

CROSS-BORDER ELECTORAL MEDIA MONITORING

SERBIA - MONTENEGRO DURING THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN MONTENEGRO



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CONTENTS

| | |
|---|-----------|
| CROSS-BORDER COOPERATION AND OBLIGATIONS RELATING TO AUDIO-VISUAL MEDIA SERVICES | 3 |
| <u>The “country of origin” principle</u> | 4 |
| <i>How is the jurisdiction over a particular broadcaster determined?</i> | <i>4</i> |
| <i>For the control of electronic media in Serbia and Montenegro, REM and AEM are responsible.</i> | <i>6</i> |
| <i>What happens when media outlets retransmit programs and violate laws?</i> | <i>7</i> |
| <i>Sanctions against broadcasters from other countries prescribed by laws in Montenegro and Serbia</i> | <i>9</i> |
| <i>Examples of restrictions on the retransmission of TV programs between Serbia and Montenegro</i> | <i>11</i> |
| ON THE MONITORING OF MEDIA SERVICE PROVIDERS (MSPS) UNDER THE JURISDICTION OF THE REGULATORY AUTHORITY FOR ELECTRONIC MEDIA (REM) FROM SERBIA DURING THE PRESIDENTIAL ELECTION CAMPAIGN IN MONTENEGRO | 13 |
| <i>Quantitative analysis</i> | <i>16</i> |
| <i>Qualitative analysis</i> | <i>29</i> |
| REPORTING OF MEDIA SERVICE PROVIDERS (PMU) UNDER THE JURISDICTION OF THE REGULATORY BODY FOR ELECTRONIC MEDIA (REM) FROM SERBIA DURING THE CAMPAIGN FOR THE 2023 PARLIAMENTARY ELECTIONS IN MONTENEGRO | 33 |
| <i>Qualitative Analysis</i> | <i>42</i> |
| CONDUCT OF REGULATORY BODIES IN SERBIA AND MONTENEGRO DURING THE PRESIDENTIAL AND PARLIAMENTARY ELECTION CAMPAIGNS | 44 |
| CONCLUSIONS AND RECOMMENDATIONS | 48 |

CROSS-BORDER COOPERATION AND OBLIGATIONS RELATING TO AUDIO-VISUAL MEDIA SERVICES

All Western Balkan countries, as well as other countries in the region, are signatories to the European Convention on Transfrontier Television (ECTT) of the Council of Europe, which regulates the transfrontier transmission and the retransmission of television program services. Thirty-four countries have ratified this convention¹, while seven countries have signed but not ratified the document.

The signatory countries committed to ensuring freedom of expression and information within their territories, as well as freedom of reception and retransmission of program services in accordance with Article 4 of the European Convention on Transfrontier Television (ECTT), in accordance with Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The ECTT defines the obligations of countries, national regulatory bodies, and broadcasters, as well as the mechanisms to ensure cooperation among signatory countries in implementing the Convention, along with procedures in cases of violations. Signatory countries of the ECTT, including those in the region, are obliged to ensure that all broadcasters under their jurisdiction comply with the terms of the Convention. This includes taking action in cases where the convention is violated.

In addition to being signatories to the European Convention on Transfrontier Television (ECTT), Western Balkan countries, as candidates or potential candidates for EU membership, are obliged to incorporate solutions from European regulations into their media legislation. Specifically, they are expected to align with the EU Audiovisual Media Services Directive (AVMS) adopted in 2010 and revised in 2018. The AVMS Directive covers issues addressed by the ECTT but in more detail. Unlike the ECTT, it encompasses the entire audiovisual sector (TV, radio, on-demand audiovisual services, and online video-sharing platforms²), not just television programs.

Both the Council of Europe³⁴, and the EU, in their recommendations and docu-

1 The European Convention on Transfrontier Television came into force in Montenegro on June 1, 2008, and in Serbia on January 1, 2010.

2 Video-sharing platforms are online platforms where users can upload their video clips and share them. Social media websites are also considered as video-sharing platforms.

3 Council of Europe, Recommendation Rec(2000)23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector, <https://rm.coe.int/16804e0322> version in Serbian: http://ravnopravnost.gov.rs/wp-content/download/se_preporuka_r_2000_23.pdf

4 Council of Europe, Media Regulatory Authorities, 2017, <https://rm.coe.int/leaflet-regulatory-authorities-en/168079cede>

ments, emphasize the importance for signatory countries to ensure an adequate regulatory framework. This framework should guarantee the existence of a wide range of independent and autonomous audiovisual media outlets, as well as an independent national regulatory authority. This authority should, simultaneously, protect freedom of expression and ensure a balance between this freedom and other legitimate rights and interests.

In Europe, collaboration and communication among national regulatory bodies take place within the framework of international networks such as EPRA and ERGA. The European Platform of Regulatory Authorities (EPRA) is the oldest and largest network of electronic media regulators, established in 1995. It brings together 55 regulatory bodies from 47 countries, including 27 EU member states, candidate countries, and potential candidates for EU membership. The European Regulators Group for Audiovisual Media Services (ERGA) comprises national regulatory bodies for audiovisual media services from EU countries, aiming to ensure compliance with and improvement of the provisions of the AVMS Directive. The European Media Freedom Act, presented on September 16, 2022, anticipates the establishment of a new body called the European Board for Media Services (EBMS), intended to replace the ERGA network.

The “country of origin” principle

How is the jurisdiction over a particular broadcaster determined?

European media regulation is based on the “country of origin” principle – meaning that only one country has jurisdiction to oversee the operations of a specific media service provider. Jurisdiction lies with the country where the electronic media is established or where it uses terrestrial satellite transmitting stations or satellite capacities, rather than the country where it broadcasts its programs or offers its services. This regulatory principle is present both in the European Convention on Transfrontier Television (ECTT) and in the EU AVMS Directive.

Under the AVMS Directive, this principle applies not only to media content broadcast through traditional media like radio and television but also to on-demand media services or online video-sharing platforms. Authorities in each country that is a member of the Council of Europe or the EU are obliged to ensure that all audiovisual media content and services provided by electronic media established in that country comply with national laws aligned with the provisions of the European Convention on Transfrontier Television⁵ or the EU AVMS Directive.

5 Article 5/2 of the European Convention on Transfrontier Television reads: “For the purposes

Both Serbia and Montenegro, as candidates for EU membership and members of the Council of Europe, have designed the provisions of their electronic media laws in accordance with the solutions outlined in the European Convention on Transfrontier Television (ECTT) of the Council of Europe and the EU Audiovisual Media Services Directive (AVMS Directive).

Following the example of the ECTT and AVMSD, Article 45 of the Law on Electronic Media (LoEM) of the Republic of Serbia ⁶ and Article 4 of the Electronic Media

of this Convention, a broadcaster within the jurisdiction of a Party is: - a broadcaster who is deemed to be established in that Party according to paragraph 3; - a broadcaster to whom paragraph 4 applies". The whole text of the Convention translated into Serbian is available at: https://www.paragraf.rs/propisi_download/zakon_o_potvrdivanju_evropske_konvencije_o_prekogranicnoj_televiziji.pdf

6 Article 45 - A media service provider that is under the jurisdiction of the Republic of Serbia shall be obliged to observe the rules that apply to audiovisual media services in the Republic of Serbia.

A media service provider is under the jurisdiction of the Republic of Serbia if:

1) it is established in the territory of the Republic of Serbia;

2) it is not established in the territory of the Republic of Serbia, but:

(1) it uses a terrestrial satellite transmitting station that is located in the Republic of Serbia, and/or,

(2) it uses satellite capacity appertaining to the Republic of Serbia.

A media service provider shall be deemed to have been established in the Republic of Serbia if:

1) its head office is located in the Republic of Serbia and its editorial decisions about media services are made in the Republic of Serbia;

2) its head office is located in the Republic of Serbia, and its editorial decisions about media services are made in another member state of the European Union, provided that a significant number of persons are employed in the Republic of Serbia (under contract of employment or otherwise) and are involved in carrying out activities related to media services;

3) its head office is located in the Republic of Serbia, and a significant number of persons employed under contracts of employment or otherwise involved in carrying out activities related to media services work in the Republic of Serbia and another member state of the European Union;

4) it initially commenced its activity – in accordance with the law – in the Republic of Serbia, under the condition that it maintains a stable and effective relationship with the Serbian economy and that a significant number of persons – employed under contracts of employment or otherwise involved in carrying out activities related to media services – do not work in one of the member states of the European Union;

5) its head office is located in the Republic of Serbia, and its decisions about media services are made in a country that is not a member state of the European Union, or vice versa; under the condition that a significant number of persons – employed under contracts of employment or otherwise involved in carrying out activities related to media services – work in the Republic of Serbia.

If – according to paragraphs 2 through 3 of this Article – it cannot be determined whether a media service provider is under the jurisdiction of the Republic of Serbia or any other member state of the European Union, the media service provider shall be under the jurisdiction of the member state in which it was established within the meaning of Articles 56 through 58

Law of the Republic of Montenegro ⁷ specify the circumstances under which these states have jurisdiction over certain electronic media.

In short, the states have jurisdiction over electronic media that are established within their territory or use a terrestrial satellite transmitting station located within their territory or their satellite capacities.

For the control of electronic media in Serbia and Montenegro, REM and AEM are responsible.

The oversight of electronic media under the jurisdiction of each specific state is conducted by national regulatory bodies, namely agencies.

The law in Serbia stipulates that the Regulatory Authority for Electronic Media (REM) is responsible for overseeing electronic media. In Montenegro, the Agency for Electronic Media (AEM) is tasked with the same responsibility. The Law on Electronic Media (LoEM) of the Republic of Serbia, prescribes in Article 22 (paragraphs

of the Stabilization and Association Agreement concluded between the Republic of Serbia and the European Communities and their member states.

7 Article 4

(1) AVM Service Provider is a natural or legal person established in Montenegro and performs the activity of providing AVM services in accordance with this Law and special laws regulating the field of media and electronic communications.

(2) An AVM service provider is deemed to be established in Montenegro if:

1) it has its seat, or residence in Montenegro, and issues editorial decisions in Montenegro;

2) it has its seat or residence in Montenegro, and the editorial decisions are made in another state, provided that a significant number of employees are involved in the provision of AVM services in Montenegro;

3) it has its seat or residence in Montenegro, the editorial decisions are made in the Member State of the European Union, and a significant number of employees involved in the provision of AVM services is employed in both Montenegro and the Member State of the European Union;

4) it has its seat or residence in Montenegro, the editorial decisions are made in a Member State of the European Union, and a significant number of employees involved in the provision of AVM services are not employed in Montenegro or a Member State of the European Union, but it has started broadcasting AVM services in Montenegro provided it maintains a stable and efficient connection with the Montenegrin economy.

(3) The provisions of this Law shall also apply to an AVM service provider established in another country if it uses an earth satellite transmitting station located on the territory of Montenegro and / or uses satellite capacities belonging to Montenegro.

(4) If in accordance with paragraph 2 and 3 of this Article it cannot be determined whether the provider of AVM services is under the jurisdiction of Montenegro or a Member State of the European Union, the AVM service provider shall be within the jurisdiction of the Member State in which it is established pursuant to Art. 52 to 58 of the Stabilization and Association Agreement between Montenegro and the European Union and its Member States.

8,9,10,11), that REM: “8) controls the operation of media service providers and ensures the consistent application of the provisions of this Law; 9) imposes measures on media service providers in accordance with this Law; 11) decides on complaints in connection with the programming activities of media service providers”. In addition, Article 24 of the LoEM defines that REM shall: “ensure that media service providers comply with the obligations relating to program content provided by this Law and the conditions under which they were issued the license, which is particularly related to the type and nature of the programs”, as well as that REM “before a competent court or other public authority, shall initiate proceedings against the media service provider or the person responsible if their act or omission has the character of an offense punishable by law”.

The Electronic Media Law of Montenegro prescribes in Article 138 that supervision over the implementation of this Law “shall be exercised by the Agency through its authorized person in compliance with the law governing inspection supervision”, and that “The Agency shall particularly supervise whether AVM (audio-visual media) service providers adhere in all respects with the requirements from the license”.

In the event of law violations, it is the duty of regulatory bodies to impose appropriate sanctions on electronic media established within the territory of that country (or using terrestrial satellite transmitting stations located within its territory or its satellite capacities) in accordance with the effective regulations.

What happens when media outlets retransmit programs and violate laws?

However, what is the procedure if the country where the program is aired lacks jurisdiction over the media service provider breaking the law, that is, when the violating media is established in another country?

In cases of breaching the provisions of the European Convention on Transfrontier Television, signatories to the convention are obliged to act in accordance with Articles 24 to 26 of this document.⁸

The first step is to establish contact with the responsible party and attempt to resolve the dispute in an amicable manner. If the violation is “of a manifest, serious and grave nature which raises important public issues” concerning Articles 7, 12, 13, 14, and 15 of the Convention, i.e., involving hate speech, pornography, incitement to

⁸ European Convention on Transfrontier Television, https://www.paragraf.rs/propisi_download/zakon_o_potvrdivanju_evropske_konvencije_o_prekogranicnoj_televiziji.pdf

violence and racial intolerance, or negatively impacting the development of children and adolescents, and it continues after two weeks, the country where the contentious program is aired has the right to temporarily suspend the retransmission of that program. In all other cases, the country where the program is retransmitted may temporarily suspend its broadcasting eight months following the first communication with the country that has jurisdiction over the specific media service provider if that media continues to violate the provisions of the Convention.

In cases where the program of an electronic media is principally directed at a country other than that which has jurisdiction over that broadcaster—when the broadcaster has registered in another country with more lenient regulations with a view to evading compliance with the provisions of the Convention—it is considered an “abuse of rights”⁹.

In such instances, if the dispute is not resolved amicably within three months, the country where the program is aired may refer the matter to the Standing Committee of the Council of Europe for consideration. If the Standing Committee¹⁰ concludes that there has been an abuse of rights, the country with jurisdiction over the broadcaster is obliged to take measures to rectify that abuse of rights.

If the country with jurisdiction over the broadcaster violating the convention fails to take action within six months, the other country where the contentious program is aired can initiate an arbitration procedure in accordance with Article 26/2 of the Convention.

A similar procedure for resolving disputes within the EU is outlined in the AVMS Directive. Disputes are referred to the European Commission, which, in these proceedings, consults the European Regulators Group for Audiovisual Media Services (ERGA).

To facilitate clear communication and efficient resolution of potential disputes, EU member states are required to publish a list of all media service providers under their jurisdiction, along with the criteria establishing their authority over them.

Countries are obliged to provide the European Commission with the list of media under their jurisdiction and to regularly update it¹¹. In cases where member states disagree on the jurisdiction of a particular media service provider, they must inform the European Commission.

9 Article 25, European Convention on Transfrontier Television, https://www.paragraf.rs/propi-si_download/zakon_o_potvrdivanju_evropske_konvencije_o_prekogranicnoj_televiziji.pdf

10 It is important to note that the Standing Committee hasn't convened since 2010. One reason for this might be that EU member states, in case of disputes, use mechanisms within the EU and refer to the European Commission instead.

11 AVMS Directive, Article 2 / 5b. <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

An EU member state has the right to restrict the broadcast of programs for an audiovisual media company from another country if it seriously violates rules related to hate speech and the protection of minors. However, this can only happen after a specific procedure described in Articles 3 and 4 of the AVMS Directive.¹²

Sanctions against broadcasters from other countries prescribed by laws in Montenegro and Serbia

Following the ECTT and AVMSD models, the legislation in Serbia and Montenegro governs the retransmission process of media services from foreign countries. Both nations guarantee the freedom to receive and retransmit media services from abroad, except in instances where these programs severely breach domestic laws and international regulations. Examples include the dissemination of hate speech, violation of human dignity, harm to children and minors, and threats to public order, safety, or national security. Procedures for handling such cases are specified in Article 46 of the Law on Electronic Media in Serbia¹³ and Article 6 of the Electronic Media Law in

12 AVMS Directive, <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

13 Serbian Law on Electronic Media, Freedom of Reception and Retransmission, Article 46: The freedom of reception and retransmission of media services from other countries shall be guaranteed, as it is assured in the Republic of Serbia by ratified international treaties. The Regulator shall temporarily restrict the freedom of reception and retransmission of television broadcast referred to in paragraph 1 of this Article in the case of obvious, serious and severe violations of the provisions under paragraph 1 Article 68 of this law, as well as in the case of incitement to hatred based on race, gender, or religious or national affiliation, repeated at least twice in the previous 12 months, upon written notice of the service provider, its home country, or another competent body, if so provided by an international agreement and if no decision is made in consultation with the home country or another competent body, even within the additional period of 15 days from the notice, and if the violation of the above provisions of this Law continues. The media service provider, which is under the jurisdiction of the Republic of Serbia, may also be subject to criminal prosecution due to a violation of the provisions under paragraph 2 of this Article. The Regulator shall temporarily restrict the freedom of reception and retransmission of on-demand audiovisual media services referred to in paragraph 1 of this Article in order to preserve public order, and – in particular – to prevent the enforcement, investigation, detection, and prosecution of criminal offenders, to protect minors, to prevent incitement to hatred based on race, gender, religion or nationality, and to prevent violations of human dignity, for the purpose of protection of public health, for the purposes of public safety, national security, and national defense, for the purpose of consumer protection – including investors – and in cases of serious violations or threatened violations of these interests – in proportion to the interests in question in the present case. The Regulator shall temporarily restrict the freedom of reception and retransmission of on-demand audiovisual media services referred to in paragraph 1 of this Article – under the conditions specified in paragraph 4 of this Article – when previously having asked the home country to take appropriate measures, and the country has not taken them, or if these mea-

Montenegro¹⁴. Separate procedures are envisaged for traditional media (TV, radio) and for on-demand audiovisual media services.

asures prove to be insufficient, as well as if it informs the home country or another competent body about the intention to take measures, if so provided by an international agreement. The Regulator may deviate from the requirements under paragraph 4 of this Article for reasons of urgency, in which case it shall inform the home country or another competent body as soon as possible – if so provided by an international agreement – about the measures taken and the reasons of urgency due to which the procedure provided in paragraph 4 of this Article is not observed.

The Regulator shall immediately suspend the implementation of the measures referred to in paragraph 1 of this Article, if the competent body provided for by an international agreement determines that the measure has not been decided on in accordance with the provisions of the international agreement, or in accordance with the rights and principles to which the international agreement refers.

14 Electronic Media Law of Montenegro

<https://aemcg.org/wp-content/uploads/2017/12/Zakon-o-elektronskim-medijima-2.pdf>

Restrictions on reception and retransmission of AVM services, Article 6:

(1) The restrictions referred to in Article 5 of this Law may be made in respect of television programs and AVM services upon request from other States, provided that:

1) for the television program:

- Broadcaster in the previous 12 months by broadcasting a television program coming from a Member State of the European Union at least twice openly, seriously or severely violated the provisions of Article 48, paragraph 2, and Article 55 paragraph 1 and 2 of this Law,
- Montenegro has informed the Broadcasting Commission and the European Commission in writing of the violations and limitations it intends to take if such a breach occurs,
- Montenegro has conducted consultations with a Member State under the jurisdiction of the broadcaster and the European Commission, which, even after 15 days from the date of submission of the notification referred to in paragraph 1 indent 1 of this Article, did not lead to amicable settlement, and continued with the broadcasting of such program;

2) for AVM service on request:

- the provision of services endangered or seriously threatened to jeopardize the prevention, investigation, prosecution and detection of criminal offenses, the protection of minors, the fight against incitement to hatred based on race, sex, religion or nationality, endangering dignity, protecting public health and public safety, national security and defense or consumer protection, including investors,
- Montenegro, prior to taking a restriction on the freedom to receive and retransmit the AVM service upon request, requested from the Member State within the jurisdiction of the AVM service provider to take measures that that Member State did not take or the measures taken were inadequate,
- Montenegro informed the European Commission and the Member State under the authority of AVM services about the intention to take restrictions.

(2) In urgent cases, Montenegro may, without fulfilling the conditions referred to in paragraph 1, item 2, indents 2 and 3 of this Article, take measures to restrict the freedom to receive and re-cancel AVM services upon request, on which it is obliged to inform the European Commission and the Member State under jurisdiction providing the AVM service upon request, citing reasons for urgency.

(3) Montenegro shall abolish the restriction measures referred to in paragraphs 1 and 2 of this Article, if the European Commission determines that it has taken measures, which are not in accordance with the acquis of the European Union.

The Law on Electronic Media in the Republic of Serbia outlines that should an electronic media service, operating under the jurisdiction of another country, violate the law, the competent Regulator engages with that country or its competent authority. If, within 15 days of notification, there is no resolution to the issue and the violation persists, the Regulator reserves the right to temporarily restrict the freedom of the media outlet to receive and retransmit the programs involved in the violation. Regarding on-demand programs, the Regulator is empowered to temporarily limit the freedom to receive and retransmit programs if the country, approached to undertake necessary measures, has taken no action or if those measures have proven insufficient (for detailed information, refer to Article 46 of the Law on Electronic Media in the Republic of Serbia).

Provisions of the Electronic Media Law in Montenegro are more aligned with the EU AVMS Directive. Therefore, the procedure for responding when an electronic media service under the jurisdiction of another country violates the laws of Montenegro and international regulations involves communication with the European Commission.

In these instances, Montenegro communicates the full case details to the European Commission, including the consultations conducted with the responsible country airing contentious electronic media content and the intent to impose restrictions or measures on the broadcaster if violations persist.

Both Serbia and Montenegro's legislations allow for urgent restrictions on the freedom to receive and retransmit on-demand audiovisual services. Subsequently, the home country or competent authority is notified. In Montenegro's case, the European Commission is also informed.

Examples of restrictions on the retransmission of TV programs between Serbia and Montenegro

From 2020 to 2022, the Council of the Agency for Electronic Media (AEM) of Montenegro restricted the retransmission of programs from Serbian television outlets on three occasions, specifically TV Happy and TV Pink M. Each time, their decision was justified by violations of Article 7 of the European Outline Convention on Trans-frontier Cooperation. In one instance, they also referred to Article 6 of the EU's AVMS Directive.

In all three cases, the AEM of Montenegro issued a decision and provided detailed reasoning for their decisions and the procedures undertaken, which involved communication with the Serbian Regulatory Authority for Electronic Media (REM).

Firstly, in February 2020, for a duration of three months, the retransmission of specific TV shows from TV Happy and TV Pink M was restricted due to the promotion of hate, intolerance, and discrimination against individuals of Montenegrin nationality. This decision led to the prohibition of retransmitting shows such as “Dobro jutro Srbijo” (*Good Morning Serbia*), “Ćirilica” (*Cyrillic*), and “Posle ručka” (*After Lunch*) on TV Happy, as well as the program “Novo jutro” (*New Morning*) on TV Pink M. (please refer to the justification provided by the AEM Council ¹⁵)

Then, in January 2022, due to offensive and discriminatory messages targeting individuals of Montenegrin nationality, the Agency for Electronic Media of Montenegro again decided to prohibit the retransmission of several TV shows from the Serbian TV station Happy within the territory of Montenegro. This time, the decision was made to ban the retransmission of programs such as “Dobro jutro Srbijo” (*Good Morning Serbia*), “Vikend jutro” (*Weekend Morning*), “Ćirilica” (*Cyrillic*), and “Posle ručka” (*After Lunch*) for a period of six months. (please refer to the justification provided by the AEM Council¹⁶).

In September 2022, for a duration of six months, the morning program of TV Pink M was once again prohibited due to inappropriate reporting on the mass murder incident in Cetinje on August 27, 2022. The Council of AEM stated that the reporting on the causes of the tragedy in Cetinje violated the European Convention on Trans-frontier Television, specifically the provisions of the convention related to the obligation to respect the dignity of human beings and the fundamental rights of others.

15 <https://aemcg.org/wp-content/uploads/2020/02/Rje%C5%A1enje-o-prekidu-reemitovanja-TV-Pink-M-Extra-TV.pdf>, <https://aemcg.org/wp-content/uploads/2020/02/Rje%C5%A1enje-o-prekidu-reemitovanja-TV-Happy-Extra-TV.pdf>

16 <https://aemcg.org/wp-content/uploads/2022/01/01-10-Rjesenje-SAEM-o-prekidu-reemitovanja-programskih-sadrzaja-TV-Happy-Mtel-mSAT-.pdf>

ON THE MONITORING OF MEDIA SERVICE PROVIDERS (MSPS) UNDER THE JURISDICTION OF THE REGULATORY AUTHORITY FOR ELECTRONIC MEDIA (REM) FROM SERBIA DURING THE PRESIDENTIAL ELECTION CAMPAIGN IN MONTENEGRO

The Bureau for Social Research - BIRODI conducted the monitoring of reporting by media service providers (MSPs) in Serbia regarding the presidential election in Montenegro, which took place on March 19, 2023 (first round) and April 2 (second round).

The legal basis for conducting the monitoring of reporting is:

- The Law on Electronic Media, Article 24¹⁷
- The Law on Ratification of the European Convention on Cross-Border Cooperation¹⁸

The European Convention on Transfrontier Television (ECTT) of the Council of Europe¹⁹ (Strasbourg, 1989), which regulates the transfrontier transmission and retransmission of television programme services, has been ratified by 34 countries²⁰, while 7 countries have signed but not ratified the document.

All countries of the Western Balkans, as well as other countries in the region, are signatories to this convention. They have committed to ensuring freedom of expression and information on their territories, as well as freedom of reception and retransmission of programme services in accordance with Article 4 of the European Convention on Transfrontier Television (ECTT), which is based on Article 10 of the European Convention on Human Rights.

The ECTT defines the obligations of countries, national regulatory bodies, and broadcasters, as well as the mechanisms to ensure cooperation among the signatory countries in the implementation of the convention, and the procedure to be followed in cases of violations of its provisions.

The countries that are signatories to the ECTT, including the countries in the region, are obliged to ensure that all broadcasters under their jurisdiction comply

17 https://www.paragraf.rs/propisi/zakon_o_elektronskim_medijima.html

18 http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/3060-15%20-lat.pdf

19 <https://rm.coe.int/168007b0d8>

20 The European Convention on Transfrontier Television entered into force in Montenegro on June 1, 2008, and in Serbia on January 1, 2010.

with the provisions of the convention. This also means that they are required to take action in cases where the convention is violated.

In addition to being signatories to the European Convention on Transfrontier Television (ECTT), the countries of the Western Balkans, as EU candidate countries or potential candidates, are obliged to incorporate provisions from European regulations into their media legislation. Specifically, they are expected to adopt solutions from the EU Audiovisual Media Services Directive (AVMSD), which was adopted in 2010 and revised in 2018. The AVMSD regulates issues covered by the ECTT but in more detail, and unlike the ECTT, it covers the entire audiovisual sector (TV, radio, on-demand audiovisual services, and online video-sharing platforms²¹), rather than just television programs.

When selecting the media service providers (MSPs) included in the sample for monitoring the reporting, we considered the fact that MSPs have an impact on the territory of Montenegro through their broadcasting and retransmission of programs.

According to the data available from the Agency for Electronic Media of Montenegro, as of March 2022²², on the territory of Montenegro:

- Cable television is the primary source of information for 77.1% of households
- Television channels from the region are the source of information for 26.9% of the population
- Regarding the MSPs under the jurisdiction of the Regulatory Authority for Electronic Media (REM), 8.4% of the population of Montenegro is informed through TV Pink, 8% use TV Prva as a source, 2.4% use RTS as a source, and 0.9% use TV Happy.
- Morning programs, which are MSPs under the jurisdiction of REM, are considered an important format for citizen information (Pink - 6%, Prva - 2.6%, Happy - 0.9%, and RTS - 0.8%)
- The political show *Ćirilica* on TV Happy was primarily followed by 1% of the respondents.

Based on the presented data, the monitoring of reporting on the presidential elections in Montenegro included:

21 Video-sharing platforms are online platforms where users can upload and share their video clips. These platforms include websites and social media platforms where users can post and distribute their videos.

22 <https://aemcg.org/wp-content/uploads/2022/02/Istrazivanje-o-stavovima-i-percepciji-gradana-CG-o-televiziji-mart-2022.pdf>

- RTS,
- Pink,
- Happy,
- Prva and
- B92

The monitoring of reporting by MSPs focused on features and programs in which the topic was the presidential elections in Montenegro and/or the present Montenegrin presidential candidates. In this context, the following aspects were analyzed:

- Time allocation for different actors in the coverage
- Tone of media reporting on the actors
- Themes addressed in the analyzed news items
- Arguments used by the actors in the analyzed items
- Discourse and behavior of the actors in the analyzed items

Quantitative analysis

Based on the thematic framework of the news items analyzed in both rounds, the participants in the analyzed shows focused mostly on the following topics: election results, general election-related discussions, Montenegro-Serbia relations, candidate nominations, democracy crisis in Montenegro, Montenegro-EU relations, and anti-Serbian agenda in Montenegro.

Table 1 Thematic structure of analyzed features

| Topic | Number of mentions |
|---|--------------------|
| Election results | 132 |
| Elections in general | 117 |
| Montenegro-Serbia relations | 75 |
| Candidate nominations | 44 |
| Democracy crisis in Montenegro | 43 |
| Montenegro-EU relations | 41 |
| Anti-Serbian agenda in Montenegro | 39 |
| Organized crime in Montenegro | 34 |
| Economy of Montenegro | 22 |
| Montenegro's relations with the international community | 20 |
| Status of the Serbian Orthodox Church (SPC) in Montenegro | 20 |
| The Open Balkan | 16 |
| Montenegro's relations with Russia | 14 |
| Reconciliation in Montenegro | 11 |
| The Kosovo issue | 9 |
| Dissolution of the Parliament of Montenegro | 8 |
| Corruption in Montenegro | 7 |
| Announcement of presidential candidates' debates | 6 |
| Actions of the Constitutional Court of Montenegro | 2 |
| Women's and minority rights in Montenegro | 2 |
| Media freedom in Montenegro | 1 |

In addition to the thematic structure, the monitoring of reporting by MSPs during the presidential election campaign in Montenegro also involved analyzing the presence of key processes for Montenegro as a state.

According to the data from Table 2, the analyzed news items predominantly discussed the following processes: Montenegro's EU accession process, further democratization process particularly highlighting past deficiencies during the rule of Milo Đukanović, the position of Serbs in Montenegro from the perspective of Serbia regarding the status and rights of the Serbian community in Montenegro, and the status of the Serbian Orthodox Church.

Table 2 The analysis of the presence of socio-political processes in the analyzed news items

| Processes | Number of mentions |
|---|--------------------|
| Montenegro's EU accession process | 50 |
| Democratization of Montenegro | 34 |
| Position of Serbs in Montenegro and the status of the Serbian Orthodox Church | 23 |
| Regional integrations (The Berlin Process and the Open Balkan) | 17 |
| Rule of law in Montenegro | 8 |
| NATO membership | 4 |
| Minority rights in Montenegro | 1 |

From an analytical and media perspective, it was important to examine the arguments used by actors in the monitored news items.

The findings from Table 3 indicate that the main voices were politicians and election candidates, journalists presenting factual information, opinions of analysts and experts, as well as the perspectives of journalists themselves. The views of citizens and public opinion polls were given less prominence. It should be noted that when discussing analysts, there is a group in Serbia whose task is to further the political agenda of those in power.

Table 3 Arguments in analyzed news items

| Type of argument | Number of mentions |
|---|--------------------|
| Views of politicians/ candidates | 126 |
| Information conveyed by journalists | 124 |
| Opinion of analysts | 118 |
| Opinion of journalists | 101 |
| Opinion of experts | 75 |
| Opinion of public officials | 30 |
| Quoting politicians /candidates | 29 |
| Opinions of citizens | 22 |
| Research by civil society organizations | 2 |

The findings regarding argumentation also speak of the general nature of the news items in terms of the discourses present. The analyzed items were dominated by informative, critical-analytical, promotional, as well as tabloid discourses. This indicates that the media primarily focused on the electoral actors by either supporting a particular candidate or attempting to undermine them. This finding also suggests that some of the media service providers preferred to stay neutral regarding the presidential elections in Serbia. The analysis of the electoral process took a backseat.

Table 3 Discourse in analyzed mentions of the actors in news items

| Discourse of news items | Number |
|--------------------------------|---------------|
| Informative | 274 |
| Analytical/critical | 81 |
| Promotional | 52 |
| Tabloid | 38 |
| Propagandistic | 6 |
| Servicemen | 2 |
| Dialogical | 2 |
| Advocacy | 1 |

The data from Table 4 show that the most prominent actor during the first round of the presidential election campaign in Montenegro was Andrija Mandić, the third-placed candidate in the race for the President of Montenegro.

In terms of representation by the analyzed MSPs, the second most prominent actor was the incumbent President of Montenegro, Milo Đukanović, while the winner of the presidential election in Montenegro, Jakov Milatović, ranked third with nearly three times less airtime.

It is important to note that Milo Đukanović was a leader in “indirect representation,” as he was mostly mentioned in relation to others. Among the top three candidates on the observed television channels, Andrija Mandić had the highest direct mentions, giving him the opportunity to express his own views.

The presence of other Montenegrin presidential candidates in the observed television programs was almost negligible, so for methodological and statistical reasons, the focus of the analysis will be on the top three candidates, with tabular presentation of results for all candidates.

Table 4 Candidate representation during the two rounds of the presidential election campaign in Montenegro on MSPs under the jurisdiction of the Regulatory Authority for Electronic Media (REM)

| | First round | | | Second round | | | Aggregate | | | |
|-------------------------------|-------------|----------------------|----------|--------------|--------|----------|-----------|----------|-----------|--------|
| | Total | Direct ²³ | Indirect | Total | Direct | Indirect | Total | Per-cent | Indi-rect | Direct |
| Milo Đukanović | 1279024 | 5174 | 7616 | 17843 | 868 | 16975 | 6042 | 42% | 24591 | 6042 |
| Andrija Mandić | 8223 | 5700 | 2523 | 3324 | 472 | 2852 | 6172 | 43% | 5375 | 6172 |
| Draginja Vuksanović Stanković | 432 | 55 | 377 | 393 | 0 | 393 | 55 | 0% | 770 | 55 |
| Jakov Milatović | 1368 | 225 | 1143 | 11226 | 1456 | 9770 | 1681 | 12% | 10913 | 1681 |
| Goran Danilović | 150 | 47 | 103 | 35 | 0 | 35 | 47 | 0% | 138 | 47 |
| Jovan Radulović Jodžir | 124 | 0 | 124 | 40 | 0 | 40 | 164 | 1% | 164 | 0 |
| Aleksa Bečić | 721 | 50 | 671 | 583 | 8 | 575 | 58 | 0% | 1246 | 58 |

²³ Direct representation refers to when an actor speaks about themselves, while indirect representation refers to when someone else talks about the actor who is the subject of media coverage monitoring.

²⁴ The observed time periods are in seconds

When looking at Table 5, which contains data on the tone of representation of the presidential candidates, it is evident that in the first round of analyzed news items on the presidential elections in Montenegro, Andrija Mandić was portrayed most positively (60.7%), while Milo Đukanović was portrayed most negatively (80.5%). Jakov Milatović, on the other hand, had a relatively balanced representation.

Unlike the first round, in the second round, Milo Đukanović was portrayed neutrally on average (88.2%), while Jakov Milatović was portrayed positively for 2/3 of the time (62.8%).

Table 5 Tone of portrayal of candidates during the two rounds of the presidential election campaign in Montenegro on MSPs under the jurisdiction of the Regulatory Authority for Electronic Media (REM).

| | First round | | | | Second round | | | |
|-------------------------------|-------------------------|----------|---------|----------|-------------------------|----------|---------|----------|
| | Total number of seconds | Negative | Neutral | Positive | Total number of seconds | Negative | Neutral | Positive |
| Milo Đukanović | 24591 | 80,5 | 13,1 | 6,3 | 6042 | 7,7 | 88,2 | 4,0 |
| Andrija Mandić | 5375 | 16,5 | 22,8 | 60,7 | 6172 | 9,9 | 85,0 | 5,1 |
| Draginja Vuksanović Stanković | 770 | 82,6 | 17,4 | 0,0 | 55 | 89,1 | 10,9 | 0,0 |
| Jakov Milatović | 10913 | 20,9 | 30,2 | 48,9 | 1681 | 0,0 | 37,2 | 62,8 |
| Goran Danilović | 138 | 59,4 | 40,6 | 0,0 | 47 | 0,0 | 100,0 | 0,0 |
| Jovan Radulović Jodžir | 164 | 93,9 | 6,1 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 |
| Aleksa Bečić | 1246 | 21,2 | 73,8 | 5,0 | 58 | 20,7 | 79,3 | 0,0 |

On Radio Television of Serbia (RTS), in the first round, Milo Đukanović, Jakov Milatović, and Andrija Mandić had the highest amount of indirect representation. The same trio also had the most time to directly present themselves to the voters and express their views. This cannot be said for the other candidates as they were minimally represented.

In the second round, Đukanović had more indirect representation, meaning that actors spoke about him more than he had the opportunity to present his own views. On the other hand, Jakov Milatović had more media space to present his program.

Table 6 Representation of candidates during the two rounds of the presidential election campaign in Montenegro on RTS

| | First electoral round | | Second electoral round | | Total time | |
|-------------------------------|-----------------------|--------|------------------------|--------|------------|--------|
| | Indirect | Direct | Indirect | Direct | Indirect | Direct |
| | Sum | Sum | Sum | Sum | Sum | Sum |
| Milo Đukanović | 1079 | 147 | 2568 | 263 | 3647 | 410 |
| Andrija Mandić | 648 | 101 | 564 | 145 | 1212 | 246 |
| Draginja Vuksanović Stanković | 110 | 55 | 66 | 0 | 176 | 55 |
| Jakov Milatović | 766 | 225 | 2197 | 769 | 2963 | 994 |
| Goran Danilović | 56 | 47 | 0 | 0 | 56 | 47 |
| Jovan Radulović Jodžir | 81 | 0 | 0 | 0 | 81 | 0 |
| Aleksa Bečić | 471 | 40 | 262 | 8 | 733 | 48 |

During the first round, Milo Đukanović, along with Draginja Vukasnović Stanković, had the most negative representation in terms of indirect presentation, with 50.4% of negative time. On the other hand, Jakov Milatović and Andrija Mandić were the candidates who were mostly positively or neutrally represented in the first round.

In the analyzed segments of RTS coverage during the second round, Milo Đukanović was negatively represented in the part of indirect presentation (49.5%), while Jakov Milatović shifted to neutral representation (63.5%).

Table 7 Tone of presentation of candidates during the two rounds of the presidential election campaign in Montenegro on RTS (indirect representation)

| | First round of election | | | | | |
|-------------------------------|--------------------------|------|-------------------|------|-------------------|------|
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 1079 | 50,4 | 535 | 49,6 | 0 | 0 |
| Andrija Mandić | 648 | 0 | 338 | 52,2 | 310 | 47,8 |
| Draginja Vuksanović Stanković | 110 | 78,2 | 24 | 21,8 | 0 | 0 |
| Jakov Milatović | 766 | 0 | 391 | 51 | 375 | 49 |
| Goran Danilović | 56 | 0 | 56 | 100 | 0 | 0 |
| Jovan Radulović Jodžir | 81 | 100 | 0 | 0 | 0 | 0 |
| Aleksa Bečić | 471 | 48,6 | 242 | 51,4 | 0 | 0 |
| | Second round of election | | | | | |
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 1272 | 49,5 | 1296 | 50,5 | 0 | 0 |
| Andrija Mandić | 123 | 21,8 | 248 | 44 | 193 | 34,2 |
| Draginja Vuksanović Stanković | 37 | 56,1 | 29 | 43,9 | 0 | 0 |
| Jakov Milatović | 67 | 3 | 1396 | 63,5 | 734 | 33,4 |
| Goran Danilović | 0 | 0 | 0 | 0 | 0 | 0 |
| Jovan Radulović Jodžir | 0 | 0 | 0 | 0 | 0 | 0 |
| Aleksa Bečić | 0 | 0 | 218 | 83,2 | 44 | 16,8 |

Pink TV is the second television outlet we will examine.

According to the monitoring findings relating to the largest commercial television station in Serbia, on this television channel, Milo Đukanović was the candidate who had the highest amount of indirect representation, while Andrija Mandić had the most opportunities to speak directly. The newly elected President of Montenegro, Jakov Milatović, was among the marginally represented presidential candidates in the first round of the campaign.

In the second round, we observe an increase in the presence of Milo Đukanović and Jakov Milatović in terms of indirect representation, with Jakov Milatović experiencing a nearly thirty-fold increase in indirect representation.

Table 8 Representation of candidates during the two rounds of the presidential election campaign in Montenegro on Pink TV

| | First round of election | | Second round of election | | Total time | |
|-------------------------------|-------------------------|--------|--------------------------|--------|------------|--------|
| | Indirect | Direct | Indirect | Direct | Indirect | Direct |
| | Sum | Sum | Sum | Sum | Sum | Sum |
| Milo Đukanović | 1091 | 0 | 1956 | 102 | 3047 | 102 |
| Andrija Mandić | 338 | 594 | 318 | 41 | 656 | 635 |
| Draginja Vuksanović Stanković | 6 | 0 | 17 | 0 | 23 | 0 |
| Jakov Milatović | 30 | 0 | 1035 | 102 | 1065 | 102 |
| Goran Danilović | 0 | 0 | 0 | 0 | 0 | 0 |
| Jovan Radulović Jodžir | 6 | 0 | 4 | 0 | 10 | 0 |
| Aleksa Bečić | 6 | 10 | 15 | 0 | 21 | 10 |

Observing the tone of representation solely within the framework of indirect portrayal of actors on Pink TV, the most negatively represented actors in the first round were Andrija Mandić (74%) and Milo Đukanović (41.1%), while Jakov Milatović was neutrally represented with 100% of the time he received in the first round, which was 30 seconds.

Table 9 Tone of representation of candidates during the two rounds of the presidential election campaign in Montenegro on Pink TV (indirect representation)

| | First round of election | | | | | |
|-------------------------------|---------------------------------|------|-------------------|------|-------------------|------|
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 448 | 41,1 | 0 | 0 | 643 | 58,9 |
| Andrija Mandić | 250 | 74 | 16 | 4,7 | 72 | 21,3 |
| Draginja Vuksanović Stanković | 0 | 0 | 6 | 100 | 0 | 0 |
| Jakov Milatović | 0 | 0 | 30 | 100 | 0 | 0 |
| Goran Danilović | 0 | 0 | | 0 | 0 | 0 |
| Jovan Radulović Jodžir | 0 | 0 | 6 | 100 | 0 | 0 |
| Aleksa Bečić | 0 | 0 | 6 | 100 | 0 | 0 |
| | Second round of election | | | | | |
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 1615 | 82,6 | 283 | 14,5 | 58 | 3 |
| Andrija Mandić | | 0 | 48 | 15,1 | 270 | 84,9 |
| Draginja Vuksanović Stanković | 12 | 70,6 | 5 | 29,4 | 0 | 0 |
| Jakov Milatović | 39 | 3,8 | 503 | 48,6 | 493 | 47,6 |
| Goran Danilović | 0 | 0 | | 0 | 0 | 0 |
| Jovan Radulović Jodžir | 0 | 0 | 4 | 100 | 0 | 0 |
| Aleksa Bečić | 0 | 0 | 15 | 100 | 0 | 0 |

TV Happy is a television station that closely followed the presidential elections in Montenegro. On this MSP, the highest amount of indirect representation in the first round of the presidential elections was attributed to former President Milo Đukanović, followed by Andrija Mandić in second place, Draginja Vuksanović Stanković in third place, and Jakov Milatović in fourth place. In the second round, when Đukanović and Milatović “went head-to-head,” Milo Đukanović had 362 seconds of direct airtime, while Jakov Milatović had 0 seconds.

Table 10 Representation of candidates during the two rounds of the presidential election campaign in Montenegro on Happy TV

| | First round of election | | Second round of election | | Total time | |
|-------------------------------|-------------------------|--------|--------------------------|--------|------------|--------|
| | Indirect | Direct | Indirect | Direct | Indirect | Direct |
| | Sum | Sum | Sum | Sum | Sum | Sum |
| Milo Đukanović | 5280 | 118 | 10722 | 362 | 16002 | 480 |
| Andrija Mandić | 1408 | 0 | 1939 | 254 | 3347 | 254 |
| Draginja Vuksanović Stanković | 460 | 0 | 418 | 0 | 878 | 0 |
| Jakov Milatović | 261 | 0 | 310 | 0 | 571 | 0 |
| Goran Danilović | 330 | 0 | 5766 | 380 | 6096 | 380 |
| Jovan Radulović Jodžir | 47 | 0 | 35 | 0 | 82 | 0 |
| Aleksa Bečić | 37 | 0 | 36 | 0 | 73 | 0 |

Analyzing the tone of representation in the first round of the presidential election campaign, Milo Đukanović was portrayed 100% negatively. Alongside Đukanović, the winner of the presidential election in Montenegro, Jakov Milatović, was predominantly negatively represented in the first round (64.2%). The only positive figure on TV Happy was Andrija Mandić, with 75.6% positive airtime.

This situation was altered in the second round, as Milo Đukanović was predominantly represented with negative airtime (86%), while Jakov Milatović had predominantly positive airtime (68.9%).

Table 11. Tone of representation of candidates during the two rounds of the presidential election campaign in Montenegro on Happy TV (indirect representation)

| | First round of election | | | | | |
|-------------------------------|--------------------------|-------|-------------------|-------|-------------------|------|
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 5280 | 100,0 | | 0,0 | | 0,0 |
| Andrija Mandić | 274 | 19,5 | 69 | 4,9 | 1065 | 75,6 |
| Draginja Vuksanović Stanković | 261 | 100,0 | | 0,0 | | 0,0 |
| Jakov Milatović | 212 | 64,2 | 84 | 25,5 | 34 | 10,3 |
| Goran Danilović | 47 | 100,0 | | 0,0 | | 0,0 |
| Jovan Radulović Jodžir | 37 | 100,0 | | 0,0 | | 0,0 |
| Aleksa Bečić | 35 | 18,0 | 141 | 72,7 | 18 | 9,3 |
| | Second round of election | | | | | |
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 9221 | 86,0 | 682 | 6,4 | 819 | 7,6 |
| Andrija Mandić | 238 | 12,3 | 347 | 17,9 | 1354 | 69,8 |
| Draginja Vuksanović Stanković | 240 | 77,4 | 70 | 22,6 | | 0,0 |
| Jakov Milatović | 1834 | 31,8 | 521 | 9,0 | 3411 | 59,2 |
| Goran Danilović | 35 | 100,0 | | 0,0 | | 0,0 |
| Jovan Radulović Jodžir | 36 | 100,0 | | 0,0 | | 0,0 |
| Aleksa Bečić | | 0,0 | 289 | 100,0 | | 0,0 |

TV Prva's coverage of the Montenegrin presidential elections gained significant momentum during the second round, primarily focusing on key contenders Milo Đukanović and Jakov Milatović. Notably, Milo Đukanović received a greater amount of indirect airtime, as he was frequently discussed by other participants during this period.

The ratio of indirect to direct airtime for Đukanović on TV Prva during the second round was 1717:141 seconds.

Table 12 Representation of candidates during the two rounds of the presidential election campaign in Montenegro on TVPrva

| | First round of election | | Second round of election | | Total time | |
|-------------------------------|-------------------------|--------|--------------------------|--------|------------|--------|
| | Indirect | Direct | Indirect | Direct | Indirect | Direct |
| | Sum | Sum | Sum | Sum | Sum | Sum |
| Milo Đukanović | 128 | 0 | 1717 | 141 | 1845 | 141 |
| Andrija Mandić | 91 | 0 | 26 | 32 | 117 | 32 |
| Draginja Vuksanović Stanković | 0 | 0 | 0 | 0 | 0 | 0 |
| Jakov Milatović | 17 | 0 | 748 | 205 | 765 | 205 |
| Goran Danilović | 0 | 0 | 0 | 0 | 0 | 0 |
| Jovan Radulović Jodžir | 0 | 0 | 0 | 0 | 0 | 0 |
| Aleksa Bečić | 0 | 0 | 9 | 0 | 9 | 0 |

In the reporting of TV Prva during the first round of presidential elections in Montenegro, a neutral tone dominated the presentation of all candidates who had any appearance on this television channel. In the second round, there was a change in which Milo Đukanović was portrayed as the antagonist with 82.3% of negative airtime, while Jakov Milatović had 44% neutral and 38.2% positive airtime in the second round on TV Prva.

Table 13 Tone of representation of candidates during the two rounds of the presidential election campaign in Montenegro on Happy TV (indirect representation)

| | First round of election | | | | | |
|-------------------------------|--------------------------|------|-------------------|-------|-------------------|------|
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 0 | 0,0 | 128 | 100,0 | 0 | 0,0 |
| Andrija Mandić | 0 | 0,0 | 91 | 100,0 | 0 | 0,0 |
| Draginja Vuksanović Stanković | 0 | 0,0 | 0 | 0,0 | 0 | 0,0 |
| Jakov Milatović | 0 | 0,0 | 17 | 100,0 | 0 | 0,0 |
| Goran Danilović | 0 | 0,0 | 0 | 0,0 | 0 | 0,0 |
| Jovan Radulović Jodžir | 0 | 0,0 | 0 | 0,0 | 0 | 0,0 |
| Aleksa Bečić | 0 | 0,0 | 0 | 0,0 | 0 | 0,0 |
| | Second round of election | | | | | |
| | Negative | | Neutral | | Positive | |
| | Number of seconds | % | Number of seconds | % | Number of seconds | % |
| Milo Đukanović | 1428 | 83,2 | 257 | 15,0 | 32 | 1,9 |
| Andrija Mandić | 0 | 0,0 | 26 | 100,0 | 0 | 0,0 |
| Draginja Vuksanović Stanković | 0 | 0,0 | | 0,0 | 0 | 0,0 |
| Jakov Milatović | 133 | 17,8 | 329 | 44,0 | 286 | 38,2 |
| Goran Danilović | | 0,0 | | 0,0 | 0 | 0,0 |
| Jovan Radulović Jodžir | 0 | 0,0 | 0 | 0,0 | 0 | 0,0 |
| Aleksa Bečić | 0 | 0,0 | 9 | 100,0 | 0 | 0,0 |

Television station B92 started and ended its coverage of the elections in Montenegro with the broadcast of a debate between two presidential candidates: Milo Đukanović and Andrija Mandić, which took place on TV Prva and TV E on March 16.²⁵ Jakov Milatović, along with other candidates, did not receive attention from B92 journalists.

25 <https://www.youtube.com/watch?v=Qex9KhVWDbY>

Qualitative analysis

The subject of qualitative analysis in the monitoring of the media coverage by the MSPs under the jurisdiction of the Regulatory Authority for Electronic Media (REM) during the presidential election campaign includes “corrupt reporting on election campaigns and on election candidates”, reporting against the legal regulations, ethical standards of journalistic profession, i.e reporting which is not in the fanfiction of education of voters regarding their rights and obligations, as well as election rules, election candidates and their programs. Media do not ask, in the name of citizens, questions which help in making decisions on preferred candidates and, thus, achieve their interests and ideological values.

Broadly speaking, the media coverage by the observed MSPs can be divided into:

- Informational-analytical coverage
- Promotional-labeling coverage

In the first group, media service providers (MSPs) can be classified as those who presented all candidates in the presidential elections in Montenegro in a relatively equal manner in terms of time, meaning equal positive, neutral, and negative coverage. These television stations provided political biographies of the presidential candidates, their behavior during the candidacy process in terms of their readiness to accept the election outcome (primarily applicable to candidates opposing Milo Đukanović), and their electoral chances in the first and second rounds.

In their reports, journalists from these television stations highlighted the electoral conditions and specifically mentioned the incident in Cetinje where candidate Jakov Milatović was attacked, as well as the situation with the Constitutional Court. The coverage (of RTS and Prva TV) featured university professors as analysts who have expertise in the field of elections, as well as analysts specializing in public opinion research. It is worth noting that on March 16, TV station B92 broadcasted a pre-election duel between Milo Đukanović and Andrija Mandić, three days before the election. This is emphasized because there were no such duels featuring candidate Aleksandar Vučić in the previous electoral cycle during the presidential elections in Serbia. Radio-television gave the closest form of coverage to this.

In the second group of media service providers (MSPs), there were those who presented Andrija Mandić as a Serbian candidate in a positive light, while portraying Milo Đukanović as an anti-Serb, an opponent of the Serbian Orthodox Church, and the leader of a corrupt-criminal regime headed by him and his family. These MSPs also alleged that Đukanović had the support of the West.

In the programs of these MSPs, pro-government and pro-right-wing analysts were the most prominent actors, many of whom lacked expertise in the field of elections. Some of them were actively involved in the campaigns of presidential candidates in Montenegro without journalists disclosing this information to the public. These analysts violated the provisions of the Rulebook on the Protection of Human Rights in the Field of Media Service Provision, particularly Article 27 regarding hate speech, and Article 29 regarding the presumption of innocence. Frequently, journalists in these programs served the purpose of promoting Andrija Mandić and portraying Milo Đukanović in a negative light. TV stations such as Happy and Pink predominantly adopted this type of reporting.

From the report on the monitoring of media coverage conducted by the Regulatory Authority for Electronic Media (REM) regarding the presidential elections in Montenegro, there were indications of covert advertising of electoral candidates.

This primarily applied to the candidate Andrija Mandić, who was presented as a “Serbian candidate” with support from the public in Serbia, as he represented the interests of the Serbian people in Montenegro. This finding mainly concerns TV Happy, which, in terms of coverage volume and representation of Andrija Mandić, as well as the choice of guests and topics, particularly in the morning program, favored Andrija Mandić as a candidate for the President of Montenegro to a level that can be characterized as “covert advertising of electoral candidates.” On this television station, Mandić was presented with $\frac{3}{4}$ positive airtime (75.6%).

If we were to consider the “criterion” of how Serbs in Montenegro were “presented” as a condition for fair treatment by media service providers (MSPs) in Serbia during the presidential elections, it can be observed that other “Serbian candidates” were not given the opportunity to present their programs on TV Happy or other MSPs under the jurisdiction of the REM.

In the promotion of Andrija Mandić as a presidential candidate who received covert media promotion on TV Happy, public officials and actors from the ruling parties in Serbia were not involved. Instead, pro-government analysts were featured, considering the current governments of Serbia and Montenegro.

Some of the analysts were directly involved in the campaigns of Montenegrin presidential candidates, which the presenters did not mention, thereby violating Articles 4 and 5 of the Rulebook on the Protection of Human Rights in the Field of Media Service Provision²⁶. It is important to emphasize that a certain number of analysts who commented on the electoral process in Montenegro lacked expertise in the field of elec-

26 <http://www.rem.rs/uploads/files/Podzakonska%20regulativa/Pravilnik%20o%20zastiti%20ljudskih%20prava%20u%20oblasti%20pruzanja%20medijskih%20usluga.pdfv>

toral processes and were part of the regular line-up of analysts (Pink and Happy).

This monitoring of MSPs' coverage has also revealed a problem regarding the representation of analysts and experts. It often happened that individuals presented as experts did not possess the required level of education as prescribed by the National Standard Occupational Classification²⁷, and they lacked competence or expertise in the area they were commenting on, which affected the integrity of MSPs' reporting.

When discussing covert reporting on election process and election candidates during the presidential elections in Montenegro, we refer to the use of analysts who utilize the "authority" of their profession, which implies independence and impartiality from electoral competitors. This creates an impression that what these analysts say is objective, while in reality, we have promotion (as in the case of Andrija Mandić), criticism to the point of labeling (as in the case of Milo Đukanović), and marginalization of a potential competitor to Andrija Mandić who shares the same electorate (as in the case of Jakov Milatović).

One of the instruments of covert reporting on election process and election participants is the use of public opinion polls contrary to professional codes in public opinion research profession. This primarily refers to the Code of the World Association for Public Opinion Research²⁸. In many analyzed programs, public opinion polls were presented as arguments about the electoral chances of presidential candidates. However, those who cited these surveys, namely analysts and researchers, did not provide details such as who commissioned the surveys, who conducted them, when and by which techniques the data were collected, the sample size and type, and the method of sample weighting.

For some of the mentioned data (the organization and implementation of the survey, sample size and type, data collection period and technique, and sampling error), there is an obligation to disclose them according to the Rulebook on the Protection of Human Rights in the Field of Media Service Provision, Article 16.

During the presentation of public opinion survey data, it was noticeable that the chances in the second round of elections were often omitted due to the electoral structure and Andrija Mandić's political biography, presenting him as a less likely contender against Milo Đukanović, compared to Jakov Milatović.

The analyses presented by the analysts, primarily on TV Happy and TV Pink, created a narrative in the first round that there were two main candidates for the

27 http://kodekssifara.minrzs.gov.rs/documents/Prirucnik_za_primenu_jedinstvenog_kodeksa_sifara_za_unosenje_i_sifriranje_podataka_u_evidencijama_u_oblasti_rada.pdf (page 19 and 20)

28 <https://wapor.org/about-wapor/code-of-ethics/>

presidency of Montenegro: Milo Đukanović and Andrija Mandić. Milo Đukanović was negatively portrayed, being associated with anti-Serb sentiments, a negative attitude towards the Serbian Orthodox Church, criminal activities, corruption, and a long and undemocratic rule supported by the West. On the other hand, Andrija Mandić was portrayed positively as the “Serbian candidate.” Simultaneously, in the analyzed reports, Andrija Mandić was presented as a candidate emphasizing reconciliation within Montenegro.

Other candidates, including Jakov Milatović, were marginalized, despite public opinion surveys suggesting that Jakov Milatović had a greater potential to defeat Milo Đukanović in the second round, which eventually happened.

Supporting this narrative was the broadcast of a debate between Milo Đukanović and Andrija Mandić on TV B92 on March 16, 2023, just three days before the elections.

REPORTING OF MEDIA SERVICE PROVIDERS (PMU) UNDER THE JURISDICTION OF THE REGULATORY BODY FOR ELECTRONIC MEDIA (REM) FROM SERBIA DURING THE CAMPAIGN FOR THE 2023 PARLIAMENTARY ELECTIONS IN MONTENEGRO

The President of Montenegro, Milo Đukanović, in March 17th 2023 issued the Decision on calling elections for deputies in the Parliament of Montenegro for June 11, 2023. The Bureau of Social Research - BIRODI, in cooperation with the Network for the Affirmation of the Non-Governmental Sector - MANS, started monitoring the reporting of media service providers (PMU) that are registered in Serbia and under the jurisdiction of the Regulatory Body for Electronic Media (REM).

When creating the sampling frame, we made sure that the subjects of monitoring were the same televisions that were subject of monitoring during the presidential elections: RTS, Pink, Happy, Prva and B92, so that we could compare the reporting in these two election cycles.

In the observed period, 619 mentions of election actors were analyzed, of which 419 or 2/3 before the election day, and 200 or 1/3 after the election.

Half of the analyzed mentions, 49.1% of them, were broadcast on TV Happy. In second place was RTS (28.8%), and in third Pink (12.9%).

Table 14. Number of analyzed mentions per TV station

| | N | % |
|--------|-----|------|
| RTS | 178 | 28,8 |
| PINK | 80 | 12,9 |
| PRVA | 37 | 6,0 |
| HAPPY | 304 | 49,1 |
| B92 | 20 | 3,2 |
| Ukupno | 619 | 100 |

Observing the type of program in which the analyzed mentions of the actors were broadcast, the largest number was broadcast during morning programs (45.9%), morning dailies (1.8%), followed by central news programs.

Table 15 Number of analyzed mentions per type of the TV program

| | N | Column N % |
|----------------------|-----|------------|
| Morning news program | 11 | 1,8 |
| News | 55 | 8,9 |
| Morning program | 284 | 45,9 |
| Dnevnik 2 | 16 | 2,6 |
| Telemaster | 97 | 15,7 |
| Nacionalni dnevnik | 51 | 8,2 |
| Dnevnik 1 | 91 | 14,7 |
| "This is Serbia" | 6 | 1,0 |
| "Šta radite, bre?" | 8 | 1,3 |
| Total | 619 | 100,0 |

Analyzing from the point of view of where the analyzed mentions were broadcast and depending on the program, we find that on RTS, more than half of the mentions were during Dnevnik 1 (51.1%), while slightly less than ¼ (24.7%) were broadcast in the morning program. Two-thirds of what we analyzed on Pink was broadcast on the "Nacionalni dnevnik" as a central news program. In 1/3 of the cases, the analyzed mentions were broadcast in the morning program.

Almost all the reports on TV Prva about the Montenegrin parliamentary elections, 86% of them, were broadcast in the morning program. The same editorial policy was used in terms of ownership by sister television B92, on which all monitored contributions were broadcast in the morning program. In the case of TV Happy, the largest, but slightly smaller number of programs was broadcast in the morning program (67.8%), while the remaining 31.9% was broadcast in the daily program of this PMU.

Table 16 Number of mentions per TV and type of the news program

| | RTS | PINK | PRVA | HAPPY | B92 |
|----------------------|------------|-------------|-------------|--------------|------------|
| Morning news program | 6,2 | 0,0 | 0,0 | 0,0 | 0,0 |
| News | 1,1 | 0,0 | 86,5 | 0,3 | 100,0 |
| Morning program | 24,7 | 36,3 | 13,5 | 67,8 | 0,0 |
| Dnevnik 2 | 9,0 | 0,0 | 0,0 | 0,0 | 0,0 |
| Telemaster | 0,0 | 0,0 | 0,0 | 31,9 | 0,0 |
| Nacionalni dnevnik | 0,0 | 63,8 | 0,0 | 0,0 | 0,0 |
| Dnevnik 1 | 51,1 | 0,0 | 0,0 | 0,0 | 0,0 |
| Ovo je Srbija | 3,4 | 0,0 | 0,0 | 0,0 | 0,0 |
| Šta radite, bre? | 4,5 | 0,0 | 0,0 | 0,0 | 0,0 |
| Total | 100,0 | 100,0 | 100,0 | 100,0 | 100,0 |

In general, except for Happy, the television stations reported little and shallowly on the elections. This conclusion is the result of the volume of reporting on the actors measured in seconds and the thematic structure of the analyzed mentions of election and election participants.

Looking only at the presence of the actors who participated in the election race, the most time in the observed program was the “Evropa sad” movement with 40.7% of the total observed time. In second place was the “Demokratska partija socijalista” with 28.5% of the total time, in third place with URA with 8.4%.

In the analyzed articles on RTS, positively neutral tones dominate in reporting on electoral actors in the elections for the Assembly of Montenegro. Among those positively represented, the following stand out: the “Demokratska partija socijalista” and the coalition “Za budućnost Crne Gore”, while the winner of the election, the Europe Now Movement, was somewhat less positively represented.

Table 17 RTS - Tone of the reporting on election participants for Parliamentary elections in Montenegro

| | Negative | | Neutral | | Positive | | Total | |
|--------------------------------------|----------|-----|---------|-------|----------|-------|-------|-------|
| | Sum | % | Sum | % | Sum | % | Sum | % |
| Pokret Evropa sad | 0 | 0,0 | 20 | 16,5 | 101 | 83,5 | 121 | 100,0 |
| Demokratska partija socijalista | 0 | 0,0 | 0 | 0,0 | 67 | 100,0 | 67 | 100,0 |
| URA | 0 | 0,0 | 32 | 100,0 | 0 | 0,0 | 32 | 100,0 |
| Za budućnost Crne Gore | 0 | 0,0 | 0 | 0,0 | 43 | 100,0 | 43 | 100,0 |
| Socijaldemokratska partija Crne Gore | 0 | 0,0 | 13 | 100,0 | 0 | 0,0 | 13 | 100,0 |

In contrast to RTS, electoral actors on TV Pink were represented somewhat more neutrally. Except for the “Narodna koalicija”, all actors were represented neutrally.

Table 18 – Pink - Tone of the reporting on election participants for Parliamentary elections in Montenegro

| | Negative | | Neutral | | Positive | | Total | |
|---------------------------------|----------|-----|---------|-------|----------|-------|-------|-------|
| | Sum | % | Sum | % | Sum | % | Sum | % |
| Pokret Evropa sad | 0 | 0,0 | 98 | 100,0 | 0 | 0,0 | 98 | 100,0 |
| Demokratska partija socijalista | 0 | 0,0 | 40 | 100,0 | 0 | 0,0 | 40 | 100,0 |
| Pokret za promjene | 0 | 0,0 | 11 | 100,0 | 0 | 0,0 | 11 | 100,0 |
| Demokratska narodna partija | 0 | 0,0 | 9 | 100,0 | 0 | 0,0 | 9 | 100,0 |
| Narodna koalicija | 0 | 0,0 | | 0,0 | 34 | 100,0 | 34 | 100,0 |
| URA | 0 | 0,0 | 16 | 100,0 | 0 | 0,0 | 16 | 100,0 |
| Za budućnost Crne Gore | 0 | 0,0 | 75 | 100,0 | 0 | 0,0 | 75 | 100,0 |
| Demokratska Crna Gora | 0 | 0,0 | 26 | 100,0 | 0 | 0,0 | 26 | 100,0 |

In the case of the TV PRVA election list “Demokratska Crna Gora” and “Za budućnost Crne Gore” were the most positively represented in the analyzed programs, while the winning movement “Europa Sad” had the most time, but only 42.1% positively represented. “Demokratska partija socijalista” was represented completely neutrally.

Table 19. PRVA TV Tone of the reporting on election participants for Parliamentary elections in Montenegro

| | Negative | | Neutral | | Positive | | Total | |
|---------------------------------|----------|-----|---------|-------|----------|-------|-------|-------|
| | Sum | % | Sum | % | Sum | % | Sum | % |
| Pokret Evropa sad | 0 | 0,0 | 66 | 57,9 | 48 | 42,1 | 114 | 100,0 |
| Demokratska partija socijalista | 0 | 0,0 | 12 | 100,0 | | 0,0 | 12 | 100,0 |
| Za budućnost Crne Gore | 0 | 0,0 | 0 | 0,0 | 9 | 100,0 | 9 | 100,0 |
| Demokratska Crna Gora | 0 | 0,0 | 0 | 0,0 | 14 | 100,0 | 14 | 100,0 |

TV B92 also had a very shallow coverage of the elections for the Assembly of Montenegro, which reported on two actors, both very positively: the “Evropa sada” movement and the “Demokratska partija socijalista”.

Table 20. TV B92 - Tone of the reporting on election participants for Parliamentary elections in Montenegro

| | Negative | | Neutral | | Positive | | Total | |
|---------------------------------|----------|-----|---------|-----|----------|-------|-------|-------|
| | Sum | % | Sum | % | Sum | % | Sum | % |
| Pokret Evropa sad | 0 | 0,0 | 0 | 0,0 | 11 | 100,0 | 11 | 100,0 |
| Demokratska partija socijalista | 0 | 0,0 | 0 | 0,0 | 14 | 100,0 | 14 | 100,0 |

Happy Television devoted most of its programs to the parliamentary elections in Montenegro. Except for the list “Demokratska Crna Gora”, all other election lists were highly (advertisingly) positively presented.

The difference exists in the case of time dedicated to the actots. The “Narodna koalicija” had the most time (648 seconds), followed by “Pokret za promjene” (608 seconds), URA (441 seconds), “Za budućnost Crne Gore” (403 seconds).

Table 21. TV Happy - Tone of the reporting on election participants for Parliamentary elections in Montenegro

| | Negative | | Neutral | | Positive | | Total | |
|--------------------------------------|----------|-------|---------|------|----------|-------|-------|-------|
| | Sum | % | Sum | % | Sum | % | Sum | % |
| Pokret Evropa sad | 0 | 0,0 | | | 199 | 100,0 | 199 | 100,0 |
| DPS | 3 | 1,5 | 38 | 18,5 | 164 | 80,0 | 205 | 100,0 |
| Pokret za promjene | 0 | 0,0 | 25 | 4,1 | 583 | 95,9 | 608 | 100,0 |
| Nova srpska demokratija | 0 | 0,0 | 0 | 0,0 | 394 | 100,0 | 394 | 100,0 |
| Demokratska narodna partija | 26 | 12,0 | 0 | 0,0 | 190 | 88,0 | 216 | 100,0 |
| Narodna koalicija | 0 | 0,0 | 0 | 0,0 | 648 | 100,0 | 648 | 100,0 |
| URA | 43 | 9,8 | 0 | 0,0 | 398 | 90,2 | 441 | 100,0 |
| Za budućnost Crne Gore | 0 | 0,0 | 0 | 0,0 | 403 | 100,0 | 403 | 100,0 |
| Demokratska Crna Gora | 12 | 100,0 | 0 | 0,0 | 0 | 0,0 | 12 | 100,0 |
| Socijaldemokratska partija Crne Gore | 0 | 0,0 | 0 | 0,0 | 237 | 100,0 | 237 | 100,0 |

In Table 22, we will present the topic analysis of the thematic framework of the monitored mentions. More than 2/3 of mentions dealt with the elections in a general way, that is, the results of the elections. A little less than 1/5 of the mentions for the topic had organized crime, and a little less than every tenth article analyzed was the anti-Serb agenda in Montenegro. Only 7.6% of the mentions had as their topic the economic situation in Montenegro, while the relations between Serbia and Montenegro deserved to be present in 7.1% of the analyzed mentions.

Table 22. Topical analysis of analyzed mentions

| Topic | Number of mentions | Percent |
|---|--------------------|---------|
| Elections in general | 235 | 38 |
| Election results | 185 | 29,9 |
| Organized crime | 115 | 18,6 |
| Anti-Serb agenda in Montenegro | 58 | 9,4 |
| Economy | 47 | 7,6 |
| Relations with Serbia | 44 | 7,1 |
| The relationship between Montenegro and the European Union and the EU | 35 | 5,7 |
| Crisis of democracy in Montenegro | 29 | 4,7 |
| Inauguration | 24 | 3,9 |
| The relationship between Montenegro and the international community | 20 | 3,2 |
| Serbian Orthodox Church | 19 | 3,1 |
| Kosovo | 13 | 2,1 |
| Corruption | 13 | 2,1 |
| Open Balkans | 13 | 2,1 |
| NATO | 11 | 1,8 |
| The relationship between Montenegro and Russia | 5 | 0,8 |
| Submission of candidacy for participation in the elections | 3 | 0,5 |
| Reconciliation | 5 | 0,8 |
| Rights of women and minorities | 2 | 0,3 |
| Constitutional Court | 1 | 0,2 |
| Total | 619 | 100,0 |

Monitoring also covered social processes as part of the thematic framework. Slightly less than half of the mentions analyzed (44.4%) followed the position of Serbs in Montenegro. In second place was the accession of Montenegro to the EU (27%), and in 16.7% of the analyzed mentions, the focus was on the democratization of Montenegro.

Table 23. Social processes in analyzed mentions

| | Number of mentions | Percent |
|---|---------------------------|----------------|
| Membership of Montenegro in NATO | 3 | 2,4 |
| Montenegro's accession to the European Union | 34 | 27,0 |
| Democratization | 21 | 16,7 |
| Realization of minority rights in Montenegro | 2 | 1,6 |
| The position of Serbs in Montenegro | 56 | 44,4 |
| The position of the Serbian Orthodox Church/ Montenegrin and Littoral Episcopate | 10 | 7,9 |
| Total | 126 | 100,0 |

Among the arguments used in the analyzed contributions, data presented or transmitted by journalists dominate, followed by the views of analysts, views of journalists and views of politicians. This structure of argumentation is a consequence of the structure of the guests in the analyzed contributions. To the greatest extent, it was about news items in which the actors were non-elected participants in the elections in Montenegro, i.e. analysts and journalists from Serbia, and rarely from Montenegro.

Table 24. Argumentation used in analyzed mentions

| | Absolute value | Percent |
|---|----------------|---------|
| Data reported by journalists | 276 | 44,6 |
| The analyst's view | 139 | 22,5 |
| The journalist's attitude | 96 | 15,5 |
| The attitude of politicians | 86 | 13,9 |
| Expert opinion | 60 | 9,7 |
| The position of a state official | 24 | 3,9 |
| Quoting politicians | 18 | 2,9 |
| Attitude of citizens | 3 | 0,5 |
| Quoting experts | 2 | 0,3 |
| Quoting analysts | 1 | 0,2 |
| Citing a government official | 1 | 0,2 |
| Attitude of interested parties | 0 | 0 |
| The position of the attachment actor | 0 | 0 |
| Citing international officials | 0 | 0 |
| Research conducted by the media | 0 | 0 |
| Research on civil society organizations | 0 | 0 |
| Public opinion research | 0 | 0 |
| EU strategy action plan | 0 | 0 |
| A study done by the state | 0 | 0 |
| Eu reports and analyses | 0 | 0 |
| Legal solution | 0 | 0 |
| The position of the institution | 0 | 0 |
| The position of an independent body | 0 | 0 |

More than 2/3 of the articles analyzed (69.6%) had informative discourse. This is related to the fact that the largest number of analyzed contributions were broadcast in news programs. For slightly more than 10%, the monitors assessed that they were either tabloid discourse (11.3%) or analytical-critical (11%).

Table 25. Discourse of the analyzed news items

| | Absolute value | Percent |
|---------------------|----------------|---------|
| Informative | 431 | 69,6 |
| Promotional | 43 | 6,9 |
| Propagandistic | 4 | 0,6 |
| “Perjanički” | 2 | 0,3 |
| Analytical-critical | 68 | 11,0 |
| Tabloid | 70 | 11,3 |
| Dialogue | 1 | 0,2 |
| Total | 619 | 100,0 |

Qualitative Analysis

The findings of the qualitative analysis reveal no appreciable differences between the reporting of the media service providers supervised by REM during the presidential campaign and that of the Montenegro parliamentary elections.

TV Happy had the most extensive coverage of the parliamentary elections in Montenegro. Concerning the guests in the analyzed segments, analysts from Serbia and Montenegro predominated, expressing views in favor of the political parties aspiring to represent and gain the support of citizens in Montenegro who identify themselves as Serbs. Additionally, there were analysts closely aligned with and supporting the current authorities in Montenegro and/or Serbia.

The experts presented a bad image of the previous president of Montenegro, Milo Đukanović, characterizing his rule as criminal and anti-Serbian. A few of these analysts painted the Europe Now Movement in a poor light, calling them inconsistent and neglecting to mention that “Serbian votes brought them to power”.

Regarding the leaders of this movement, when South Korean businessman Do Kwon was arrested for financial fraud, analysts who supported the pro-Serb lists during the election campaign spoke poorly of Miloš Spajić and said he was connected to Do Kwon. These same analysts expressed negative sentiments about the West, including the EU, the USA, and NATO, while speaking favorably about the authorities in Serbia, Russia, and the Serbian Orthodox Church.

The appearance of Vladimir Pavićević, a political scientist, professor, and adviser to the Government of Montenegro, on Happy TV helped to reach a partial equilibrium among analysts. His talks gave an alternative viewpoint and a more comprehensive understanding of the political campaign and society at large. In contrast to the presidential campaign, Pavićević asserted that the campaign for the legislative

elections was more laid back. He also declared that he will be casting his ballot for the Socialist People's Party.

In the analyzed segments, alongside analysts, Happy TV hosted politicians primarily from Montenegro, particularly those representing parties seeking support from citizens of Montenegro who identify as Serbs (such as Dajković and Mandić, alongside Medojević). Additionally, right-wing politicians from Serbia (like Šešelj) were featured. During the observed period on Happy TV, there were no representatives from parties supporting the Serbian Government or those in opposition to the Serbian Government in the Serbian Assembly.

Through the choice of topics, guests, arguments, and narratives, Radio Television of Serbia maintained a neutral stance in its coverage of the parliamentary elections in Montenegro. They featured interviewees from the academic community in both Serbia and Montenegro, as well as representatives from non-governmental organizations monitoring the electoral process, including analysts from Montenegro.

Through their questions and analyses, RTS journalists aimed to maintain a neutral position, primarily relying on the factual reporting of election events and widely known facts. Among the participants in RTS segments, there were no representatives from either the government or the opposition in Serbia.

Television Pink sought to express a stance reflecting the interests of Serbia towards Montenegro through its choice of guests, topics, and journalist behavior. Presenting the opinions of President of the Republic Aleksandar Vučić, it emphasized the necessity of defending Serbian interests in Montenegro while remaining impartial toward any particular faction within the Serbian electoral lists in that country. In the segments that were examined, representatives of the Serbian Progressive Party were present, but not those of the opposition.

The other two television stations, B92 and Prva TV, provided brief coverage of the parliamentary election campaign with basic information about the electoral procedure, participants, and anticipated results, lacking in-depth analysis.

CONDUCT OF REGULATORY BODIES IN SERBIA AND MONTENEGRO DURING THE PRESIDENTIAL AND PARLIAMENTARY ELECTION CAMPAIGNS

As mentioned in the Introduction, national regulators are responsible for implementing the European Convention on Transfrontier Television, which is part of domestic legislation. I proposed creating a regional framework for monitoring electronic media during elections at this year's ODIHR event in Warsaw, which focused on electoral integrity in the Western Balkans. I did this based on the results of the current monitoring and the fact that BIRODI and MANS were working together to conduct a transboundary media monitoring project during the presidential elections in Montenegro. This is what prompted BIRODI to extend an invitation to the Regulatory Agency for Electronic Media to set up a monitoring system for media service providers under its jurisdiction, that transmit or re-transmit their programs in Montenegro.

“The Bureau for Social Research - BIRODI advocates for a regional approach to prevent electoral irregularities and enhance the integrity of electoral processes. It requests that the Regulatory Body for Electronic Media (REM) set up monitoring in compliance with Article 24 of the Law on Electronic Media during the final week of the Republic of Montenegro's presidential election campaign and any possible follow-up rounds. This will ensure that media service providers' reporting is monitored in accordance with the obligations of the Law on the Ratification of the European Convention on Transfrontier Television (Article 7 point 3).

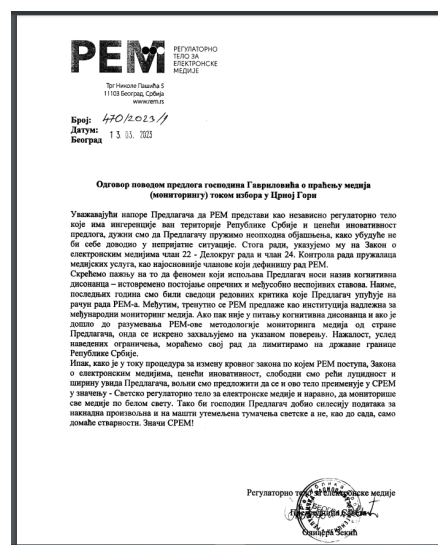
By implementing such monitoring, REM would proactively oversee media service providers under its jurisdiction to ensure that any candidate for the President of the Republic of Montenegro, whether directly (through personal appearances or broadcasting their statements) or indirectly (via statements from other actors: party officials endorsing the candidate, analysts, or public officials from Serbia and/or Montenegro, including contenders in the elections for the President of Montenegro), is presented fairly within the programs of media service providers in Serbia. This includes considerations of time, tonality of representation (positive, neutral, or negative), as well as the themes that may favor or disfavor any of the candidates for the next President of Montenegro.

This presents an opportunity for REM to initiate a practice that has not existed in the Western Balkans region, thereby contributing to regional electoral integrity. The Law on the Ratification of the European Convention on Transfrontier Television, as an obligation arising from Serbia's membership in the Council of Europe, is a means to prevent the spillover of election campaigns among Western Balkan countries. This prevents

campaigning from being conducted from a country where elections are not occurring to a country where they are, thus preserving electoral integrity.

Similar request is extended to both the Agency for Prevention of Corruption, tasked with overseeing any direct or indirect inter-party collaborations and the spending of funds by Serbian political parties in Montenegro, and the State Audit Institution regarding the expenditure of Serbian public funds in Montenegro, which could be used in support of the election campaigns of any candidates.

In response to this initiative, the REM reacted by providing a psychological diagnosis to the director of the Bureau for Social Research.



The Electronic Media Agency of Montenegro conducted media monitoring during the presidential and parliamentary election campaigns for the first round.

In the initial report on media coverage by electronic media during the first electoral round, a section on the representation of foreign electronic media states:

"...The Electronic Media Agency notes paid political advertising within the programming of TV Pink M, which falls under the jurisdiction of the regulatory body of the Republic of Serbia. The paid political advertising pertained to commercials (spots) for two presidential candidates: Mr. Andrija Mandić and Mr. Aleksa Bečić. Additionally, TV Pink M aired a paid broadcast of Mr. Andrija Mandić's final election convention, lasting one hour and fifty minutes. Consequently, the TV broadcaster TV Pink M violated the quota for permitted advertising content stipulated by the Audiovisual Media Services Directive transposed into the legal framework of the Republic of Serbia, falling under the jurisdiction of the regulatory body of the Republic of Serbia.

When discussing editorial content, it is clear that to a certain extent, it is legitimate for media to cover electoral processes in other countries. However, there might be questions about the justification of such reporting if it could be seen as a mechanism for interfering in the internal affairs of another state, aiming to exert illegitimate influence (e.g., on the outcomes of the electoral process).

During the observed period, there was a relatively moderate frequency of editorial content dedicated to elections in Montenegro within two foreign television programs – TV Happy and TV Pink M, both under the jurisdiction of the regulatory authority of the Republic of Serbia. The volume of election-related content concerning Montenegro increased as the campaign progressed and culminated in full-day coverage on election day within the program of Happy TV. This content was characterized by disproportionate bias, narrowing the political choice to two candidates and openly favoring one of them.

In the report on media monitoring during the parliamentary elections in Montenegro, the Agency for Electronic Media, among other observations, notes:

Top of Form

“... The Agency for Electronic Media notes that paid political advertising was observed within the programming of Television Pink M, which falls under the jurisdiction of the regulatory body of the Republic of Serbia. The paid political advertising pertained to advertisements (spots) of the Count Bravely List (Hrabro se broji). When discussing editorial content, it is clear that, to a certain extent, it is legitimate for media to cover electoral processes in other countries. However, questions may arise regarding the justification of reporting if it could be seen as a mechanism for interfering in the internal affairs of another country, aiming to achieve illegitimate influence (e.g., on the results of the electoral process). A relatively moderate frequency of editorial content dedicated to elections in Montenegro was recorded within two foreign television programs –Happy TV and TV Pink M, both under the jurisdiction of the regulatory body of the Republic of Serbia.

Based on its monitoring, the Bureau for Social Research used the electronic system on the REM website to submit three reports. The purpose of sending these reports is to demonstrate the importance of the project’s monitoring of media service providers’ reporting during elections in neighboring countries. The goal is to guarantee that media space in Serbia is not utilized to compromise media integrity, both in Serbia and in nations where media service providers are under the control of REM.

The first report addressed journalist Milovan Marić’s false claims that Happy’s reporting on the elections in Montenegro during the first round of presidential elections was positively evaluated by the Agency for Electronic Media in Montenegro, in

violation of Articles 4 and 5 of the Regulation on the Protection of Human Rights in the Provision of Media Services.

According to the second report, Article 27 of the Regulation on the Protection of Human Rights in the Provision of Media Services was violated by hate speech directed at Montenegrin politician and presidential candidate Draginja Vuksanović Stanković.

According to the third report, Article 16 of the Regulation on the Protection of Human Rights in the Provision of Media Services was violated. Specifically, Aleksandar Krstić, during his appearance on RTS, was not cautioned by the journalist to disclose all the data related to the public opinion research he referenced, as required by the aforementioned REM regulation.

REM never addressed these incidents that were reported. Furthermore, the Agency for Electronic Media failed to indicate in its reports if it filed a complaint with REM in accordance with its rights under the European Convention on Transfrontier Television and in light of its monitoring findings of electronic media.

CONCLUSIONS AND RECOMMENDATIONS

The presented results are the result of a project that responds to the need to demonstrate the integrity of the electoral process and the integrity of media reporting. The development of media infrastructure in the Western Balkans has abolished the state borders and thus, in addition to positive changes, brought challenges. One of them is the possibility of relocation of the election campaign to a neighboring country to bypass the competent electoral legislation and regulatory institutional framework and thus undermine the integrity of the electoral process.

Monitoring of the reporting of televisions that are in REM jurisdiction on the parliamentary elections in Montenegro shows that the intensity of reporting was somewhat lower, but that the contours remained the same.

Namely, more space and positive time was given only to a part of the parties that as their target group in the elections had citizens of Montenegro who declare themselves as Serbs. This finding primarily refers to Happy television, whose guests, in addition to promoting a part of pro-Serbian newspapers, had a critical attitude both towards the former government personalized by Milo Đukanović, and towards the part of the government that won the parliamentary elections of August 30, 2022, and which is represented primarily by the "Evropa sad" movement.

During the presidential and parliamentary elections, TV Happy expressed the narrative of ethno-homogenization of citizens of Montenegro who declare themselves as Serbs regarding the need to vote for certain Serb parties in the environment of Montenegro, which is defined as a civic state.

Unlike Happy, Pink TV was on the line of policy advocated by President Aleksandar Vucic until then, which is mutual respect for diversity, while improving economic cooperation and protecting the interests of the Serbian people in Montenegro.

The public broadcaster of Serbia, RTS, has set its reporting to the factual level, giving words to analysts from Serbia and Montenegro who have expertise in the field of election process and election observation, i.e. relatively balanced reporting on all actors, i.e. in a way that it is not possible to report when it comes to actors in Serbia.

In order to prevent future cross-border violations of electoral integrity in the Western Balkans, we propose that:

- National regulatory authorities for the field of audiovisual media publish on their website, in a visible place, a list of media service providers (PMUs) under its jurisdiction, and constantly update this list. The EU Directive recommends that each media service provider be accompanied by the criteria on which that

medium fall under the jurisdiction of that national regulatory authority. If there is a breach of domestic regulation and the European regulatory framework for electronic media (the European Convention on Transboundary Television and the AVMS Directive), it is obliged to react to the competent regulatory authority of the country in which the media is established. If it does not respond, it is necessary to file a complaint with the national regulatory authority and request that the measures provided for by law be taken to prevent further violations of domestic and international media regulations. When there is a violation of the law by providers of audiovisual media services rebroadcasting the program in another country, the State or Regulator from the country where the program is rebroadcast may request the competent country to take appropriate measures, or temporarily suspend the reception and retransmission of the contested program if the competent country does not respond adequately.

- Proposing an initiative according to which bin national regulatory bodies, in accordance with the European Convention on Transboundary Television, established monitoring of electronic media reporting during electoral processes in countries where electronic media over which they have jurisdiction broadcast or rebroadcast programs in accordance with the OSCE/ODHIR methodology on a sample of at least 30 articles per electronic medium segmented by type of news broadcast (diary, morning program, political show). The subject of media monitoring would be: temporal representation of electoral actors, tonality of representation of electoral actors, thematic structure of analyzed contributions, argumentation of actors, i.e. violations of normative acts regulating truthfulness, objectivity, integrity/rule of the other side, hate speech, presumption of innocence, as well as publication of information on opinion polls.