



Conference on xenophobia and racism committed through computer systems

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Montenegro signed and ratified several international treaties:

- Law on Ratification of the Convention on Cybercrime;
- Law on Ratification of Protocol to the Convention of cybercrime (Budapest Convention);
- The second additional protocol to the Convention on cyber crime on enhanced cooperation and disclosure of electronic evidence.
- The procedure for adoption of the new Laws are underway;
- Law on the Protection of Equality and the Prohibition of Discrimination is underway;
- Criminal code.



LEGAL FRAMEWORK

- The Constitution has declared the prohibition of inciting or encouragement of hatred or intolerance on any basis.
- Law on Prohibition of Discrimination defines hate speech as Discrimination, that means treating someone differently and unfairly due to a specific characteristic that a person possesses.
- The Law on Media prohibits the publication of information in the media that expresses ideas, claims and opinions that cause, spread, incite or justify discrimination, hatred, etc.



- The Law on Electronic Media also prohibits the use of audio-visual media services to incite hatred or discrimination, and it is possible to limit the broadcasting of programs from Montenegro, as well as the rebroadcasting of programs from other countries if they promote hatred.
- The Law on Public Order and Peace prescribes misdemeanors on the basis of which hate speech is prosecuted by misdemeanor courts. Different fines and prison sentences are provided depending on the offense.



SUPPRESSION OF HATE SPEECH ON THE BASIS OF THE CRIMINAL CODE

The Criminal Code of Montenegro contains three criminal offenses related to hate speech, two of which are applied in practice.

These are the criminal acts of Causing national, racial and religious hatred from Article 370, and Racial and other discrimination from Article 443.

CAUSING NATIONAL, RACIAL AND RELIGIOUS HATRED

This criminal offense (from article 370) prohibits public incitement to violence or hatred based on national, racial or religious affiliation.



RACIAL AND OTHER DISCRIMINATION

Spreading ideas about the superiority of one race over another or propagating hatred or intolerance based on race, gender, disability, sexual orientation, gender identity or other personal characteristic or inciting racial or other discrimination is punishable.

HATE SPEECH – A CRIMINAL OFFENSE OR MISDEMEANOR?

According to the Ombudsman's report, the majority of reports of hate speech resulted in warnings by the police or prosecution in the courts for misdemeanors, while few reports were processed in criminal proceedings. Anyhow, hate speech must not remain unprocessed, because it is against the legal order in Montenegro.



PUNISHMENT FOR HATE SPEECH - Criminal offenses from Articles 370 and 443 prescribe imprisonment sentences of six months to five years for the basic form of the offense, or up to eight and ten years for qualified forms of the offense from article 370.





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