



Organization for Security and
Co-operation in Europe
Mission to Montenegro

*Title: INTERVIEW: Head of the OSCE Mission to Montenegro,
Ambassador Janina Hrebickova*

Title: Media disunity is making media unfree

Subtitle: Regardless of your political inclinations, if you are a journalist, you want to have a single self-regulatory body, because it is only that body that can present to the government, institutions, society and the international community that the interests of journalists are real and not fake

PODGORICA – The freedom of media expression is a priority of the Organization for security and co-operation in Europe, freedom of expression comes hand in hand though with the responsibility the owners of that freedom have and also respect for the human rights including rights of every individual, no matter who they are - said the Head OSCE Mission to Montenegro, Janina Hrebickova. In her interview with Pobjeda, Ambassador says that she regrets that journalists in Montenegro have not found a common interest to form a single self-regulatory body and stresses that laws must be respected by all, including journalists and owners of media outlets.

1. POBJEDA: How do you assess the freedom of media in Montenegro?

HREBIČKOVA: A priority of the Mission is freedom of media expression, which goes hand in hand with the responsibility the owners have of that freedom. A further priority is respect for human rights, including the rights of every individual, whether they are a newspaper reader, radio listener, whether it is the Prime Minister, you or me. The media have a major social responsibility as they play a key role in shaping public opinion. While freedom of expression should be fully respected and guarded by the state institutions on the one hand, responsible reporting should be respected on the other hand. Journalists need to serve as an independent monitor of power and its need of personal sense of ethics and responsibility. In recent years there has been a growing disregard for the Montenegrin journalists Code of Ethics, There has also been an overall disrespect of journalistic norms and standards and, violation of principle of presumption of innocence, breaches of personality rights and the rights to privacy, responsibility to protect private data. One can that this has been the case from the side of the institutions and the side of the media outlets.

In close co-ordination with the Office of the OSCE Representative for the Freedom of the Media and the Council of Europe, the Mission has been able to help the media to change its Code of Ethics. This is a very positive step forward. We very much welcome that this situation as it is an excellent move along the road to lowering the level of violations against the media.

What has been disappointing so far has been the implementation of media legislation. Of course, this cannot happen overnight. At a political level, the Mission continues to communicate with the institutions in order to help further the implementation of laws so that Montenegro can progress along the path of reform. There is certainly a real need to request the state institutions to provide the necessary preconditions for the proper and free functioning of the media. They have a duty to balance transparency, public access to information, protection of private data, personal and official information, to guarantee the presumption of innocence of persons accused of a crime, and to respect individual human rights.

However, there is also evidence of certain media lacking an understanding of the rule of law and law enforcement institutions. Media reports are often based on unverified information, which can lead to unprofessional and harmful reporting.

The Mission has in its mandate respect for media freedoms and respect of human rights and rights of individuals. I am very pleased that defamation has been decriminalized. This is a progressive, modern, and democratic step. However, the law does not say how to build a progressive, sophisticated awareness enabling you to have a decriminalized libel, and that you must adhere to the law, private information if you want to do a professional job, regardless of whether you are a journalist or prosecutor. The Mission is looking to work closely with the authorities and media on this important issue.

2. POBJEDA: How far has the idea of the OSCE on the re-establishment of a single self-regulatory body come?

HREBIČKOVA: As for the self-regulation, I am disappointed that the authorities and media community have so far not realized their common interests by jointly establishing a single body. Irrespective of your political hue, the bottom line must be that if you are working as a journalist in Montenegro you will want to have a single self-regulatory body. Why because it is the only effective tool to safeguard media freedom, promote editorial quality and to ensure that the influence of the state is reduced to a minimum. Let us be clear that self-regulation involves a set of basic ethical rules agreed upon by the local media community and acts as an independent mechanism for interpreting enforcing these rules. It demonstrates to the authorities, civil society and the international community that the actual interests of journalists are real, that they really want the freedom of the media and that they really want to serve the public good. Without such a body, I doubt that they will be able to convince anyone. Its non-establishment can give way to political and other forces taking advantage out of the fact that a lack of media freedoms currently exist.

3. POBJEDA: There is impression is that in the Montenegrin media now there is no necessary professional solidarity that they are more concerned with minding with each other's problems, while those that are they are supposed to oversee are doing what they want...

HREBIČKOVA: If what you say is true, then I would ask how can they themselves ask the authorities or international community to help them establish media freedom if they are not allowing that within their own profession, in other words by not allowing or enabling the single self-regulatory body to be created?

4. POBJEDA: You are speaking about the responsibility of the media?

HREBIČKOVA: No as I am speaking about the joint responsibilities of institutions and the media. As with the authorities, the media must also abide by the rule of law and respect the rights of individuals. No one can be above the rule of law. The media are also citizens. And it is not only about professionalism and ethics. Respect for private data, private telephone conversations, the presumption of innocence and many other rights of individuals; this is not something you will find in books. It has to be built, we have to talk about it, and this is why I think it is our responsibility to strive for a balance, to work on it together. The media should be the first to understand this and feel this so that they can go in front of the authorities to be a true compass of public opinion.

5. POBJEDA: An important issue for the people working in the media is that their employers respect their rights in labour relations, but also to pay regularly their dues to the state, because one does not go without the other. What is your take on that?

HREBIČKOVA: As I have said, no matter whether you are a Government minister, media owner, journalist or diplomat, everyone must respect in full the rule of law. As long as there is a lack of respect for the rule of law, I am not sure we are moving forward here. After each transition, there are challenges in the application and respect for the law. However if media owners knows that the rule of law mechanisms are working well, she or he knows that they must respect the mechanisms.

Let me make a brief point here. If an owner has an Editor in Chief who says "Look, you are the owner, but I am responsible for the content, not you", then I would say that here you have example of constructive and healthy dialogue demonstrating the duties the people have. I know very well from my own experiences that strong and effective Editors in Chief can set the rules for protection of rights of staff and editorial content. It is hard work as there must be mechanisms that this particular media owner and the editor know that they cannot afford to challenge and under such set up mechanisms, the editor and/or his staff would not lose their job if they do. Those mechanisms are set by state institutions and by the media solidarity too!

6. POBJEDA: Recently, a new Campaign 'Respect Life – return Weapon' has been launched. What is the OSCE's role in it?

HREBIČKOVA: The Mission has been very actively involved from the very start together with its partners namely the Ministry of Interior, Embassy of Germany and the UNDP. I was delighted that the Ministry was able to support it. Since its inception, I would say that already we have made great progress. With the financial support of Germany, together with partners, we are working not only in the campaign of collecting the illegal weapons, but also on the campaign to increase public awareness about why this issue is important. It is an issue that affects individual families and local communities. It touches people directly. While the Government is, of course, an important guarantor of this process, in order for the campaign to be successful, the key to success is greater public understanding of the whole society, every citizen and yes every last media outlet. The media must realize that this is not an abstract issue. It is a task for the whole of society.

7. POBJEDA: Can this campaign somehow be seen as a preventive to potential terrorist acts to which no country is immune?

HREBIČKOVA: The Mission has not designed this campaign to have that goal. However, if anyone thinks the campaign should be used in this way then why not. This changing world brings along new security threats. After disintegration not only of the former Yugoslavia, but all former major blocks of countries, it happens that people will have illegal weapons. It is not just an environmental, social, and political threat to democratic development, it is also a major security threat. When you increase awareness of them, you increase the ability of the state and civil society to fight the dangers.

Dejan LUČIĆ

BOX 1

Title: Return of weapon as geopolitical issue

8. POBJEDA: Can the Campaign „Respect Life- Return Weapon“ be successful if the countries of the region are not included?

HREBIČKOVA: Regional co-operation, you are right, is very important. It makes no sense that you do something in one state, and not in eight other states. However, we all understand that and we all are working on it, international partners and governments of all the republics of the former Yugoslavia. The campaign must be European and Euro-Atlantic, because people from the former Yugoslavia live in European countries, in Australia and Canada. It is a regional thing and a geopolitical topic.

BOX 2

Public Service is not a competitor against private media

9. POBJEDA: How do you see the relationship of private media and the public service broadcaster?

HREBIČKOVA: Public broadcaster should not be understood as a competition to private media. Until this is understood, those who do not want this process to go transparently and the way it should go, will be able to exploit it in a negative way. The public broadcaster, contrary to private media, is the one that must educate, provide adequate programs, be a platform for dialogue, which must do everything that private televisions or media cannot or do not want to do because of their owners. However, it seems to be the other way around that everybody seems to be fighting against everything and everyone they do not like and do not want a public service that is advancing, due to various reasons. I think that Montenegro will surely come one day to the point (to realize) that this is irrational, that this actually is helping those owners, politicians and players, that they for one reason or another do not want to see the progress and development of Montenegro