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IMPLEMENTATION OF THE CODE OF
ETHICS AND SELF-REGULATION
PRINCIPLES THROUGH THE INTERNAL
RULES ON POSTING COMMENTS IN
ONLINE MEDIA IN MONTENEGRO



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IMPLEMENTATION OF THE CODE OF ETHICS AND SELF-REGULATION PRINCIPLES THROUGH THE INTERNAL RULES ON POSTING COMMENTS IN ONLINE MEDIA IN MONTENEGRO

By Milica Bogdanović

INTRODUCTION

There are 33 registered online media in Montenegro¹ while at least around ten more portals publish content on the internet without prior registration with the Agency for Electronic Media. The online media field and way of web portals operation in Montenegro have not been completely legally regulated. However, there are principles of the Code of Journalist of Montenegro² that should be implemented equally in both traditional and online media.

The provisions on internal rules of commenting, its accessibility to the citizens who post comments, and on administering comments according to the established rules make the segment of the Code particularly important for the media that operate on the internet. Knowing the online media often have possibility of interaction with the citizens by enabling them to comment the articles and other content on their pages - which was recognized as a contribution to the media democratization - but also it is a space for abusing this new channel of communication to spread hate speech, insults and propaganda, we wished to study if and how online media in Montenegro observe these provisions of the Code.

Wishing to show the practice in several media and states outside of Montenegro, we analyzed comments moderation systems in two online media, in Slovenia and United Kingdom, their internal rules, but also regulations that oblige media to consistently implement procedures and prevent spreading of hate speech, propaganda and negative campaigns against individuals, organizations and collectives, that violate human dignity.

By simple search of the online media websites in Montenegro in April and May, 2018, we have established the level of observing the Code provisions on online comments, as well as the level of these media transparency. By observing the key online media in Montenegro and through interviews with their editors,³

1 The Electronic Publication Register. Available at: <http://www.ardcg.org/>. Accessed: May 16, 2018.

2 The Code of Journalists of Montenegro. Available at: goo.gl/f8Mhkh. Accessed: April 15, 2018.

3 We have interviewed *Vijesti Online* portal editor Srđan Kosović, editor-in-chief of the Portal *Analitika* Predrag Zečević, editor of the *RTCG* portal Olja Bulatović and deputy editor-in chief of *CDM* portal Aleksandra Obradović.



we analyzed how the comments are moderated, how the internal rules are applied and whether the citizens could complain on the commenting rules implementation and how. With this analysis, we wish to bring to attention the importance of observing ethical principles and offer recommendations to improve the current situation. Our goal is to encourage the debate in the media community and with the interested public in Montenegro on how this filed could be advanced, based on this analysis.

The research was conducted within the project Respect - For Improving Ethical Standards in Media and Citizens' Trust in Ethical Media, implemented by the Montenegrin Media Institute with the financial support from the European Union, in partnership with the Peace Institute from Ljubljana and the Ethical Journalism Network from London. Methodology and mentoring was provided by Brankica Petković from the Peace Institute.⁴ We are open for additional explanations and discussion on all the details of this analysis.

ONLINE COMMENTING SYSTEMS IN EUROPE AND MONTENEGRO

With the technological development and arrival of the web, not only has the way of informing citizens and their mutual communication changed, but also the way of life where virtual and physical world are extremely interconnected. The modern information technologies enabled the internet to go from the space for dialog and opinion exchange of certain number of people to the globalization driver numerous economies and policies are based on. These changes impacted the media market too, changing the way citizens receive information and giving possibility for interaction between the audience and the media. It became „the world that promised the kind of society that the real world could never allow – freedom without anarchy, control without government, consensus without power“.⁵ However, internet revolution started numerous challenges and dilemmas of how to achieve the balance between unparalleled concept of freedom on the internet and abuses that are occurring. This dilemma grew with the internet operating media, who enabled the readers' opinion, namely their comments to be found on their websites. The media have quickly and simply received feedback information from the audience through online comments – what citizens really think of the content, what are their objections and suggestions, and how it is possible to improve media content based on the critique from the audience. Apart from this direct involvement of citizens in the debate, the comments in online media in

4 We also owe gratitude to Ben Hicks, *The Guardian Foundation* director, for helping during conducting this research.

5 Dunja Mijatović, „Freedom of expression vs self-regulation“, *MC Online*. Available at: goo.gl/HWT42T. Accessed: May 15, 2018.

the previous years have become a forum for vigorous discussion as well as for conflicting dialog. Thus, dubious comments and polemics attract the readers' attention and greatly contribute to a business model based on number of visits and clicks on online media pages. Also, it is not rare that so called „bots“, as organized groups of readers who write comments, often for a cash reward, enter the discussions on the current social and political topics, with the goal to create the false public opinion picture about a certain topic.⁶ In the last several years, the space for online comments in the whole world has been abused for spreading hate speech, discrimination, spreading disinformation and propaganda or organized negative campaigns against individuals, groups or organizations, expressed through the anonymous readers' comments on the web portals. The numerous international organizations and institutions have tried to answer the question – how to prevent this negative phenomenon and not to jeopardize freedom of expression on the internet by talking to journalists and media editors worldwide, and by creating guidelines for moderating online comments and starting civilized debate in cyber space.

The arising dilemmas do not know boundaries, so media in America, Europe, and the Balkans equally face the problem of administering online comments. Numerous analysis dealing with this problem in Europe, point out to the fact the European countries refer to the EU Electronic Trade Directive, according to which internet providers and hosting companies are not responsible for the content, but after notice they have to remove inappropriate content from websites.⁷ After analyzing member states, the European Organization for Security and Cooperation (OSCE) says that online comments in many countries are self-regulated or co-regulated based on a law requiring from portals or blog owners to moderate comments. Furthermore, the platforms like Word-press have tools for comments moderation by filtering comments and they require from the commentators to give their name and the email address.⁸ Considering many member states rely in this field on the EU Electronic Trade Directive, OSCE emphasizes that provisions related to liability of service providers are not always clear. Also, the experts point out that by following these principles, web platforms could be liable if they do not react “expeditiously” and remove the content or disable access to the illegal content from the moment they found out such a material is on their portal.⁹

6 Lejla Turčilo, „Bots are not here to think but to work by the Goebbels ‘method‘“, N1, October 19, 2015. Available at: goo.gl/7gvbv9. Accessed: May 16, 2018.

7 Directive 2000/31/EC European Parliament and Council, The Official EU Journal, 2000. Available at: goo.gl/cpizr3. Accessed: May 16, 2018.

8 OSCE, „Regulating Online Comments – Case Studies from OSCE Countries“, 2012. Available at: goo.gl/af4DaZ. Accessed: May 15, 2018.

9 Nevena Krivokapić, Bojan Perkov, Ognjen Colić. Good Practices and Regulatory Models for Responsible Publishing Online Comments: Guide. Share Foundation, Novi Sad, 2015. Available at: goo.gl/puFGdE. Accessed: May 15, 2018.

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This model was criticized by the former UN special rapporteur for promoting and protecting the rights to freedom of opinion and expression Frank La Rue in his report on promotion and protection of freedom of expression. La Rue has claimed „the responsibility of the middle-man for the content his users create and disseminate seriously jeopardizes exercising the right to freedom of opinion and expression, because it leads to the defensive and too wide private censorship that is often non-transparent and legally unregulated“.¹⁰

The practice of the European Court for Human Rights (ECHR) which arbitrates also in cases related to this field, varies from case to case and a decision could depend on whether the commercial media or non-profit media or a blog is its subject. It is considered that the most famous case *Delfi AS vs. Estonia* dealt a blow to the advocates of the free commenting on the internet. Although the portal *Delfi* has removed the insulting content immediately after learning about it, the Court has pronounced this media responsible for the offensive comments by readers. *Delfi* has paid cash compensation to the person the disputed comments were directed to for the non-material damage caused. Apart from this case, the European public has followed the case of *MTE and Index.hu vs. Hungary* where “ECHR has established that the articles were important for the public interest and they did not incite readers to post offensive comments. Also, the comments ‘content in this judgment has proved to be very important – the comments were offensive and vulgar, but there were no hate speech and direct threats against someone’s physical integrity. Important fact was also the comments were deleted very quickly after the applicants had received the information on a private law suit initiated against them, and they had measures in place for prevention of inappropriate comments or for their removal, including clear terms of usage and a team of moderators“.¹¹

How to prevent online comments abuse and not to jeopardize freedom of expression on the Internet is a challenge for states and regulators, as well as for media and online platforms. In some countries the self-regulation model has been established through determining the rules on commenting and choosing one of the comments moderating models, while some others introduce regulation and co-regulation. However, due to great quantity of hate speech in cyber space, some world and domestic media have decided to abolish the option of anonymous commenting. *Huffington Post* has made such decision five years ago, while *Al Jazeera* did it last year. „The comments sections have been taken over by users hiding behind

10 Frank La Rue, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, May 16, 2011. Available at: goo.gl/Vp8r3V. Accessed: May 15, 2018.

11 Sara Lalid, Cvijeta Senta and Danela Žagar, Unacceptable speech in comments on the internet news portals, *DostajeMrznje.org*, 2016. Available at: goo.gl/Tjft7n. Accessed: May 16, 2018

a nick name, they spread poisonous messages, intolerance, racism and sectarianism. Possibility of any kind of debate become literarily non-existent“, said *Al Jazeera* in the statement on the decision to close comments option on the portal.¹²

The online media mostly use pre-moderation or post-moderation approach to moderate comments. Pre-moderation requires from the website administrator to read comments and determine if they are complying with the commenting rules. Only after reading them, could he approve them for publishing and in such a manner media is responsible for the published content. After analyzing this model, the Press Council in Serbia says freedom of reporting has been significantly limited in practice on these sites due to numerous reasons – moderation could be inconsistent, of lesser quality due to limited resources, the pre-moderation principles are unknown, there are no information on how much of the content stays unpublished, there is no right to reply or complain...¹³

The post-moderation is based on the principles of automatic publishing of readers' comments without the prior moderation by administrators. This model enables vigorous debates that attracts readers' attention and by that increase the number of visits to online media. For comments' moderation, the online media mostly use the commenting rules as guidelines for readers that should be respected in order for their comments to be published. Guidelines are mostly focused on what comments must not contain and why they would be erased, such as hate speech, racism, homophobia, sexism, libel, insult, pornography, irrelevant off topic content, curse, too long a comment or capital letters.¹⁴ While moderating comments, online media face the challenge of establishing balance between freedom of expression and internet freedom and limiting dissemination of hate speech and other inappropriate content. Moderators have been given great responsibility through editing comments to assess whether the content of a comment is complying with the rules, due to which there is possibility to endanger commentators' freedom of expression and to arbitrary censor internet content.

12 Newsroom *MC Online*, „AlJazeera.com abolishes users' comments“, *MC Online*, August 31, 2017. Available at: goo.gl/jqMrzm. Accessed: April 10, 2018.

13 Press Council, Analysis of Implementation of guidelines for implementation of Code of Journalists of Serbia in online environment in 70 media, The Open Society Foundation, Serbia, 2018. Available at: goo.gl/1dfMYD. Accessed on: April 15, 2018.

14 Emma Goodman and Federica Cherubini, Online comment moderation: emerging best practices. WAN-IFRA (The World Association of Newspapers and Newspaper Publishers), 2013. Available at: goo.gl/gE5B9N. Accessed on May 16, 2018.



Online media in Montenegro mostly use pre-moderation model, while there are examples of using post-moderation. The guidelines for principle 2 of the Code of journalist of Montenegro oblige the online media to define its internal rules for the third persons' comments in order to avoid illegal and non-ethical content, fully respecting freedom of expression.¹⁵ Also, this document prescribes that online media commentators must be informed on these rules and that an administrator moderates comments in accordance with established rules. Also, it has been recognized in public that the Code's provisions are not implemented fully and that online media do not pay full attention to the protection of professional ethics.

GOOD PRACTICES: ONLINE COMMENTS ON THE PORTAL OF RTV SLOVENIA AND THE INTERNET PAGE OF GUARDIAN, LONDON

In order to present the method of (self)regulation and the practical realization of the commenting systems in the media in the regional and European states, we have analyzed *RTV Slovenia* portal – one of the most visited news portals in Slovenia and among the most visited portals among the public radio and televisions in Europe, which constantly improves its commenting system, and the internet page of the British newspaper *Guardian* which is traditionally committed to strengthening interaction with the readers, and which have improved its commenting system several times.

In Slovenia, the new provision in the Media Law since 2016 has prescribed that the publisher who permits the public to comment within the media must define the commenting rules and published it at the appropriate place in the media, and that the comment not complying with the published rules has to be withdrawn as soon as possible after being reported or no latter then one business day after being reported.¹⁶ There is a fine of 500 to 5.000 euro prescribed for publishers who do not observe this provision.¹⁷ However, online media have been left space for self-regulation and introducing internal commenting rules as a base for moderating comments. In 2010, the leading portals in Slovenia gathered around the initiative Online Eye („Spletno oko“)¹⁸ adopting the code of conduct that regulate hate speech on web portals, with the goal to systematically start solving the problem of hate speech on the internet.¹⁹

15 The Code of Journalists of Montenegro. Available at: goo.gl/f8Mhkh. Accessed: April 15, 2018.

16 Law on Media in Slovenia. Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1608>. Accessed: May 3, 2018.

17 Ibid.

18 More information on the „Spletno oko“ initiative is available at the site: <https://www.spletno-ok.si/>. Accessed: May 16, 2018.

19 Available at: https://www.spletno-ok.si/sites/default/files/kodeks_oblikovan_0.pdf. Accessed: May 16, 2018.

This mechanism is part of the continuous program for safer internet in the European Union member states, financed by the Public Administration Ministry of Slovenia and the European Union. Apart from the media, the police and the prosecution participate in the mechanism. All the web portals involved in this act of self-regulation and cooperation have the application Report Hate Speech with the identical logo of Online Eye in their comments sections. Every report submitted for the perceived hate speech that Online Eye's team establishes it potentially contains criminal offence of incitement to hatred, is sent to the police, they investigate and forward to the prosecutor's office cases assessed as needing criminal prosecution.

Although the acceptance of this code was on voluntary bases and thus possibility was left for some media not to join the initiative, the leading online media in Slovenia have added on their portals the option Report Hate Speech, enabling all the society actors to participate in the fight against this problem. The debates about online comments phenomenon in Slovenia are frequent and editors of domestic and other European media take part, discussing the challenges they face in this field. Within the Online Eye initiative, the Manual for Moderators was made in 2013.²⁰

RTV Slovenia, as a public service with the web portal who traditionally has big traffic and great number of comments, has developed the commenting system and published the internal rules.²¹ According to these rules, inter alia, insulting, inciting violence, deliberate harassment, off topic and published content commenting, using capital letters, advertising is forbidden...

The British newspaper *Guardian* established similar rules, asking readers to respect „community standards“ as principles, based on which the constructive debate with mutual respect is being conducted in the online space of this media.²² The people from the *Guardian* think the objective of moderating is not to censor but to ensure online debate which is appropriate, substantiated and within the law. Considering that this media has responsibility for maintaining quality of content that appears on the website, the *Guardian* employs small team for monitoring and administering online discussion.

On average, around 50–70 thousand comments are posted on the *Guardian* website everyday,²³ while moderators erase around 2% of comments because they violate one of the rules.²⁴

20 Available at: goo.gl/bYqfnB. Accessed: May 16, 2018.

21 All information on the RTV Slovenia portal is from an interview with Kaja Jakopič, editor of new media in *RTV Slovenia*. Interview conducted on April 21, 2018, in Podgorica.

22 Available at: goo.gl/ixrYPR. Accessed: May 5, 2018.

23 Kira Kochrane "Comment was launched free of charge 10 years ago, just for you, the reader", *The Guardian*, March 14, 2016 Available at: goo.gl/8RKE8P. Accessed: May 12, 2018.

24 *The Guardian's* journalists team, "The Dark Side of Guardian's Comments", *The Guardian*, 12 April 2016. Available at: goo.gl/91xd8V. Accessed: May 12, 2018.

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RTV Slovenia portal has up to five thousand comments a day, out of which administrators erase about 5% because they are not complying with the commenting rules, while 1% of comments are deleted because they are rated as hate speech. On the Public Service portal in Slovenia, the administrator firstly sends a warning through a direct message to the reader whose comment is not in accordance with the commenting rules. If a commentator continues to publish comments of inappropriate content from the same IP address, the administrator introduces the “supervision” option, which means that his/her comments cannot be published for some time without prior administrator’s control, or without pre-moderation. If the publication of inappropriate content continues, the administrator has an option of “blocking” the user, preventing him from registering from the same IP address on the portal. This comment moderation system allows the administrator to cancel the “supervision” option if it finds that the commentator has ceased to violate the commenting rules.

The *Guardian* also says sometimes they have to make decisions to block some users who spread offensive content in order to improve the overall experience for other commentators.²⁵

RTV Slovenia Portal does not use exclusively one comment administering system but according to a certain editorial choice, decides whether to completely remove the option of commenting on a text, whether they would do pre-moderation or post-moderation. For socially “sensitive” and current political issues such as migrant crisis, LGBT issues, minority issues, tragic events and the like, which the editors assess and believe can provoke hate speech or other unacceptable comments, people at *RTV Slovenia* portal decide to remove the option of commenting or to do pre-moderation.

The British *Guardian*, who also has a large number of readers and a tradition of openness for comments, is implementing the post-moderation system, which means that comments mainly appear on the site before they were seen by the moderation team.²⁶ In addition, in 2016, they decided²⁷ to reduce the number of articles opened to comments, and these are mostly on sensitive topics such as migration or race or topics where there is a high risk of libel or contempt or editorial reasons (for example, news about death). There are also exceptions, and these are certain special series of articles or those of extremely sensitive content, when all comments have been previously moderated before appearing on the site.²⁸

25 Available at: goo.gl/dSrrCE. Accessed: May 12, 2018.

26 Available at: goo.gl/dSrrCE. Accessed: May 12, 2018.

27 Mary Hamilton, „Online comments: we want to be responsible hosts“. *The Guardian*, January 31, 2016. Available at: goo.gl/Amc1ZH. Accessed: May 12, 2018.

28 Available at: <https://www.theguardian.com/community-faqs>. Accessed: May 5, 2018.

Comments are usually open with blog posts, multimedia interviews, events, roundtables and conversations where the content is obvious discursive or user participation is part of the story. However, after a few days, this media closes the debate under the published articles to ensure that the conversations are relevant and up-to-date, and that commentators do not move too far from the topic.²⁹ This approach to administering comments requires moderators to closely monitor the conversations on the portal they believe will encourage inappropriate comments. However, it may happen that a certain user is identified as risky due to a frequent violation of the commenting rules, so in that case a filter is applied, namely their comments must be approved before appearing on the site.³⁰

Registration is obligatory on the *RTV Slovenia* portal and requires only an email address that provides anonymity to the readers. This media administers comments daily from 07:30 to 23:00, and has one administrator in each shift, dealing exclusively with administering comments. Administrators are trained to moderate and have their coordinator who is the chief administrator.

The *Guardian* moderators are part of the central team of the community that is part of the *Guardian's* website and report to the Head of Community, the executive editor and the audience.³¹ Moderating comments is covered during the day and overnight, seven days a week, and commentators are not allowed to use multiple user names. All moderators work closely with editors and newsrooms on the *Guardian* site and regularly review the site's activities with editors and inform them on possible changes in approach.³²

Nevertheless, complaints by readers regarding the use of the commenting system in online media are not rare.

Readers have been given the opportunity to send an online complaint to the administrators on *RTV Slovenia* portal, who review them and send feedback. The readers often write to the Ombudsman of this media regarding the problem of online commenting. As the *RTV Slovenia* portal has a chief administrator who deals solely with online comments, the Ombudsman's recommendation is to decide on the complaints of readers connected to online comments at the editorial level of the newsroom. A further option is that readers send comments on journalistic work if they believe that the published article contains an error. Also, readers can

29 Ibid.

30 Ibid.

31 Ibid.

32 Email addresses moderation@theguardian.com and opinion.moderation@theguardian.com are available at: <https://www.theguardian.com/community-faqs>.

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decide whether they want their published comments to be shown with the article, but also report if they find that some published comment is not in accordance with the commenting rules. *RTV Slovenia* continually improves the commenting system by introducing new options such as “most frequently asked questions and answers” or following the trends of the world’s media to highlight the most relevant comments (“top comments”) among the published comments.

The British *Guardian* also has an ombudsman who the readers can contact. On this media site, there are also e-mail addresses so that commentators can write to this media.³³ However, a notice has also been posted that “the huge (and rising) amount of user content on the website of *Guardian* means that they cannot enter into correspondence regarding specific activities of moderation, although all correspondence will be read”.³⁴ This media encourages the authors to participate in the discussions that have been aroused by their articles, and it often happens that *Guardian* journalists are directly debating with the readers. In addition, the *Guardian* is recognized as a media that is constantly investing in researching ways to engage readers - journalists seek ideas and feedback through Twitter,³⁵ use open topic as a forum for discussion in the community, research readers’ comments³⁶ and analyze content that comes from the audience. One of the most famous innovative ways to encourage debate with the audience is the Comment is Free, which *Guardian* launched as the first blog for collective commenting on the UK newspaper web edition in 2006.³⁷ There, besides the regular *Guardian* commentators, external contributors - politicians, writers, scientists – have joined and thus encouraged a debate that was increasingly taking place online.

On the other hand, the *RTV Slovenia* web portal has established the My Internet (Moj Splet) platform since 2006 to publish content created by the readers themselves. The platform includes blogs, fora, videos and photos, it has 176,290 users and more than 1,8 million messages posted within nearly 35,000 forum topics.³⁸

33 Available at: <https://www.theguardian.com/community-faqs>. Accessed: May 5, 2018.

34 Kira Cochrane, “Comment is free, launched 10 years ago today - so here’s to you, the readers” *The Guardian*, March 14, 2016. goo.gl/8RKE8P. Accessed: May 12, 2018.

35 Gardiner, Becky et al. “The dark side of the Guardian comments”. *The Guardian*, April 12, 2016. Available at: goo.gl/91xd8V. Accessed: May 12, 2018.

36 Available at: goo.gl/N5abr7. Accessed: May 10, 2018.

37 Available at: <https://www.rtvlo.si/mojsplet>. Accessed: May 15, 2018.

38 Available at: <https://www.rtvlo.si/mojsplet>. Accessed: May 15, 2018.

ONLINE COMMENTS IN MONTENEGRO - ANALYSIS OF APPLICATION OF THE PROVISIONS OF THE CODE OF JOURNALISTS OF MONTENEGRO

In order to determine how the online media in Montenegro respect the provisions of the Code of Journalists of Montenegro, we analyzed 33 online media that were registered as electronic publications by the Agency for Electronic Media and several media relevant in the media space of Montenegro due to their traffic, number of comments and resonance their content has in the public.³⁹ We analyzed the media that have been active in the online space of Montenegro for a long time, and new online media that have recently started to operate and only now are establishing their place in the media market. Following the example of a recent research conducted by the Press Council in Serbia,⁴⁰ we have analyzed the media based on several indicators:

- Is the media listed in the register of electronic publications managed by the Agency for Electronic Media;
- What type of media it is, depending on the published content (media that monitors news and political topics daily - local or national, investigative media, thematically specialized media focused on one area);
- Is there identification details on the media, founder, responsible persons with contacts (media address, e-mail address and/or phone number of responsible persons) published in the visible place;
- Whether there are commenting rules and whether they are published in a visible place.

Out of the total of 36 observed online portals, 33 portals were registered in the Register of Electronic Publications. Only one online portal is out of operation. Almost a third of the

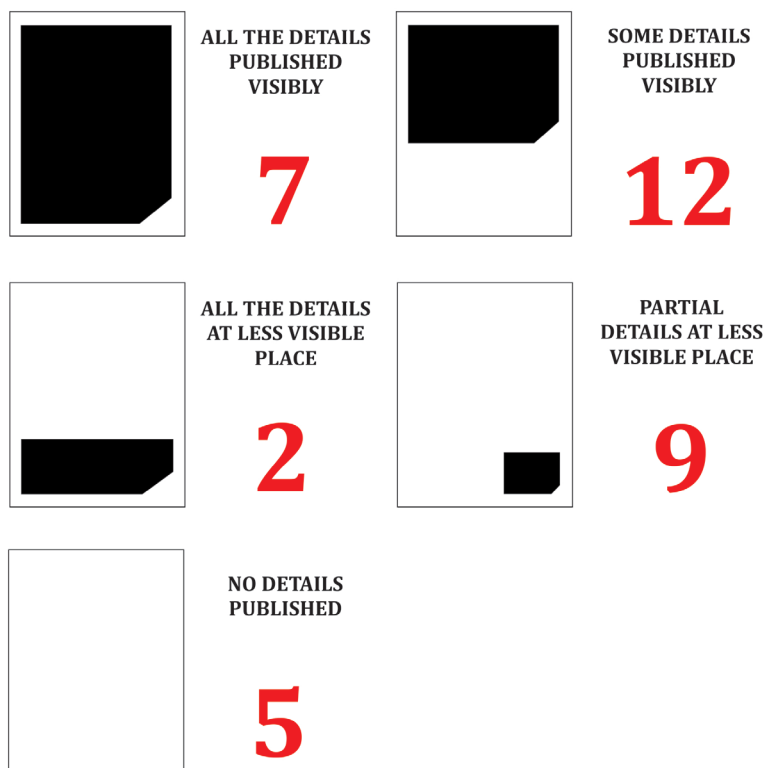
39 We have analyzed the following registered electronic publications: *Pljevaljske novine*, *Refleksija*, *Pv portal*, *Bar info*, *RTV Budva portal*, *NEWS portal Radio Kotor*, portal CDT, *Boka News*, *Kotor TV*, portal *RTCG*, *Putokaz*, *Montenegro magazin*, local public broadcaster *Radio Rožaje*, *PV INFORMER*, *Antenna M*, Portal Press DOO (portal *Analitika*), *Gora.me*, portal *Kodex.me*, NGO *UL-Info*, *RTV Teuta portal*, *Plima-emancipation of cultures and politics*, local public broadcaster *Radio Bijelo Polje*, NGO *Fenomeni*, local public broadcaster *Radio Herceg Novi*, *Fos.me*, *Lajm.me*, *Radio Titograd portal*, *Radio Tivat website*, *Radio Dux portal*, *Vijesti Online*, *Radio Jadran*, *Radio Skala* and *Banker me*. We have analyzed also unregistered: *In4s*, *CDM* and portal *Standard*.

40 Press Council, Analysis of the Application of the Guidelines for the implementation of the Code of Journalists of Serbia in the Online Environment in 70 Media, 2018. Available at: goo.gl/1dfMYD. Accessed: April 15, 2018.

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HAS THE DETAILS ABOUT MEDIA BEEN PUBLISHED?



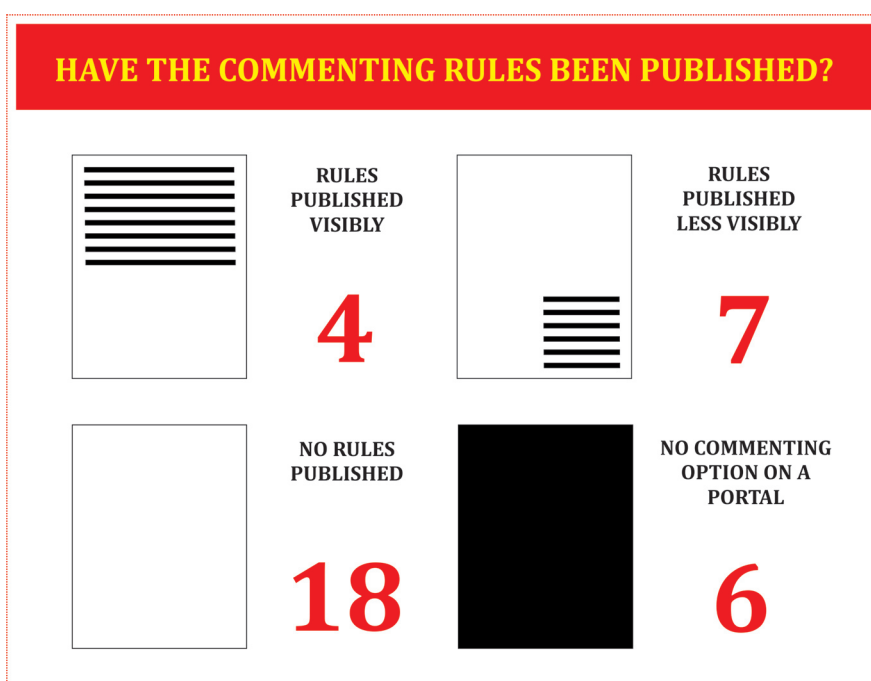
media observed are focused on monitoring national daily news and political topics, and half are dealing with local issues. Only five portals are media specialized thematically, focused on one area.⁴¹

A fifth of the online portal publishes all identification details on media, founder and responsible persons with contacts in the visible place, while five of the 36 observed portals do not publish this data.

A third of the online portals publishes only part of the identification data on that media in a visible place, and a quarter publishes partial data in a less visible place. When it comes to commenting online, half of the online portal has no published commenting rules, while six do not provide online commenting.

41 It was not possible to make an assessment for an online portal that was not in operation, while researcher could not assess what type of media is another portal.

On the other hand, almost a third of the online portals has published commenting rules, while only one-tenth publishes it in a visible place, and a fifth is in a less visible place for the average reader.



ONLINE COMMENTS IN MONTENEGRO - METHOD OF (SELF) REGULATION AND REALIZATION OF THE COMMENTING SYSTEM

For a thorough analysis of the commenting system, we selected the key online media in Montenegro, which we considered to stand out by the number of visits, the number of comments and the position in the media community – *Vijesti Online* (www.vijesti.me), *CdM* (www.cdm.me), the *RTCG Portal* (www.RTCG.me) and the *Analitika Portal* (www.portalAnalitika.me).



Internal commenting rules

By observing these online media, their contents and sections, but also through interviews with responsible editors, we can conclude that these media partially comply with the provisions of the Code of Journalists, which stipulates the obligation of the media to define its internal rules for third-party comments, and that commentators are informed on the rules moderated by the administrator. The *Vijesti Online* has a special section of “Commenting and Regulating Rules” at the bottom of the home page, with a masthead, which sets out the principles on which the commenting system works,⁴² and with published articles there is a brief explanation of what content is forbidden to publish in comments.⁴³ On the *RTCG* portal, the commenting rules were published with the articles also.⁴⁴ On the *Analitika* portal and on the *CdM*, it is not possible to find internal rules by a simple site search. Administrators have guidelines that they adhere to during administration, and they are mostly focused on the ban.⁴⁵ The main elements of the internal rules of the analyzed media are essentially the same. The portals prohibit hate speech, cursing, insulting, unverified accusations, and racist messages.⁴⁶ Additionally, the *RTCG* portal does not allow comments that violate national, religious and gender equality, and incite hatred for LGBT population, as well as comments that contain personal information of third parties.⁴⁷ The use of capital letters is not allowed on the *Vijesti Online* and *RTCG* portal. Additionally, it is not permitted to post content and links of pornographic, chauvinistic and offensive content in the *Vijesti Online* as well as false representation, or representation on behalf of another legal or natural person. Their rules state that it is not allowed to use the so-called keys, hacks, cracks, or other material of illegal nature, including illegal download sites, and offenses of this kind result in a permanent ban on using a user account. *Vijesti Online* also forbids off topic and off content comments, and in the Commenting Rules states that any endangering of personal and family security of portal users and persons whose name is mentioned in portal content, by threats or in any other way is prohibited and may be processed to the competent authorities.

42 Rules of commenting on the *Vijesti Online* portal. Available at: <http://www.vijesti.me/pravila-komentarisanja/>. Accessed: May 17, 2018.

43 Available at: goo.gl/mGhz9P. Accessed: May 5, 2018.

44 Available at: goo.gl/yqQUko. Accessed: May 5, 2018.

45 Interview with Predrag Zečević, editor-in-chief of *Analitika* portal, April 25, 2018, in Podgorica.

46 Rules of commenting on the *Vijesti Online* portal. Available at: <http://www.vijesti.me/pravila-komentarisanja/>. Accessed: May 17, 2018.

47 Interview with Olja Bulatović, editor of portal *RTCG*, conducted May 1, 2018, in Podgorica.

Commenting and moderation system

The commenting system in online media is generally different. On the *Analitika* portal, pre-moderation is performed and about 30% of the received comments are published daily, while 70% of the comments are deleted because they contain inappropriate content that is contrary to the internal rules. This online media has the option of banning comments with published articles, but they have not used it yet.⁴⁸ Both the *CdM* and the *RTCG* portal do the prior moderation of comments by moderators selecting those comments that can be posted immediately. *Vijesti Online*, where up to a thousand readers' comments arrive daily,⁴⁹ conduct the post-moderation system, which means that the comments are automatically published, and then the administrators delete the inappropriate content. On this portal, user registration is required for commenting. By registering, users must enter true information and choose a username and password (the use of offensive user names is prohibited).⁵⁰ On the *Analitika* portal, *RTCG* and *CdM* both registered and anonymous readers comment.⁵¹ The *RTCG* Portal reserves the right to shorten the reader's comment, while *Analitika* reserves the right to erase an inappropriate part or whole comment without notice and explanation.⁵² *Analitika's* editor-in-chief assesses when a commentator should be imposed a commenting ban on the portal, if he continually publishes comments of prohibited content.⁵³ There is no warning system on *RTCG* portal. They rarely block users, so "they generally let them realize by not publishing the content of their comments that their way of commenting is unacceptable".⁵⁴ On the *Vijesti Online* portal, there is no warning system, but blocking users is applied after several rules violations, while the duration of the commenting ban is determined on the basis of the degree of the violation of the rules.⁵⁵ The commenting system in this media since its establishment in 2011 has changed and improved – in the past, the comments were pre-moderated, and the information remained that the comment was deleted.

48 Interview with Predrag Zečević, editor-in-chief of the *Analitika* portal, conducted on April 25, 2018, in Podgorica.

49 Interview with Srđan Kosović, editor of the *Vijesti Online* portal, May 4, 2018, in Podgorica.

50 The Commenting Rules on the *Vijesti Online* portal.
Available at: <http://www.vijesti.me/pravila-komentarisanja/>. Accessed: May 17, 2018

51 Interview with Aleksandra Obradović, deputy editor-in-chief of the *CDM* portal, 3 May 2018, in Podgorica; Interview with Olja Bulatović, editor of the *RTCG* portal, on May 1, 2018, in Podgorica; Interview with Predrag Zečević, editor-in-chief of the *Analitika* portal, April 25, 2018, in Podgorica.

52 The Commenting rules on *Analitika* portal. Available at: goo.gl/vVbRn6. Accessed: May 17, 2018; The Commenting rules on the *RTCG* portal. Available at: goo.gl/ajPZzy. Accessed: May 17, 2018.

53 Interview with Srđan Kosović, Editor of the portal *Vijesti Online*, May 4, 2018, in Podgorica.

54 Interview with Olja Bulatović, editor of the *RTCG* portal, on May 1, 2018, in Podgorica.

55 Interview with Srđan Kosović, Editor of the portal *Vijesti Online*, May 4, 2018, in Podgorica



Citizens' complaints

Most of the online media in Montenegro we analyzed do not have a special editor or moderator dealing exclusively with readers' comments, but this content is administered by journalists and editors employed in that media.

The Public Service *RTCG* Portal employs three moderators who work in eight-hour shifts.⁵⁶

Readers often address these online media. They mostly write complaints and ask for an answer why some of their comments have not been published. Most of the analyzed online media do not have ombudspersons, and the responsible editors answer the questions of the commentators. Readers of the *Vijesti* Portal send the complaints to the editor or ombudswoman who is the protector of the *Vijesti* daily and the portal readers, who consult together on further actions and answers to the readers.

CONCLUSION

Analyzing international documents, reports and practices from other European countries, as well as the way the domestic online media operate, we can conclude that the provisions of the Code relating to online comments are not fully implemented. Part of the analyzed online media has not fully defined its internal rules regarding comments and/or they have not informed commentators about these rules by publishing them in a place that is visible to the average reader. Bearing in mind that similar problems occur in other countries and that European countries are looking to find a solution to these challenges in the media community, the expert public and the sphere of regulation and media policy, the substantiated public debate should be initiated in Montenegro also in the online media community on this question, in order to improve the protection of professional ethics and journalistic standards, but also to protect the public interest and citizens' rights.

As a contribution to the discussion and improvement of compliance with the Code, we propose several recommendations:

§ Establish clear commenting rules and publish them in a visible place

Analyzing online media in Montenegro, we have noticed that some portals have internal rules that are mainly focused on banning hate speech, insulting and disparaging, which are guidelines for administrators when moderating comments, but these rules are not always published in a place visible to the average reader. To apply the provisions of the Code, the online media should define internal rules and make commentators familiar with them. In addition to publishing the commenting rules in a visible place, the online media should also improve the level of transparency by publishing identification information on the media, the founder and the responsible persons.

§ Review the administration system and consistently apply the commenting rules

Bearing in mind that the European media we have presented in this analysis use mixed commenting systems - namely, depending on the content of the journalistic text, they decide whether to use post-moderation, pre-moderation or to disable comments with the article that may incite inappropriate comments - the Montenegrin online media could also consider this option. Thus, they could ensure that published posts on portals that use post-moderation do not contain inappropriate content that has not been deleted, or, on the other hand, to ensure greater freedom of expression on the portal that uses pre-moderation.

§ Improve media capacities and designate moderators who will deal exclusively with comments

After determining the commenting system, the online media should introduce comment moderators who would deal exclusively with the administration of this content, based on practice in other European countries. Moderators should be provided with continuous training and supervision to ensure the consistent implementation of the commenting rules.



§ Increase the intensity of communication between moderators and commentators

Following an example of European media, portals in Montenegro should increase the intensity of communication between moderators and readers, firstly by introducing the option of a gradual warning for commentators who violate internal rules. In addition, the authors of the articles should be more often involved in the discussion with readers about their articles they posted on the portal, following the practice of the *Guardian*. In this way, the real role of online comments would be fulfilled, which is increasing readers and media interaction.

§ Introduce clear rules for the commentators' complaints and consider the option of introducing the ombudsperson

Following the model of the Public Service Portal in Slovenia, online media in Montenegro should introduce clear rules for commentators' complaints, by creating a special online form that would allow communication between citizens and the media. However, a more important aspect of this model is to ensure dual communication which will ensure the citizen receives an editors' response if he complains about the application of internal commenting rules. Also, the media should consider the option of introducing an ombudsperson that would protect readers, namely ensure the application and promotion of the Code' provisions.

§ Introduce weekly analysis and review of the quality of comments

In order to encourage interaction with citizens in applying the Code of Journalist and protecting professional ethics, online media should develop a strategy for promoting civic discourse and ethical engagement with the audience through the introduction of a weekly commentary in which to review comments - good and bad practices in commenting they recorded during the week. This would raise citizens' awareness and remind readers that only comments in compliance with standards are acceptable. Moreover, the introduction of additional online forms in which readers would report a detected error in journalistic texts or observed hate speech and other inappropriate content - modeled on the portal of the Public Service in Slovenia - would be an incentive to promote standards among readers and commentators.

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IMPLEMENTATION OF THE CODE OF ETHICS AND SELF-REGULATION
PRINCIPLES THROUGH THE INTERNAL RULES ON POSTING
COMMENTS IN ONLINE MEDIA IN MONTENEGRO



THE INTERVIEW LIST

Olja Bulatovic, editor of *RTCG* portal, interview on May 1, 2018.

Kaja Jakopič, editor of new media in *RTV Slovenia*, interview on April 21, 2018.

Srdan Kosović, editor of *Vijesti Online* portal, interview on May 4, 2018.

Aleksandra Obradović, deputy editor in chief of *CdM* portal, interview on May 3, 2018.

Predrag Zečević, editor in chief of *Analitika* portal, interview on April 25, 2018.

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