trade Union of Media has been advocating for several years that the working day of employees in the portal lasts shorter, and the latest data show that employers do not have understanding for such a proposal.

Chart 4. How long did your working day last on average, when you worked from home?



One third of employees believes that working from home during the pandemic affected the private lives of employees.

*"In the beginning, working from home was very pleasant for me. It introduced a certain novelty into my work routine, and given the seriousness of the situation that happened, it made me feel better at home. However, as time went on, I realized that working from home greatly disturbed my private life, because without a clear stated working hours, frequent sudden work tasks, I often did not manage to complete my family obligations."<sup>19</sup>*

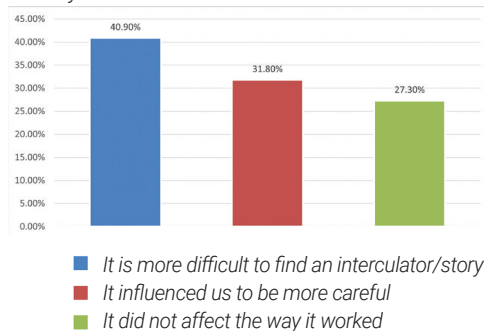
However, there were also employees who liked this way of working and who would continue to work from home.

*"My employer introduced work from home in March and I have to admit that I really like such a system of work. I don't know if it's because I live alone, so I can easily organize my obligations, but if it was up to me, this way of working would be ideal."<sup>20</sup>*

<sup>19</sup> Anonymous, a survey with journalists employed in digital media, October 2020.  
<sup>20</sup> Ibid.

But that did not discourage them from wanting to work from home in the future. Judging by the results of the survey, if they could choose, as many as 41% of respondents would still like to work from home. This decision was not even influenced by the fact that, as they themselves testify, it is harder to reach interlocutors and stories during the pandemic. The epidemic did not affect the way stories and interlocutors were reached for a third of the respondents, but on 32% of them it affected to be more careful in their work. However, despite the difficulties, the interviewed journalists did not seek advice and support from any association of journalists or trade unions. Also, the respondents believe that the recommendations and advice given by the Trade Union of Media of Montenegro during the pandemic are useful and that they helped them in their work.

Graph 5. How much did the epidemic affect the way stories and interlocutors were reached?

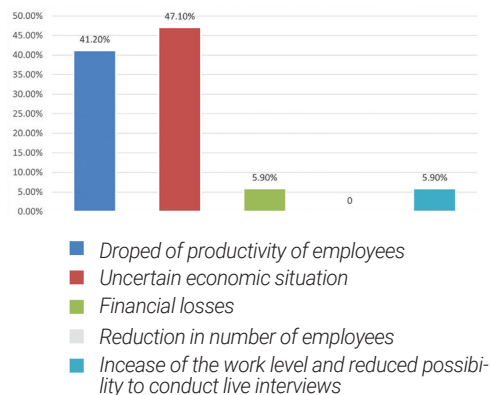


In order to protect themselves during the pandemic, the employees asked from the Trade Union of Media to request from the state authorities not to discriminate against smaller digital media, especially having in mind the fact that they were excluded from state aid. Employees are aware that they will face salary cuts and layoffs, which are announced by many media, and one of the proposals for improving the situation was to increase salaries due to additional work in special conditions and during the pandemic.

When it comes to the survey with the owners and managers of the portal, it was conducted in October and had 11 questions, which were answered by representatives of 17 media. The survey was anonymous and our goal was not to find out how certain media see the situation, but to get as many answers and a better insight into the situation.

Both owners and editors-in-chief of online media in Montenegro have a similar view of the consequences for media survival. As the main indicators of that negative impact, managers cited the uncertain economic situation and the decline in employee productivity.

Graph 6. What is the main characteristic of the impact of the pandemic on your media?



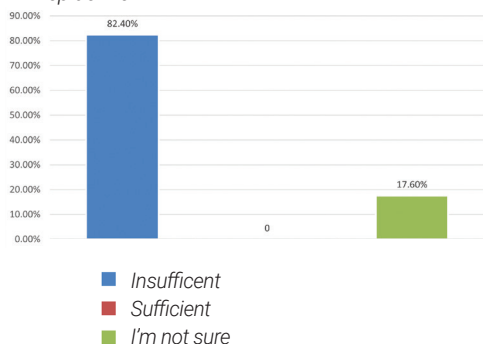
The surveyed media have a different number of employees, ranging from one to as many as 29. Of that number, the largest part, according to the respondents, are journalists. All surveyed employers provided employees with work from home, but 88% of them also provided clear guidelines for that work. Interestingly, 12% of respondents "admitted" that they did not give employees guidelines and instructions for working from home.

As the biggest problems in the work of the media, managers state that it was much harder to reach

the interlocutor, that there was a “loss of interest in the job”, the habit of going to tasks, but also that there was a decrease in the number of published information available to interlocutors, fewer “living stories” and interlocutors. Some of the managers thought that it was also negative that the employees used the right to be absent if they had children under the age of 11. Rare are those who pointed to higher productivity and interest of employees, which led to fatigue of journalists and other employees.

Regardless of the size, readability and number of employees in the portals, their owners are almost unanimous in their opinion that state aid during the pandemic was not enough.

Graph 7. How do you assess state aid during the epidemic?



As some of the measures that would help them in their work, they suggest greater financial assistance, exemption from tax obligations, expansion of the state aid package, formation of a stable fund for financial assistance to the media, more opportunities for financing media projects.

“Given that we are a small, local medium, in which everyone is involved on a voluntary basis or through occasional fees, our work is the same as since its inception. We believe that for local and

small media, which are recognized in their municipalities, it would be necessary to create special assistance measures that would provide at least funds for technical maintenance of electronic media (server/maintenance/improvements).”<sup>21</sup>

The surveyed managers believe that it is necessary to act on two “fronts” towards the state and the advertisers.

“The most productive measure would be to motivate domestic advertisers/companies to make more use of Montenegrin online media advertising services. In this way, the funds would not go out of state (Facebook, Instagram, Google ads).”<sup>22</sup>

When it comes to state aid, ideas are different. Thus, in addition to financial issuances “which must be higher than the first aid package”, managers would also ask the state for subsidies for employees’ salaries, as well as disinfectants.

“Due to the evident crisis and the drop in the number of advertisers in the media by about 25 percent, it is desirable to form a stable fund for financial assistance to the media, in order to preserve the structure of employees and smooth work process.”<sup>23</sup>

If the pandemic continues, the surveyed managers believe that there could be job losses, reduction of wages or even shutdown of the media. Namely, about 60% of the surveyed media representatives said that there could be layoffs and a reduction in salaries. As many as 23.5% of respondents say that such scenarios will not happen, while slightly less than 17% of respondents are not yet sure how the situation will develop.

21 Anonymous, survey with editors and media owners, October 2020.

22 Ibid.

23 Ibid



# CASE STUDIES: CORONAVIRUS IN MONTENEGRIN MEDIA

## Publishing lists of persons in self-isolation: Certain media fails to find their way around reporting

*Predrag Nikolic*



Lists of persons who were issued a decision on mandatory self-isolation for a period of 14 days were published on the Government's website on March 21. The lists contained the names and surnames of the citizens and the address of residence. "Let everyone know which of the neighbors and fellow citizens is putting them in danger," it was stated, among other things, in the Twitter announcement of the Government, announcing that they will start publishing the names of those who violate self-isolation measures. The first list contained 1.022 names.

An angry and threatening tone was accompanied by the announcement of the Government that

they have the consent of the Agency for Personal Data Protection and free access to information for this act.

Even before this decision, *Vijesti* wrote about how the list of persons in self-isolation with social security numbers circulated on social networks and the Internet by means of communication. The Government admitted that a large number of citizens are in possession of the list with personal identification numbers, and that they published screenshots from it on social networks, but that they are not to blame for the "mistake". They called on the institutions to react and investigate the case.

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Two days after the disputed decision of the Government, on March 23, the Civic Alliance submitted to the Constitutional Court an initiative to assess the constitutionality and legality of the Government's decision to disclose the names of persons in isolation.

To the numerous negative reactions of non-governmental organizations and individuals, Prime Minister Dusko Markovic responds that they assessed that "the right to health and life is above the right to unconditional protection of personal data." Sharing the Prime Minister's opinion in *Pobjeda*, on March 24, a list of over a thousand names and surnames of persons in self-isolation is printed on four pages, with their addresses and house numbers, all neatly sorted by municipalities.

The initiative is also taken by zealous individuals accustomed to new technologies, so the same week when the Government and the National Coordination Body (NKT) published their list, a website was created on which the author, using this information, "helps" citizens see how far they are from those in self-isolation.

**"The goal of this application is prevention and insight into the new epidemic. The distance is not 100 percent accurate and depends on your device and on the addresses that we take from the Government's website," it is written on the page, whose internet address was registered on March 22, the day after the Government made the decision to publish the lists. The page, as well as the public lists of the Government, contains names and surnames, addresses and dates when these persons were ordered the self-isolation measures", *Vijesti* wrote at the end of March.**

In July, the Protector of Human Rights and Freedoms, Sinisa Bjekovic, requested a detailed

investigation from the Ministry of Public Administration (MPA) in the case of the web page [crnagorakorona.com/home](http://crnagorakorona.com/home) in order to prevent unjustified interference with the personal data of individuals.

It is interesting that the Government came up with the same idea: "The line ministry of Suzana Pribilovic asked the AZLP Council for an opinion on whether there are obstacles to using citizens' data name and surname, address of self-isolation, date of self-isolation, phone number, email address, which would be processed on servers outside Montenegro in one of the EU member states", *Vijesti* learned in October with explanation from the Government that it was only an idea "which was considered in the first wave of coronavirus, and which was abandoned".

Encouraging from the government to publicly designate neighbors and the "irresponsible" has had effects for some media, so *Dnevne novine*, on March 28, published an article informing the public that "Marina Medojevic, the wife of one of the DF leaders Nebojsa Medojevic and the president of the NGO The food bank violates the order of the Government of Montenegro and, not only leaves her apartment, but also gives statements to the media, although she should be in self-isolation in the period from March 17 to 31." They explained that this information was reported to *Dnevne novine* by readers: "and as proof of accuracy, it is possible to see the report on poverty in Montenegro on the TV *Vijesti*, which was broadcast on March 19."

At the beginning of April, *Pobjeda* reported as scandalous the information that a list with data from more than 60 people who had the coronavirus was forwarded to many telephone numbers. "According to the first findings, the list did not leak from the security services, nor was the communi-

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cation system hacked," *Pobjeda* writes, explaining that the government strongly condemned this act.

At the beginning of May, the NKT and the Government abruptly stopped publishing the list of patients. Precise data on how many people were on the list from March 21, when the Government published the first names, until May 7, when it withdrew it from the official website, do not exist. The list is updated on a daily basis. And according to the data of the Health and Sanitary Inspection, only in the period from March 15 to April 24, more than 10,000 people were issued a decision on mandatory self-isolation or quarantine.

On July 23, the Constitutional Court ruled positively on the initiative of the civil sector and issued a decision officially revoking the decision to publish lists of persons in self-isolation. The Constitutional Court initiated the procedure for assessing the constitutionality of the NKT decision, at the initiative of the NGO Civic Alliance, at its session on May 29. The Judge Rapporteur is of the opinion that the publication of personal data on persons in self-isolation has created a precondition for their stigmatization, as well as that their data can be used by an unlimited number of citizens. It could also deter those who needed medical help from seeking help.

Even after the decision of the Constitutional Court, various media coverage continues. Thus, *Pobjeda* integrally conveys the explanation of the President of the Council of the Agency for Personal Data Protection, Sreten Radonjic, in which he claims that the NKT's request to publish the names of people in self-isolation is not contrary to the Law on Personal Data Protection, and that the positive opinion was based on provisions of international law and domestic legislation, while Dan writes that Radonjic opposes the Constitutional Court.

*Dan* wrote at the end of August that even after a month they did not receive answers from the Government on how many names they published, and whether they will sanction those who proposed and adopted the decision to publish lists, what sanctions can be expected for violating the Constitution, and who will be sanctioned?

The scandal on the publication of the lists will have an epilogue in court. Due to the publication of the list of persons who were ordered to self-isolate and part of the list of those infected with the coronavirus, about 250 victims announced a lawsuit against the Government and the state.

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## Montenegrin portals inconsistently reported on mass rallies during the corona time

*Radomir Krackovic*



The coronavirus pandemic globally brought a ban on mass rallies as one of the main changes because they were the largest incubator of the infection at the start. The most famous example is the football match between Italian Atalanta and Spanish Valencia on February 19 this year in Milan, which, among other things, later turned the Italian city of Bergamo black, from which 40,000 fans or every third inhabitant of that city arrived to support Atalanta in Milan. Pictures of military trucks transporting corpses from Bergamo to other cities because they do not manage to bury them, traveled the world and were a cruel lesson.

And yet, despite that, there is probably no smaller country that had more mass gatherings than Montenegro at the time of the epidemic. This is one of the main reasons why Montenegro in 5 months has gone from a European champion in the fight against the coronavirus to a country that is at the top of all statistics in the world in the number of patients. The epidemic was ignited by almost everyone with irresponsible behavior - citizens,

believers, the Serbian Orthodox Church (SPC) in Montenegro, the government and the opposition, which in the meantime has become the new government. All this, in one way or another, was covered by the Montenegrin media, including digital or portals.

An analysis of Montenegrin portals' reporting on high-risk and officially banned mass rallies shows that they mostly reported inconsistently on these events, in line with their political preferences. The bias is reflected in the fact that most of the most influential portals kept silent about the violation of measures against coronavirus when the gatherings were organized by their political or church favorites, while in other situations they strongly criticized the violation of those same measures.

The first large mass gathering during the epidemic was a liturgy on the occasion of religious holiday, a day of St. Vasilije of Ostrog on May 12 in Niksic, after which the police arrested the Bishop of Budva-Niksic Joanikije and eight other SPC priests on

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suspicion of violating measures against coronavirus. The portals here had different interpretations of the same event.

The *Cafe del Montenegro* (CDM) portal emphasizes in its report that “despite the ban on public gatherings, the Serbian Orthodox Church organized a liturgy in Niksic attended by many SPC supporters” and the *Antena M* radio portal that “a large number of people gathered who did not respect physical distance or wore protective masks”. The same was reported by the portal *Analitika*, the portal *Pobjeda* and the portal *Radio - Television of Montenegro* (RTCG).

Portal *Vijesti* stated that “a large number of citizens gathered at the liturgy in Niksic” and that “the ban on gatherings is still in force in Montenegro” and reported that “Joanikije welcomed the believers who kissed his hand and he gave them blessing” adding that Joanikije said “that they complied with all the measures prescribed by medicine.”

On the other hand, the *IN4S* and *Borba* portals, reporting on this event, do not mention the violation of measures against coronavirus or the ban on gatherings that was officially in force at the time, but *IN4S* states that the liturgy was “magnificent and unplanned” and emphasizes that “By arresting Joanikije, the regime crossed the line in the confrontation with Orthodoxy,” while *Borba* quotes Joanikije as saying that “some people did not understand well what the liturgy of St. Vasilije in Niksic meant to the people.”

The next series of mass rallies followed on the eve of the parliamentary elections on August 30, when the Serbian Orthodox Church and the Metropolitanate of Montenegro and the Littoral renewed their liturgies against the controversial Law on Freedom of Religion. The protests took place in several cities a few days before the elections, and then the gat-

hering of up to 200 citizens was officially allowed. Montenegrin portals covered these rallies as well, but they did not problematize the fact that measures against coronavirus were violated at some of them because there were more than 200 people, which was easily visible in the recordings published by those portals themselves. This time, the portals focused on the messages from the gatherings themselves, which were not only religious, but also political, because the priests of the Serbian Orthodox Church themselves openly invited people to vote for the removal of the Democratic Party of Socialists (DPS).

After winning the elections, supporters of the opposition and the Serbian Orthodox Church celebrated two nights on the streets of Podgorica and in front of the Church of Christ's Resurrection. Then again, the measures against the coronavirus were violated because thousands of people gathered, but the portals again dealt more with the messages and iconography of the gatherings, failing to emphasize it or not considering it important. The *Vijesti* portal only stated in its text that “measures aimed at preventing the coronavirus, which concern the ban on public gatherings, the obligation to wear masks both indoors and outdoors, and to maintain social distance, are still in force.” The portals *Pobjeda*, *Analitika*, *CDM*, *Antena M* emphasized that “tricolors, Serbian flags and cockades were carried at the celebration, Chetnik songs were sung and Kosovo and Serbia were cheered on”. The *Vijesti* portal, on the other hand, estimated that “many more Montenegrin flags were seen on the second night of the celebration than this was the case on the first night”. As far as the text is concerned, the *IN4S* and *Borba* portals reported quite briefly from these gatherings but *IN4S* provided videos that once again confirmed the violation of the measures. Truth be told, almost no Montenegrin media in the first post-election days problematized this celebration from an epidemiological point of view.

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It did not take long for new mass gatherings to happen. Montenegrin patriotic organizations, with the tacit consent of the then still ruling DPS, held patriotic rallies in Cetinje and Podgorica on September 3rd and 6th, protesting against the arrival of the new government. Measures were massively violated at these gatherings as well, both in terms of the number of allowed participants and in terms of the distance, which, of course, could not be maintained. Now, however, we have had the opposite media situation. The portals *IN4S* and *Borba* stated that these rallies were not reported to the police, and then accused the previous government of hypocrisy because it kept silent about the organization of patriotic rallies and accused the opposition and the Serbian Orthodox Church of spreading the coronavirus at their rallies.

On the other hand, *RTCG* portals; *CDM*, *Analitika*, *Antena M* and *Pobjeda* conveyed the main messages from the rallies, some of them calling them magnificent, but they did not problematize or even mention the violation of measures that was obvious, as they insisted during previous rallies organized by the SPC.

Portal *Vijesti* reminded again that public gatherings are limited to much fewer people than of the number present at these gatherings, but also that these measures have been massively violated before. They also stated that the prosecution had initiated proceedings against citizens and priests of the Metropolitanate of Montenegro and the Littoral on several occasions for violating measures against coronavirus, and that this was not the case after patriotic rallies, calling it "double standards". "The police did not in any way interfere with the rally, which was indirectly supported by Prime Minister Dusko Markovic," *Vijesti* wrote, which later tirelessly investigated who the people behind the organization of these patriotic rallies were.

Finally, the final epidemiological bomb followed the funeral and burial of the late Metropolitan of Montenegro and the Littoral, Amfilohije, from October 30 to November 1 in Cetinje. During all three days, mass violations of measures were recorded, and most of the portals covered all that. They published recordings of communion with the same spoon, kissing the dead body of Amfilohije who died as a result of the coronavirus, and stated that some representatives of the future government did not respect the measures and did not wear masks. "Warnings are in vain, priests and believers massively violate measures against the epidemic," the portal *Vijesti* wrote, while *Pobjeda*, *Analitika*, *CDM* and *Antena M* conveyed the appeal "to close the open coffin with the body of Amfilohije" because, as doctor Nevenka Pavlicic, who asked for it, said "that religious ritual is a hotbed of infection". The appeal was also conveyed by the *IN4S* portal, but they, as well as *Borba*, did not pay attention to the fact that the measures were being massively violated, but only repeated the appeals of the priests to respect the measures.

The coronavirus epidemic has changed the way of life and thus brought new challenges to the media in their work. However, the sharp polarization of the media in Montenegro has not disappeared but deepened even more, as shown by the way these rallies are reported. Although all portals made an effort to professionally cover all these events, the vast majority did not achieve complete professionalism because they inconsistently favored one side and kept silent about its omissions and sharply attacked the rival, accusing it of violating the measures. It seems that such fan practice will not change for a long time.

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## RECOMMENDATIONS

Multi-year monitoring of the situation in this area has shown that, like other types of media, regardless of any differences in editorial policy, readability or size of some media, they all have almost the same attitude towards employees. The working conditions are particularly poor in digital media, which are the youngest and seem to be the least regulated media. Such a situation is further complicated by the appearance of the coronavirus, because there is a loss of advertisers and advertising revenue declines.

The Trade Union of Media of Montenegro has prepared a set of recommendations for the competent authorities and the media themselves this year as well, and some of the recommendations from previous years are, unfortunately, still relevant:

- It is necessary for the state to further regulate the field of digital media by adopting by-laws. Further regulation is needed to better define what online publications include, but also to provide mechanisms for initiating misdemeanour proceedings in cases where there is no information on the ownership structure of the media;
- The ministry in charge of the media should make the Register of online publications public, and separate information and other registered portals from online publications;
- Media owners and editors should provide accurate information about their portals and thus, in addition to complying with the law, enable transparency in the media sector;
- Portals should have internal rules regarding the functioning of these media. This especially relates to the media composed of several types of media, for example radio, television and portal, because their employees are particularly overworked;
- Online media should publish imprints on their websites, which would provide information on the editorial structure and journalists employed in those media;
- Portals, along with other types of media, should have clear rules and strategies for working during crises, such as that caused by the Covid-19 pandemic. Thus, there would be no surprises and the work of the employees would be greatly facilitated;
- Protection of employees' health but also a preservation of jobs should be a priority for employers, especially during the crisis, and dismissals should be the last and not the first solution to be taken;
- As a way to improve their position, the employees in digital media should consider the possibility of organizing and joining unions to a greater extent than is the case now.

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