



Organization for Security and Co-operation in Europe

Mission to Montenegro

**OSCE MISSION TO MONTENEGRO
HEAD OF MISSION CABINET
Podgorica, 6 January, 2014**

**Answers of Head of the OSCE Mission to Montenegro,
Ambassador Janina Hrebickova
to questions from Vijesti journalist, Dejan Perunicic**

Question 1:

At your first press conference on 9 December and at meetings with state of officials you said the OSCE Mission will focus on creating a good environment for developing the independent professional journalism. What is your view of the current situation in this area?

Answer:

Media have a big social responsibility in any democratic society, as they play a key role in shaping public opinion. Strive to reach independent and professional journalism should be alpha and omega of every democratically functioning country. While on the one side the freedom of expression should be fully respected and guarded by the state institutions, on the other side the responsible reporting should be respected, too.

What I mean by professional reporting is - journalism's first obligation to the truth and its loyalty to citizen's interests, its discipline of verification of facts, its need to serve as an independent monitor of power and its need of personal sense of ethics and responsibility—a moral compass.

To have a professional and independent journalism is indeed a challenge for every country that has undergone transition, either from war to peace, from any type of undemocratic system to the democratic one, or, when a brand new independent country is created after the disintegration of another one in the past, like, if you allow me, it is the case for ex. in my own county Czech Republic that used to be Czechoslovakia before, or, like it is the case of Montenegro and all the newly established countries that used to be part of the former Yugoslavia.

Question 2:

Which are the media that you believe do not adhere to ethical and responsible reporting, use harmful language and report half-truth?

Answer:

I would not want to identify any particular media, because many of the Montenegrin media have violated the ethical and professional standards at some point.

In recent years the OSCE Mission to Montenegro has observed a growing disregard for the Montenegrin journalists Code of Ethics. This trend has also been documented by a number of local and international observers.

The recent report of Human Rights Action (HRA) in Podgorica provides various examples of violations of all 12 points of the code of ethics. The HRA findings show that most media that it has monitored over the last 6 months, has violated the Code.

Several examples presented in its report are similar to what I noticed myself when reading, watching and listening to Montenegrin media during previous assignments in the Western Balkans. I am, of course, more aware of it since taking up my post as Head of the OSCE Mission to Montenegro in early December 2013.

The reference in the question to 'harmful language' is at the very heart of the matter, when we consider un-professional reporting. It can, and needs to be addressed. Editors and journalists can change this in one key area, which is by giving full respect to the principle of presumption of innocence when they compile media reports, and before they are published.

Question 3:

Your analysis has shown that the communication between media, civil sector, the Government and other state institutions, judiciary in the first place, is not at the enviable level, and that the cases of inadequate language "are not so rare". How to improve the co-operation between independent media and state institutions?

Answer:

I really think that what is necessary is to try and encourage an improvement in standards of reporting by all the main media outlets in the country.

In that sense, it would be purposeful to consult legal and human rights experts, who would analyse the existing legal framework, and provide recommendations as to the more precise defining of provisions regulating the protection of rights of individuals or groups who might become subjects of inadequate reporting, and we in the Mission intend to dedicate our attention to this issue in the upcoming period.

Journalists rely on a professional discipline for verifying information. When the concept of objectivity originally evolved, it did not imply that journalists are free of bias. It called, rather, for a consistent method of testing information—a transparent approach to evidence. The method is objective, not the journalist. Seeking out multiple witnesses, disclosing as much as possible about sources, or asking various sides for comment, all signal such standards. This discipline of verification is what separates journalism from other modes of communication, such as propaganda, fiction or entertainment.

Media cannot be allowed to consider themselves as pro-government or pro- opposition, this is not the role of the media. Its role is not to play the role of a political party.

As the Head of the OSCE Mission, what I will try to do is to contribute to creating, and promoting, respect for freedom of speech, while also encouraging adequate reactions of human rights bodies and civil society in cases where violations of human rights clearly occur. I am primarily referring to violation of presumption of innocence, by unprofessional journalism through unverified information, which can seriously damage the reputation of a person. I will

co-operate with the Government of Montenegro, Parliament, Judiciary and other relevant institutions in order to address together the cases when the legal loopholes or absence of respective legal provisions or sanctions addressing the situation in which violations of legal and ethical norms of conduct appear.

Also, I want to cooperate closely with all Montenegrin partners to make sure the outstanding cases of attacks on media people and outlets are properly investigated and brought to an end. I will discuss the situation with a broad range of opinion to cement further my own knowledge. This will include human rights and civil society organizations, representatives of political institutions, legal experts and representatives of the media. I will also look into further possibilities of finding common grounds of cooperation in order to make the media self-regulation bodies efficient because after the decriminalization of defamation the role of such a body is very important.

I believe all the institutions need to play a part to improve the situation, and raise awareness on consequences and responsibilities of all relevant stakeholders, especially after the decriminalisation of defamation. To be realistic this is going to take effort and time, and it's not going to be easy. My-self and the OSCE Mission can only do this in partnership with others. Building that partnership will be an important factor of success of our cooperation and its effectiveness.

Question 4:

It is obvious that so far the competent authorities did not solve any of the numerous cases of attacks against journalists of Vijesti, burning of cars and destruction of property. How do you explain that and will OSCE urge the authorities to solve these cases as soon as possible?

Answer:

I think I am not the person who should be asked to explain. What I can say for OSCE is that unresolved investigations of assaults against journalists, as well as media property, are a key area of concern.

The explosion attack on the offices of "Vijesti" on late night 26 December, which I strongly condemned, is one of the most serious attacks on the media and it deserves swift and thorough investigation for obvious reasons, to ensure the perpetrators of such a violent act are identified and sentenced.

Also, the attack on the journalist of daily Dan from couple of days ago, needs to be revealed as soon as possible.

The OSCE will continue to urge the authorities to address this matter, as it was the case before. Assaults against journalists are inexcusable. They endanger the democratic progress and have a chilling effect on freedom of the media, as well as the overall sense of security. The lack of a record of identifying, prosecuting and convicting the persons responsible for these assaults does not help and can contribute to a negative image when it comes to protecting media freedoms. Law enforcement authorities need to demonstrate they are able to investigate such cases in a timely and effective manner.

I wish to believe that due to some recent steps taken, such as establishing of the Commission to monitor the activities of competent bodies revealing the past cases of assaults against journalists, these outstanding cases would be investigated more seriously.

While I think this is a good step, we should not forget that the overall responsibility for such investigations is that of the prosecution and the law enforcement agencies. Their work has obviously to continue, not wait for the findings of the commission.

What matters most, however, are the results. This particularly applies to investigating and re-investigating the past cases.

The OSCE is far from being alone in calling on the authorities to address this issue. The reports of the EU in 2012 and 2013 asked for progress on some recent and earlier cases, and efforts to investigate and prosecute cases of violence against journalists need to be stepped up. In this regard, some state officials have assured me that they do take this matter with utmost seriousness and I take them at their word.

Question 5:

Will the OSCE Mission continue the co-operation on MONDEM Programme and in what way? Will there be any new forms of co-operation in other areas significant for the development process of the defence system?

Answer:

The success of the MONDEM Programme on demilitarization is acknowledged as one of the most successful partnerships between a government and the international community in the region.

In the future two priorities will be to find donors to provide Euro 1 million funding needed to safely destroy a further thousand tonnes of unstable ammunition, as well as Euro 2.4 million to upgrade the infrastructure of the country's largest military ammunition depot at Brezovik, near Niksic.

Questions 6:

A current focus of attention is the amending of election legislation. There has been a standstill in the work of the Working Group for Election Legislation and a strong polarisation between DPS and the opposition regarding the electronic identification of the voters. It is for this reason that support from the EU Delegation has been requested. In your opinion, is this the best way to avoid the possible misuses in preparing the voter registers and during voting?

Answer:

Continuation of discussion in the Working Group amongst its members needs to be encouraged, as they hold a responsibility to reach agreement on this important issue by consensus.

If no compromise is possible, reverting to international experts is a practice that the Montenegrin parliament has used previously. For example in 2011 the opinion and recommendations from OSCE/ODIHR on the Law on Election of MPs and Councillors and in 2012 the request to the Council of Europe's Venice Commission, for an opinion on Constitutional amendments to strengthen the judiciary; However, where such expert advice is sought, the recommendations of such international institutions in election legislation ought to be

considered seriously by the Working Group, toward adopting amendments and in moving the process forward.