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# GUIDELINES FOR APPLYING SECTION 2.8 OF MONTENEGRIN JOURNALISTS' CODE OF ETHICS

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# **GUIDELINES FOR APPLYING SECTION 2.8 OF MONTENEGRIN JOURNALISTS' CODE OF ETHICS**

*“Online media shall define their internal rules related to the comments of third persons. These rules shall intend to avoid illegal and unethical content, with full adherence to the freedom of expression. Commentators must be introduced to these rules. Comments on the portals shall be moderated by an administrator, pursuant to the established rules”*

*Code of Ethics of Montenegrin Journalists*

*Guideline 2.8.*

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## PREAMBLE

These rules are to enable meaningful, well-argued and entertaining debate that contributes to the discussion on the topic raised by articles, while respecting the dignity of all participants.

These rules are set forth with the aim to protect users and media outlets from breaching legal and ethical norms. Any breach of the rules is liable to sanctioning.

1. Posting comments – what is allowed, and what is not allowed
2. Types of moderation – pre- or post-moderation or a combined approach
3. Procedures
4. Sanctions

## 1 Rules for posting comments

1.1. Comments shall not contain any hate speech<sup>1</sup> or be discriminatory nor have any other clearly unlawful contents: threats, propagation of or advocating for violence, incitement to any form of cybercrime<sup>2</sup>, violation of intellectual property rights, manifestly unfounded accusations, etc.

1.2. Comments shall not contain offensive speech.

Offensive speech is understood to include senseless personal attacks which do not contribute to the discussion of public interest.

1.3. Comments shall not contain swear words or vulgar expressions insulting public moral.

1.4. Comments shall not contain any advertising or promotional material including links to: personal websites and forums, surveys and questionnaires, advertising and auction websites selling products.

The exception to the above includes contents contributing to ongoing discussion.

1.5. When evaluating acceptability of publishing a comment, it shall be ensured that the right to privacy is inversely proportional to the significance of public function which a person performs.

1.6. Frequent repetition of comments of the same or similar contents shall not be allowed.

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<sup>1</sup> General Policy Recommendation N°15 on Combating Hate Speech, 2015, European Commission against Racism and Intolerance, ECRI defines hate speech as :“(...) advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of race, colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation”).

<sup>2</sup> Different forms of unlawful, unauthorized behaviour executed through computer and which refers to: computer-related fraud; financial fraud, forgery and misuse; fraud of goods; data and documents forgery; vandalism; sabotage, hacking and computer spyware (adjusted from Convention on Cybercrime, 2001).

## 2 Types of moderation

- 2.1. Pre-moderation – media outlets that opt for this type of moderation are fully responsible for the contents of posted comments.
- 2.2. Post-moderation – media outlets that opt for this type of moderation are obliged, upon becoming cognisant or being warned (notice and take down), to consider removing the disputed comment within a reasonable time. Failing to do so, they shall be liable for the contents of the posted comment.
- 2.3. Hybrid moderation – represents a combination of pre - and post-moderation for commenting of extremely sensitive topics.
- 2.4. It is recommended that the portals consider possibility of closing the option for commenting of extremely sensitive topics.
- 2.5. It is recommended that the portals publish comments in their entirety or not to publish it at all.

## 3 Procedures

### 3.1 Registration

Online portals that opt for post-moderation are obliged to include user registration.

Minimum requirements for user registration include name, surname or nickname of the user and a valid e-mail address.

User name shall not contain a website or an e-mail address, contact details, personal data of other individuals, swear words or other contentious contents.

### 3.2 Automatic filtering

Online portals are obliged to use software for automatic filtering of inappropriate terms.

The comment about which moderator was warned with the system for automatic filtering, is being sent to “quarantine” and is subject to pre-moderation.

### 3.3 Reporting violation of the Rules for Online Comments

**Reporting form for violation of the Rules for Online Comments includes**

- Full name - (optional)
- Contact (email, telephone) - mandatory
- Reason for reporting - mandatory

You may report any contentious comments by clicking the box making an integral part of the comment.

### **Reporting form for failure to post a comment (Note: pre-moderation)**

- Full name (optional)
- Contact (email, telephone)
- Contents of unposted comment

### **Form for the appeal to the self-regulatory body against moderator actions**

- Full name
- Contact (email, telephone)
- Reason (failure to post, posting, removal, failure to remove, ban on posting comments ...)

## **4 Sanctions**

### **4.1. Removal of comments**

The comments not adhering to the Rules on Online Comments shall be removed.

### **4.2. Temporary ban on posting comments**

Frequent breach of the Rules for Online Comments may result in a temporary ban on posting comments. Duration of a temporary ban is determined by portal with its internal rules.

### **4.3. Permanent ban on posting comments**

Particularly severe breach of the Rules for Online Comments (breach of guideline 1.1.) may result in permanent ban on posting comments.



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