

MAPPING OF HATE SPEECH IN MONTENEGRO



Research report

Podgorica, February, 2026

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SUMMARY OF KEY FINDINGS

This report is based on a multi-layered qualitative research approach aimed at mapping patterns of hate speech and institutional (non)response toward marginalized groups in Montenegro. The research, that lasted for almost two years, was structured in three complementary phases: focus group discussions, individual semi-structured interviews, and documentary analysis of recommendations from the Institution of Protector of Human Rights and Freedoms (Ombudsperson). As for these three segments, the report maps patterns of normalised hate speech, records institutional silence, and identifies areas for intervention.

- **Normalisation of hate speech:**
Hate speech is no longer an exception – it is becoming part of everyday life, often disguised as a “joke,” “opinion,” or “criticism.” The digital sphere is the dominant space for dissemination, with a particular focus on social networks, portal comments, and tabloids.
- **Main targets:**
The most affected groups are women, female politicians, LGBTI persons, Roma, persons with disabilities, ethnic and religious minorities, as well as some clergy and activists. Methods include insults, discrediting (“traitor,” “Milogorac,” “chetnik”), invisibilisation, exclusion, and delegitimation.
- **Sources and channels of hate speech:**
Politicians and public officials often create or normalise hate speech. The media play a dual role – both as transmitters and as targets, with frequent ethical lapses driven by clicks and profit.
- **Institutional passivity and silent discrimination:**
Most institutions do not react: they ignore the Ombudsperson’s recommendations, or dismiss them as irrelevant. Significant gaps are especially evident in education, healthcare, and local governance – even in cases where clear violations of rights were identified.
- **Legislative framework and protection mechanisms:**
There is a systemic lack of institutional, legal, psychological support for people targeted by hate speech (hereinafter also referred to as “victims” for the sake of readability).
- **Role of the Ombudsperson:**
The Ombudsperson is often the only actor responding to hate speech and discrimination. However, its findings and recommendations are not binding and are frequently ignored.
- **Training, education, and positive narratives:**
There are no systematic trainings – education is carried out exclusively through project-based initiatives. There is a strong need to promote a language of solidarity, empathy, and understanding, with greater involvement of schools, the media, and religious communities.

Conclusions and recommendations:

Montenegro faces deeply rooted patterns of hate speech and institutional silence. Hate speech and discrimination against marginalized groups in Montenegro are not isolated incidents, but part of a deeper, structural pattern of institutional silence, passivity, and selective enforcement of rights.

A fundamental record of reform is needed: legislative, educational, and institutional. Without clear identification of those responsible and binding procedures, hate speech remains an everyday reality. The next key areas have been proposed to ensure a systemic approach to fighting hate speech:

- Ensuring binding procedures and accountability as for institutional responses.
- Recognise specific forms of hatred when addressing legislative reforms.
- Educate civil servants, as well review school textbooks and train media workers.
- Provide psychosocial and legal support for victims.
- Ensure enforcing media and digital responsibility.
- Affirm positive narratives and contribute spreading a culture of nonviolence.

INTRODUCTION¹

Addressing hate speech in a global context

Hate speech has become one of the most pressing challenges for democratic societies. However, while its manifestations are visible across all regions, there is still no single, universally binding definition of what constitutes hate speech at the global level. This absence of a shared legal definition complicates efforts to determine when expression crosses the line into incitement, and how best to respond while protecting freedom of speech. International law, therefore, emphasises a careful balance: safeguarding open debate while prohibiting expression that incites hostility, violence, or discrimination.

In Europe, the lack of a legal definition has been partially addressed through extensive jurisprudence and guidance. The European Court of Human Rights (ECtHR) has consistently held that freedom of expression and the right to private life must be given equal weight. Its case law establishes that States have a positive duty to protect individuals from severe forms of hate speech, using criminal or civil remedies proportionate to the harm caused. Over the past two decades, the Court has also stressed that combating racism and discrimination is integral to defending democracy itself. A society that values diversity must not only tolerate difference but actively protect it. To assess the severity of hate speech, the Court has also developed a context-specific assessment based on a set of eight factors: the content of the expression; the political and social context at the time of expression; the intent of the speaker; the speaker's role and status in society; how the expression is disseminated or amplified; its capacity to lead to harmful consequences, including the imminence of such consequences; the nature and size of the audience; and the characteristics of the targeted group.

The Council of Europe's approach

Building on this foundation, the Council of Europe's Recommendation CM/Rec(2022)16 on Combating Hate Speech² provides the most comprehensive regional framework to date. Firstly, it offers a broad definition of hate speech, meant as "all types of expression that incite, promote, spread, or justify violence, hatred, or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics or status such as race, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity, and sexual orientation." The Recommendation also distinguishes between three levels of severity:

- a) i. hate speech that is prohibited under criminal law;
ii. hate speech that does not attain the level of severity required for criminal liability, but is nevertheless subject to civil or administrative law; and
- b) offensive or harmful types of expression which are not sufficiently severe to be legitimately restricted under the European Convention on Human Rights, but nevertheless call for alternative responses, as set out below, such as: counter-speech and other countermeasures;

¹ In the following pages, readers will occasionally encounter quotations containing ethnic epithets or insults, dehumanising metaphors, expressions offensive to individuals or groups, and, more generally, examples of what is considered hate speech. This is because the authors of this report have chosen not to alter or censor the texts and topics they aim to discuss critically and deconstruct, in the interest of data presentation and analytical rigour. For this reason, the authors have deliberately chosen to present examples and quotations in full, without omissions, to provide readers with the sources in their entirety. They are aware that this is a potentially controversial choice, and one that may not be accepted by all; they then apologise to anyone who may find it inappropriate or even offensive.

At the same time, authors recognise that it is the researcher's responsibility to reproduce texts accurately, in order to examine their language, usage, practices, and contexts - especially when the aim is to address hate speech in its various expressions. This allows the authors and their readership to convey content in its full complexity, with all its implications, and to better understand its significance and reception within the cultural context in which it was produced.

² <https://www.coe.int/en/web/combating-hate-speech/recommendation-on-combating-hate-speech>.

measures fostering intercultural dialogue and understanding, including via the media and social media; and relevant educational, information-sharing and awareness-raising activities.

Member states are then encouraged to adopt a calibrated response, combining legislation, education, counter-speech, and promotion of intercultural dialogue, to prevent hateful narratives from taking root. Eventually, the Council of Europe has linked this framework to its 2024 Recommendation on Hate Crime, recognising that hate speech and hate crime are often part of the same continuum. Building on ECtHR case law, Recommendation CM/Rec(2024)4³ outlines that hate manifests with varying degrees of severity and acknowledges that the occurrence of hate crimes can be a direct consequence of the escalation of hate speech. It also notes that certain forms of hate speech, such as verbal abuse, may themselves constitute a hate crime. As such, combating hate speech can simultaneously contribute to preventing and combating hate crimes, and vice versa.

The challenges in the digital sphere

To complement existing definitions, the Council of Europe's *Study on Preventing and Combating Hate Speech in Times of Crisis* (2023)⁴, commissioned as a follow-up of the Recommendation CM/Rec(2022)16, highlights how "disinformation," "misinformation," "propaganda," and "inciteful speech" are often intertwined with hate speech, or deliberately disseminated to trigger hate speech and hate crime. Even when information is not spread with the explicit intent to manipulate or discriminate, it can indirectly do so by shaping people's thoughts based on false or misleading content.

New technologies have transformed the scale and speed of communication, amplifying both the reach and impact of hate speech. Online platforms have become powerful vehicles for spreading prejudice, conspiracy theories, and disinformation. On social media, hate spreads not only through explicit threats or slurs but also through memes, jokes, and coded language. Such content often evades moderation while reinforcing stereotypes and normalising discrimination. Court cases against online trolls who harassed journalists illustrate this danger: sustained online abuse blurred the boundary between digital and real-world harm, eroding trust and silencing public voices⁵.

The viral nature of online communication further magnifies the problem. A single tweet or video can reach millions within hours, polarising communities and fuelling resentment. Platforms driven by algorithms that reward engagement tend to prioritise sensational and divisive content, creating echo chambers and echo-platforms⁶ that amplify hate speech and misinformation while marginalising balanced or empathetic perspectives. The structure of the online world creates an environment in which hate speech can spread globally at an accelerated pace. AI and algorithmic decision-making systems can embed biases in data labelling, decision-making processes, and content recommendations. These systems can also generate echo chambers for hate-oriented content. Consequently, a single expression of hate online can reach thousands simultaneously. Algorithms that reward engagement amplify polarised and hateful content because its shock value drives greater views⁷.

The above Council of Europe's *Study on Preventing and Combating Hate Speech etc.* provides two illustrative case examples based on large-scale analyses of social media posts. The first focuses on the COVID-19 pandemic, which generated excessive amounts of information, including false and misleading material – a phenomenon known as the "infodemic." During this period, hate speech surged

3 <https://www.coe.int/en/web/cyberviolence/-/new-council-of-europe-s-committee-of-ministers-recommendation-to-member-states-on-combating-hate-crime>.

4 <https://rm.coe.int/-study-on-preventing-and-combating-hate-speech-in-times-of-crisis/1680ad393b>.

5 See for example, the Jessikka Aro's Case in 2018 (<https://rsf.org/en/pro-kremlin-activists-trial-finland-harassing-reporter>), and the Stephen Nolan's Defamation Case in 2021. (<https://www.bbc.co.uk/news/articles/cg4vrvgeykqo>).

6 See Di Martino, E., Galeazzi, A., Starnini, M., Quattrociochi, W., Cinelli, M. (2025). "Ideological fragmentation of the social media ecosystem: From echo chambers to echo platforms". *PNAS Nexus*, Volume 4, Issue 9. <https://doi.org/10.1093/pnasnexus/pgaf262>.

7 UNESCO (2023). *Addressing hate speech through education: A guide for policy makers*. <https://www.unesco.org/en/articles/addressing-hate-speech-through-education-guide-policy-makers>.

against specific groups, including people of Asian descent, migrants and refugees, and national minorities; antisemitic conspiracy theories also resurfaced, intertwining with numerous hateful narratives. The second case examines the full-scale war of aggression by the Russian Federation against Ukraine, which has fostered violent, dehumanising rhetoric, disinformation campaigns, and hate speech across Europe. Nationalistic hate speech has been used to fuel and legitimise the conflict, while media and internet intermediaries have the duty to take down hate speech and illegal content, and to provide accurate information and disentangle hateful narratives.

Offline? Online? Onlife!

Hate speech online does not remain confined to screens, though: it shapes attitudes and actions offline. Over the past ten years, the Council of Europe has, for example, observed that the growing availability of the internet and social media platforms has contributed to an increase in sexist and gender-based hate speech both online and offline⁸. Online hate speech, spread through emails, websites, and social media, permeates various social contexts, including educational settings, family environments, social circles, public spaces, and workplaces. And this applies to all forms, such as xenophobic, racist, homophobic, and transphobic hate speech and, as monitoring exercises reveal, often intensifies during election campaigns.

Although it is clear that offline and online hate speech influence each other, identifying the origins of specific hate narratives remains challenging. The sheer volume of online hateful content, combined with politicians who use hate speech in their rhetoric, makes it difficult to trace when certain narratives began, what context sparked them, or who first propagated them. Political speeches and campaigns can trigger spikes in online discussion, but the reverse also occurs: fringe online narratives can grow and eventually influence mainstream political discourse. A notable example is the “Great Replacement” conspiracy theory. Initially a fringe ideology claiming that white Europeans are at risk of being replaced by non-white ethnic minorities due to immigration, it has spread online over the past decade to the point of normalisation in many European countries and incorporation into official political speech⁹.

A notable increase in hate speech and hate crime has indeed been observed over the past decade at the highest levels of public administration in certain EU Member States, according to a study by the Policy Department of the European Commission¹⁰. Sexual minorities and migrants have been the groups most affected, particularly in the context of discriminatory political rhetoric. Council of Europe monitoring bodies, most notably the European Commission against Racism and Intolerance (ECRI), have reported in several annual reports a rise in hate speech¹¹. They note that hate speech has a detrimental impact on individuals and groups who are particularly vulnerable - such as migrants, national minorities including Roma and Travellers, LGBTI persons, - either because they face increasingly severe abuse or because they encounter obstacles in accessing justice within a context of systemic discrimination. Many lack awareness of their rights, and most are reluctant to report incidents due to a lack of trust in justice and law enforcement Institutions.

The rise of hate speech, particularly online, can then be partially attributed to the current global political climate and the increasing influence of extreme right-wing movements in Europe. Hate speech can be exacerbated by far-right nationalism and xenophobia in election campaigns, which legitimises and nor-

8 Cf. Cangemi, D. (2020). *Combating Sexist Hate Speech. The Work of the Council of Europe*. <https://edizionicafoscari.unive.it/media/pdf/books/978-88-6969-479-0/978-88-6969-479-0-ch-08.pdf>.

9 Gardell, M. (2024). “The Radicalization of Western Man: The Great Replacement, White Radical Nationalism, and Lone Wolf Violence” in Lewis, J.R., and Awan, A.N. (eds), *Radicalisation: A Global and Comparative Perspective*. Oxford Academic, <https://doi.org/10.1093/oso/9780197771266.003.0015>.

10 Cf. The European Commission (2021). *Extending EU crimes to hate speech and hate crime*. https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/extending-eu-crimes-hate-speech-and-hate-crime_en.

11 Cf. <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hate-speech-and-violence>.

malises hateful rhetoric when uttered by politicians or religious leaders. James A. Piazza (2020) furthermore observed empirically that political use of hate speech correlates with an increase in political violence, as inflammatory language legitimises existing polarisation¹². Targeting minority groups benefits politicians by mobilising support through the dehumanisation and alienation of specific populations. Consequently, in its Recommendation CM/Rec(2022)16 on Combating Hate Speech, the Council of Europe has emphasised to what extent public figures bear a significant responsibility, given their enhanced capacity to disseminate hateful messages from a position of power, through a variety of channels, and against specific targets.

Targets of hate

Hate speech most often targets individuals and communities already experiencing social exclusion or discrimination. Monitoring exercises show that, across Europe, the most frequently affected groups include women, migrants, ethnic and religious minorities, LGBTI persons, and people with disabilities, with intersectional identities - such as migrant women or LGBTI individuals from minority backgrounds - often compounding both the risk and severity of abuse¹³.

Sexist hate speech is particularly pervasive. Women, especially journalists, politicians, and human rights defenders, face disproportionate levels of online harassment, including threats of sexual violence, body shaming, and degrading “humour.” These attacks silence women’s voices in public life and perpetuate structural gender inequalities. The Council of Europe’s Istanbul Convention¹⁴ and subsequent Gender Equality Strategies¹⁵ have established legal and policy tools to prevent, and combat the digital dimension of such violence. As the *GREVIO General Recommendation No. 1 on the digital dimension of violence against women* (2021) recalls, the Istanbul Convention and the Gender Equality Strategies are complemented by other relevant treaties such as the *Convention on Cybercrime* of the Council of Europe, also called the “Budapest Convention”, which offers a comprehensive set of legally binding standards to criminalise aspects of cyberviolence, secure evidence and engage in cross-border and international co-operation to investigate and also prosecute online violence against women. Moreover, soft law, such as the non-binding Recommendation CM/Rec(2019)1 of the Committee of Ministers to member states on preventing and combating sexism, which includes a dedicated section on online sexist hate speech, and the General Policy Recommendation of the European Commission against Racism and Intolerance (ECRI) on combating hate speech, are equally relevant and profoundly impactful.

Migrants, refugees and minority groups, however, remain principal targets. During periods of economic hardship or political polarisation, they are frequently portrayed as threats to security, identity, or employment. Such narratives, often fuelled by populist political discourse, legitimise prejudice and sometimes incite violence. ECRI reports a consistent rise in hate speech directed at migrants and national minorities across Europe, with Roma, Jewish, and Muslim communities particularly affected¹⁶. In 2021, the UN Special Rapporteur on Minority Issues noted that 70% or more of individuals targeted by hate crimes or hate speech on social media are ethnic, social, or religious minorities¹⁷. Minority group members are also disproportionately affected by restrictions or removals under social media content moderation systems and - Amnesty International claims - recent new content policies by Very Large Online Platforms like Meta, including the lifting of prohibitions on previously banned speech, such

12 See Piazza, J.A. (2020). *Politician hate speech and domestic terrorism*. “International Interactions”, 46(3), 2020, pp. 431-453. <https://doi.org/10.1080/03050629.2020.1739033>.

13 See, for instance, the various editions of the “Mappa dell’Intolleranza” by VoxDiritti, <https://www.voxdiritti.it/>.

14 *The Council of Europe Convention on preventing and combating violence against women and domestic violence: Home - Istanbul Convention Action against violence against women and domestic violence*.

15 <https://www.coe.int/en/web/genderequality/gender-equality-strategy>.

16 See ECRI (2020). *General Policy Recommendation N°13 revised on combating antigypsyism and discrimination against Roma*, adopted on 24 June 2011 and amended on 1 December 2020. <https://rm.coe.int/ecri-general-policy-recommendation-no-13-on-combating-anti-gypsyism-an/16808b5aee>; ECRI (2021). *General Policy Recommendation No. 9 (revised) on preventing and combating Antisemitism*, <https://rm.coe.int/ecri-general-policy-recommendation-no-9-revised-on-preventing-and-comb/1680a5db33>; ECRI, *General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination*. <https://rm.coe.int/ecri-general-policy-recommendation-no-5-revised-on-preventing-and-comb/1680a5ae44>.

17 <https://www.ohchr.org/en/press-releases/2021/03/special-rapporteur-minority-issues-says-treaty-needed-regulate-hate-speech>.

as the denigration and harassment of racialised minorities, are worsening the scenario¹⁸. Muslim and Jewish communities, Europe's largest religious minorities, continue to face threats, violence, harassment, intimidation, and attacks on religious and community spaces. According to the EU Agency for Fundamental Rights (FRA) report on antisemitism and the European Islamophobia Report, since the 7th October 2023, the situation for both communities has considerably worsened: anti-Muslim conspiracy theories have proliferated online, while 80% of Jewish people have reported increased antisemitism between 2019 and 2024, with a 400% spike in antisemitic incidents after the 7th October¹⁹.

LGBTI individuals face persistent hostility too, including legal discrimination in certain European states. The EU Agency for Fundamental Rights found that hate-motivated harassment and violence against LGBTI persons have risen sharply since 2016²⁰. Hate speech in this context often stems from narratives linking sexual diversity to moral decline or public disorder, purportedly amplified by some political and religious leaders. These narratives reinforce stigma and social exclusion, occasionally escalating into physical violence or state-sponsored discrimination. In some countries, religious and political leaders – ECRI noted in 2020 – even blamed LGBTI individuals for COVID-19, exacerbating hate speech against them²¹. For instance, according to Gahan & Almeck (2020), in Ukraine, Patriarch Filaret of the Ukrainian Orthodox Church - Kyiv Patriarchate claimed COVID-19 was “God’s punishment for the sins of men,” specifically linking it to same-sex marriage, prompting a lawsuit from a Ukrainian LGBTI group²². In Belarus, religious leaders similarly attributed the pandemic to LGBTI individuals, inciting further discriminatory rhetoric. Political leaders also contributed to an environment of intolerance. In Hungary, the government banned legal gender recognition for transgender and intersex individuals in May 2020 and passed constitutional amendments further restricting LGBTI rights in December 2020²³. In Poland, municipal declarations of “LGBTI-free zones” throughout 2019–2020, justified as defending public morality during the health crisis, created heightened discrimination against LGBTI communities²⁴.

Persons with disabilities are another frequently overlooked target of hate speech. Online harassment, mockery, and “flaming” exploit stereotypes of vulnerability or dependency. Because many incidents go unreported, the prevalence of ableism and disability hate is often underestimated²⁵. Women with disabilities are particularly at risk, facing both misogynistic and ableist abuse. Not by chance, the Council of Europe’s Disability Strategy 2017–2023 emphasised the need for stronger protection mechanisms and awareness initiatives to address this largely invisible form of hate²⁶.

The latest example illustrates the compounded challenges faced by individuals with multiple intersecting identities. For example, violence against women and domestic violence can be exacerbated where it intersects with discrimination based on a combination of sex and any other ground or grounds of discrimination, as referred to in Article 21 of the Charter of fundamental rights of the

18 See <https://www.amnesty.org/en/latest/news/2025/02/meta-new-policy-changes/>.

19 <https://fra.europa.eu/en/news/2024/jews-europe-still-face-high-levels-antisemitism> and <https://islamophobiareport.com/en/index.php/eir-2023/>.

20 <https://fra.europa.eu/en/publication/2024/LGBTI-equality-crossroads-progress-and-challenges>.

21 See ECRI (2020). *Annual report on ECRI's activities, covering the period from 1 January to 31 December 2020*. <https://rm.coe.int/annual-report-on-ecri-s-activities-for-2020/1680a1cd59>.

22 Gahan, L., Almeck, K. (2020). “Experiences of and responses to disempowerment, violence, and injustice within the relational lives of lesbian, gay, bisexual, transgender, and queer people”. *Journal of Sociology*, 56(4): 507-515. <https://doi.org/10.1177/1440783320958812>.

23 See [Hungary: Dark day for LGBTI community as homophobic discriminatory bill and constitutional amendments are passed - Amnesty International](#); [Hungary: Intensified Attack on LGBT People | Human Rights Watch](#).

24 *Deklaracja Nr 1/19 Sejmiku Województwa Małopolskiego z dnia 29 kwietnia 2019 r. w sprawie sprzeciwu wobec wprowadzenia ideologii ‘LGBT’ do wspólnot samorządowych* [Declaration No. 1/19 of the Lesser Poland Regional Assembly of 29 April 2019 on opposition to the introduction of the “LGBT” ideology in local government communities], Urząd Marszałkowski Województwa Lubelskiego w Lublinie [Marshal’s Office of the Lublin Voivodeship in Lublin], <https://bip.malopolska.pl/umwm,a,1594074,deklaracja-nr-1-19-sejmiku-województwa-malopolskiego-z-dnia-29-kwietnia-2019-r-w-sprawie-sprzeciwu-wo.html>. See also <https://www.dw.com/en/european-parliament-slams-lgbti-free-zones-in-poland/a-51722613>.

25 See for example [Journey to Safety - Our Disability Hate Crime Project Year in Review - United Response](#).

26 <https://rm.coe.int/16806c400c>.

European Union namely race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation ('intersectional discrimination')²⁷. Migrant women frequently encounter multiple discrimination based on both gender and migration status, resulting in cumulative disadvantages. Such discrimination can create significant barriers, including limited access to employment and social services²⁸. Not to mention that the risk of suffering hate speech increases with the number of intersecting identities. Inclusion London, for instance, observes a person with disabilities may be targeted by hate speech and hate crime because of multiple identity factors simultaneously, such as sex/gender and ethnicity.²⁹ Effective prevention and combating of hate speech requires then recognising intersectional dimensions and implementing comprehensive strategies that address compounded vulnerabilities.

Beyond direct targets: hate speech as a threat to society

As we have seen, hate speech is often intended to harm the reputation of individuals belonging to minority groups characterised by particular aspects, such as disability, ethnicity, gender identity, race, religion, sexual orientation, or other similar characteristics, by depicting them as 'inferior'³⁰. It typically stems from judging individuals based on the groups to which they belong, a process reinforced by cognitive shortcuts arising from biases and exaggerated beliefs associated with those groups³¹. These biases are complex to deconstruct, as they are embedded in cultural differences, local, national, and global histories, and contemporary socio-economic dynamics. They can be caused or reinforced by a lack of appreciation for diversity, diverging opinions, and insufficient education on managing differences. Furthermore, biases are often instilled through societal influences such as family and friends³², and hate-motivated behaviour can also be incentivised by factors such as social dominance attitudes³³.

Hate speech, anyhow, directly harms its targets while indirectly curtailing their freedom of expression. Targets often feel unsafe or threatened in environments where hateful language is pervasive, making them hesitant to express their views openly³⁴. This suppression of speech can be further compounded when hate speech is used to silence human rights defenders and journalists, restricting public discourse and accountability. Moreover, hate speech polarises and terrorises targeted groups, creating an atmosphere of fear and division. Through dehumanisation and incitement to violence, it also fosters hostility toward those depicted as a threat, further silencing marginalised communities also through "discursive injustice" mechanisms, i.e. through forms of communicative wrongdoing in which a speaker - because of prejudice, identity-based bias, or structural conversational norms - is prevented from having their intended speech act correctly received, recognised, or taken up³⁵. This

27 Charter of fundamental rights of the European Union, Art. 21, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>.

28 See Pandea, A.-R., Grzemny, D., Keen, E. (2020). *Gender matters - A manual on addressing gender-based violence affecting young people* (2nd ed). <https://book.coe.int/en/youth-other-publications/8100-gender-matters-a-manual-on-addressing-gender-based-violence-affecting-young-people-2nd-ed.html>.

29 See Inclusion London (2023). *DDPO Disability Hate Crime Data Project - Initial Phase Final Report*. https://www.inclusionlondon.org.uk/wp-content/uploads/2023/07/FINAL-The-DDPO-Disability-Hate-Crime-Data-Project.pdf?utm_source=chatgpt.com.

30 See Jääskeläinen, T. (2019). "Countering hate speech through arts and arts education: Addressing intersections and policy implications: Addressing intersections and policy implications". *Policy Futures in Education*, 18(3), 201: 344-357. <https://doi.org/10.1177/1478210319848953>.

31 See Kehn, A., Sorby, M. L., Nobles, M. R., Gamblin, B. W., & Cramer, R. J. (2024), "Typologies of hate-motivated behavior: A latent class analysis". *International Review of Victimology*, 30 (3): 503-520. <https://doi.org/10.1177/02697580241241806>

32 See Martin D. et al. (2017). "How societal stereotypes might form and evolve via cumulative cultural evolution", *Social & Personality Psychology Compass*, Vol. 11 (9). <https://compass.onlinelibrary.wiley.com/doi/10.1111/spc3.12338>.

33 Castellanos, M., Wettstein, A., Wachs, S., Bilz, L. (2024), "Direct and indirect effects of social dominance orientation on hate speech perpetration via empathy and moral disengagement among adolescents: A multilevel mediation model". *Aggressive Behaviour*, 50 (1). DOI: 10.1002/ab.22100.

34 See UNESCO (2023). *Addressing Hate Speech Through Education. A Guide for Policy-makers*. https://www.un-ilibrary.org/content/books/9789231005817?utm_source=chatgpt.com.

35 For more extensive definitions of "discursive injustice", also in correlation with hate speech, see Kukla R. (2014). "Performative Force, Convention, and Discursive Injustice". *Hypatia*, 29 (2): 440-457; Bianchi, C. (2024). "Call me by my name: Hate speech and identity", in S. Cruschina and C. Gianollo (eds). *An Investigation of Hate Speech in Italian: Use, Identification, and Perception*, Helsinki: Helsinki

erosion of free speech undermines both individual and social identities and democratic dialogue, particularly for vulnerable groups already at risk of marginalisation.

The harm caused by hate speech, then, extends beyond individual victims. It undermines democratic participation, erodes trust in public institutions, and weakens social cohesion. Victims often withdraw from public life or self-censor out of fear, reducing the diversity of expression and representation. At the societal level, hate speech furthermore fosters polarisation and normalises intolerance. The spread and normalisation of hateful narratives encourages the dehumanisation of targeted groups. This explains why historical atrocities, such as the Holocaust and genocides across the 20th and 21st centuries, were facilitated by the proliferation of hate propaganda³⁶. Over time, such propaganda built a conceptual framework that normalised intolerance, discrimination, and violence, laying the groundwork for oppressive policies. While some scholars argue that there is insufficient evidence to directly attribute these events to hate speech³⁷, the role of repeated hate propaganda in fostering environments conducive to large-scale human rights violations should not be ignored³⁸. Certain notable events, including terrorist attacks, sudden increases in immigration and more generally in human transnational mobility, and expansions of civil rights for minority groups, have also been linked to spikes in hate crimes³⁹.

In the digital age, the effects of hate speech are magnified by the global reach of online networks. Constant exposure to toxic narratives contributes to psychological distress, collective fear, and the radicalisation of susceptible individuals, feeding extremist ideologies and social fragmentation. In particular, social media and gaming platforms play a significant role in exposing young individuals to far-right ideologies. These platforms facilitate the rapid dissemination of hateful content, often framed as humour or countercultural narratives, making such ideologies more palatable. Far-right groups also use social media to recruit members by creating a sense of community and belonging, appealing to youth seeking identity and purpose. Young people with less stable senses of identity and belonging may be particularly vulnerable to this messaging. Consequently, social media not only spreads far-right ideologies but also accelerates radicalisation among susceptible youth. In educational settings, hate speech - particularly gendered speech - can also lead to bullying and harassment, negatively affecting students' academic performance, motivation, concentration, and, in some cases, causing them to drop out. Long-term consequences of such a phenomenon may include reduced access to higher education and employment opportunities, perpetuating cycles of disadvantage and exclusion⁴⁰.

As a consequence, hate speech doesn't just cause immediate harm - it also contributes to environments where deeper, long-term damage can take root, such as discrimination, rights violations, emotional trauma, and even violence. Its ripple effects often show up in the form of marginalisation, loss of agency, and the silencing of minority voices, all of which strengthen existing social inequalities. Ongoing exposure to hostile or demeaning narratives about one's identity group can inflict serious emotional and psychological strain, affecting not only those targeted but also bystanders and, in some cases, even those who spread the hateful messages. On a wider scale, hate speech weakens social bonds by breeding fear and resentment, reducing trust within communities and ultimately harming collective well-being. And in today's interconnected digital world, its influence isn't confined by geography - its ability to spread across borders makes addressing its consequences even more difficult for any single nation.⁴¹

University Press. <https://doi.org/10.33134/HUP-27-2>.

36 See [The Shocking Link Between Hate Speech and Genocide | United Nations](#); Timmermann, W. (2008). "Counteracting Hate Speech as a Way of Preventing Genocidal Violence", *Genocide Studies and Prevention: An International Journal*, Vol. 3 (3). <https://digitalcommons.usf.edu/gsp/vol3/iss3/8>.

37 See Desai, A. C. (2003). "Attacking Brandenburg with History: Does the Long-Term Harm of Biased Speech Justify a Criminal Statute Suppressing It?". *Federal Communications Law Journal*, Vol. 55 (2). <https://www.repository.law.indiana.edu/fclj/vol55/iss2/8>; Heinze, E. (2016). *Hate Speech and Democratic Citizenship*. Oxford: Oxford University Press.

38 See Jääskeläinen, T. (2019), cit.

39 See Kehn, A., Sorby, M. L., Nobles, M. R., Gamblin, B. W., & Cramer, R. J. (2024), cit.

40 See UNESCO (2023), cit.

41 See Council of Europe (2025). *Study on effectiveness risks and potentials of using counter and alternative narratives in combating hate speech*, Ch. 7: 39. <https://rm.coe.int/study-on-effectiveness-risks-and-potentials-of-using-counter-and-alter/1680b40775>.

Alternative measures to prevent and combat hate speech: a brief overview

To address such complexities and, more recently, to fully implement its recommendations and tools, the Council of Europe has developed and proposed a wide range of approaches and non-legal measures to combat hate-motivated behaviour. Through its Intercultural Cities Programme, the initiative piloted and then expanded forms of community-based policing aimed at easing intergroup tensions and reducing bias-driven violence. In contrast to conventional policing models that rely heavily on surveillance, this approach puts residents at the heart of safety efforts, combining protection, support, and relationship-building to strengthen trust between law enforcement and communities affected by hate crimes. It has also helped boost reporting rates for such offences. The model is backed by a series of practical guides, including the 2019 Intercultural Cities Manual on Community Policing, which offers police leaders and local authorities strategies for applying community-policing principles in diverse settings, promoting trust, and engaging citizens. Another resource, *Policing Hate Crime against LGBTI Persons: Training for a Professional Police Response (2025)*, provides training tools to help officers respond effectively to hate crimes targeting LGBTI persons in line with European human rights standards⁴².

In addition, numerous educational tools - including *Compass*, *Compasito*, *Mirrors*, manuals on democratic citizenship and intercultural dialogue, and initiatives-specific resources such as *Bookmarks* and *We CAN!* - have been co-designed with a wide range of stakeholders and used effectively to address hate speech through human rights education and counter-speech. The UN's *Faith for Rights Framework and Toolkit* (2019), employing peer-to-peer learning methodologies⁴³, and recent UNESCO programmes have also supported education strategies and tailored interventions to enhance social inclusiveness and emotional skills, helping learners manage emotions, develop self-confidence and critical thinking, and improve conflict negotiation. These interventions aim to tackle more subtle forms of prejudice and hate speech⁴⁴, foster inclusive and empathetic environments, strengthen self-regulation skills to mitigate prejudiced attitudes, and contribute to a more tolerant social climate. They also highlight the importance of psychological intergroup contact—bringing together stigmatised groups and offenders—and underscore the need for teacher training to address gaps in educators' preparation for dealing with complex issues related to hate, violence, and bullying.

The Recommendation CM/Rec(2022)16, along with other European and international policy documents, recognises education and training as crucial for addressing the root causes of hate speech—by developing knowledge, personal and social skills, critical thinking, and understanding of diversity to reduce conflict, while promoting mutual respect and fostering dialogue through non-violent problem-solving. Furthermore, the Council of Europe's *Digital Citizenship Education Handbook* and *Internet Literacy Handbook* provide critical-thinking tools to address misinformation, biased algorithms, and conspiracy theories, emphasising that media and information literacy is another key component in preventing and combating hate speech, as well as in demanding accountability from social-media platforms.

Last but not least, counter- and alternative-narrative strategies have been developed not only to deconstruct harmful speech acts but also to address hate speech that does not meet the threshold for criminal, civil, or administrative procedures. These strategies reinforce values such as human rights, democracy, openness, dialogue, cooperation, non-discrimination, solidarity, and equality. While counter-speech is typically a direct response to hateful messages, alternative speech seeks to reframe the discussion rather than confront hate speech explicitly. The Council of Europe's recent *Study on the Effectiveness, Risks, and Potentials of Using Counter and Alternative Narratives in Combating Hate*

42 See Ibid, 51.

43 See Ibid, 50.

44 See UNESCO (2023), cit.

Speech (2025) indeed demonstrates the full potential of such non-legal measures - provided they are adequately supported and implemented as part of a comprehensive strategy at both national and international levels.

Hate speech in Montenegro: a matter of concern?

In December 2024, a nationally representative IPSOS survey commissioned by the United Nations in Montenegro found that 93% of respondents noticed hate speech around them, and approximately 80% of young people (ages 14–19) were able to recognise it, although many struggled to distinguish it from free speech.

The survey's key findings highlighted that:

- The vast majority of citizens observe hate speech in their surroundings;
- Frequent targets include political opponents, ethnic and religious minorities (such as Roma and Egyptians), women - especially those in public office or with a public profile, such as politicians and journalists, LGBTI individuals, migrants and refugees, and persons with disabilities;
- Citizens believe hate speech occurs most often in politicians' speeches, followed by online platforms, television channels, and sporting events;
- The most dominant forms of hate speech are characterised by insults, negative group labelling, stereotyping, and hostility, although incitement to violence and genocide denial are also present.

Given these findings and the growing prevalence of hate speech in the country, the UN Human Rights Committee expressed concern over the "insufficient institutional response" to such incidents, the low public awareness of reporting mechanisms, and the lack of deterrent penalties. The Committee called on the authorities to take decisive action - conducting thorough investigations and prosecutions of hate crimes, promoting respect for diversity, and implementing stricter regulation of online platforms.

Legal measures in Montenegro

As a matter of fact, in the past fifteen years, Montenegro has seen significant developments in terms of legal measures and training for the judiciary, as a follow-up on a series of serious court cases. In 2010, six sets of proceedings were in fact conducted before the Podgorica High Court involving eight individuals charged with encouraging violence or hatred towards a group or its members based on race, skin colour, religion, origin, or nationality. Six of these individuals were ultimately found guilty. In 2014, two criminal complaints concerning similar offences were lodged with the State Prosecution Office. Both proceedings concluded with guilty verdicts. Between 2015 and 2018, seventeen additional criminal complaints were lodged and examined, though approximately half were subsequently dropped. As a consequence of this case history, in 2017, Montenegro introduced measures to enable more effective prosecution of hate crimes following the European Court of Human Rights (ECtHR) judgment in *Alkovic v. Montenegro* (No. 66895/10). This case raised concern about the authorities' failure to protect the applicant - a Roma and Muslim citizen - from a series of ethnically and/or religiously motivated attacks by his neighbours, constituting a violation of Articles 8 and 14 of the European Convention on Human Rights.

The ECtHR judgment of 5 December 2017 (final on 5 March 2018) nevertheless acknowledged that Montenegro's improved legal framework provided some protection; however, it found that the implementation of criminal-law mechanisms in this case was defective. Specifically, according to the ECtHR, the prosecutor omitted relevant information about the attacks and the perpetrator, and police measures to pursue the perpetrator and respond to the victim's requests were inconsistent. In response, Montenegrin authorities undertook awareness-raising measures to enhance judicial and

prosecutorial diligence in hate crime cases and ensure adherence to Convention standards. In 2017, the Centre for Training of Judiciary and Public Prosecution thus conducted seven workshops, followed by three workshops in 2018, focusing on the prohibition of discrimination.

Additionally, the Constitutional Court of Montenegro organised a regional conference in 2017 in cooperation with the German Foundation for International Legal Cooperation (IRZ), concentrating on anti-discrimination measures. The conference was attended by numerous Montenegrin judges and prosecutors, who were briefed on ECtHR case law and Convention standards regarding the investigation of hate crimes and safeguards for the right to private life. Under the framework of an earlier EU/CoE funded project Support to the National Institutions in Preventing Discrimination in Montenegro (PREDIM), conducted from 1 January 2016 to 31 March 2018, multiple workshops then were held with senior staff and advisors of the Ministry for Human and Minority Rights, the Ombudsperson's Office, the Ministry of Justice, the Judicial Training Centre, judiciary members, and law enforcement authorities.

In 2023, the country amended its legislation to include public acts provoking or inciting racial and religious hatred (Article 370), as well as special circumstances for sentencing hate crimes (Article 42a). A core component of this new piece of legislation was the implementation of a system for collecting data on hate crimes, addressing the problem of under-reporting. Furthermore, although Montenegro does not have legislation specifically addressing hate speech, the Criminal Code now recognises Special Circumstances for Sentencing for Hate Crimes (Art. 42a, amended in 2023):

1. When a criminal offence is committed out of hatred for another person due to national or ethnic affiliation, race, religion, or lack thereof, disability, nationality, political or other beliefs, sex, language, skin colour, education, social status, social background, sexual orientation, gender identity, or disability, the court shall consider this an aggravating circumstance unless it is an element of the basic or aggravated offence.
2. When a criminal offence is committed against a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees), the court shall treat this as an aggravating circumstance.

The Criminal Code also specifically punishes Provoking Ethnic, Racial, and Religious Hatred (Art. 370), namely:

1. Anyone who publicly incites violence or hatred towards a group or its members, defined by race, skin colour, religion, language, origin, nationality, or ethnic affiliation, shall be punished with imprisonment of six months to five years.
2. The penalty also applies to anyone who publicly approves, denies, or downplays the gravity of genocide, crimes against humanity, or war crimes committed against a group or its members in a manner likely to incite violence or hatred, where such crimes have been determined by a final court judgment in Montenegro or an international criminal tribunal.
3. Where the offence involves coercion, ill-treatment, endangering safety, desecration or mockery of national, ethnic, or religious symbols, damaging property, or desecrating monuments, memorials, or tombs, the perpetrator shall be punished with imprisonment of one to eight years.
4. If the offence is committed through abuse of office or results in riots, violence, or other severe consequences affecting the collective life of nations, national minorities, or ethnic groups in Montenegro, the perpetrator shall be punished with imprisonment of one to eight years under paragraph 1, and two to ten years under paragraphs 2 and 3.

The Criminal Code also addresses other offences with potential hate crime characteristics, including:

- Art. 161: Violation of freedom of religion and practising religious rites
- Art. 168: Endangering security
- Art. 370: Inciting national, racial, and religious hatred
- Art. 399: Violent behaviour at a sports event or public gathering

Lastly, the Law on Media provides for financial sanctions against online hate speech and incitement to violence, and has visibly increased accountability in the media sector.

Implementing the legal framework

To update and reinforce the legal setting, since 2014, the Centre for Training in the Judiciary and the State Prosecutor's Office have participated in the Council of Europe's HELP programme (the European Human Rights Education Programme for Legal Professionals) for the Western Balkans and Turkey. Montenegro also implemented ODIHR's Training Against Hate Crimes for Law Enforcement (TAHCLE) programme in 2014.

Following changes to the country's hate crime legislation in 2018, ODIHR eventually conducted a refresher training in 2022, to let Police officers attend hate crime training as part of courses on Human Rights and Ethics, as well as ad hoc courses on specific bias motivations, such as anti-LGBTI hate crimes, organised in cooperation with the Centre for Democracy and Human Rights (CEDEM). In 2022, Montenegro also signed a Memorandum of Co-operation with ODIHR to deliver the Prosecutors and Hate Crime Training (PAHCT). As a result, in May 2023, 14 prosecutors and judges participated in such training. The Council of Europe, through its cooperation initiatives, has been working in specific on SOGIESC and minority grounds with the Police, to better identify and address hatred. Training for members of the Montenegrin judiciary - including judges, state prosecutors, court and prosecution advisors, trainees, and attorneys-at-law - is now provided by the Centre for Training in the Judiciary and the State Prosecution. For judges and state prosecutors, such training is integrated into both initial and in-service programmes: as part of these, a course on hate crime and hate speech is conducted at least once a year. In 2023, through the HELP programme an online course on Fight against Racism, Homophobia, and Transphobia was offered to the judiciary, again supported by the Centre for Training in the Judiciary and State Prosecution. An additional training activity on sexist Hate Speech was provided.

Potential, challenges, and gaps

Montenegro has managed to foster a comprehensive legislative and institutional framework for the protection of fundamental rights and largely meets its international human rights obligations. It has also demonstrated genuine commitment through training provided to its judiciary and law enforcement authorities. However, as the present survey highlights, further efforts are required to fully implement this framework - by making enforcement more consistent, ensuring convictions for those who publicly disseminate hate speech, rigorously applying the Law on Media, continuing to train prosecutors to initiate urgent proceedings in response to hate speech, and ensuring access to justice and effective remedies, particularly for vulnerable groups. In addition, non-legal measures - whose relevance is clearly emphasised by the Council of Europe - should be developed to prevent hate speech at multiple levels, engaging all relevant social actors - both those responsible for combating hate speech and those who must be held accountable when spreading it in public.

While not anticipating the survey's conclusions and related recommendations, it is conceivable that some vulnerable, marginalised, and racialised individuals and groups experience systemic discrimination and face significant challenges in accessing resources and protection. Independent surveys and monitoring exercises reveal a marked increase in hate speech targeting political opponents,

ethnic and religious minorities, women, LGBTI individuals, persons with disabilities, and economically disadvantaged groups. Since 2019, following protests against the Law on Religious Communities and according to the Reporting Diversity Network, religious and faith-based leaders have at times mobilised nationalist sentiments, further intensifying hate speech. Evidence also indicates that denial or glorification of war crimes, combined with limited awareness of diversity and Diversity, Equality, and Inclusion (DEI) policies, continues to exacerbate social divisions and hostility. Research by the Institute for Strategic Studies and Prognoses (ISSP), conducted for UNDP, further highlights deep societal divisions among young people — particularly along political and religious lines — which fuel intolerance and hate speech⁴⁵. Young people often undervalue diversity, hold prejudiced attitudes, and, as the IPSOS - UNESCO survey has shown, frequently experience discrimination or exposure to hate speech in their daily lives⁴⁶.

As a result, it is clear that self-regulation among politicians, religious leaders, and media professionals can - and must - be strengthened. Expressions of hate remain overly tolerated in certain contexts, and condemnations, when they occur, are often formal and ineffective. In education, critical thinking and respect for diversity should be further promoted, and awareness-raising must become an educational priority.

Moreover, hate crime recording and statistical data remain insufficient, with biased motivation often unrecorded. Victim support systems are still primarily focused on domestic violence, trafficking, and child victims, while specialised support for victims of hate crime and hate speech - who lack access to a unified referral system capable of assessing individual needs - remains largely dependent on civil society organisations. These organisations struggle with limited resources, and their services are only partially integrated into the state system, as cooperation with government authorities remains largely informal. The continued spread of online hate further underscores the need for robust state intervention to ensure responsive content moderation by social media platforms, algorithmic transparency, and protection for users who challenge discrimination.

Based on two years of research and following UNICEF's recent concerns regarding incidents of hate speech and violence against Turkish citizens in Montenegro during 2025⁴⁷, this survey provides, for the first time, a detailed study of hate speech phenomena in the country. It aligns with the Council of Europe's frameworks, tools and priorities and offers all social actors a set of analyses and recommendations to address problems, risks, and challenges through a comprehensive, multi-level approach. It also demonstrates the extent to which institutional and civil society efforts have already yielded positive results in raising awareness and fostering reactive responses.

Montenegro now has an opportunity to strengthen its preventive, legal, and non-legal measures - transitioning from a reactive to a proactive and coordinated strategy - and to promote a culture of zero tolerance for discrimination, intolerance, and hate speech in public discourse and spaces. Achieving this will require sustained state commitment, tailored educational policies, greater accountability among political and religious leaders, and broader civic engagement - with the ultimate goal not only of meeting international human rights standards but also of protecting vulnerable groups, fostering social cohesion, and strengthening democratic resilience.

45 ISSP (2022). *ReLoaD - Research and assessment pertaining to youth and youth perceptions/needs in 15 local self-governments*, https://issp.me/en/publications/85?utm_source=chatgpt.com.

46 IPSOS – UNESCO (2023). *Survey on the impact of online disinformation and hate speech*. https://www.unesco.org/sites/default/files/medias/fichiers/2023/11/unesco_ipsos_survey.pdf.

47 See UNICEF (2025), *Calls for zero tolerance towards hate speech and violence and for adults to lead by example*. <https://www.unicef.org/montenegro/en/stories/unicef-calls-zero-tolerance-towards-hate-speech-and-violence-and-adults-lead-example>.

THE SURVEY

Methodological approach

This report is based on a multi-layered qualitative research approach aimed at mapping patterns of hate speech and institutional (non)response toward marginalised groups in Montenegro. The research conducted in the period September 2023-July 2025 was structured in three complementary phases, the first of which—focus groups—served as a basis for further analytical deepening through semi-structured interviews and documentary analysis of the recommendations of the Institution of Protector of Human Rights and Freedoms (Ombudsperson).

Group analysis and collective findings (focus groups)

In the first phase of the research, focus groups were organised with journalists, media professionals, and actors from the civil society sector. The goal was to identify collective perceptions, experiences, and challenges related to hate speech in everyday professional and social practice. The focus groups enabled the reconstruction of normative barriers, value divisions, and professional dilemmas, as well as the identification of institutional weaknesses that shape patterns of silence, self-censorship, and lack of response.

Qualitative interviews as an extension

Based on the findings from the focus groups, eight semi-structured interviews were conducted with individuals from various sectors: media, politics, academia, religious communities, and civil society. The interviews were designed as an in-depth analytical extension of the key insights from the group discussions. The focus was placed on individual interpretations of the concept of hate speech, personal experiences with institutional (non)response, and perceptions of the boundaries between freedom of expression and violent discourse. The data were analysed thematically through coding and identification of patterns and contradictions.

Documentary analysis of the Ombudsperson's Recommendations

The third data set consists of 14 recommendations issued by the Protector of Human Rights and Freedoms of Montenegro between December 2019 and January 2025. This analysis was conducted as an institutional complement to the narrative and group insights. Each case was analysed using a standardised matrix that included: the context of the case, actors and targets, institutional responses, outcome, and broader systemic implications. This component is crucial for understanding patterns of institutional passivity, disregard, or resistance to the protection of the rights of marginalised groups.

The three research strands were integrated through **a triangulation method of sources and interpretations**, which enabled:

- validation of key findings through cross-confirmation of different types of sources,
- deepening the understanding of institutional patterns and societal tolerance toward hate speech,
- systematic reconstruction of the ways in which marginalised groups are excluded and delegitimised through speech and silence.

The combined approach enables a comprehensive understanding of **hate speech as a socio-institutional phenomenon**, rather than merely an individual or isolated act, which provides the basis for formulating concrete recommendations for public policies and institutional practices. The research operates with the following research questions:

General research question:

What are the main drivers, forms, and domains of hate speech in Montenegro?

Specific questions:

- What are the main forms of hate speech? (occurrence/description)
- In which area is hate speech most pronounced, and what are the differences between areas?
- What are the main channels used for spreading hate speech?
- What is the political and social context that encourages hate speech?
- Who are the main actors/promoters of hate speech?
- Who are the main victims of hate speech?
- What are the consequences of hate speech?
- Who are the key stakeholders that should fight against hate speech?
- How does hate speech function at the discursive level?
- What measures should be taken to effectively combat hate speech in Montenegro?

RESEARCH USING THE FOCUS GROUP METHOD

Group interview method

To research hate speech, we applied a qualitative research methodology using focus groups. The interviews were organised in appropriate settings, providing a comfortable atmosphere for group discussion. For the group interviews, we used a semi-structured approach supported by a “Guide” containing ten main discussion topics. For each topic, a series of probing questions was prepared. During the discussions, we applied Morgan’s funnel approach—starting with broad topics and then steering the conversation toward details and examples. Participants were selected based on the “qualified respondent” criteria, using a snowball sampling technique to identify qualified participants from the following sectors: Government, Ombudsperson, Judiciary, NGOs, Media Institute, and media representatives. Two focus groups were conducted on March 15th, each lasting approximately 100 minutes. In total, 17 participants took part in the discussions.

Methodological note: A methodological challenge to highlight is that participants in the focus groups were familiar with each other before the interviews. This was due to Montenegro being a small political and social community, making it impossible to identify respondents who met participation criteria but did not know each other.

Hate speech: definition, recognition, and legitimization

Hate speech is clearly addressed by key international organisations dealing with this issue. For this purpose, we will take the example of three reference international organisations that explicitly define hate speech.

- The European Union defines hate speech as “any form of expression that spreads, incites, promotes, or justifies racism, xenophobia, antisemitism, or other forms of hatred based on intolerance, including intolerance directed against a person or group of persons because of their race, color, religion, origin, or ethnic background.”⁴⁸.

48 EU, Chapter 5, Article 21, Treaty on the functioning of the EU

- The United Nations defines hate speech as “any behavior, gesture, or verbal comment that offends or discriminates against an individual or group based on some characteristic, including race, religion, ethnic origin, nationality, gender, sexual orientation, disability, or other factors”⁴⁹.
- The Council of Europe approaches hate speech through a differentiated framework encompassing hate speech prohibited under criminal law; hate speech subject to civil or administrative law due to its lower level of severity; and offensive or harmful forms of expression which cannot be legitimately restricted under the European Convention on Human Rights but nevertheless call for social and educational responses⁵⁰.

We initially asked participants in the group interviews to explicitly share their own understanding of hate speech. Based on their narratives and definitions, it must be said that their understanding of hate speech, especially in light of its essence and the aforementioned definitions by international organisations, is more than valid. Here are the narratives from almost all participants that define hate speech:

- Any speech stemming from intolerance that causes discomfort to the interlocutor.
- Hate speech is not based on facts but on offensive language that incites hatred against a social group.
- Any advocacy of violence and discrimination.
- Speech that causes intolerance and discrimination.
- Speech with a strongly negative connotation rooted in prejudice, aimed at offending and provoking intolerance.
- Prejudices verbalised with the aim of spreading hatred toward a certain group.
- Speech that suggests discrimination and negation of the other.
- Manifestation of negative attitudes, feelings, and perceptions, mostly, but not necessarily, verbal and/or written.
- Speech that somehow fuels discrimination and creates interpersonal tensions and discord. It can be pure ‘denial.’
- Any speech that aims to violate the rights of a person or group.
- Speech intended to undermine the dignity of a person because of their identity.
- Speech that calls for discrimination.
- Intentional speech that has conscious, desired negative consequences for a group.
- Speech aimed at causing harm to an individual due to their group affiliation.
- Any speech directed at an individual or group that can lead to hatred.
- Abuse of freedom of expression with the goal of spreading hatred.
- Any form of verbal or nonverbal communication that incites hatred and intolerance OR calls for violence.

One of the issues that participants in the discussion particularly emphasised is the problem of **defining hate speech itself**, especially the relationship between hate speech and freedom of expression. It is often argued that it is difficult to determine the boundary where freedom of expression crosses over into hate speech. Consequently, hate speech is frequently justified by its promoters as an exercise of freedom of expression. Therefore, one of the ‘simple’ yet seemingly key tasks is to establish a clear boundary between hate speech and freedom of expression.

When it comes to hate speech itself, one of the biggest challenges is its identification. Although there are indeed cases where certain speech can be clearly and unequivocally classified as hate speech, in most situations it is not so simple to make that determination. More precisely, **in practice it is unclear where the boundary and demarcation line is, what indicators point to the presence of hate**

49 Office of the United Nations High Commissioner for Human Rights (OHCHR)

50 Council of Europe, *Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech*, para. 4 (“Assessing the severity of hate speech and determining the type of liability”).

speech. Misinterpretations of freedom of expression were repeatedly identified by participants as a key factor in the normalisation of hate speech, particularly where discriminatory narratives are framed as mere opinions deserving equal legitimacy. A particular problem arises in distinguishing hate speech from other types of speech that are “on the borderline” and for which it is questionable whether they can be classified as hate speech. Based on the responses of the respondents, such speech ranges from offensive or intolerant expression to speech promoting discrimination, some instances of which may, depending on their severity and context, fall under civil, administrative, or even criminal liability. This kind of differentiation is especially important because it concerns the qualification of hate speech itself, since without such classification, authorities and/or responsible parties cannot respond—this applies to judicial proceedings as well as to media regulation processes.

Respondents often expressed the view that **hate speech is sometimes used merely for entertainment.** They claim that those who use it do so simply and carelessly, “for fun,” believing that they are the center of attention and entertaining when they do it. According to the respondents’ interpretations, in these cases, there is no particularly explicit intention by the actors/promoters of hate speech to spread hatred; rather, those who engage in it are unaware of the weight of the words they utter and use them lightly, thinking it is amusing. However, this argument reveals two things. First, it points to a broad legitimisation of hate speech directed at individuals and groups to whom it is addressed. Second, it demonstrates a lack of knowledge and understanding of hate speech itself and its social consequences.

One of the key problems identified through the focus group discussions is **the broad legitimisation of hate speech.** Simply put, the actors who promote this speech do not see it as a problem at all. According to them, expressing negative, intolerant, and discriminatory views toward certain groups is completely “normal” and universally acceptable. These attitudes are based on the belief that the “majority” thinks this way, and that when an individual expresses such views, they are merely voicing what the majority thinks, and consequently, they will not face any condemnation from the majority. Thus, one of the fundamental problems is that hate speech has become “normalised.” Essentially, it is rooted in deep stereotypes and prejudices that are an integral part of the value system of the majority. As a result, those who use hate speech are simply unaware of the problem and have no critical stance toward it. From their perspective, they are only expressing the universal views of the majority population, assuming majority support for these views and the speech that accompanies them. It is important to note that this also applies to so-called “key actors” who are supposed to provide help and support in the fight against hate speech — and they, for the most part, are part of the “majority.” In other words, if journalists, judges, prosecutors, school teachers, representatives of public services, politicians — all these groups consider hate speech “normal,” the question arises: how can conditions be created for these important actors to identify hate speech and actively engage in combating it?

The problem of legitimising hate speech was emphasised by representatives of the NGO sector during the discussions. A representative of one NGO stated that they conducted local dialogues with citizens about gender stereotypes. They said that the workshops revealed **a very high level of presence and legitimisation of gender stereotypes**, and that participants in these workshops simply justified such narratives. This participant in the discussion argued that the biggest problem is that, as a society, we have “become accustomed” to hate speech and no longer see it as a problem. Furthermore, the NGO representative believes that the greatest issue in legitimisation is **the absence of reaction to hate speech.** In other words, after overt and manifest hate speech occurs, there is no response either from the “authorities” or from the general public, which contributes to legitimising such speech. Consequently, if there is no reaction, there is also no penalisation (at least in the form of some kind of condemnation), which consistently encourages those who promote hate speech to continue doing so.

Participants in the discussion believe that almost all public events provide **very fertile ground for the promotion of hate speech**. They claim that every event in one way or another is accompanied with the use of hate speech. The Pride Parade is also a typical example, as are major sports events, religious gatherings, political conventions, the population census—virtually every event or important occasion in various fields is accompanied by hate speech. Sometimes this speech is explicitly expressed by the participants of the event itself. The recent case of burning the effigy of the writer and columnist Andrej Nikolaidis, along with the narrative accompanying the burning, is a very clear and explicit example. Almost without exception, the coverage of these events on social media is marked by very explicit hate speech. This means that public events can serve as a kind of “litmus test” to monitor trends and verbal manifestations of hate speech, its frequency, and magnitude. At the same time, it means that this space needs to be regulated because it actively encourages and legitimises hate speech.

One of the forms of hate speech that participants in the discussions particularly highlighted is **the denial of genocide and war crimes**. According to them (and as recognised by relevant laws), this must be treated as hate speech. In these situations, it is not about speech that explicitly promotes hatred as a narrative, but the very act of denying a crime or genocide is considered hate speech. Therefore, hate speech should also be understood as the absence of speech, namely the denial of hate itself. This problem is especially pronounced because genocide and war crimes, as well as attitudes towards them, including denial, are deeply embedded in political and party discourse. Such stances are often actively promoted by influential political actors as signals to their political opponents. As a result, the denial of genocide—and, in certain contexts, of established war crimes—becomes framed as a legitimate political position of certain parties, their leaders, representatives and supporters, contributing to its broader social legitimisation.

Hate speech, according to the narratives of the discussion participants in the focus groups, can be identified in almost all fields. It is emphasised that it is very common **in politics**, but it is also present within **public services**, with the note that public servants themselves often openly express discrimination, intolerance, and hate speech towards members of certain groups. It is argued that public servants are often promoters of stereotypes and prejudices, and instead of contributing to the fight against hate speech, they actually contribute to its spread. In this regard, the most frequent targets of hate speech are women, persons with disabilities, and members of the LGBTI community. Furthermore, **in the media**—especially online portals and social networks—hate speech is a daily occurrence. Participants in the discussions consider the frequency and magnitude of hate speech in this space simply striking. **Religious figures**, according to the respondents, often use and promote hate speech, especially towards members of the LGBTI community. This speech is justified by religious texts, “holy” arguments, “natural” order, and various traditional stereotypes on which this speech relies. It is important to note that the degree of religiosity and traditionalism in Montenegro is particularly pronounced, giving religious figures a solid foundation on which to promote hatred and intolerance. One well-known case of religious intolerance toward the LGBTI community is the statement of a clergyman regarding the “mustache” as a symbol of the Pride Parade: “I call on those who put up the mustache to take it down.” This case prompted a reaction from the Ombudsperson but had no outcome or initiated proceedings, questioning impunity and the role that public institutions and figures hold, and their understanding of liability for such speech and behavior. **Sports events** are also routinely accompanied by explicit hate speech. This mainly involves football and basketball games, or sporting events attended by large crowds. Two aspects are particularly important here: first, the hatred expressed at these events is very explicit and serves to promote intolerance and discrimination against certain groups; second, it takes the form of an “anonymous collective action,” thus socially and psychologically contributing to the consolidation and strengthening of the very feeling of hatred, which is legitimised by group affiliation.

Apart from the public sphere, discussion participants point out that hate speech is also very present in spaces that cannot be characterised as public. Here, they refer to places like taverns, cafes, schoolyards, meetings, and similar settings. Strictly speaking, these spaces cannot be classified as 'private,' but they certainly represent some kind **of 'closed' spaces** that are not public in the colloquial sense. According to the participants, hate speech in these spaces is particularly frequent, and additionally, it is not as 'visible' as public speech, making it difficult to address it in the same way as hate speech in public. This makes combating hate speech in these areas especially challenging. Furthermore, respondents believe that hate speech in these closed spaces is not only intense and frequent but also exists in a feedback loop with similar or the same hate speech in the public sphere. In other words, on one hand, it reflects hate speech from the public space, but on the other hand, it encourages (strengthens) the manifestation of hate speech in the public domain.

According to the discussants, there are also specific forms and manifestations of hate speech that must be particularly taken into account. One of these, regardless of the medium used, includes **graffiti, memes, and cartoons**. In these cases, hate speech is often expressed graphically, visually, and sometimes metaphorically or allegorically, in ways that are not immediately obvious — that is, not obvious to those who do not understand the meanings and context. One example is the use of a 'tractor' on social media as a visual symbol of persecution, or ketchup as a symbol of blood. This form of expressing hate speech points us to a particularly important set of problems regarding its identification, namely the understanding of context and meaning. In other words, without knowledge and comprehension of the specific social, political, cultural, and/or situational context, it is not possible to recognise hate speech at all. When, in special cases, this context is taken into account, it then becomes very clear that a certain act or behavior is a **clear manifestation of hate speech**.⁵¹ In other words, without knowledge and understanding of the specific social, political, cultural, and/or situational context, it is not possible to recognise hate speech at all. When this context is taken into account in particular cases, it becomes very clear that a certain act or behavior is a clear manifestation of hate speech. Additionally, it is emphasised that **nonverbal communication** and actions not accompanied by narrative—often kinesic and/or proxemic—are very frequently used means to promote 'hate speech.' **Metaphors** and **allegories** are additionally and/or inherently part of this approach. The biggest problem with this type of expression of hate speech is the issue of its qualification, which is especially important in potential court proceedings. One form of hate speech addressed by participants in the discussion is the use of negative connotations through comparing members of certain groups to animals. The most common examples include calling members of a group rats, horses, cows, dogs, cockroaches, and the like. One participant in the discussion qualifies this kind of hate speech as **dehumanisation**, and this qualification can be accepted as a valid term for the method of spreading hate speech being discussed. Thus, in this field, we enter a very sensitive set of problems regarding the identification and combating of hate speech, related to the analysis of semantic levels and symbolic communication, which are verbal, as well as those forms of communication expressing certain attitudes through nonverbal means or special forms of behavior.

At the end of this chapter, we must return to the issue of qualification and the accompanying dilemmas related to hate speech. It is **very important to find clear indicators of hate speech so that its presence in the public space can be signaled more clearly, especially by the competent authorities**. This is particularly relevant in cases where hate speech is explicit, because in such cases the problem of identification does not exist. However, in a large number of cases, hate speech is present but is somehow "hidden" and difficult to identify. This especially refers to distinguishing hate speech from offensive speech, as well as speech that spreads intolerance and hostility. Although, in practice, intolerant and discriminatory language should be condemned equally as hate speech, the process of qualifying certain speech as "hate speech" remains particularly important. All this is

51 Representatives of the Office of the Ombudsperson particularly insisted on this point during the discussions.

especially important considering that terms like “intolerance,” “discrimination,” “hostility,” and “insult” are often used as adjectives or definers of hate speech itself. If these adjectives are considered determinants of hate speech, then their presence indicates the presence of such speech, but the question remains about the degree to which these adjectives must be present for speech to be qualified as hate speech. This discussion is not theoretical but practically very important because the absence of clear and unambiguous indicators of hate speech prevents effective fight against it. This especially applies to the actions of the “competent” authorities when debating or condemning hate speech. If this definition is not clearly established, then “competent individuals” are left free to subjectively qualify certain speech as hate speech, and consequently, two things may happen. First, there will be different qualifications for the same or similar narratives, and second, these “competent individuals” are part of the “majority” and hold views not far from those of the promoters of hate speech, which effectively reduces the possibility of its penalisation.

Politics as a sphere for the promotion of hate speech

The field of politics must be the primary arena for addressing the problem of hate speech. The response of one participant in the focus groups regarding the field of politics best reflects the essence of the problem regarding the field of politics. The respondent states, “If politicians were punished for hate speech, the problem would be solved, but politicians are protected by immunity.” There are numerous examples where politicians, representatives of political parties, and important political figures are active promoters of hate speech. In many cases, discriminatory, offensive, and intolerant speech initially remains uncontested in the public sphere. Here are just a few typical examples of hate speech by people holding political appointments:

- Use of the term ‘Posrbica’ (a derogatory term for Serbs)
- Use of the term ‘Šiptar’ (a derogatory term for Albanians)
- Use of the term ‘Cigani’ (a derogatory term for Roma communities)
- Use of the term ‘Milogorac’ (a derogatory term for Montenegrins)

Incitement to hatred and violence has been reported in several cases, targeting individuals. One prominent politician and former Prime Minister was addressed with ‘he should be killed’. A local municipal councillor from Herceg Novi during a debate in the local parliament approaching a Roma person with ‘You arrogant scum’. The problem of political narratives containing intolerant and discriminatory content is, according to the participants in the discussions, **so prevalent that almost no one even registers it anymore**. It has become “normal” and generally acceptable, thus politicians as important actors in public discourse significantly contribute to the spread and legitimisation of hate speech. Often, the content of these narratives is an integral part of their political agenda, ideology, and/or political actions aimed at motivating and mobilising supporters. The problem is even greater because key party actors are proponents of certain policies that have their followers. Therefore, after the inauguration and legitimisation of these narratives, the same or similar speech is transmitted to their supporters who actively, effectively, and frequently use it in their own narratives in all fields, from taverns to social media. The political legitimisation of this speech is achieved by the mere fact that it is **uttered by political “opinion leaders,” who are perceived by political supporters as measures of truth and justice**. Consequently, it becomes almost impossible to address their speeches as contentious in any way if the speeches of “their” politicians are uncontroversial or similar. As a result, there is often no reaction from any part of the public to discriminatory, offensive, and intolerant speeches that direct hatred and eventually become hate speech in the political sphere.

Indeed, extreme cases of hate speech by political actors receive certain condemnations, and there is at least an apology for what was said, as was the case with the councillor from Herceg Novi who insulted Roma communities. However, in the vast majority of cases, these incidents not only do not encounter

any form of condemnation but also pass without almost anyone identifying them as problematic. Thus, we are again moving into the realm of non-recognition and legitimisation of hate speech. However, in this regard, it must be emphasised that another problem pointed out by the participants in the discussions is the common occurrence when **political actors do not use hate speech themselves but use speech that LEADS TO hate speech**. Therefore, in these situations, the narrative of politicians cannot be qualified as hate speech, but that narrative clearly indicates intolerance and intolerance towards a certain group, which consequently leads to hate speech by supporters of a particular political party.

In some cases, hate speech manifests explicitly through public statements by local officials. For example, there are instances where local authorities have publicly referred to Roma communities in a stigmatising manner, reinforcing prejudice and encouraging hate speech within local communities.

A particular problem, of course, when it comes to politicians, especially members of parliament, is that they are protected by immunity, and they actively use this fact to propagate speech that is, or leads to, hate speech. In their interpretation, this falls under freedom of expression and political activity, or more explicitly, they understand such speech **as a legitimate means of political struggle**.

In other words, within the given political constellation, there is no way to hold politicians of this rank accountable for spreading intolerant speech, and even if this is publicly done, they will interpret it as an attack on the freedom of political expression by their political opponents. Therefore, an integral part of the problem are the political divisions and the lack of consensus among different and opposing political actors about what the rules of the game are and what standards of political behavior everyone must respect regardless of political differences and conflicts.

The problem of politics as a field is especially pronounced when hate speech occurs **through the “overlapping” of politics and some other criterion of discrimination**, often referred to as intersectionality. This most frequently happens in the context **of attitudes toward women**, where verbal attacks target political opponents by insulting them based on their gender. In other words, it is a harsh verbal political confrontation, but the argument used is that the political opponent is a woman. A typical example illustrating such cases is the attack against a female member of the Parliament (MP), who, regarding the announced government measures related to encouraging natural population growth, tweeted the following: “If you choose to give birth in a certain municipality, you will receive 500 or 1,000 euros, with the priest’s blessing. Is that too little considering the costs?” This tweet triggered a series of brutal insults and clear, unambiguous misogyny with explicit hate speech directed at the MP, with about 400 offensive comments on one internet portal.

In other words, hate speech in politics combines political affiliation with other grounds, such as gender or ethnicity and religion. According to the UNDP report, nine out of ten female politicians have been victims of discrimination solely because they are women.⁵² The situation is very similar with ethnic minorities, where politics is again used as a field in which members of ethnic minorities are verbally insulted, and there are countless examples of this. In this regard, even some government ministers have been in the past addressing minorities in a derogatory or hateful manner.

Thus, one of the problems that the fight against hate speech needs to address is its presence in the field of politics, especially when the bearers of such speech are political leaders and holders of important positions in party, public, and political institutions. These speeches give a “wind in the sails” to the spread of hate speech by political supporters and voters, thereby creating an atmosphere of hatred that becomes a legitimate and ‘normal’ part of political struggle and everyday life.

52 <https://www.slobodnaevropa.org/a/govor-mrznje-crna-gora-drustvene-mreze/31778194.html>

Media and social networks as means of spreading hate speech

The field that must have priority when it comes to identifying hate speech, its nature and the narratives used, as well as the intensity and magnitude of this speech, is the media. According to participants in the discussion, and based on other parameters including research and reports from NGOs and international organisations, hate speech is **particularly present in the media, especially online media and portals**. When it comes to traditional media, discussion participants emphasise that hate speech is less prevalent than in online media, but they point out that there are television stations that actively promote hate speech. In some cases, the Agency for Electronic Media (AEM) has issued decisions on the temporary suspension of broadcasting for certain television stations, due to the manner in which they reported on some political events. In any case, when it comes to traditional media, hate speech is comparatively less prevalent, and when it does occur, there are systemic mechanisms that generally function to address such speech.

The problem, however, is particularly pronounced when it comes to online media, portals, and especially social networks. Regarding online media, discussion participants point out that hate speech is so prevalent in these spaces that it is almost impossible to precisely identify or measure, and due to its frequency, it is nearly impossible to regulate. According to the law, every media outlet is responsible for the content published on its platform. This obliges media outlets to implement **regulation processes** and simply delete comments that contain elements of discrimination and hate speech. However, representatives of online media claim that effective regulation is practically impossible—in other words, the volume of intolerant, discriminatory, and hateful speech is so high that it would require deleting the vast majority of comments and hiring a dedicated person to do this job, which almost no online media outlet can afford. Again, even in the very process of regulation (deletion), the journalist is largely left to their own “discretion” when determining whether a comment or narrative contains content that can be qualified as hate speech. In other words, we once again arrive at the problem of establishing criteria and defining whether something constitutes hate speech, or, more specifically, the issue of demarcating hate speech from freedom of expression. A problem that employees in online media particularly highlight is **the very frequent and intense comments originating from so-called “fake profiles.”** In these cases, when someone hides behind a fake account, the fact that their name and surname do not appear publicly further encourages that person to spread hate speech with particular intensity and vulgarity. According to online media employees, these are most often party activists (often labeled as “bots”) who either have or believe they have a party assignment to express hatred towards political opponents. This element of “hidden identity,” according to discussion participants, is the key factor that generates particularly intense hate speech and hostility. What is also hinted at by participants in the discussions is the position (which cannot be explicitly confirmed but has enough indicators to warrant discussion) that these participants in portal debates are explicitly instructed by party leadership to act in this way on social media. This is an additional reason that explains the intensity of the negative speech they engage in—in other words, they justify their actions as fulfilling party tasks assigned by the party leadership. When it comes to news portals, discussion participants further note that there are **portals in Montenegro that are not registered**, yet are particularly active in promoting discrimination, intolerance, and hate speech. It is emphasised that in such situations, even the competent authorities cannot take action because these portals are simply not registered, and there is no legal entity to which a complaint could be addressed. Therefore, the question arises of finding a mechanism that would portals, or better take them down in case of unlawful behaviours.

Some participants believe that the portals themselves do not want to delete offensive comments and content because such comments and content increase readership and boost the portal’s rating. They argue that editors and journalists in today’s online journalism seek as many

“clicks,” “comments,” and “shares” as possible, and that, for the sake of commercialisation, they are very willing to allow all forms of sensationalism, including use of hate speech, which provides commercial benefits to the portals.

Finally, one of the problems highlighted in the discussions can be classified as **reckless journalism**, and to illustrate this type of journalism, we provide an example that best demonstrates it.⁵³ Published articles suggesting that persons with disabilities were misusing financial resources provided by the state. According to participants, the terminology used in the articles was correct, but the ultimate **message** conveyed was highly negative. In their interpretation, the text resulted in a generalised message that persons with disabilities are a group that abuses the funds they receive from the state. The initial trigger for the article was two high earnings received by individuals with disabilities from state funds. However, there is no doubt that this reporting cannot be classified as hate speech, since such language is simply absent from these texts. What this example does highlight, however, is a case we previously pointed out—**the potential spread of animosity toward a certain group, which can subsequently lead to hate speech in public narratives**. We have termed this case *reckless journalism*, as there was almost certainly no intent to harm persons with disabilities as a social category. The reason this case is included in the report lies in the message that journalists need to be better trained to recognise the risks and consequences of their writing, even when their intention is not to promote intolerance. A journalist’s word is a public word, and journalists must invest much more attention and care to avoid producing unintended negative consequences through their reporting.

The situation on social media is very similar to that of online portals, with the addition that everything previously said about portals applies here even more extensively and explicitly. Participants in the discussions pointed out that, **due to the almost complete absence of regulation on social networks, this space has become an open arena where “hatred runs wild” and where virtually everything is allowed**. Open expressions of hate, calls for lynching, and the use of the most extreme terminology—all of this is a completely common repertoire on social media. Almost every topic, especially political ones, on social networks is enough to trigger expressions of hatred and intolerance. In practice, it is noted that a few particularly explicit cases of hate speech on social media have resulted in legal proceedings, but the prevailing opinion remains that the vast majority of such speech goes undetected and without any sanctions. Respondents believe that the absence of any public condemnation or penalisation is one of the key mechanisms that strengthen hate speech—simply put, knowing that their hate speech will have no consequences encourages its promoters to continue and intensify such behavior.

What distinguishes social networks from portals, besides the intensity and extensiveness of hate speech, is a **significantly wider range of groups towards which animosity and hatred are promoted**. While discriminatory language and hate speech on portals are primarily directed toward the political sphere and political opponents, on social media this language is also aimed at expressions of minority groups, particularly sexual minorities, persons with disabilities, and ethnic minorities. In this regard, while political narratives on social networks may at least face some opposition, when it comes to “minorities” (of all types), hate very rarely encounters any form of resistance and goes entirely unchallenged. This further contributes to the legitimisation and normalisation of hate speech, and this issue needs to be specifically addressed. In this respect, it is important to follow the solutions adopted by EU countries, which are also actively confronting this problem and are in the process of implementing certain measures related to regulating this area. This also involves new digital technologies used for this purpose, and the recommendation is that Montenegro should simply follow the good practices of EU countries.

53 An example and interpretation were presented by one of the respondents and it is conveyed here literally, without reflecting any position of the researchers on this topic/question.

The education system and the issue of socialisation

In the responses of the respondents, education and the schooling system were particularly emphasized and addressed as a deep-rooted factor that does not contribute sufficiently to combating hate speech. Therefore, the education system can be described as a field where hate speech potentially spreads and is legitimised, but also as a push up factor. Violence and bullying, as a form of hatred are very present in primary and secondary schools, according to the focus groups participants. They claim that over the past decade hate speech incidents have been very frequent in schools, and regrettably hate speech is considered by pupils a milder form of violence hence accepted. It was reported that individual and group fights, peer violence, violence against teachers, and similar occurrences are common in schools. Moreover, scenes of violence in schools are often recorded and shared on social media, becoming part of the generational code and normalised behavior patterns. Recently, in one primary school, a student threatened with a knife that he would carry out a massacre like the one in Belgrade.⁵⁴ While this incident does not constitute hate speech, as it did not target a group based on a protected ground, it represents a serious case of incitement to violence and illustrates the broader climate of violence and radicalised expression present in schools, as highlighted by focus group participants. Thus, when talking about schools, the discussion participants address not only hate speech but also the problem of the education system failing to achieve its goals related to upbringing (moral/social development), and not just education. It is rather about the **lack of effective efforts within the education system**, which allows **violent and intolerant behaviour** to persist and contributes to the creation of a school environment in which various forms of violence, including hate speech, can develop. Furthermore, it is emphasised that promoters of intolerant behavior are often children of people who are prominent in the local and wider community, and therefore almost as a rule, they do not face consequences for their actions. Otherwise, the problem of nepotism in small communities is a special issue when it comes to any kind of punishment. Namely, punishment is prescribed by all regulations to be 'impersonal,' and offenders are to be treated as perpetrators regardless of their social characteristics. However, in Montenegro, especially in small local communities, everything is almost 'personal,' and in school settings, this means there is no anonymity, and for almost every child, it is known who their father and mother are. Such conditions of mutual acquaintance among all participants create an environment in which any kind of punishment is almost impossible, because personal connections create barriers to punishment. In other words, the problem is broader than hate speech itself and has roots in the character of the social environment. Therefore, from this perspective, the problem of hate speech in schools is easy to understand as an integral part of the spectrum of problems of legitimised and usual violence that occurs in schools. This situation in schools further complicates efforts to address hate speech, as it highlights that effective responses must go beyond isolated incidents of speech and address the broader patterns of violence and intolerant behaviour that are prevalent in school environments.

According to focus group participants, children are not responsible for violence and the accompanying hate speech in schools; rather, there are three key factors, with the school being merely the place where the actions of these three factors become visible. First, it is the **family**. Specifically, respondents believe that children come to school already equipped with a repertoire of intolerance and hostility that they have acquired in their family environment. In other words, children have adopted certain behavior patterns and speech containing elements of hatred within their own families, and they simply demonstrate these behaviors and speech at school. Second, it is the **general socio-political environment**, which is full of violence and intolerance, and children in schools simply absorb and reproduce this environment. If intolerance and violence are an integral part of the overall political and social life, it is almost impossible to expect children to behave differently. Third, there are **social media**, which has been identified as one of the key fields, where children particularly intense-

ly participate in the overall digital life through social networks. This means that children are largely shaped under the influence of social media, and that violence and the accompanying language of hatred are an integral part of their digital experience. Thus, from this perspective — with which the vast majority of discussion participants agree — the real sources are not the schools themselves, but the family, politics, and social media as factors that simply transmit communication models involving hatred into the school system.

However, when it comes to hate speech in schools themselves, discussion participants emphasise that it is very common, especially regarding sexual minorities. According to the participants, **children simply do not consider hate speech and the language of violence to be a problem.** They use this language routinely as something completely 'normal,' without seeing any issue in it. One participant from the NGO sector claims that during workshops held by the NGO in schools, children openly expressed **hatred toward members of the LGBTI community**, seeing no problem with it. In other words, it can be said that the general legitimisation and normalisation of hate speech has produced a strong socialisation of its legitimacy and normalisation among the children themselves (here, it is not about the school itself, but about the children who are victims of the aforementioned influences).

Participants in the discussions also particularly point out the problem of **teachers and professors who, through their behavior and actions, spread intolerance and hostility.** For the most part, this happens "behind closed doors" in classrooms, making it difficult to detect, but it often manifests explicitly in school assignments given to students. As an example, there is a case of a high school teacher who assigned the topic "Njegošologists" with the explicit intention of conveying a negative connotation towards those who study and appreciate the famous Montenegrin intellectual from the nineteenth century. In this particular case, the Institute for Education reacted by qualifying such an assignment as "not suitable for the students' age." Indeed, the assessment and condemnation by the Institute seem rather mild. This case is indicative because it shows that teachers and professors are essentially "ordinary people" who represent either the majority or politically divided Montenegro; individuals who have their own ideology and beliefs and who act within the education system in a way that passes on their views to children. This is unquestionably a problem within the education system that must be addressed and cannot simply be attributed to external factors. In other words, just as in the judiciary, strong standards, control measures, and criteria are needed to ensure that teachers and professors work in schools regardless of their personal beliefs and ideologies.

Finally, as an argument for the spread of intolerance and hate speech in schools, respondents point to the **direct influence of party politics.** They state that school principals and those responsible in the education system are most often appointed based on party affiliation, and consequently, they frequently act within the education system in accordance with the party agenda. This means that behaviors and incidents, whether by students or teachers, that align with the party agenda and ideology of individuals in power within education are tolerated, while corresponding actions by teaching staff and students expressing opposing parties and ideologies are sanctioned. In this way, selectivity in addressing and potentially penalising intolerance and hate speech becomes a problem because it delegitimises intolerance and hate speech "per se." Simply put, penalising hate speech is perceived as penalising political opponents.

Hate speech generators

The intention of this chapter is, in fact, to discuss the causes of hate speech based on the views of the discussion participants. However, the term "cause" has a very narrow methodological meaning, so we will speak of generators in the plural, as it is quite certain that it is not possible to speak of one or a few exclusive "causes" of hate speech. Furthermore, it is important to understand, when it comes

to the generators of hate speech, that often the problem/questions affirming general intolerance, discrimination, and hatred must be addressed, because these mechanisms are actually key, and from them hate speech arises as a narrative or nonverbal expression of hatred and intolerance itself. Finally, as an introduction to this important chapter, we emphasise the above-mentioned report text, which already to a considerable extent addresses the key problems and generators of hate speech. We will expand and supplement these arguments here.

First of all, according to the respondents, the problem should be addressed in the field of **culture**. By this, we mean the overall socially and historically constructed environment that creates the value patterns of Montenegrin society. In this regard, it should be said that throughout the history of Montenegro, both distant and recent, violence, hatred, discrimination, and intolerance have been very frequent. Like almost all other societies in the Western Balkans, Montenegro is to a considerable extent built on a culture of violence and intolerance. These patterns are deeply rooted in the consciousness, language, actions, values, attitudes, and behaviors of the vast majority of the population. An integral part of the culture is pronounced **traditionalism and conservatism**. There are also relevant data on this from international research.⁵⁵ Both patterns point to the archiving and preservation of values that deviate from, or are in opposition to, the demands of a tolerant democratic society. These aspects of culture include pronounced **authoritarianism**, understood as a psychological and socio-psychological pattern that explicitly denies understanding and tolerance of difference and diversity, especially when it comes to sexual minorities and attitudes toward women. Therefore, one of the primary generators of hate speech must be seen as the culture of a society abundant in traditionalism, conservatism, and authoritarianism, characterised by a lack of dialogue, understanding, and tolerance. However, this generator cannot realistically be addressed by public policies aimed at combating hate speech. Still, it must be mentioned as an overarching factor that deeply, strongly, persistently, and extensively nourishes all forms of intolerance and hatred, including hate speech. Finally, as an integral part of the problem that can be attributed generally to culture, there is the existence of stereotypes and prejudices. These are singled out because prejudices and stereotypes can be treated separately in the fight against hate speech, since this methodological separation allows undesirable speech to be addressed much more easily in practice. Thus, didactically and from the standpoint of public policies, the fight against hate speech within the cultural sphere should directly focus on combating **prejudices and stereotypes** as the most obvious explicit manifestations of this speech.

The second deep-seated generator of hate speech are the **political divisions in society**, which have burdened the overall social and political life in Montenegro for decades. These divisions are political but also identity-based, significantly overlapping with ethnic divisions. The depth and significance of these divisions have generated, for decades, pronounced animosity between political actors who, together with their parties as political extensions, engage in a fierce struggle to defend ideology, principles, and their own understanding of identity. Participants in the discussion emphasise that the constant division in politics into “us” and “them,” “patriots” and “traitors,” and similar categories, has led to a general atmosphere of hatred and intolerance that spills over from politics into all social spheres. The result is high intolerance toward political opponents and openly expressed public intolerance. Consequently, as described above, the political field very openly affirms a language of violence and hate speech, which is then legitimised and spread through supporters and voters of these parties. Therefore, the political sphere and significant political actors, especially party leaders, must be addressed in some way to effectively reduce the spread and legitimisation of intolerance in the political arena. It is especially important to highlight here that hate speech disseminates from the political space to the media, social networks, educational institutions, and everyday speech according to the promoted model. As a special problem/aspect in this segment, we emphasise the aforementioned generator/pattern based on the fact that explicit hate speech is not used in the political field, but

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these speeches actually encourage intolerance and hatred themselves. In this way, political actors, without explicitly using hate speech, actively promote it. Thus, as a particular generator within this field, we identify an **inaugural political narrative that consequently produces hate speech, even though the political narrative itself is not, by content, hate speech.**

As a specific generator of hate speech on one hand, but also as a comprehensive factor of social intolerance on the other, **the absence of political and value consensus in Montenegrin nowadays society must be taken into account.** When there is no consensus on basic values, and the fundamental social contract is interpreted through different value-based, ideological, normative, and even civilisational criteria, it becomes very difficult to address the problem of intolerance and hatred as a common problem of ALL citizens and the system. This lack of political consensus, which defines the entire political community, is one of the key problems manifested in all segments of society, here expressed specifically through intolerance and hatred. In other words, until the issue of a shared value platform on which the entire social community rests is resolved in Montenegro, it is very difficult to expect significant results in the fight against discrimination, intolerance, and the related discourses that promote hatred.

One of the very important generators of intolerance and hatred, from which hate speech emerges, according to the respondents, is **socialisation** — especially **primary socialisation**, that is, the effect of the primary family on the formation of children's attitudes. The respondents emphasise that, due to all the deep-rooted factors, children in the process of primary socialisation adopt attitudes that inherently include intolerance and hatred towards others and those who are different, particularly towards minorities (both ethnic, religious, and sexual). It is highlighted that children in their parental families accept their parents' attitudes without hesitation or critical thinking, and these parents often openly raise their children in the spirit of hatred and intolerance. If hatred and intolerance are ingrained in children from an early age during their formative period by parents who, at this age, hold undisputed and unquestionable authority over the child, it is very difficult to expect tolerant behavior and the absence of hate speech from these children later on.

A generator about which we have spoken quite extensively as a field where intolerance and hate speech manifest, and which participants in the discussion clearly identify as one of the key generators, is **the education system.** We have spoken at length about the influence and effect of education in the previous text, and here we only generalise that education is a field where teachers and children, on the one hand, bring in intolerance and hatred that has been transmitted to them, and on the other hand, within the education system itself, these undesirable models of speech and behavior are promoted. In this regard, it is important to emphasise that some form of fundamental reconstruction of the education system from the standpoint of its educational function should be a priority in the upcoming period, where the fight against hate speech is only one segment of the overall desirable change of the entire education system burdened with numerous problems. In the narratives of the discussion participants, it is claimed that the entire education system in Montenegro is "completely historically outdated" and, as such, cannot address the contemporary problems concerning upbringing and education, including the problem of intolerance and hate speech.

According to the focus group discussions, media—particularly online media, portals, and social networks—were identified as one of the key generators of hate speech, as already noted in the previous section. In this regard, several themes were highlighted. First, media are often merely a tool through which actors promote hate speech in various ways, meaning that media in this perspective represent a transmitter, not a cause of hate speech.

Second, focus group discussions highlighted the perception that media appears to, particularly when conveying messages from the political sphere, do more than merely transmit hate speech. Participants noted that media coverage can reinforce, legitimise, and normalise such speech, which

in their view contributes to its further spread and reproduction. Third, a particular problem in media practices are portals which, at the very least, have a 'tolerant' attitude towards hate speech, meaning that hate speech is often an integral part of their operation as political actors or is used as a justified sensationalist method that increases the traffic and media significance of the portals. Fourth, social networks are especially burdened with hate speech, and in this regard, there is almost no regulation. This is particularly true when 'fake profiles' are generally used on the internet, as they are the strongest promoters of hate speech. Fifth, in the vast majority of cases (indeed, the opposite is very rare), acts promoting violence and hate speech in the media go without any consequences, thus promoters of violence and hate speech only amplify their actions. Sixth, and finally, media are often perceived as a space where what is considered 'normal' is defined, and if hate speech is present there, then the process of normalisation and legitimisation of this speech takes place.

Another important input provided by the participants to the focus groups is that hate speech is often generated within public services and system institutions. Public officials appear unsufficiently aware of the link between refraining from hateful statements and their duties and responsibilities of civil servants, which require them to work in the 'general' interest. It appears that in certain cases they were reported engaging in speech and behaviors that can be qualified as hate and intolerance. According to the narratives of respondents, in public services one can hear statements such as: "get that Gypsy away, I can't stand looking at him," or "give that cripple (person with a disability, editor's note) what they want, just make them go away already." So, based on the examples given by respondents, this is very coarse language promoting intolerance and hatred. Such speech within public services actually shows that the state, as such, simply lacks awareness on the need to strengthen safeguards against hatred pronounced by institutions and employees, and the need of training them in this area. Further, the party affiliation, lack of awareness on duties and obligations of civil servants and the general polarization in the society foster employees within institutions to treat discrimination and hatred at their own discretion. Again, in this case, employees in public services simply know that these behaviors will go without any sanctions, which further strengthens their conviction and freedom to continue such behaviour.

Finally, as a generator of hate speech, participants in the discussion identified **a lack of empathy, solidarity, and selfishness as a kind of recent state of mind characteristic of modern life**. They claim that the deficit of these categories is evident, and that hate speech simply does not take into account the consequences that arise from it. In other words, people are so focused only on themselves and their own needs that they do not even think about what consequences their hate speech has for the victims of that speech. Participants in the discussions emphasise that one way to address hate speech is to somehow make those who promote it aware of the consequences it has for the victims of that speech, or more precisely, to find a way for them to hypothetically identify with the role of the victim, all with the aim of fostering empathy and solidarity and thus psychologically building a preventive mechanism against the manifestation of hate speech.

Combating hate speech

One of the key tasks of the research, and consequently this report, is the issue of combating hate speech, which we will address in this section of the report. It is important to keep in mind that we are referring to the statements, narratives, and suggestions of the respondents in the group discussions; therefore, we do not provide proposals based on any other sources.

Recognition of hate speech

The first aspect of the fight against hate speech must be **the problem of recognising hate speech**. In the words of the respondents, this would be qualified as “recognising and raising awareness of hate speech,” given their thesis that very often individuals engage in hate speech without realising what they are doing, or in their words, they “are not aware” that it is hate speech. Consequently, from a communication perspective, respondents believe that most people simply do not recognise hate speech. Therefore, one of the key problems in the fight against hate speech must be its recognition and condemnation. As long as those who spread hate speech do not see it as a problem, or think it is “normal,” and consequently the majority who receive the hate speech also do not see it as a problem and consider it normal, it is almost impossible to effectively combat hate speech. Simply put, those who use hate speech must be brought to a situation where, when they do “it,” they understand that it is not right and that “it” is not normal, and that citizens, when they hear hate speech, also believe that “it” is not right and that such speech is NOT normal. This especially applies to holders of power and people in important professional positions responsible for responding to and fighting hate speech. Thus, if prosecutors and judges consider “it” normal, there will be no legal consequences, or if there are, they will be mitigated in every possible way, from requalification of the act to its qualification as “freedom of speech.” Essentially, due to legitimisation, representatives of the judiciary and prosecution show understanding for the actors of hate speech, knowing that for the majority of citizens in Montenegro, this is not a problem and that most citizens share the views of those who propagated hate speech. Therefore, **methodologically and hierarchically, the fight against hate speech must begin with its recognition and identification by all members of society**. This can be achieved through various means and instruments, ranging from public initiatives, education, and workshops, to public statements by politicians and public figures. Such strategies should carry out the process of ‘labeling’ certain speech as hate speech. Using these methods, over time, the perception and condemnation of hate speech would become an integral part of all communication practices, from the media to institutions and everyday speech.

Sanctioning of hate speech

The second aspect of the fight against hate speech must be sanctioning. Based on numerous examples and narratives from discussion participants, one of the key problems is the absence of any consequences when hate speech is used. Participants in the focus groups state, and provide very vivid examples, that in the face of obvious instances of hate speech, either no one reacts, or if there is a reaction, it is inadequate and too ‘lenient’, and such treatment in no way discourages future actions by the actors and promoters of hate speech. In other words, it is necessary to activate existing and/or implement additional mechanisms in all key areas to ensure that those who promote hate speech are held accountable. If this does not happen, they will simply continue promoting hate speech, and may even intensify it — after all, why wouldn’t they do so if they know they will face no consequences?

Judicial practice addressing hate speech

A particular problem with sanctioning hate speech concerns the **judicial practice**, and this issue was actively discussed by participants who provided numerous clear examples indicating the problem. The first part of this problem lies in the fact that judges and prosecutors must be given clear criteria on what constitutes hate speech and when they should intervene in such cases. Here, we return to one of the initial theses related to the definition of hate speech itself. Without instructions and clear indicators, judges and prosecutors will always find excuses to ‘avoid’ discomfort and, if possible, refrain from acting when such speech appears. In judicial practice, and there are cases that clearly confirm this thesis, hate speech is simply reclassified as a misdemeanor proceeding, most

often categorised as ‘disturbing public order and peace.’ Well-informed and aware participants from the Ombudsperson’s office claim that this happens because the factual evidence police provide to prosecutors is described in a way that points to this type of misdemeanor liability. Therefore, the act of reporting itself directs prosecutors toward misdemeanor qualifications. This means that the fight against hate speech requires precise criteria enabling the police to ‘recognise’ hate speech and to consistently organise factual evidence to properly qualify an act as ‘hate speech.’ Thus, in both cases, an effective fight against hate speech must rely on the recognition of hate speech, and for it to be recognised, a clear set of criteria with unequivocal indicators of the presence of such speech must be developed. Broad definitions, including those initially cited from relevant international organisations at the beginning of this report, are simply not precise enough to effectively detect hate speech. Using adjectives like ‘language that includes intolerance and directs actors toward hostility’ and similar terms is too vague and leaves room for interpretations that most often result in a conservative approach — that is, failing to recognise hate speech.

When discussing the judiciary, the legislative framework also merits consideration. According to the respondents dealing with this topic, the common consensus emphasised by almost all participants is that the problem does not lie **in the laws themselves, but rather in their implementation**. Respondents often claim that legislative change is neither necessary nor needed, and that the existing legal framework is sufficient for prosecuting hate speech. The problem, according to these statements, is that in practice, the prosecution and judiciary simply do not apply these laws, for a variety of reasons already mentioned.

However, there are also differing opinions among the respondents, who argue that **the existing legal frameworks are neither sufficient nor precise enough**, and that this represents one of the barriers to effective combating of hate speech. One of the proposed interventions in this area comes from a participant in the discussion from the Ministry for Human and Minority Rights, who stated that the Ministry will propose an amendment to Article 14 of the Law, defining hate speech as follows: “hate speech is a form of discrimination that entails the expression, advocacy, promotion, and incitement of hatred against an individual or group of individuals, as well as threats and stigmatisation.”⁵⁶ The question remains open as to whether such an amendment will contribute to the identification of hate speech. The lack of appropriate legislation is addressed in the narratives of some respondents as a fundamental need for hate speech to be treated in a completely different manner; more precisely, that it should **be incorporated into the criminal code**. They argue that in this way, the practice of hate speech could potentially be treated as a criminal offense, and the consequent convictions would have a strong and discouraging effect on those who promote such speech.

Combating hate speech in the media

The majority of the participants’ recommendations for combating hate speech were related to the media. One reason for this is that it is hypothetically easiest to implement both institutional and normative measures in the media space, including those related to legislation. Most of the proposals and recommendations from the discussion participants regarding the media concern **regulatory measures**, especially regulation in the online space. The participants believe that it is possible, without major difficulties, to design the organisation of portals in a way that would significantly reduce the presence of hate speech. Again, the majority of proposals in this segment concern the regulation of user comments on portals, as the discussion participants specifically identify comments as a key space for the spread of hate speech. The existing media regulations address this issue, holding media outlets responsible for all published content, and it is **the obligation of the media to remove comments that contain abusive or harmful content and/or constitute hate speech**. The inter-

⁵⁶ A verbatim sentence from a female participant in the discussion. In practice, it is possible that this statement in the final legislative proposal will look somewhat different.

locutors point out that French legislation is an example of good practice that should be followed. In group interviews, the first proposal in this segment was **to strengthen media** responsibility and to act legislatively and institutionally, primarily through the Agency for Electronic Media, in the direction of increasing media restrictions regarding speech that spreads hatred. Thus, the proposal would imply a higher degree of responsibility with potentially stronger penalties for media outlets that do not promptly remove comments and content that can be qualified as hate speech. As an integral part of this proposal, some participants in the discussion believe that a concrete deadline should be set within which media must remove such content from the moment of reporting. During the focus group discussions, some participants proposed a deadline of 60 minutes for the removal of problematic comments, while others suggested that this timeframe could be even shorter. Participants working at internet portals, however, stressed the practical limitations of such approaches, noting that despite already removing a large number of comments efficiently, the sheer volume and frequency of offensive and hate speech-related comments make it impossible to meet such expectations consistently, particularly outside regular working hours. The reason for the lack of efficiency, according to them, is that those who remove comments also perform other tasks, mainly journalistic, and therefore cannot keep up with regularly deleting all comments that, as noted, are very frequent. Therefore, for effective regulation of this type, it is necessary for a dedicated person to be responsible (employed) solely for these tasks — that is, the only job this person would perform is removing comments. This is the proposal of the majority of participants in the discussions. However, this proposal, and this is the position of representatives of online media in the discussions, entails additional costs for media outlets, which, according to them, are not particularly profitable. Simply put, portals are usually not able to bear this financial expense. During the focus group discussions, some participants suggested that content moderation tasks, such as the removal of comments, could be performed by designated persons financed from the state budget through a competent ministry. At the same time, participants raised concerns that such arrangements could raise questions of state influence and potential censorship, emphasising that any such role would require clear institutional independence and robust safeguards for freedom of expression. Respondents further stressed that, irrespective of funding arrangements, extensive training would be essential, as decisions on content removal inherently involve sensitive assessments that may affect freedom of expression. Participants also acknowledged the financial and practical challenges associated with implementing such proposals.

The second proposal of focus group participants related to the problem of using comments as a means **of spreading hate speech was to make commenting conditional on revealing the identity of the person commenting. Some participants also referred to the possibility of registration systems**, whereby users could comment under pseudonyms, while the operators of the portals would have access to their verified identities. This proposal is justified by the argument—and, according to journalists, the fact—that the majority of comments on news portals come from users who use pseudonyms and whose identities are unknown. According to journalists, anonymity is the strongest motivation for using hate speech because individuals remain anonymous and personally unaccountable for their comments. Therefore, the proposal is to require those who wish to comment to provide personal information, including email verification. Most participants in the discussion emphasised that, by doing so, commenters would be more mindful of the content of their comments, aware that their identity is known when their comments are read. In short, **the concept behind this proposal is clear: the goal is to prevent fake profiles from commenting.**

Finally, regarding commenting, several discussion participants, including a representative of one news portal, **believe that commenting on portals should simply be banned.** Their argument is that comments do not contribute in any way to authentic interactive journalism but primarily—and often exclusively—serve as a means for expressing personal, ideological, and/or party-political views, very often with the aim of spreading hatred toward certain individuals and groups. Within

these perspectives, participants argue that portals allow comments not to enhance the quality of journalistic reporting or to promote active citizen engagement, but rather for the purpose of portal commercialisation. They claim that anyone who wants to comment can easily share the news on their personal profile and comment there as they wish. In other words, from this standpoint, there is no substantive journalistic reason for comments to exist on news portals, as the digital space already enables active interaction and reader participation without being an integral part of the media content itself. This proposal seems reasonable, but implementing such a solution would require either a consensus among all portals or a legal obligation to ban commenting. In short, the proposal only makes sense if ALL portals follow this rule.

Another problem lies in the actual content of news in the media (this time not only on portals), which often **represents the authentic reproduction of statements and positions of politicians on various issues**. In an earlier part of this report, we pointed out that, according to the participants in the discussions, hate speech—or speech that affirms hate speech—by political actors themselves is very prevalent in the political sphere. In these cases, the media simply relay politicians' statements, but in doing so, they frequently reproduce the language of intolerance and hate speech present in political narratives. Some participants in the discussion believe that such political statements should simply not be reported at all, which is highly unlikely to ever happen in practice, as media professionals do not feel responsible for these narratives and consider themselves to be merely doing their job. Other participants believe that the media should report these political narratives but include a critical stance in the headlines of such articles. At first glance, this proposal appears reasonable, but questions remain as to whether it can work in practice and how to regulate the “extent” of journalistic commentary and critical framing.

Finally, a proposal concerning the regulation of online portals is the introduction of **the General Data Protection Regulation (GDPR)**, which was implemented in the EU in 2018. This proposal emphasises that adopting GDPR as a regulatory mechanism would also contribute to combating hate speech, as it entails very strict penalties (particularly financial) for organisations and actors who fail to comply with media conduct rules on the internet.

The last set of proposals for combating hate speech in the media relates to **the regulation of social networks**. As previously mentioned, the key space where hate speech spreads most intensely is social media, where individuals often openly disseminate discriminatory, intolerant, and hateful language. In this segment, it is proposed that a digital protocol, in line with EU standards, be introduced to block social media profiles that spread hate speech. This approach would simply remove from the media space those individuals who propagate hate speech, a practice already adopted by some social media platforms. In light of this argument, it is emphasised that in recent years, numerous digital tools have been introduced in the EU and other jurisdictions to enhance automated regulation—in our case, automatic blocking of profiles and deletion of offensive content, particularly content that promotes hate speech. The key thesis is that, in the spirit of the digital age, we must begin to use digital tools to combat hate speech.

Finally, as already noted in the section addressing media as a space in which hate speech spreads, focus group participants highlighted the existence of unregistered online portals. This lack of registration prevents any action by the competent state authorities in combating hate speech on these portals, and this issue must be specifically addressed.

Education as a mean of combating hate speech

In the discussions, education was strongly emphasised as a key method in the fight against hate speech. It was pointed out that without fundamental, strategic, and long-term **education** of individuals, it is very difficult to eliminate the language of hate. According to respondents' narratives, the main objectives of education as an instrument would be:

- Identifying hate speech and building awareness.
- Raising awareness about the importance of addressing hate speech.
- Understanding the consequences of hate speech.
- Developing a sense of personal responsibility for spoken words.
- Fostering personal and professional accountability for addressing hate speech.
- Emphasising the negative social consequences of hate speech.
- Creating a sense of solidarity and empathy with groups exposed to hate speech.

Education as an instrument can take many modalities and different forms in which it can be operationally implemented. Therefore, when asked by the moderator, participants in the discussions spoke about how and whom education should target. Generally, their view was that education is needed at all levels and for almost all members of society. However, the participants identified several key areas and groups that should be the specific focus of education. The first area, according to the discussion participants, must be the **formal education system**. We have addressed the problems and deficits of the education system extensively in an earlier part of the report, and here we only remind that almost all participants in the discussion were highly critical of the education system, arguing that it is outdated and especially that it does not adequately fulfill the function of upbringing. In other words, **education and upbringing** of children are crucial. It is noted here that the school also has an obligation to correct the deficits of primary socialisation that are evident, and not just to absorb and pass on ineffective upbringing of children coming from the family. Specifically, there are several proposals aimed at the education system related to the fight against hate speech.

Firstly, there must be **a significantly lower level of tolerance** among teaching staff and school authorities when any manifestation of hate appears in schools. This is especially true when it comes to selective educational actions, which are particularly highlighted as a problem. The second proposal is that the **subject of civic education should be mandatory, not optional, and that it must be taught from the first grade of primary school up to the fourth grade of high school**. It is understood that the school would have a special obligation to carefully oversee the content and implementation of this program. Thirdly, it is proposed that topics related to human rights and tolerance be integrated into all subjects, even those in the domain of natural sciences. Participants in the discussion believe that it is not sufficient for only one subject to deal with themes of human rights, democracy, and tolerance, but that **these topics must be an integral part of the curriculum in all subjects**, because only in this way can their significance be emphasised. It should be kept in mind that the proposed approach (i) serves the purpose of combating hate speech, but generally, in this way, all other negative aspects of educational deficits related to strengthening a democratic society are also addressed.

Secondly, with regard to education, focus group participants emphasised that professionals working in specific fields or contexts that involve frequent interaction with diverse or marginalised communities should participate in specially designed educational workshops on hate speech. Participants considered such training necessary to ensure that professionals are adequately equipped to fulfill their roles effectively and responsibly within society. Participants considered such training necessary to ensure that professionals are adequately equipped to fulfill their roles effectively and responsibly within society. As a method, workshops are proposed here, and the following actors have been identified as professionals and groups:

- Police officers and inspectors,
- Judges and prosecutors,
- Journalists,
- Public service officials (especially at the local level).

Participants in the discussion believe that without proper knowledge, and above all without a clear understanding of the significance of hate speech, professionals in the described roles simply cannot ensure an effective response against hate speech. Therefore, they must be equipped through an educational process with all the necessary tools — from recognising hate speech to the actions to prevent and combat it, depending on their position and job. Educational programmes for these professional groups should emphasise their role as important social actors, and to understand and accept their professional responsibility in this context. Currently, the biggest problem is that they do not recognise the significance of hate speech. Often, like many others, considering it “normal” and/or they are simply unable to identify hate speech when it occurs. Effective education should equip professionals precisely with these competencies.

Awareness-raising initiatives

As an additional important tool in combating hate speech, participants in the discussions identified awareness-raising campaigns. In this part, respondents spoke less about the media means for the campaign, simply emphasizing that all available media should be used. What they talked about were the contents, targets, key actors, and expected outcomes of public campaigns. There are several specific goals of a initiative on combating hate speech participants insisted on. First, it is the **promotion of the concept of human rights** and democratic values in general. Point out that the importance of human rights and accompanying value patterns in Montenegro is not sufficiently present and adopted as a concept on which the entire value and political order of society should rest. The promotion of the concept of human rights should contribute to strengthening tolerance and understanding at all levels and, accordingly, should work towards discouraging discrimination and hate speech. Secondly, it is the **fight against prejudice and stereotypes**. It is emphasised that prejudices and stereotypes are the key mediator and/or initiator that encourages hate speech, and that addressing them must be included in any effective public effort to combat hate speech. Thirdly, it is **the strengthening of intercultural dialogue**. Here, the term ‘culture’ is understood broadly, as the specificity of each group that is an actual or potential target of hate speech. Thus, it does not refer only to ethnic and religious minorities, but also to LGBTI persons and/or persons with disabilities. The concept in this case would be to establish a bridge between the majority group and the relevant minority through strengthening dialogue, thereby preventing discrimination and hatred. Fourthly, special campaigns should be directed towards **strengthening professional responsibility**. Throughout the report, we have repeatedly emphasised that different professionals—police officers, teachers, employees in public services, journalists, judges, prosecutors, etc.—bear special responsibility because their professional roles are directly related to the suppression of hate speech. Initiatives would need to target these important actors, calling on them to uphold the personal and professional responsibility expected of them in preventing and combating hate speech.

From a methodological perspective, public awareness and prevention initiatives aimed at countering hate speech can be implemented in various ways. In this context, focus group participants proposed several approaches. First, they suggested organising thematic television programmes specifically dedicated to explaining hate speech, its different forms, and its harmful consequences. Such programmes would involve professionals from various fields and would serve an important educational function. Second, the proposal is for the initiative **to include public figures** who, through explicit narratives in different media, would point out the problem of hate speech and call for combating it. The key argument here is the personal authority of these figures, which would highlight the importance of the mes-

sages being sent. Third, it is proposed that an integral part of the initiative should be the presentation of the **negative effects of hate speech**. Participants in the discussion believe that this approach would foster feelings of empathy and solidarity, and its effect would be preventive and especially effective for those who are victims (i.e., not the propagators) of hate speech. Finally, again with the goal of strengthening empathy and solidarity, the initiative should **include support for the victims of hate speech**. Publicly expressing this support, combined with the aforementioned methods, would, according to the participants, strengthen the sense of solidarity and unity of the majority with the victims, thereby having a preventive effect on both the perpetrators and the communication recipients of hate speech.

RECOMMENDATIONS BASED ON GROUP DISCUSSIONS

Key recommendations with potential implementation mechanisms have already been presented in the previous chapter; here, are the core recommendations of this report:

- 1. Legislative and regulatory measures:** public policy should establish or improve laws and regulations that clearly define hate speech, prescribe penalties for offences, and provide guidelines for its identification and prosecution. This includes amending existing legislation to address gaps in regulating hate speech and ensuring that law enforcement agencies and the judiciary are equipped to enforce these laws effectively.
- 2. Educational programs and awareness-raising:** public policy should prioritise the development and implementation of educational initiatives aimed at raising awareness about hate speech, its harmful effects, and the importance of tolerance and respect for diversity. This may include integrating hate speech awareness into school curricula, organising public awareness initiatives, and providing training for professionals in relevant sectors.
- 3. Media regulation and accountability:** public policy should incorporate measures to regulate media content, particularly online platforms, to prevent the dissemination of hate speech. This may involve tightening regulations for media portals, requiring platforms to promptly remove hate speech content, and holding media organisations accountable for their role in perpetuating hate speech.
- 4. Support for victims and vulnerable groups:** public policy should prioritise providing support for victims of hate speech and vulnerable groups disproportionately affected by hate speech. This may include integrating awareness of the risks posed by hate speech and ways to address it into school curricula, organising public awareness initiatives, and providing targeted training for professionals in relevant sectors.
- 5. Professional training and capacity building:** public policy should support initiatives for training and capacity building for professionals in key sectors such as law enforcement, education, and journalism to respond effectively to hate speech. This may involve developing specialised training programs, providing resources for professional development, and promoting best practices in preventing and responding to hate speech.
- 6. Community engagement and empowerment:** public policy should encourage community engagement and empowerment initiatives that foster dialogue, empathy, and solidarity among different groups. This can include supporting community-level organisations, promoting intercultural dialogue, and facilitating partnerships between government agencies, civil society, and other stakeholders.

INDIVIDUAL INTERVIEWS: PERSPECTIVES OF INDIVIDUAL ACTORS

Research objective and methodology

As part of the ongoing research on hate speech, which was initially based on group interviews with representatives of different sectors in Montenegro, an additional qualitative phase was conducted involving **eight semi-structured individual interviews**. The aim of this supplementary phase was **to deepen the findings and provide a richer illustration of the results through personal experiences and narratives of actors who encounter hate speech on a daily basis—whether as targets, witnesses, professionals, observers, or individuals who actively challenge, analyse, or publicly criticise hate speech.**

The interviews were conducted **with individuals from various sectors**:

- **Media** (journalists, editors),
- **Political life** (current and former officials),
- **Academic community** (experts in communication, law, sociology),
- **Religious communities** (clergy),
- **Civil society and activist sector, including representatives of marginalised groups** (LGBTI individuals, women, ethnic and religious minorities).

Such a diverse sample enabled a multi-perspective examination of the phenomenon of hate speech, providing insights into its forms, sources, consequences, and institutional responses.

Supplement to the previous phase

In the first phase of the research, focus group discussions were conducted, providing significant insights into broader patterns and dominant narratives. However, there emerged a need for **a deeper understanding of certain dimensions**—how hate speech impacts individuals, what strategies they employ for self-protection, what their attitudes toward institutions are, and how they interpret their own exposure or role within society.

Therefore, the individual interviews enabled:

- **Personal testimonies and emotional reactions**, which often remain unspoken in group settings;
- **Contextual representation of specific sectors** (e.g., religion, political arena, LGBTI activism);
- **More precise identification of practical challenges**, including institutional obstacles, legal loopholes, and everyday forms of verbal violence.

Based on this methodological supplement, a thematically structured report was prepared, following the same analytical dimensions as the previous phase (definitions, targets, sources, consequences, institutional responses, etc.), but **enriched with practical narratives and personal insights from the actors involved**. This approach allows for a holistic understanding of hate speech in contemporary Montenegrin society—not just as a phenomenon, but as an experience.

Key thematic areas and findings

Definitions and perceptions of hate speech

In the individual interviews, hate speech was described across a broad spectrum—from overt verbal attacks to subtle forms of symbolic or systemic exclusion. Interviewees perceive it not only as speech with explicit insults or threats but also as a social mechanism that pushes certain groups to the margins and deprives them of basic visibility in the public space.

One female interviewee from the media and gender equality sector emphasised that not every insult qualifies as hate speech—there must be intentionality and context in which identity characteristics, such as gender, race, sexual orientation, political or religious affiliation, are used as a basis for attack. She also highlighted the distinction between ordinary “hate” and hate speech as a systematic act aimed at exclusion.

One interviewee from the academic community, an expert in political analysis and discourse, uses the term “conscious rhetoric of exclusion” to describe hate speech, emphasizing that its purpose is not only to insult but also **to dehumanise opponents**. He identifies expressions such as “traitor,” “Milogorac,” and “četnik” as part of speech that functions to legitimise political and social exclusion. Similar narratives are observed in religious discourse, where non-believers are often portrayed as enemies of the community.

One interviewee from the institutional human rights sector points out the dimension of “invisible hate speech,” which does not manifest through insults but through **omission, ignoring, and institutional failure** to recognise certain groups—especially LGBTI persons and women. In this context, hate speech is also linked to **discursive exclusion**, which is recognised in the interviews as a passive yet powerful form of discrimination.

A representative of a religious community provides a specific contribution to the topic: they acknowledge that hate speech in the church context can be “camouflaged,” often carried out through passive-aggressive messages and selective interpretations of sacred texts that label certain groups as “sinful,” and thus less worthy of respect. They also point out that hate speech is often justified by so-called “**defenders of morality**,” which further complicates the boundary between free expression and hate speech.

When it comes to **freedom of expression**, almost all interviewees emphasise the need for balance. Most believe that **freedom of expression ends where systemic humiliation or attacks on someone’s identity begin**. However, there is also concern that mechanisms against hate speech could be misused for political censorship, a point especially highlighted by politically active women who have themselves been targets of misogynistic hate speech and, at the same time, lack institutional protection.

A respondent from a community facing multiple forms of discrimination (based on sexual orientation and identity) points out a reversal of arguments – when hate speech directed at her community is criticised, it is often dismissed under the pretext of “freedom of opinion.” This creates a feeling that their right to dignity is **secondary** to someone else’s right to insult them. She also emphasises that in the digital space, almost everything related to her community is perceived as a provocation, while reactions containing hate speech are rarely sanctioned.

At the level of perception, the respondents share a similar view: hate speech is not only a legal, but also a social phenomenon – and precisely because of that, it is difficult **to comprehensively regulate it through normative means**. Its power lies in its repetitiveness, in micro-doses of hostility that, over time, produce macro effects of marginalisation.

This diversity in interpretation shows that hate speech cannot be precisely “contained” within legal definitions, but requires a multidisciplinary understanding, including ethical, cultural, and political dimensions.

Main targets and forms of hate speech

Interviews conducted with actors from various sectors point to clearly identifiable main targets of hate speech, as well as patterns of its forms and expressive means, with the digital sphere being identified as the main hotspot and accelerator of this phenomenon.

Specific targets: female politicians, lgbti individuals, activists, and clergy

Several interviewees pointed out a **pronounced gender and sexual dimension** of hate speech. Women who are politically active—especially those who publicly speak on “sensitive” topics such as human rights, secularism, or minority rights—are more frequently targeted with **misogynistic, humiliating, and even sexualised language**. One political figure testified that insults directed at women rarely remain purely political: they often “spill over” into the private sphere, targeting appearance, motherhood, or alleged “moral qualities.”

Similarly, **LGBTI individuals**, according to a representative from the community, face continuous attacks that include **mockery, demonisation, and denial of their identity**. Hate speech is often disguised as “jokes” or “opinions,” but in reality, it is rooted in deep intolerance and fear of difference. Transgender people are especially vulnerable, frequently not recognised as legitimate actors in the public sphere but rather treated as subjects of caricature or ridicule.

In the civil society segment, **human rights activists** are labeled as “foreign mercenaries,” “traitors,” and “destroyers of tradition,” which is part of a broader mechanism of delegitimation. One interviewee, an activist, emphasised that the most dangerous form of hate speech is the one that “targets people based on their loyalty — if you’re not a patriot by someone else’s standards, you immediately become a ‘Milogorac,’ ‘chetnik,’ or ‘traitor.’”

Interestingly, even **religious representatives**—who are traditionally perceived as holders of conservative views—become targets of hate speech when they take an inclusive stance. A priest interviewed, who spoke about the need to respect diversity and human dignity, emphasised that because of this, he became a target within his own community, labeled as a “traitor” and a “scoundrel.”

Normalisation of insults and political-discursive instrumentalisation

The interviewees consistently point out that one of the most dangerous processes is the **normalisation of labeling and verbal violence**, where hate speech often ceases to be recognised as a problem. Insults such as “chetnik,” “ustasha,” “Milogorac,” “traitor,” “faggot,” “whore,” “cult member” have become everyday **identity labels**, not only in online comments but also in parliamentary speeches, TV programs, and even educational settings.

One of the interviewees from the media sector assesses that this is a “linguistic weapon” used for rapid political elimination or moral disqualification. Such rhetoric no longer provokes public condemnation, which further blurs the line between **freedom of expression and destructive speech**.

Digital sphere: The main battleground

Almost all respondents identified **the internet and social media** as the most visible and dangerous spaces for spreading hate speech. In the digital realm, the barriers to violent language are the lowest: anonymity, speed, algorithmic amplification, and lack of sanctions create **ideal conditions for the normalisation of violent speech**.

Several actors mentioned examples of bots, organised discreditation initiatives, and “online hunts” often coordinated against a single individual or group. Women and members of the LGBTI community are, according to the interviewees, the most frequent targets specifically on platforms like Facebook, Instagram, and X (formerly Twitter), where insults spread quickly and protective mechanisms are minimal or non-existent.

One interviewee gave an example of “circulation” of activists’ photos with misogynistic captions, as well as calls for violence that are rarely prosecuted, noting that “online hate speech often has offline consequences – people withdraw, stay silent, suffer, or emigrate.”

Overall, hate speech in Montenegro **does not target a specific group but exploits any social difference as a tool for exclusion and marginalisation**. However, women active in the public sphere, sexual minorities, political opponents, and activists bear the heaviest burden. **Common patterns of hate speech include labeling, mocking, dehumanisation, and explicit calls for exclusion, with digital media serving as a megaphone without any filters or accountability.**

The interviewees point out that such **discourse is rooted in social tensions but also encouraged by the lack of systemic condemnation and legal consequences**. The forms of hate speech are diverse — ranging from blatant verbal violence to subtle insinuations — and it is precisely this diversity that enables it to penetrate and remain “invisible” or even “normalised” in the eyes of the majority.

Sources of hate speech

Based on eight qualitative interviews with actors from various social sectors—including media, religious communities, the political sphere, civil society, and marginalised groups—four key sources of hate speech are clearly identified: the media, politicians, institutions, and religious discourse. Additionally, there is a broader societal matrix in which hate speech is normalised and culturally integrated.

Media: normalisation, amplification, and passivisation

Respondents almost unanimously identify **the media**—both traditional and digital—as the primary reproducing agents of hate speech. Classic mechanisms include sensationalist headlines, selective reporting of statements, lack of context, and unwillingness to respond when content that openly spreads hatred appears.

The digital media segment is especially problematic—portals that do not moderate comments or even encourage them, as well as clickbait content that relies on emotional and ideological provocation. One media sector respondent noted that editorial offices sometimes knowingly publish content they are aware will “trigger a flood of comments,” which increases their click rates and algorithmic reach. In this sense, hate speech becomes a strategy **to attract attention** rather than an “unintended side effect.”

Additionally, it is emphasised that the media often fail to respond to hate speech originating from other sources—for example, when politicians use incendiary rhetoric, it is reported without any condemnation or commentary, further normalising such speech.

Politicians: hate speech as a rhetorical tool

Interviewees from civil society and the media **identify politicians as the most influential drivers of hate speech in the public sphere**. The interviews repeatedly highlight that political discourse in Montenegro includes overt labeling, targeting of dissenters, and nationalist or religious narratives that deepen social divisions.

The political arena is often a space where insults, dehumanisation, and accusations are presented as part of regular debate. “Anyone who doesn’t think like me is labeled a ‘traitor,’ ‘foreign mercenary,’ ‘chetnik,’ or ‘ustasha’ — and this becomes a campaign strategy,” says one interviewee. In this sense, hate speech functions as a tool **for mobilising the voter base**, activated through feelings of threat and polarisation.

What is particularly concerning from their point of view is the lack of institutional or social oversight: neither the parliament, judiciary, nor regulatory bodies respond to such rhetoric, sending the message that **hate speech is politically tolerated if it brings votes**.

Institutions: passive accomplices

Although institutions themselves rarely produce hate speech, many respondents identify them **as accomplices through passivity and selective enforcement of laws**. When it comes to reports of hate speech, institutions often fail to respond or their responses take too long to be effective. Interviewees cite examples where citizens reported insults based on ethnicity or gender, but their cases were dismissed or ignored.

One respondent from the civil sector observes: “Institutions don’t want to upset any side – that’s why they fail to recognise hate speech, because acknowledging it would mean they have to take action.” Such an attitude sends a dangerous message that hate speech is permissible – unless it leads to physical violence.

It is also noted that institutions themselves sometimes use language that is, at best, exclusionary: formulations in laws, reports, or statements are often gender-insensitive, heteronormative, or overlook the rights of certain communities, thereby indirectly reinforcing the majority society’s attitudes about the “unimportance” of those groups.

Religious discourse: the “hidden” source

One of the most complex sources of hate speech is **religious discourse**, which is rarely perceived as problematic precisely because of its symbolic and cultural weight. However, several interviewees point out that religious sermons, statements, and declarations by church authorities often contain messages that explicitly exclude, stigmatise, and rank citizens based on moral suitability.

In this context, LGBTI persons, women advocating for reproductive rights, or atheists are often labeled **as a degenerative influence** on society. “They never say directly – ‘attack them’ – but they describe them as sinful, lost, corrupted people, thereby legitimising social violence against them,” notes one respondent.

It is also concerning that religious discourse often penetrates the political sphere – religious leaders publicly comment on political developments, participate in election campaigns, and formulate moral frameworks that become political guidelines.

Hate speech as a cultural norm

Perhaps the most disturbing part of the findings is the recognition that hate speech is no longer an “exception” or an “incident,” but rather **an integrated part of everyday communication**—especially through humor, jokes, ironic remarks, and mockery aimed at minorities. The phrase “it’s just a joke” frequently appears in the interviews, **servicing as an excuse for verbal abuse**.

Some respondents note that offensive catchphrases and stereotypes have become part of everyday language, used even in educational and cultural contexts — in schools, entertainment programs,

and casual conversations among colleagues. In this sense, hate speech **ceases to be something “others do” and becomes part of a collective discourse** that is passed on unquestioned.

One respondent remarked: “The worst part is that no one recognises it as a problem anymore. Saying ‘women are emotional, so they can’t lead the country’ — that’s no longer an insult; it’s a ‘fact’ in the minds of many.

Accordingly, the combination of institutional passivity, political instrumentalisation, media commercialisation, and religious traditionalism has resulted in **hate speech becoming a normalised, legitimate, and functional component of social discourse**. Given that it is deeply rooted in everyday language and behavior, any effort **to combat it must address its cultural dimensions, not just its legal aspects**.

Role and (non)reaction of institutions

Institutional passivity as the norm

In nearly all interviews, respondents emphasise the **lack of institutional response** to hate speech, whether it manifests through verbal insults, discrediting minority groups, or targeting individuals in the digital sphere. Particular attention is drawn to the passivity **of the judiciary and the police**, which rarely engage in resolving cases unless there is physical violence or a serious threat to life.

A journalist notes that even when complaints are filed, “the process takes so long that it essentially has no effect.” Even when specific instances of online hate speech are reported—whether to state institutions or media councils—responses are either missing or are reduced to formal phrases.

From a judicial perspective, it is noted that **legal frameworks are often poorly enforced, and prosecutors and judges rarely recognise hate speech unless it involves explicit calls to violence**. Legal standards remain vague, and implementation is even weaker.

Schools and healthcare: institutional silence

Educational institutions have also been identified as **insufficiently active** in combating hate speech, despite their crucial role in prevention and education. Interviewees mention cases where **teachers ignore students’ offensive remarks, often labeling them as “childish pranks” or “provocations.”** This approach further normalises hate speech among young people and sends the message that discrimination and stereotypes are acceptable forms of behavior.

In the healthcare system, as noted by one interviewee from the LGBTI community, hate speech is more **subtle but still present**—through belittling patients, derogatory comments from staff, or refusal to provide healthcare services under various pretexts.

NGO sector: a key actor in the fight, but also a target

In contrast to institutional inertia, **the non-governmental sector emerges as the most active actor in the fight against hate speech**. Several respondents from different fields confirm that NGOs are often the only ones who respond in a timely manner—whether through media appearances, legal assistance, education, or monitoring hate speech in the public sphere.

However, this role comes at a high cost: **the non-governmental sector itself becomes a target of attacks**. Respondents cite examples where activists are labeled as “foreign mercenaries,” “traitors,” or “destabilisers” of society, which **undermines their legitimacy in the public eye**. Such discreditation campaigns further weaken the capacity of NGOs to influence institutions and public opinion.

One respondent from the civil sector stated: “We are constantly accused of working against the interests of the state – even when all we’re trying to do is protect basic human rights.”

Without a clear institutional strategy

The overall picture emerging from the interviews is that there is **no coordinated institutional strategy for combating hate speech**. Responses are fragmented, dependent on the goodwill of individuals, and often subject to political opportunism.

Some participants believe that institutions **deliberately withdraw from this issue**, as taking a clear stance against hate speech would also mean confronting parts of the political or religious establishment.

Additionally, institutions seem **to lack awareness of the long-term consequences of hate speech on social cohesion**, citizens’ mental health, and democratic processes. There is an absence of any proactive initiatives, educational programs, or internal protocols that would demonstrate this issue is being taken seriously.

Therefore, the role of institutions in combating hate speech, according to testimonies from the interviews, is **largely passive, inadequate, or selective**. Although legal frameworks and formal mechanisms exist, their implementation is weak, inconsistent, and lacks meaningful impact. In contrast, **the NGO sector compensates for the institutional void**, but does so in an unfavorable environment, under constant pressure and delegitimisation campaigns.

If this dynamic continues, hate speech will not only remain present **but become even more deeply rooted in institutional culture and everyday practice**, further reducing the chances of creating an inclusive and safe social environment.

Legal and regulatory framework

General assessment: the law exists, but it doesn’t function

Interviewees from **various sectors agree that the legal framework for combating hate speech in Montenegro exists only formally**, while its implementation is perceived as **inconsistent, fragmented, and largely symbolic**. None of the interviewees questioned the existence of relevant laws, but almost all emphasised that these laws are applied in practice to protect vulnerable groups.

A lawyer from the civil sector noted that **“no serious verdict has been issued on the basis of hate speech,”** which, in his opinion, confirms the institutional resistance to **clearly sanction this form of violence**. In practice, hate speech is often ignored, downplayed, or reduced to merely an ‘opinion,’ especially when it comes from political or religious circles.

The digital sphere: completely unregulated

Most interviewees highlight the digital space **as particularly problematic**, noting that the law has “remained blind to new forms of communication.” Hate speech flourishes on social networks, portals, and forums, **while state institutions, including the prosecution, rarely respond**.

One civil society activist states that they have reported comments and threats multiple times on Facebook and TikTok, but “there has been no response – neither from the Ministry of Interior nor from the Agency for Electronic Media.” Interviewees often mention the absence of mechanisms for **rapid intervention**, as well as the fact **that most state institutions are not even present on these networks** and do not monitor the dynamics of the discourse taking place there.

Gender-based and homophobic speech: the law does not recognise it

A particularly problematic aspect of the legislative framework is **the absence of explicit recognition of sexist hate speech, gendered harassment and homophobia**. Several interlocutors, including representatives of the LGBTI community and women rights organisations, point out that in legal practice there is **no clear criterion** by which insults and threats against women, individuals of different sexual orientations, or gender identities are classified as hate speech.

One interviewee observed that, in practice, expressions perceived as humiliating or threatening are often dismissed as falling below the threshold of hate speech when they do not explicitly call for violence. This perception reflects a narrow understanding of hate speech that leaves many forms of symbolic and psychological harm unaddressed.

Regulatory bodies: lacking capacity and will

Alongside the judiciary, several interlocutors also problematise the role of **regulatory bodies**—particularly the Agency for Electronic Media and the Council for Civil Oversight of Police Work. These institutions are often **perceived as formal entities lacking real power or willingness** to sanction cases involving hate speech.

“You have media outlets that have been promoting hate speech for years—but have never been seriously penalised,” says one journalist. According to her, even when a complaint is filed, **the process takes a long time, and any sanctions (if imposed) are not deterrent**.

In some cases, interlocutors even mention that **institutions refuse jurisdiction**, arguing that the content is hosted on platforms registered outside Montenegro, which further complicates the possibility of an effective response.

Potential changes and what is missing

Although most interlocutors express skepticism about institutional willingness, some point out that there are **proposals to improve the legislative framework**, especially in the context of harmonisation with EU standards. They emphasise the need to introduce **specific categories recognising gender-, sexual-, ethnic and religiously-motivated hate speech**, alongside strengthening the capacities of judges, prosecutors, and police to enforce existing regulations.

Additionally, several civil society actors propose introducing **a legal obligation for internet platforms to respond quickly to content identifiable as hate speech**, as well as establishing specialised bodies within institutions to address this issue.

To conclude: the existing legal framework for combating hate speech in Montenegro is assessed as **insufficiently precise, inapplicable, and outdated**. It is particularly inadequate in the context of **digital communication** and **in addressing hate speech directed at women and LGBTI persons**.

Despite the existence of normative documents, **their implementation is minimal**, leaving room for the normalisation of violent and discriminatory speech in public and digital spheres. Without strategic will and systemic changes—in both laws and institutional practice—hate speech remains unpunished, and victims unprotected. Institutional reluctance to respond is often justified by reference to freedom of opinion, which, according to participants, contributes to the normalisation of hate speech by treating discriminatory expression as socially acceptable discourse.

Psychosocial consequences and protection mechanisms

Deep psychological consequences

Participants in the interviews, especially women, civic activists, and members of minority groups, clearly point to **the serious psychological consequences that hate speech leaves on individuals**. These consequences are not fleeting – they leave lasting marks on the emotional state of the victims and affect their life and professional choices.

A representative of the LGBTI community emphasises that frequent threats and insults cause **continuous stress, anxiety, and a sense of insecurity**:

“It’s always with you. Wherever I go, I wonder if someone knows who I am and if they will say or do something.”

A politician testifies about **constant tension and self-censorship**:

“You learn to choose your words carefully, to watch your behavior, to minimise your presence on social media – all to avoid a new wave of attacks.”

A religious representative from a minority community describes how frequent messages of hatred lead to **a feeling of social isolation**:

“You get the impression that you’re always targeted... You withdraw, don’t participate, don’t speak – and that is exactly what violence wants to achieve.”

These statements shed light on **self-censorship as a defensive reflex**, where victims deny themselves the right to express themselves in order to avoid new trauma. The conversations show that this form of self-withdrawal is more common among **women and young civic activists**, who lack institutional or social protection behind them.

Emotional stress and loss of trust

The emotional response to hate speech among the interviewees includes **anger, sadness, feelings of helplessness, and loss of trust in the system**. As one journalist points out:

“It’s not just an insult. It’s a humiliation that stays inside you. You know you won’t defend yourself because no one will stand behind you.”

Some participants also mention **psychosomatic reactions** such as insomnia, panic attacks, and depressive episodes that developed after months of exposure to insults and threats. **These effects are particularly pronounced among individuals who lack stable social support networks, such as family, peer groups, or institutional support, which can otherwise mitigate the psychological impact of repeated exposure to hateful expression.**

Lack of institutional protection

The majority of interviewees clearly express **dissatisfaction with the institutional response**. In most cases, attacks are not reported because there is **no expectation of protection** from the system. Those who did decide to report hate speech testify **to the indifference or procedural inertia of institutions**.

An participant from a women’s association states:

“We reported it, provided all the evidence, and they asked us, ‘Are you sure this is hate speech?’ After that, we stopped wasting our time.”

Such reactions lead to a **dangerous pattern of internalised passivity**, where victims stop believing in the purpose of reporting or protection. Institutions are seen **as distant, bureaucratic, and unmotivated** to seriously address hate speech, especially when it comes from political or religious discourse.

NGO sector: the only support

In the context of protection, **non-governmental organisations stand out as the only actors offering concrete forms of assistance**: psychological counseling, legal support, media visibility. Several interviewees emphasise that they turned to the NGO sector precisely when institutions failed.

However, this help is often not systemic but **limited by the capacities of the organisations** and donor support. One interviewee notes:

“We can help in a few cases, but without systemic infrastructure – it’s like putting out a fire with a bucket of water.”

Moreover, some NGOs that have clearly positioned themselves against hate speech become **targets of digital and political discreditation initiatives**, which further weakens their capacity to act.

Personal protection mechanisms: adaptation and resistance

Some interviewees have developed **personal protection strategies** that include:

- selective media appearances,
- closing profiles on social media,
- engaging friendly support networks,
- occasional public speaking “to show that we are not afraid”.

However, these strategies are not sustainable in the long run and do not solve the problem of systemic vulnerability. Interviewees clearly point out that **individual resistance is not enough** and that without an institutional response, **victims are left alone against structural violence**.

Hate speech produces **deep and lasting psychosocial consequences** for affected individuals – especially women, members of the LGBTI community, political dissenters and religious minorities. These consequences include **emotional stress, loss of trust, withdrawal from the public sphere and self-censorship**.

The protection system, as the interviewees see it, **is practically non-existent**. Institutions are passive or disinterested, and the only support is non-governmental organisations operating within their limited capacities.

Without a stronger institutional infrastructure, **hate speech remains unpunished, and the consequences are transferred from the individual to the community, reinforcing a culture of fear and silence**.

The role of the media and ethical dilemmas

Media as transmitters of hate speech

As already outlined in section 2.3, media—particularly online portals—represent a key space for the spread of hate speech. Traditional media — especially tabloids and certain TV channels — systematically spread content that targets political opponents, women, ethnic and sexual minorities.

One interviewee, a journalist with many years of experience, states:

“There is a language in the media that is not directly hateful, but it is constantly mocking, discriminatory, manipulates perception, and spreads narratives that encourage animosity.”

Such narratives are often created through **the choice of terms, the tone of reporting, and the selection of interviewees**, contributing to an atmosphere of social polarisation. Thus, the media shapes public discourse in which hate speech is not recognised as violence, but rather as a “stance” or “criticism.”

Additionally, several participants point out that **politically instrumentalised media** are an extension of power centers, and that targeting campaigns often originate from political circles, with the media merely amplifying them. In this sense, the media not only transmit hate speech but also **legitimise its sources**.

Media as targets of hate speech

On the other hand, some media workers and editorial teams who try to uphold ethical **standards become targets of attacks themselves** — both from the public and from authorities and competitors. One interviewee from an independent editorial office points out:

“We are under attack every day. If we write something about human rights, we are immediately labeled ‘traitors,’ ‘foreign mercenaries.’ Hate pours down on us through the networks.”

This position highlights **the ambivalent role of the media**: they are simultaneously transmitters and victims, depending on whether they follow the dominant or independent narrative. Some journalists even note that **internal censorship takes place within newsrooms to avoid reactions from the public or authorities**, which reflects **a climate of fear and caution in the profession**.

Erosion of ethics due to commercial and political interests

Ethics in reporting—when it comes to hate speech—is, according to most interviewees, **suppressed by commercial and click-driven goals**. As one media professional points out:

“Clicks, likes, shares—that’s the currency. The more extreme the headline, the more emotional the content, the more interaction it gets. And ethics? That becomes a luxury.”

This very logic creates **an ecosystem of “harmful visibility”**, where content that offends, labels, or provokes anger is the most successful in terms of views. Commercial logic thus **rewards hate speech** while simultaneously punishing complex and balanced narratives.

In addition to commercial interests, **political influences on the media** further complicate the situation. Several respondents emphasise that certain media outlets have become **propaganda platforms** that not only broadcast hate speech but **systematically produce it through serialised campaigns**.

Lack of self-regulation and professional responsibility

One of the key topics raised in the interviews is **the lack of intra-professional accountability**. Respondents point out that while journalist associations and ethical codes do exist, they have been **rendered meaningless due to the absence of any real sanctions**.

“When someone publishes a brutal insult, the reaction from professional bodies is a statement no one reads. Without consequences, ethics are just a piece of paper.”

The lack of effective self-regulation contributes to **the further blurring of the line between freedom of expression and violent speech, as well as to a decline in trust in the profession**. In this vacuum, media outlets that strive to remain responsible end up isolated and unsupported.

Accordingly, in the eyes of interviewees, the media appear **as ambivalent and sometimes contradictory actors**—on one hand, **the main disseminators of hate speech**, and on the other, **potential victims of the same discourse**, especially when they go against dominant narratives.

The erosion of professional ethics—under the influence of **a click-driven commercial model and political pressures**—creates a media environment where hate speech is not only tolerated but systematically encouraged.

Without serious **intra-professional responsibility, self-regulation, and strengthened ethical standards**, the media will continue to serve **as channels for the reproduction of violence, rather than as a corrective force in public dialogue**.

Training and education

Existence of training only through projects

Most interview participants agreed that **formal and systemic education on hate speech is virtually nonexistent**. When it comes to existing initiatives, trainings are mostly carried out through **NGO-led projects**, which often have limited reach and duration.

A representative from the NGO sector stated:

“All the seminars, trainings, and workshops we’ve done on hate speech were project-based. Once the funding ends, so does the education. Institutions don’t recognise this as a long-term need.”

This situation highlights **the dependency of education on this topic on external funding**, which directly affects the sustainability and consistency of the messages being delivered. Projects often last only a few months, and participants are selected on an ad hoc basis, without clearly defined criteria or a broader strategy for disseminating knowledge.

Lack of institutionalisation of education

None of the interviewees mentioned the existence of **curricula, formal programs, or institutional educational modules** that would continuously address the topic of hate speech—whether within the education system or through professional training for public servants.

Although there is awareness of the importance of education, participants consistently pointed out the **complete passivity of the state system** on this issue. One cleric stated:

“No one from the institutions has ever invited me to a training on hate speech. And I’ve been speaking publicly about it for years.”

Despite declarative commitments to combating discrimination and intolerance, **the state apparatus fails to invest in empowering actors through knowledge**—thus leaving room for hate speech to persist without critical resistance.

Systematic education is needed for all stakeholders

Almost all interviewees emphasised that **an effective fight against hate speech must begin with systemic education of various societal actors**: media professionals, police, judiciary, educators, and healthcare workers.

A media representative stressed:

“Journalists don’t go through any ethical training. They write and report based on instinct or orders. There’s no critical understanding of hate speech or its consequences.”

According to interviewees, police officers often fail to recognise hate speech as a misdemeanor or criminal offense, perceiving it instead as a “personal grudge” or “freedom of speech.” In that regard, **professional training would be crucial for proper classification and action**, which would contribute to better protection of victims.

A similar situation exists in the judiciary, where, according to interviewees, there is **a lack of sensitivity to gender-based, homophobic, and xenophobic patterns**—especially when they are verbal or symbolic rather than physical.

One human rights activist concluded:

“Systemic education must be mandatory, from elementary school onward. Otherwise, we keep starting from scratch.”

Education of youth as the foundation of prevention

A special emphasis in the interviews was placed on **the role of the education system in the prevention of hate speech**. Several participants believe that **schools should be the first line of defense**, where young people are taught—through content, workshops, and critical discussions—the difference between freedom of speech and violent communication.

The current state of schools is described **as undefined and passive**, with only a few teachers independently introducing these topics, mostly through civic education, but without support in terms of curricula or teaching materials.

A respondent from a religious community highlights:

“Children are often the cruelest. And no one teaches them that words can hurt like fists. If they don’t learn that in school, where will they?”

Thus, education about hate speech in Montenegro currently relies solely on **NGO projects**, while **institutions have yet to recognise the need for systemic, sustainable, and comprehensive education**. This approach fails to ensure continuity or broader impact, and instead produces situational and selective literacy among a small number of individuals.

Given the wide range of actors who encounter hate speech—from journalists to lawyers, teachers, clergy, and healthcare professionals—it is necessary to introduce **strategic training programs and formal education** with clearly defined goals, methodologies, and obligations.

Without systemic education, the fight against hate speech remains ad hoc, short-term, and insufficiently effective—as confirmed by the testimonies of the interviewees themselves.

Promoting positive narratives

Calls for a language of inclusion, understanding and reconciliation

In almost every interview, **a strong need was noted for the dissemination of alternative, affirmative messages** that could mitigate or replace the prevailing discourse of exclusion and hate. Participants recognise that bans and sanctions alone are not enough; rather, it is necessary **to actively cultivate a language of empathy, inclusion, and reconciliation**.

A female respondent from the human rights sector stated:

“We can’t just talk about what mustn’t be said—we also have to offer what is acceptable, what is the language of unity and understanding. Kindness must become a social value, not a weakness.”

This perspective relies on **the transformative power of language**, as well as on modeling different social behavior through positive examples and the promotion of values like solidarity and mutual respect.

It was particularly emphasised that **violence cannot be “extinguished by violence”**, but rather through counter-discourse that avoids further polarisation.

The role of activism and personal narratives

Interviewees from the NGO sector and human rights organisations frequently emphasise **the importance of personal stories** in deconstructing prejudice and intolerance.

One respondent from the LGBTI community stated:

“When you tell people your life story—authentically and honestly—the hate in them diminishes. You can’t hate someone you understand.”

Such stories and campaigns, which humanise minority and marginalised groups, are seen **as one of the most effective ways to reduce social distance**. Personal narratives break down stereotypes and the “anonymity” of the other—anonymity that often underlies hatred.

Some respondents suggest that **positive media content and public initiatives based on empathy** could play a key role in transforming the social climate.

Religious communities as potential bearers of messages of love and reconciliation

Although some interviewees pointed to the negative role of certain religious discourses in generating hate speech, they also recognised their **potential in affirming positive values**.

A respondent from a religious community emphasised:

“I have spoken and continue to speak out against hate speech—because it is not in the spirit of any faith. Love for one’s neighbor, peace, forgiveness—these are the foundations of both Christianity and Islam.”

He also stressed that **spiritual institutions hold influence over citizens**, especially in smaller communities, and that their active engagement in public discourse on tolerance would be highly valuable.

An ethics of affirmation, not just prohibition

The interviews reflect the idea that **society must build a model of value affirmation**, not merely focus on sanctioning undesirable behavior. There is a noted **lack of narratives that offer positive role models, cultural content, and linguistic patterns that are not rooted in mockery, insult, or aggression**.

As one female respondent put it:

“If we want to teach children not to speak hatefully, we also have to teach them how to speak kindly.”

Respondents agree that **the language of empathy and understanding is a matter of societal culture**—one that does not emerge spontaneously but is developed through education, media, politics, and interpersonal relationships.

Therefore, despite the widespread presence of hate speech, respondents believe it is possible **to create a counterbalance through the systematic promotion of positive narratives**—via personal stories and activist initiatives, as well as through institutional engagement, particularly by religious communities.

In this context, **the discourse of understanding, inclusion, and reconciliation should not be the exception** but the norm that all societal actors strive toward. This does not imply passivity, but rather an active commitment to a culture in which human dignity and mutual respect are core values.

CONCLUSIONS AND RECOMMENDATIONS BASED ON INDIVIDUAL INTERVIEWS

Hate speech has become a normative discourse, not an exception

A key assessment from all interviews is that hate speech is no longer an isolated or extreme occurrence, but **has become normalised as part of public and digital communication**. Particularly concerning is the fact that violent and discriminatory speech patterns are increasingly appearing in everyday language, social media comments, as well as in political and media discourse.

Institutional passivity, the relativisation of the issue, and frequent justifications under the guise of “freedom of expression” further reinforce this trend.

Recommendation: A shift in perception is necessary: hate speech must no longer be treated as a sporadic incident, but as **a systemic societal issue** that requires a strategic response.

A comprehensive, multisectoral intervention is needed

The interlocutors agree that no single measure is sufficient. A recurring finding across sectors is the tendency to relativise hate speech by presenting it as a legitimate expression of opinion, a practice that significantly contributes to its social normalisation. Instead of partial responses, **a coordinated and systemic approach** is needed, involving:

- **legislative institutions** (to supplement and clarify regulations, especially in the field of digital hate speech and the protection of minorities),
- **the education system** (introducing mandatory education on human rights and hate speech),
- **the media** (developing and implementing ethical standards in reporting),
- **the cultural sector** (promoting the values of diversity, tolerance and empathy).

Recommendation: Establish cross-sectoral working bodies and a national strategy to combat hate speech, with **clear goals, budgets and evaluation of effects**.

Systematic protection of victims and clear recognition of specific forms of hate speech are needed

Those most frequently targeted by hate speech include women, LGBTI individuals, religious and ethnic minorities, as well as activists and female politicians. However, **the legal framework does not explicitly recognise gender-based, homophobic, or transphobic hate speech, which hinders legal protection and effective sanctioning**.

The interviewees clearly pointed to a **lack of psychosocial support for victims and others targeted by hate**, a deep mistrust in institutions, and a widespread occurrence of self-censorship.

Recommendation: Specific forms of hate speech directed at marginalised **groups must be legally defined and sanctioned**. At the same time, **support services for victims**—such as legal aid clinics, SOS hotlines, and counseling centers—need to be developed and made accessible.

Positive narratives must receive institutional support and media visibility

In addition to controlling and sanctioning hate speech, it is essential **to actively promote narratives that affirm solidarity, understanding, equality, and human dignity**.

Interviewees particularly emphasise the importance of personal stories, media campaigns rooted in empathy, and the engagement of religious communities in promoting universal values.

Recommendation: State institutions, the media, and the education system should become key drivers of affirmative campaigns. **Civil society organisations and activist initiatives** that promote a culture of dialogue and mutual respect should also be supported.

In conclusion: The fight against hate speech cannot rely solely on ad-hoc projects or individual enthusiasm. What is needed is **a continuous, coordinated, and strategic societal response**, accompanied by institutional accountability and a clear recognition of the most vulnerable groups.

The normalisation of hate speech is a symptom of a broader societal problem—and only a comprehensive approach can lead to its suppression.

OMBUDSPERSON CASE ANALYSIS: HATE SPEECH AND INSTITUTIONAL RESPONSE

Introduction

This report analyses fourteen cases in which the Ombudsperson responded to incidents of hate speech, discrimination, or inadequate institutional responses. These cases represent a sample of various forms of rights violations — from ethnic and religious discrimination, through gender-based violence and hate speech targeting LGBTI individuals, to the neglect of minority rights by local authorities and educational institutions. The cases involve a variety of actors and sectors: schools, state institutions, religious communities, media, and local governments.

The analysis focuses on understanding institutional approaches, identifying patterns of hate speech and discrimination, and highlighting weaknesses that hinder an effective response. In addition, the report aims to provide a basis for normative and practical recommendations to improve the protection of human rights and promote a culture of tolerance.

Given the diversity and seriousness of the documented cases, it is clear that hate speech in Montenegro cannot be viewed as an isolated or deviant phenomenon, but rather as a symptom of deeper structural problems — including a lack of institutional accountability, passive actors, and insufficient political will to systematically protect marginalised groups.

Therefore, this report seeks not only to diagnose the current situation, but also to outline constructive courses of action, in order to make existing protection mechanisms more effective and to ensure that hate speech is finally recognised and treated as a serious violation of human rights and dignity.

Methodology

Research approach and objectives

This research aims to provide insight into the patterns of institutional response to hate speech through the analysis of 14 cases recorded in the recommendations and opinions of the Protector of Human Rights and Freedoms of Montenegro (Ombudsperson). These are official documents that reflect specific institutional practice in the areas of discrimination, inequality and hate speech. The analysis was conducted with the aim of systematising and mapping dominant patterns, identifying weaknesses in the institutional response, as well as understanding structural challenges in the implementation of the anti-discrimination framework in Montenegro.

This part of the research is designed as a complement to the previous phase in which the findings of qualitative interviews with actors from different sectors – media, politics, religion, activism and education – were processed. Unlike subjective narratives that reflect the perceptions and experiences of individuals, the analysis of Ombudsperson documents allows for the evaluation of formal procedures, language patterns, legal norms and institutional (non)reactions in specific cases.

A selection of cases

The analysis included a total of **14 individual cases** processed by the Ombudsperson in the period from December 2019 to January 2025. All cases are available in the public register of recommendations and opinions, and were taken as a representative sample of institutional practice in various thematic areas: education, sports, media, political discourse, religious speech, local governments, public institutions and others.

Cases were selected according to the following criteria:

- Existence of explicit hate speech, discriminatory practices or violations of the rights of minority groups.
- Involvement or competence of institutions at local or national level.
- Formal consideration and reaction by the Ombudsperson – opinion, recommendation or indication.
- Diversity in thematic and sectoral scope to ensure breadth of context.

Analytical matrix

The analysis was conducted based on a predefined qualitative matrix that includes the following dimensions of each case:

- 1. Context and background of the case:** the social, political and institutional environment in which the hate speech was recorded.
- 2. Actors:** identification of the main actors: speakers, victims, institutions that acted, as well as the position of the Ombudsperson.
- 3. Targets of hate speech:** target groups or individuals who were exposed to hatred or discrimination (ethnic, religious, sexual minorities, political opposition, etc.).
- 4. Forms and intensity of speech:** verbal expressions, symbolic patterns, stereotypes, discriminatory practices, lack of reaction, speech that leads to violence or exclusion.
- 5. Reactions of institutions:** determining whether the responsible institutions reacted, in what way, within what time frame and with what outcomes.

6. **Role of the Ombudsperson:** evaluation of the language of opinion or recommendation, formal classifications (discrimination, hate speech, violation of human rights), as well as consistency in the application of the legal framework.
7. **Outcomes and effects:** formal and informal outcomes of the case, referral effects, media attention, consequences for victims.
8. **Structural implications:** assessment of whether the case points to broader patterns of systemic neglect, deficiencies in the legal framework or institutional weaknesses.

This matrix enabled a standardised coding and comparison of all cases, as well as the derivation of general patterns.

Methodological approach and analysis

A qualitative approach to documentary analysis was applied, incorporating elements of discourse and institutional analysis. All documents underwent multiple rounds of reading — initially descriptive (context and flow), followed by interpretative (implicit norms, language formulations, power discourse), and finally analytical coding based on predefined dimensions.

In certain cases where documents were difficult to read or scanned, digital text processing and manual transcription of key sections were performed to ensure analytical accuracy. Attention was also given to the context and specificities of each case, with efforts made to avoid unwarranted generalisations not grounded in the material.

The following methods were used for processing and systematisation:

- Thematic analysis: identification of recurring patterns in the treatment and discourses related to hate speech.
- Combined inductive-deductive classification: key categories were predefined, but space was left for new ones to emerge during processing (emergent coding).
- Discourse analysis: special attention was given to the formulations used by institutions (e.g., “indication,” “opinion,” “recommendation”) and the power relations reflected in the language.

Goal and contribution

The main goal of this part of the research was to document patterns of institutional passivity, selective application of the law, lack of accountability, and the ignoring of hate speech targeting marginalised groups, through a systematic analysis of official cases. Based on this, it is possible to identify:

- critical points in the institutional chain of human rights protection,
 - inconsistencies in the understanding and application of anti-discrimination norms, and
 - the need for interventions in the legislative, educational, and regulatory frameworks.
- Ultimately, the analysis provides an empirical basis for developing concrete recommendations that go beyond general statements and are grounded in documented practices and their shortcomings.

Analytical observation: thematic units

Structural and institutional exclusion

One of the most pronounced patterns in the analysed cases is the existence of permanent and systemic exclusion of certain social groups from basic rights and services guaranteed by law. **This pattern is closely linked to the dynamics of hate speech identified throughout the report, as the same groups that are most frequently targeted by hateful and intolerant narratives are also disproportionately affected by structural and institutional exclusion.** As highlighted by focus group participants and interviewees, the normalisation of hate speech contributes to the social acceptance of exclusionary practices, while persistent institutional exclusion, in turn, reinforces negative stereotypes and narratives directed at these groups.

Healthcare and access to voting rights as a mechanism of exclusion

Several cases from the analysis show that the healthcare system in Montenegro does not function in a way that is inclusive for all citizens. The most striking example is the case of a trans person who was denied continuity in transitional medical care due to the absence of protocols and institutional neglect. The Ombudsperson's recommendation clearly highlights multiple failings – from the lack of psychological support, the undefined status of trans identity in medical documentation, to the inaccessibility of hormone therapy. The key issue in this case lies not only in technical or financial unpreparedness but in the absence of political and administrative will to systematically regulate the rights of trans persons within public healthcare.

Another telling example relates to the failure to provide appropriate voting conditions for persons with disabilities. Despite the existence of regulations and recommendations, visually impaired persons were not given access to valid templates for voting in local elections. This not only violated their fundamental voting rights but also confirmed the ongoing practice of ignoring persons with disabilities as equal users of public services.

Education: institutional inertia and neglect of diversity

Cases from the education sector point to chronic institutional neglect toward students coming from marginalised communities. In one of the recommendations, the Ombudsperson responded to hate speech found in school textbooks that perpetuate stereotypes about LGBTI individuals and women, thereby not only maintaining a culture of discrimination but actively transmitting it through the education system, echoing earlier findings from focus groups and interviews regarding the normalisation of hate speech and exclusion of these groups. Despite clear arguments, the Ministry of Education failed to act proactively – there was no revision of teaching content, no sanctions, and no systemic measures.

Additionally, school administrations show a passive attitude when it comes to specific cases of discrimination against students – whether based on ethnic origin, gender identity, disability, or social status. According to earlier findings from focus groups and interviews, such institutional passivity allows hate speech and hateful narratives targeting these groups to remain unchallenged, thereby normalising discriminatory attitudes within the school environment. In several recommendations, school authorities failed to conduct investigations or ensure protection for students, even in instances where they were physically attacked or publicly stigmatised by teachers or peers.

Local government: a key actor in passivity

The local government appears in almost all recommendations as an institution that ignores its obligations toward the most vulnerable citizens. From failing to implement the Law on Free Access

to Information, through discriminatory hiring practices, to the outright refusal to implement the Ombudsperson's recommendations – patterns of behavior are clear. Local authorities often do not view marginalised communities as a priority target group, even though, by the nature of their responsibilities, they should be the closest to citizens and directly tasked with protecting their rights. As highlighted by focus group participants and interviewees, such institutional neglect contributes to an environment in which hate speech and discriminatory narratives targeting these communities remain insufficiently challenged, thereby reinforcing their normalisation at the local level.

In one case, the city administration failed to provide basic conditions for the safe living of a citizen facing threats and hate speech. Despite the Ombudsperson's intervention and clear legal grounds, the local government did not take any measures – neither security-related, social, nor administrative – thereby not only violating the principle of good governance but also further endangering the safety of the individual.

Another telling example relates to the failure to provide appropriate voting conditions for persons with disabilities. Despite the existence of regulations and recommendations, visually impaired persons were not given access to valid templates for voting in local elections. This not only violated their fundamental voting rights but also confirmed the ongoing practice of ignoring persons with disabilities as equal users of public services.

Ignoring recommendations: institutionalised passivity

In almost all cases analysed in this report, one of the key problems is the disregard of the Ombudsperson's recommendations. Although the recommendations are clearly formulated, legally grounded, and often include precise guidelines, they remain unanswered or unacted upon. This is especially true for ministries and local administrative bodies, which on several occasions failed to even provide formal responses to the recommendations, further confirming a structural culture of avoiding accountability.

Such a practice sends the message that human rights protection mechanisms are not only weak but can also be ignored with impunity. Beyond the formal aspect, this also carries symbolic weight – it tells victims that their needs are irrelevant and gives institutions an alibi to continue practices of exclusion.

Thus, structural and institutional exclusion is not the result of isolated failures but a systemic pattern. It is sustained through passivity, ignoring recommendations, administrative inefficiency, and exclusionary rhetoric. The analysis of 14 Ombudsperson's recommendations shows that the rights of individuals and groups are violated not only through overt discrimination but also through systemic neglect and the continuous inaction of responsible authorities. The first step toward change must be recognition that structural exclusion exists – and that it is not an exception, but a rule in the institutional practices of Montenegro, thereby reinforcing the normalisation of hate speech and exclusion identified throughout this report.

Discrimination against marginalised groups

An overview of fourteen recommendations and opinions issued by the Ombudsperson across different periods and sectors clearly reveals persistent and recurring discrimination against multiple marginalised social groups—primarily LGBTI individuals, Roma, persons with disabilities, as well as religious and ethnic minorities. Discrimination manifests not only through overt hate speech, but also through subtle institutional practices that contribute to exclusion, invisibility, and violations of fundamental rights.

LGBTI individuals are frequently targeted by discrimination, as evidenced in several cases. In the recommendation concerning a trans person, the Ombudsperson pointed to the absence of systemic

transitional medical care, as well as institutional insensitivity in the handling of the case. Trans identity is not recognised as grounds for specific protection, resulting in practices of rejection, neglect, and denial of access to services. Additionally, in a recommendation related to school curricula, the Ombudsperson highlights textbook content that presents LGBTI identities in a discriminatory and pathological manner, further entrenching stereotypes among younger generations.

The Roma community faces multiple layers of marginalisation—both on the basis of ethnicity and poverty. In certain analysed cases, local institutions refuse to engage in solving the lack of water and basic infrastructure in Roma settlements, treating these communities as “temporary” and without legal status. Such practice prolongs exclusion and justifies the absence of institutional intervention. There are also instances where local officials publicly speak about Roma communities in a stigmatising manner, reinforcing prejudice and encouraging hate speech in local communities.

Persons with disabilities face deeply rooted systemic barriers. In some cases, the recommendations relate to the denial of the right to inclusive education for children with disabilities—schools either refuse to provide teaching assistants or fail to adapt content, despite legal obligations and international conventions. In one recommendation, social welfare institutions fail to respond to repeated complaints from parents, deepening the sense of isolation and injustice among families of children with disabilities.

Religious and ethnic minorities are also subject to subtle but continuous forms of institutional discrimination. As illustrated by earlier examples discussed in this report, representatives of the Islamic community and the Orthodox Church have reported instances of hate speech and institutional insensitivity, including cases where public broadcasters failed to correct offensive statements or where local authorities did not respond adequately to threats and harassment. In one particular case, media content published by a local portal promoted narratives directly targeting a specific religious community, with authorities failing to launch any proceedings or issue official condemnation.

Of particular concern are the patterns related **to institutional language and discourse**—numerous documents contain examples where discriminatory narratives are embedded within the texts of schools, municipal bodies, or other institutions. In one case, a lesson in an elementary school included content suggesting that certain identity characteristics represent a “deviation,” which the Ombudsperson identified as a form of systemic hate speech dissemination through the education system.

Based on these examples, it can be concluded that discrimination against marginalised groups is multifaceted—ranging from overt hate speech, to institutional passivity, to linguistic and educational constructs that further reproduce existing stereotypes. Reactions to these forms of discrimination are largely absent or remain symbolic, while recommendations issued by the Ombudsperson are often not implemented or treated as binding.

The next chapter will address how institutional discourse and rhetorical patterns contribute to the normalisation of hate speech.

Discourse and rhetoric of institutions

In the documented cases handled by the Ombudsperson between 2019 and 2025, a particular concern is the way in which institutions—through their own language, public statements, or rhetorical passivity—directly or indirectly participate in the reproduction of hate speech. While in many cases this involves indirect support through inaction or relativisation, there are also recorded instances in which public officials, representatives of local authorities, or employees in state institutions used overtly discriminatory and offensive language.

In a recommendation from 2022, the Ombudsperson addressed a case where a local official, during a public event and in front of the media, used offensive stereotypes against LGBTI individuals, calling them a “deviation” and a “social problem.” Although the statement triggered a response from civil society, there was no institutional condemnation or initiation of any disciplinary procedure. The local government issued a statement only after public pressure—and even then, not to condemn the statement, but to “relativise” it, citing freedom of opinion.

A similar pattern was observed in a case where a priest from a religious community contacted local authorities about harassment and hate speech in online comments under a local news article. Instead of condemning the incident, the response from the municipal structures was neutral, accompanied by a message that “in a pluralistic society, there is room for all kinds of opinions.” This kind of discourse, although seemingly tolerant, in practice normalises discriminatory narratives by equating hate speech with legitimate expression of opinion.

In a 2023 recommendation, the Ombudsperson highlighted a problem in a Ministry of Education report that used discriminatory terminology to describe a child with disabilities—referring to the child as “unfit to integrate into a collective system.” This type of institutional language further stigmatises and isolates already marginalised groups. Particularly concerning is the fact that the term originated in an official report by a government employee. Despite the Ombudsperson’s recommendation to adapt language and standards in line with human rights principles, the Ministry neither formally responded nor showed willingness to change.

In another example, a local official responded to criticism of municipal policies toward the Roma community by saying that “those people don’t even want to integrate.” This type of rhetoric, which perpetuates the idea of inherent blame of marginalised communities for their own exclusion, is used to justify institutional inaction. Although not a direct expression of hate speech, this rhetoric contains elements of deeper discrimination and legitimises institutional inertia.

Especially problematic is the phenomenon where institutions ignore or fail to respond to publicly spoken insults or discriminatory messages. In several recommendations, the Ombudsperson noted that neither media councils nor competent ministries issued statements after offensive comments or sensationalist headlines about minorities appeared in local or national media. Such passivity not only enables repeated offenses but also sends a message that hate speech is not institutionally recognised as a problem.

In almost all analysed cases where offensive statements were present, institutional responses amounted to silence, relativisation, or formally irrelevant replies. Discourse analysis shows that institutions frequently adopt terminology that marginalises, pathologises, or stigmatises various identity groups. There is no systemic effort to promote a language of respect and human rights protection through institutional rhetoric.

In conclusion, institutional discourse significantly contributes to the normalisation of hate speech. Whether through the direct use of offensive language, tolerance of discriminatory narratives, or rhetorical passivity, institutions play a key role in shaping social norms. When officials ignore or justify hate speech, it sends the message that such patterns are acceptable—further discouraging victims from turning to the system and increasing public tolerance for violent speech. Reforms cannot be effective unless the importance of institutional rhetoric is recognised as an instrument—or at least a barometer—of social inclusion.

Digital and media sphere in recommendations

In the analysis of 14 cases documented and publicly released by the Ombudsperson, the digital and media spheres stand out as key arenas where hate speech is produced, disseminated, and normalised. The recommendations clearly point to the problematic role of the media—both local and national—in perpetuating negative stereotypes about minority and marginalised groups. In most cases, the issue lies in the passivity of the competent institutions in responding to inappropriate content, as well as the lack of effective regulatory mechanisms, especially when it comes to digital communication channels.

Perpetuation of stereotypes through media reporting

Several recommendations indicate that the media often serve as intermediaries through which offensive and discriminatory narratives are spread. In at least three cases, media coverage of LGBTI persons and the Roma community was sensationalist, unethical, and based on negative stereotypes. In one analysis, a local news portal published an article about a queer cultural event using sensationalist headlines and framing it as a “controversial gathering,” without context, facts, or any attempt at objective reporting. The unmoderated comments beneath the article contained direct hate speech, including calls for violence, and the editorial board of the portal took no steps to moderate or remove them.

A similar dynamic was observed in another case where the public broadcaster, in a program intended for young audiences, used an inappropriate term for persons with disabilities. The Ombudsperson issued a recommendation for an apology and staff training on terminology, but as of the publication date of the recommendation, no response had been made. This case clearly illustrates how even public broadcasters—who by mandate should uphold professionalism and inclusion—can contribute to the reproduction of exclusionary speech.

Reader comments as a field of unpunished hatred

A specific section refers to the comments under media content on local news portals. In almost all cases involving digital media, comments containing hate speech are neither moderated nor removed after being reported. The Ombudsperson has repeatedly emphasised that inaction—failing to remove hate speech—is a form of complicity. In one case, a local portal allowed the spread of open ethnic insults and threats toward the Muslim community without any response. There was no internal procedure, nor any reply to the Ombudsperson’s request for clarification regarding the platform’s commenting policy.

Particularly concerning are cases where individuals are directly targeted in the comments—activists, civil society representatives, female politicians—with insults of a gendered, ethnic, or sexual nature. In a 2023 recommendation, it was clearly stated that the comments included misogynistic, homophobic, and xenophobic language, yet they were not removed even after multiple user reports and a formal letter from the Ombudsperson. The portal responded by stating that it “bears no responsibility for users’ opinions,” thereby further perpetuating the idea that the digital space is not subject to legal and ethical standards.

Ignoring regulatory bodies and ethical standards

Most of the analysed recommendations show that media outlets, particularly at the local level, do not adhere to internal ethical codes or to the guidelines set by the Press Council or the Agency for Electronic Media. When the Journalists’ Code is violated, there is generally no self-regulation. In several cases, the Ombudsperson attempted to mediate, requesting that editorial boards issue apologies, correct reports, or remove offensive content—but media responses ranged from silence

to outright refusal. This demonstrates that there is no effective link between institutional recommendations and media practices.

One recommendation also notes that certain media outlets have used institutional sources to legitimise hate speech—for example, quoting public officials who make offensive statements without any editorial distance. This not only spreads discriminatory content, but also normalises it, since it originates from “official” or “relevant” actors.

Inadequate responses from media institutions

In almost none of the cases was there a systemic willingness among media outlets to reconsider their own practices. Recommendations from the Ombudsperson were either ignored or responded to in a purely formal manner—without any acknowledgment of wrongdoing. In the two cases where minimal content changes were made, there was no public apology or recognition that the content was harmful. In one instance, the editorial team even claimed that the “reaction was a result of excessive political correctness,” further undermining the fundamental standards of journalism and human rights.

Digital space as a grey area of responsibility

A particular challenge is posed by the digital space, where responsibility for content is most often avoided. Media outlets invoke the “freedom of users” and technical inability to exert control, even though standard tools for moderation, user registration, and responsible commenting are readily available. The Ombudsperson’s requests to introduce control measures in line with hate speech protection standards largely remain ineffective. Such irresponsibility in the digital realm further endangers those already marginalised—women, LGBTI persons, and members of ethnic minorities—by leaving them exposed to attacks without institutional or social protection.

Accordingly, the digital and media spheres in the analysed recommendations represent a key arena for the spread of hate speech and discrimination. Local portals and national media often serve as safe zones for exclusionary language, while institutions responsible for regulation and protection remain silent or respond in a merely formal manner. Comments inciting violence remain publicly visible, while marginalised groups are further stigmatised through narratives of “deviance,” “danger,” and “undesirability.” It is clear that without systemic regulation, education, and accountability on the part of editors and journalists, the digital space remains disordered and dangerous for human rights and social cohesion. The Ombudsperson’s reports offer important guidance, but the responses of responsible institutions and the media themselves are still insufficient to meaningfully curb hate speech in media and digital environments.

Judiciary, local government and education

The analysis of 14 cases in which the Ombudsperson responded with observations or recommendations to institutions clearly indicates a serious institutional deficit in three key sectors: the judiciary, local government, and education. The role of these sectors in preventing, sanctioning, and dismantling hate speech and discrimination has proven to be almost symbolic, while dominant patterns are reduced to inaction, avoidance of responsibility, and failure to apply existing laws. This directly undermines the fundamental purpose of the human rights system – the protection of the most vulnerable

Judiciary: invisible presence and passivity

In none of the analysed cases did judicial institutions initially respond to the problem. Their passivity is doubly indicative: not only is there no proactive protection of citizens, but in several instances, they also failed to respond to concrete recommendations made by the Ombudsperson. In cases where elements of hate speech and discrimination were identified—whether toward trans persons,

the Roma community, or persons with disabilities—prosecutors did not initiate proceedings *ex officio*. For example, in a case involving the denial of transitional healthcare to a trans person, the competent judicial institutions did not recognise grounds for action, even though the elements of discrimination were clearly evident from the facts. As highlighted earlier by focus group participants and interviewees, such institutional responses contribute to the normalisation of transphobic narratives by signalling that discriminatory attitudes and exclusionary practices targeting trans persons fall outside the scope of concern or accountability. In this way, the failure to address discrimination reinforces the broader social environment in which hate speech against trans persons is tolerated and reproduced.

Another illustrative example is the judiciary's response to hate speech appearing in public statements made by local officials. In a case where a mayor publicly mocked the LGBTI community in response to the International Day Against Homophobia, the prosecution did not consider there to be grounds for criminal prosecution. This further confirmed a recurring pattern—that the judiciary effectively fails as a protection mechanism and that hate speech within institutions goes unsanctioned.

Local government: neglect of recommendations

Local Government is the most frequent actor in the analysed recommendations — either as the direct bearer of the disputed practice or as the institution to which the recommendation is addressed. In a large number of cases, the reports of the Ombudsperson show that local authorities ignore recommendations, do not respond to letters, nor correct harmful practices. Such behavior indicates a twofold problem: on one hand, there is a low level of understanding and awareness of obligations in the field of human rights, and on the other hand, there is institutional irresponsibility and impunity.

A particular example concerns a case in which a local government refused to provide information on educational support for children with disabilities, thereby violating the right of access to information and undermining public oversight. **While this case does not involve hate speech in its explicit form, focus group participants and interviewees highlighted that such institutional practices contribute to the normalisation of discriminatory attitudes toward persons with disabilities.** The persistent denial of transparency and accountability reinforces narratives that portray persons with disabilities as marginal or undeserving of equal attention, creating an environment in which hateful or demeaning speech targeting these groups is more likely to be tolerated. Although the Ombudsperson issued a recommendation, the municipality invoked administrative technicalities and ultimately failed to act in accordance with the request. In another case, the administration of one municipality did not respond to a series of offensive and discriminatory comments that appeared on the official municipal website regarding a religious holiday of a minority community. Not only were the comments not removed, but there was also no public condemnation or attempt to communicate with the affected community.

Education: schools as unrecognised actors in the fight against discrimination

A particularly concerning area is the education sector, where systemic passivity is observed, along with a lack of proactive measures and occasional direct contribution to hate speech. In multiple recommendations, the Ombudsperson highlights content in school textbooks containing discriminatory terms, as well as inadequate responses by teaching staff to incidents among students.

One case involves a Roma student who was subjected to verbal abuse at school, including comments from teachers, while the school failed to notify either the parents or the relevant authorities. The school principal responded to the Ombudsperson's recommendation only after months of warnings and did so without acknowledging any fault, indicating a deep-rooted problem within the management structure of educational institutions.

In another case, concerning the portrayal of trans individuals in school materials, the Ministry of Education failed to react despite having an obligation to review the textbooks. Despite clear recommendations, the textbook remains in use, thereby perpetuating harmful narratives, while responsibility is shifted onto the authors and publishers, with no institutional reflection.

Educational institutions in nearly all recommendations act as if combating hate speech is not within their jurisdiction. There are no systematic trainings for teaching staff, nor regulations clearly defining the school's response in cases of hate speech among students or during the teaching process. In this vacuum, students belonging to marginalised groups (ethnic minorities, LGBTI, children with disabilities) are left to fend for themselves, exposed to peer violence and sometimes even institutional harassment.

Ministries: invisible pillars of the system

The analysed documents also reveal a high level of passivity among central ministries, particularly the Ministry of Education and the Ministry of Health. These institutions almost routinely fail to respond to recommendations, or implement them only partially, without acknowledging the underlying issues. The Ombudsperson frequently notes that recommendations are not applied systematically, but instead treated as isolated reports that are simply “archived.”

For instance, the Ministry of Health failed to respond to a request to establish a working group for drafting a protocol on transitional healthcare, even though the recommendation was submitted with detailed justification. The Ministry did not even issue a negative reply—it simply remained silent. **While this case does not constitute hate speech in itself, institutional silence of this kind contributes to the normalisation of exclusionary and discriminatory narratives.** By failing to acknowledge or address the issue, public authorities send an implicit message that the concerns of trans persons fall outside institutional priorities, thereby reinforcing an environment in which transphobic attitudes and hate speech are more likely to persist unchallenged.

INSTITUTIONAL PASSIVITY AND/OR RESISTANCE

An analysis of fourteen recommendations issued by the Protector of Human Rights and Freedoms (Ombudsperson) reveals a recurring pattern of institutional passivity, characterised by the inaction of state and local authorities even in cases where violations are clearly identified, documented, and followed by formal recommendations from the competent oversight body. This passivity goes beyond isolated failures to act and points to a broader systemic pattern, reflecting a reluctance to recognise marginalised groups as equal members of society and a limited commitment to the effective functioning of human rights protection mechanisms.

In several cases, such passivity has evolved into open resistance, with institutions questioning or disregarding the legitimacy of the Ombudsperson's recommendations altogether. Across the analysed cases, similar patterns emerge within the judiciary, local administration, and education sectors. The judiciary often fails to treat hate speech and discrimination as matters of priority; local authorities frequently ignore recommendations or minimise their obligations; and the education system remains insufficiently responsive in ensuring inclusive and protective environments.

In this context, the Ombudsperson's recommendations function as the primary mechanism of formal oversight, yet they remain limited by the absence of binding force, sanctions, or effective follow-up. The lack of concrete measures, accountability mechanisms, and institutional consequences contrib-

utes to the preservation of existing practices rather than their transformation. Where public institutions—judicial, administrative, and educational—do not acknowledge their responsibility to protect vulnerable groups, hate speech risks remaining unaddressed and becoming further normalised within institutional frameworks.

Passivity as a systemic pattern

Almost all analysed cases show that the institutions to which the Ombudsperson's recommendations were addressed did not respond within the legally prescribed timeframe, nor did they provide relevant reports on the measures taken. In some cases, responses were completely absent, indicating a lack of institutional respect for the constitutional role of the Ombudsperson as an independent oversight body. Passivity manifests at several levels:

- **Ignoring letters and recommendations:** institutions do not formally respond to requests, letters, or notifications sent by the Ombudsperson, thereby directly undermining oversight mechanisms.
- **Minimal or symbolic reactions:** even when a formal response is provided, it usually lacks substantive measures. Responses often consist of bureaucratic phrases such as “the recommendation is under consideration,” without concrete deadlines, actions, or changes in practice.
- **Delegation of responsibility:** institutions shift competence to other bodies or subordinate entities, often attempting to avoid direct accountability (e.g., ministries claim that schools or health centers are autonomous and cannot be “interfered with”).

Such patterns have been observed across nearly all sectors: from the Ministry of Education, which failed to respond to recommendations regarding inclusion and removal of discriminatory textbooks, to the Ministry of Health, which ignored the issue of inaccessible transitional healthcare, and local governments that did not react to hate speech in public spaces, including their own digital platforms.

The Ombudsperson as a lone corrective

In almost all cases, **the Ombudsperson is the only institution that recognises the problem, responds, and attempts to protect citizens' rights.** Its recommendations are often the only trace of institutional concern, although they lack executive power. The role of the Ombudsperson is hindered in multiple ways:

- **Institutional neglect:** institutions treat the Ombudsperson's recommendations as mere “opinions” rather than binding guidelines stemming from its constitutional mandate.
- **Lack of enforcement pressure:** the law does not provide sanctions for institutions that ignore the Ombudsperson's recommendations, reducing its role often to a symbolic one.
- **Overburden and lack of resources:** although the Ombudsperson regularly acts on complaints, in many cases it lacks sufficient resources to monitor the implementation of recommendations or mechanisms to compel actors to act.

This phenomenon creates a dangerous dynamic in which **citizens' rights formally exist**, but in practice are protected by only one, often marginalised, actor without the support of institutions that hold real power to act.

Open institutional resistance

In several cases, it is not just a matter of ignoring the recommendations but of **deliberate and declarative relativisation**, which can be characterised as open resistance. For example:

- In one case, a representative of local government refused to implement a recommendation, arguing that it “was not hate speech,” even though offensive terms targeting trans people

were used in public documents. No legal or expert argumentation was offered to challenge the Ombudsperson's analysis.

- In another case, the school administration claimed it was not obliged to implement recommendations because it "did not recognise discrimination in the context of religious content," thereby effectively rejecting institutional mediation.

Resistance often also manifests through attempts **to undermine the credibility of the Ombudsperson**, by portraying its recommendations as politically motivated, irrelevant, or "ignorant of the local context." Such practices undermine trust in human rights protection mechanisms and further discourage citizens from seeking protection.

Symptom of a broader systemic problem

This institutional passivity and resistance are not isolated incidents. They are symptoms of **a systemic structure** in which:

- Institutions lack internal incentives to act proactively.
- There is no internal accountability nor external mechanisms of control.
- Human rights are often treated as secondary or as a "project of the non-governmental sector," rather than as an obligation of public administration.

Such a context creates **an environment of impunity** – not only for individuals who express hate speech, but also for institutions that fail to recognise, ignore, or tacitly support it through silence.

Consequences

The long-term consequences of such a situation are manifold:

- **Normalisation of discrimination and hate speech** in the public sphere.
- **Decreased trust of citizens** in institutions, especially among marginalised groups.
- **Depoliticisation of human rights** – their removal from everyday institutional functioning.

In conclusion, the phenomenon of institutional passivity and resistance, as revealed in the analysis of 14 Ombudsperson recommendations, points to **a deeply rooted problem** within the human rights protection system in Montenegro. While the formal framework exists, the real political and administrative will to implement rights – especially those concerning vulnerable and marginalised groups – is often absent. The Ombudsperson remains a solitary point of resistance, lacking enforcement mechanisms and systemic support.

Unless institutional accountability is redefined and enforcement mechanisms for recommendations are strengthened, there is a danger that hate speech and discrimination will not only remain unpunished but become part of everyday institutional behavior – normalised through passivity and reinforced through silence.

RECOMMENDATIONS FOR STRENGTHENING INSTITUTIONAL PROTECTION

The analysis of 14 cases handled by the Ombudsperson highlights an urgent need for a strategic, comprehensive reform of institutional mechanisms for the protection of human rights, especially concerning hate speech, discrimination, and systemic exclusion. The following recommendations stem directly from identified patterns of passivity, inconsistent application of laws, and disregard for the recommendations of independent bodies. Their goal is to build an institutional system that does not tolerate, but actively prevents and sanctions hate speech and discrimination.

Introducing clear protocols and binding procedures

In the majority of analysed cases, a lack of clear internal protocols was observed that would enable employees in education, healthcare, and public administration to recognise, respond to, and proactively act in cases of discrimination and hate speech. It is recommended to:

- **Introduce mandatory procedures for reporting and handling cases of discrimination and hate speech**, with clearly defined deadlines, responsible persons, and institutional mechanisms to monitor implementation.
- **Standardise forms, reports, and record-keeping** to prevent institutional “silence” and ensure cases are systematically registered and analysed.
- **Oblige institutions to provide written responses to the Ombudsperson’s recommendations**, including a concrete action plan and deadlines, to avoid the practice of ignoring them.

In schools, this means introducing crisis protocols for violence motivated by hate (whether verbal or physical), while in the healthcare system it involves mandatory guidelines for approaching marginalised patients (e.g., trans persons or persons with disabilities), which currently do not exist or are not implemented in practice.

Systematic education of employees in public institutions

One of the key findings is **the low level of awareness and knowledge among employees in public institutions**, who often do not recognise hate speech nor are aware of their legal obligations regarding discrimination. Therefore, it is necessary to:

- Introduce mandatory, systemic training for all employees in the public sector, including schools, health centers, social work centers, municipalities, and ministries.
- The training should cover:
 - Definitions and forms of hate speech and discrimination;
 - Legal obligations and consequences of institutional silence;
 - Methods of non-violent communication, intercultural competence, and anti-discrimination practices;
 - Practical protocols and role-playing simulations.
- Link the training with career advancement – to avoid formal or declarative training, it is proposed that certain levels of training be a prerequisite for promotion or assuming managerial positions.

Training should be organised through accredited programmes of the Human Resources Management Authority and the Bureau for Education, ensuring that capacity building becomes an institutional obligation embedded in the official training systems for civil servants and teachers, rather than an activity dependent on project funding or individual initiatives.

Strengthening the Ombudsperson's oversight role and the obligation to comply with recommendations

The analysed cases show that the Ombudsperson's recommendations are essentially not respected. In most cases, institutions either do not respond, ignore, or formally accept the recommendations without actual implementation. It is necessary to:

- **Legally strengthen the obligation to comply with the Ombudsperson's recommendations** by amending relevant laws (Law on the Protector of Human Rights and Freedoms, Law on State Administration, Law on Local Government).
- **Introduce an obligation to provide justification for rejecting a recommendation**, which would be publicly published and submitted to the Parliament or Government for consideration.
- **Establish a parliamentary oversight mechanism for the implementation of the Ombudsperson's recommendations** – for example, through a binding annual report on the number of implemented, partially implemented, and ignored recommendations.
- **Strengthen the technical and financial capacities of the Ombudsperson**, including a dedicated sector for monitoring the implementation of recommendations and coordination with inspection bodies.

Only through this type of institutional empowerment can the Ombudsperson cease to be a lonely actor without enforcement powers and become a true regulator of institutional human rights practices.

Harmonisation with international standards

In all of the Ombudsperson's recommendations—whether implicitly or explicitly—there is a clear deviation of domestic practice from international human rights protection standards. To ensure alignment with the obligations Montenegro has as a member of the United Nations, the Council of Europe, and other bodies, the following is recommended:

- **Consistent harmonisation of domestic legislation with the case law of the European Court of Human Rights (ECtHR), as well as standards of CEDAW and ECRI.**
- **For example, the ECtHR has repeatedly ruled that hate speech is not protected under Article 10 of the ECHR on freedom of expression—something domestic institutions often overlook.**
- **Incorporation of recommendations from international bodies into national documents**, such as human rights strategies, national education policies, and inclusion plans.
- **Regular reporting on progress**, not merely in the form of technical reports, but through publicly available evaluations that include independent actors (e.g. the Ombudsperson, academic community, civil society).

Alignment with international standards is not only a formal obligation to international bodies—it also brings **external legitimacy and pressure for change within domestic institutional behavior**.

Therefore, strengthening institutional human rights protection cannot rely solely on declarations and strategies. It must include mandatory, measurable, and enforceable steps—from clearly defined protocols and training, to accountability mechanisms and alignment with international legal standards. Particular emphasis must be placed on transforming institutional culture—from one of silence and passivity, to a culture of accountability and respect for human rights.

Otherwise, institutions will continue to be part of the problem, not part of the solution, while marginalised groups will continue to be left without effective protection from hate speech, discrimination, and institutional violence

CONCLUSION

The analysis of fourteen recommendations issued by the Ombudsperson between 2019 and 2025 reveals a clear and troubling picture—hate speech and discrimination against marginalised groups in Montenegro are not isolated incidents, but part of a deeper, **structural pattern of institutional silence, passivity, and selective enforcement of rights**. In most cases, the institutions that should act as guarantors of protection—schools, ministries, local governments, healthcare and social service providers—fail to respond, ignore the recommendations of independent bodies, or even directly contribute to the perpetuation of discrimination through their language, actions, or inaction.

What is even more concerning is the continuity of these patterns over several years, without systemic correction. This indicates that the issue is not limited to isolated institutional failures, but points **to a systemic lack of accountability and an institutional culture that normalises discrimination**. In many cases, the Ombudsperson remains **the only actor identifying the problem**. Yet, without enforcement mechanisms to ensure the implementation of its recommendations, the role of the Ombudsperson remains more symbolic than effective.

There is also a clear pattern **of selective human rights protection**, with LGBTI persons, Roma, persons with disabilities, trans individuals, and religious or ethnic minorities being the most frequent targets of ignored discrimination. This discrimination is often masked behind “procedural justifications,” bureaucratic language, or simply—silence. Although hate speech frequently originates in digital and media spaces, it becomes most dangerous when legitimised through institutional silence or public relativisation by political and administrative actors.

What is needed, therefore, is **a multisectoral and proactive strategy that clearly defines the responsibilities of every level of government and public administration**—from local municipalities to ministries, schools, healthcare, and social welfare institutions. Such a strategy must be based on:

- **mandatory and precisely defined institutional protocols;**
- **compulsory education and training for all public sector employees;**
- **legal empowerment of the Ombudsperson and other independent bodies;**
- **open public communication on cases of discrimination and institutional responses.**

Without such a systemic shift, hate speech and discrimination will remain part of everyday life for thousands of citizens who do not conform to the majority norm, and public trust in institutions will continue to erode.

This report is not merely a diagnostic document—it is **a call for institutional responsibility, for concrete and measurable action**. The right to dignity, equality, and protection must not depend on political will, bureaucratic discretion, or the public visibility of an individual case. What is needed is a state that actively protects—not a state that remains silent.

FINAL RECOMMENDATIONS FOR THE SYSTEMIC FIGHT AGAINST HATE SPEECH AND DISCRIMINATION

1. Institutional response: binding procedures and accountability

- **Introduce clear protocols and binding standards of conduct in institutions (schools, healthcare, ministries, municipalities)** for all cases of discrimination and hate speech, including internal mechanisms for reporting and victim protection.
- **Require all public institutions to respond to the Ombudsperson's recommendations**, with sanctions in place for cases of non-compliance or inaction.
- **Strengthen the institutional network of cooperation between the Ombudsperson**, the prosecution, the police, ministries, and local governments to ensure coordinated responses in cases of discrimination and hate speech.

2. Legislative reforms: recognising specific forms of hatred

- Ensure effective implementation of the amended anti-discrimination Law and revise the Law on Electronic Media to clearly regulate and sanction gender-based, homophobic, transphobic, ethnically and religiously motivated forms of hate speech, especially in the digital space.
- **Harmonise national laws with international standards and recommendations**, including CEDAW, ECRI and the case law of the European Court of Human Rights (ECtHR).

3. Education and professionalisation

- **Introduce mandatory training on hate speech and non-discrimination** for public sector employees – especially in education, police, healthcare and local administration.
- **Reform curricula and textbooks in primary and secondary education**, in order to remove stereotypes and offensive content, and affirm the values of tolerance and human rights.
- **Introduce continuous training for media workers and editors**, with the support of media councils and regulatory bodies.

4. Psychosocial and legal support for victims

- **Establish specialised teams in institutions** (schools, social work centers, health institutions) to provide psychological, social and legal support to persons who have been targets of hate speech.

5. Media and digital responsibility

- **Regulatory bodies and journalist associations** should strengthen monitoring of digital media and social networks, introducing recommendations and guidelines for editorial responsibility.
- **Public service media and local portals** must develop internal codes and editorial protocols that unequivocally prohibit the transmission and tolerance of hate speech.
- **Prevent the anonymous spread of hate in comments** on internet portals through technical and legal mechanisms.

6. Affirmation of positive narratives and a culture of nonviolence

- **Support initiatives that promote the language of inclusion, solidarity and dialogue**, especially through schools, cultural centres, youth organisations and religious communities.
- **Introduce institutional campaigns aimed at deconstructing stereotypes**, especially those directed against the LGBTI community, Roma, women in politics and other vulnerable groups.
- **Recognise and support the role of activists, journalists and religious leaders** who publicly promote tolerance and understanding.

SPECIFIC AND OPERATIONAL RECOMMENDATIONS

1. Health

- The Ministry of Health **to urgently adopt and publish a protocol for transitional health-care for trans people**, in cooperation with the civil sector and experts.
- In all health centers in larger municipalities, introduce a **contact person for protection against discrimination**, with a clearly stated contact and complaint procedure.
- Mandatory annual training for health center staff **on the culture of treatment of marginalised groups** (LGBTI, Roma, people with disabilities).

2. Education

Ministry of Education to:

- **withdraw urgently and revise textbooks containing hate speech and stereotypes** (as in the case of religious and national minorities).
- Introduce **mandatory training for principals and pedagogical advisors** on the topic of recognising hate speech and institutional response.
- Introduce **an anonymous box for reporting discrimination and hatred** in all secondary schools, with a quarterly report on reports and actions taken.

3. Local government

- The Government of Montenegro should strengthen the translation of existing national strategies addressing discrimination and hate speech (such as the LGBTIQ Strategy and related policy frameworks) into concrete local-level action plans, ensuring coordination, guidance and accountability at the municipal level.
- Introduction of **a local response mechanism to hate speech** – a human rights contact person in each municipality, who regularly cooperates with the Ombudsperson.

4. Media and digital platform

- The Agency for Electronic Media (AEM) to develop and adopt **binding guidelines for moderation of comments on portals**, with the possibility of sanctions for media that do not apply them.
- RTCG and other television stations to introduce **an ethical filter for program content** that includes:
 - automatic checking for stereotyping and discriminatory language,
 - and inclusion of marginalised groups in discussions on social issues.

5. Judiciary and police

- Prosecutor's offices police and courts must keep **separate records of hate speech cases**, categorised by type of hatred (gender, ethnicity, sexual orientation...).
- Police officers in local communities must undergo **mandatory training twice a year** on working with LGBTI persons, minorities and victims of verbal violence.

6. Ombudsperson and regulatory bodies

- The Law on the Ombudsperson should be amended so that:
 - **the Ombudsperson's recommendations become legally binding** within 30 days, or a reasoned rejection must be submitted.
 - **a sanction is introduced for institutional ignoring recommendations**, through control by the Parliament or the Government.
- The Ombudsperson should publish a quarterly **report about institutions that have not acted on recommendations**

7. Education and support for victims

- Establish a **national SOS line for victims of hate speech**, available 24/7, with counselors trained to work with marginalised groups.
- Open **Counseling Centers for people who have suffered hate speech** in all major cities, with psychosocial and legal assistance.

8. Culture and religion

- The Ministry of Culture should support and finance a nationwide public awareness initiatives aimed at promoting respectful language, solidarity and non-violence in public communication, complementing existing initiatives addressing hate speech and discrimination.
- Religious communities and their leaders should be invited to jointly develop and endorse a declaration on the use of respectful, non-discriminatory and non-violent language, particularly in public communication and religious sermons.

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