



Institut za medije Crne Gore
Montenegro Media Institute

“Online Hate Speech” Montenegro country report

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I Montenegro's Media Landscape and the Role of Online Media

General overview of traditional media landscape

The media landscape of Montenegro has passed through turbulent transition in recent decade. From typical monistic society with only one state broadcaster and the single state owned newspaper, media in Montenegro has evolved into truly pluralistic and, according to many, somehow overcrowded and chaotic media landscape.

Number of active media is at disproportion with the country size, its population and state of economy. According to the Agency for Electronic Media in April 2013, there were 16 commercial television stations and 38 commercial radio stations, along with the national public service broadcaster and 17 local public services (three television and 14 radio stations). For the past several years, the highest audience share holds privately owned, news oriented TV Vijesti, followed by PBS TVCG and TV PINK M, which is a part of Serbian media network. When it comes to print media, five dailies and one relevant political weekly magazine are published in Montenegro. Two major dailies, Vijesti and Dan are unrivaled leaders for more than a decade.

Despite the fact that media multitude provides not only colorful media output, but also a chance for all political camps to present their standpoints, serious lack of economic sustainability remains a major problem.

Editorial approach and level of journalist professional standards vary significantly from one to another media. Besides economic pressures, highly politicized and divided media environment remains fertile ground for biases, which has been recognized also in Montenegro's EU accession Progress reports¹.

Spread of internet and emergence of new media

The online media market started developing intensively in recent years and it is still a work in progress. Until 2009, the only major news portals were Café del Montenegro (www.cdm.me) and the website of daily Vijesti. Café del Montenegro focused on entertainment and forum discussions, with gradually stepping up with regular update of political and economic news. More hard-core news portal, Analitika (www.portalanalitika.me) appeared in 2009, and expanded its audience rapidly attracting over a million visits during its first year of existence. Redesigned layout of the portal Vijesti (www.vijesti.me) was published in January 2011 and it rapidly raised the margin of visits making this portal leader in online news. According to web information company Alexa, Vijesti and CDM are ranked 5th and 8th in number of visits from Montenegro, while other local online news providers did not reach the first 50 places. According to information obtained from management of these two portals, the average number of daily visits amounts to 50000 in case of CDM and 110000 in case of Vijesti. However, if we take that Vijesti, as leading web portal, can reach 120000 daily unique visitors at most, in comparison to average of 160000 regular viewers of TV Vijesti's prime time news, we may conclude that internet is still lagging behind television, which remains dominant news source.

¹ European Commission's Montenegro 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mn_rapport_2012_en.pdf

A number of other traditional media outlets have regularly updated web sites, which, however, do not have significant reach to wider audience. The newest online edition that is rapidly gaining audience is portal of PBS Radio-Television of Montenegro (www.rtcg.me) which was launched in January 2013.

II Regulation of hate speech

Legislation on hate speech in online media

Montenegrin legislation doesn't recognize the term "hate speech on the Internet". However, this might soon change since Montenegro is signatory to the Council of Europe's Convention on Cyber crime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. This protocol is ratified by Montenegro in 2010.

Despite the fact that online hate speech has not been legally defined, in Montenegro there are legal mechanisms that could provide protection from this occurrence. Starting from the Constitution², which prohibits infliction or encouragement of hatred or intolerance on any grounds (Article 7), as well as direct or indirect discrimination (Article 8).

Causing national, race and religious hatred, divisions and intolerance is defined as criminal act in the Criminal code³ of Montenegro.

Article 370 says that "(1) anyone who causes and spreads national, religious or race hatred, divisions or intolerance among people, national minorities or ethnic groups living in Montenegro, shall be punished by imprisonment for a term of six months to five years.

(2) If an act as of Paragraph 1 of this Article is done by coercion, maltreatment, endangering of safety, exposure to mockery of national, ethnic or religious symbols, by damaging other person's goods, by desecration of monuments, memorial-tablets or tombs, the offender shall be punished by imprisonment for a term of one to eight years.

(3) Anyone who commits an act referred to in Paragraphs 1 and 2 of this Article by abusing his/her position or authorities or if as the result of these acts riots, violence or other severe consequences for the joint life of people, national minorities or ethnic groups living in Montenegro occur, shall be punished for an act as of Paragraph 1 of this Article by an imprisonment sentence for a term of one to eight years, and for an act as of Paragraph 2 by imprisonment of two to ten years".

Furthermore, racial and other discrimination is forbidden by Article 443 of the Criminal code. It states that anyone who spreads ideas about the superiority of one race over another, or promotes racial hatred, or instigate racial discrimination, shall be punished by imprisonment for a term of three months to three years.

Montenegro also has a special law on prohibition of discrimination. In Article 20, this Law⁴ recognizes acts of discrimination disseminated through public media, as well as by writing and

² Constitution of Montenegro (Ustav Crne Gore), "Official Gazette of Montenegro", No 1/07

³ Criminal Code (Krivični zakonik), "Official Gazette of the Republic of Montenegro", Nos. 70/2003, 13/2004, 47/2006 and 40/2008

displaying the materials and symbols of discriminatory content in public places as grave forms of discrimination.

Electronic media law⁵ (Article 48) prescribes that “an AVM service must not incite, enable incitement or spread hatred or discrimination on the grounds of race, ethnic background, skin colour, language, religion, political or other belief, national or social background, financial standing, trade union membership, education, social status, marital or family status, age, health status, disability, genetic heritage, gender identity or sexual orientation”. This provision also refers to “electronic publications” which is a legal term for “all services of electronic publications by means of electronic communication networks”.

Code of Ethics of journalists on hate speech

Codex of Montenegrin Journalists⁶ does not contain principles or guidelines that specifically refer to online media. General principle on hate speech although states that (a) “Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred. It also adds that “journalists must take utmost care to avoid contributing to the spread of ethnic hatred when reporting events and statements of this nature. It is a journalist's duty to respect other states and nations”.

The Codex was adopted by six journalists’ and media organizations in 2002 in Montenegro Media Institute. This was the period when basic media laws were drafted, setting the legal framework for this area. Its makers clearly stated in the text of the codex that “these guidelines are not final, but can be supplemented in compliance with ethical dilemmas arising from practice”, but this has never been done. The Codex identified the self-regulatory body both to be in charge of observation of Codex and its amendments, but the later practice showed that self-regulation in Montenegro never achieved its full purpose nor has gained full respect and devotion of media community.

Institutional and Self-regulatory bodies and their practice in hate speech issues

Considering the fact that hate speech on the internet is not recognized in current legislation as specific offence, Police administration does not have a special unit that would deal with these occurrences. Instances of hate speech can be reported to police organs or filed with basic state prosecutor, which would then decide if such delict could be classified as any of legally defined criminal acts. In the past year, only several cases were processed. One of them was a judicial admonition imposed on Metropolitan of the Serbian Orthodox Church, Amfilohije Radovic, by the Magistrates Court in Podgorica for insulting the national feelings of Montenegrins, which represented a hate speech, during Christmas Eve in 2011. Another referred to suspended prison sentence issued by Basic court for threats sent on Facebook to a member of LGBT community. In

⁴ Law on Prohibition of Discrimination (Zakon o zabrani diskriminacije), Official Gazette of Montenegro, No. 46/2010

⁵ Electronic Media Law (Zakon o elektronskim medijima), Official Gazette of Montenegro Nos. 46/10, 40/11, 53/11

⁶ Codex of Montenegrin Journalists (Kodeks novinara Crne Gore), <http://www.osce.org/montenegro/19732>

the previous case, the offence referred to the breach of the Law on public order and safety, and in the later, it was a criminal offence of endangering safety of an individual.

Institution of the Protector of Human Rights and Freedoms has been given competencies to act on issues related to discrimination in line with the Law on prohibition of discrimination, as provider of information on one's rights and duties, as well as about possibilities of court protection and out of court conciliation proceeding.

According to the Electronic media law, the Agency for electronic media (AEM) is responsible for control of programs of AV services, including electronic publications, acting on breaches of program rules and for solving the complaints from natural or legal persons on the work of electronic publication. However, the scope of work of AEM's monitoring sector, as described in AEM website (www.ardcg.org) is limited to radio and television. As explained from AEM, the problem is in vaguely and very broadly defined term "electronic publications". Article 8 of Electronic media law says that „editorially shaped web pages and/or portals containing electronic versions of print media and/or information from the media in a way accessible to a wider public regardless of their scope“. This poses problems to regulator starting from identifying of their target subjects, to finding efficient methods of monitoring and sanctioning of forbidden contents. According to assistant director of AEM, Momcilo Stojanovic, in current legal framework, the area of online media is rather artificially implanted in AEM's competencies, and the Council of the Agency has started an initiative for drafting by-laws that would bring in more order in the area.

When it comes to self-regulation, it could be said that in Montenegro, these mechanisms are in the process of reestablishing itself. Currently, there are five registered self-regulatory bodies, three of which are active: Media Self-Regulation Council, Self-regulatory Local Press Council and TV Vijesti's Ombudsman. The inactive ones include Journalistic Self-regulatory Body and Press Council. None of them is a major represent of media community in Montenegro.

To understand this situation it is necessary to look back at the developments in the past several years. The single self-regulatory body that gathered major members of media community and actively contributed to observation of the implementation of the Codex of Montenegrin Journalists in the past decade - Journalistic Self-regulatory Body stopped working in March 2010. The reasons for this were discrepancies in interpretation of Codex, which led to break-up of this body's Council. This situation left institutional void in self-regulation that lasted for two years. Despite the encouragements and initiatives taken by the OSCE mission in Montenegro, as well as the EU Delegation, and the President Filip Vujanovic, self-regulatory practice has not been re-established. A deep division between pro-government and opposition media prevented the establishment of a functional and unified self-regulation mechanism for journalists. Instead, several self-regulatory organizations were formed. In March 2012, representatives of 18 print and electronic media outlets formed a Media Self-Regulation Council. However, some of the most influential media, including the daily newspapers Vijesti and Dan, Vijesti television, and the weekly newspaper Monitor declined to join what they described as an excessively pro-government group. They indicated that they would form a separate self-regulatory mechanism. In August 2012, daily Vijesti and Dan registered Press Council, which still hasn't start working. Beside these two, in April 2012, a group of small local media outlets from the northern region of the country established their own self-regulation council - Self-regulatory Local Press Council,

and put it to operation. In January 2013, Vijesti television informed the public on the establishment of in-house ombudsman⁷.

The current outcome of recent developments on establishing self-regulatory mechanisms is one functional body (Media Self-Regulation Council) which, thank to the state's support⁸, since April 2012, has been actively reporting on breaches of the Codex. However, in the first year of its work, it hasn't managed to gather sufficient members which would represent majority in national media markets, calculated either by TV audience share, press circulation or web portals visits. Moreover, a recent analysis⁹ of self-regulation in Montenegro performed by NGO Human Rights Action argues that activities of this body deviate from good practices of self-regulation, as recommended by OSCE's Media Self-Regulation Guidebook¹⁰. One of the arguments said that almost 90 percents of reported examples of Codex breaches referred to media that are not members of this self-regulatory body, and that its Monitoring Team, instead of independent persons, in practice consists of two professional journalists from the media who are members of MSC and executive secretary/director of MSC. These analysis findings warn that such practice could lead to further deepening of divisions among media community instead of cultivating principle of voluntariness among media interested in self-regulation.

III Situation of online hate speech

Spread of inter-racial and inter-ethnic hate speech in online media

Although Montenegro has a history of war mongering and spread of ethnic hatred by media which dates back in 1990s at the time of civic war and break-up of ex Yugoslavia, in recent years, hate speech in media became sporadic occurrence. When it comes to online media, this, still poorly regulated sphere, opened a new niche for hate speech. The rise of professional standards in traditional media are keeping the hate speech of the gate when it comes to primary content of online media, both in websites of mainstream media and news portals. However, the situation is somewhat different when it comes to blogs of journalists, editorial comments or citizens' news-related blogs, and it drastically degrades when it comes to user generated content (UGC). The reports¹¹ on journalists' ethic codex breaches produced by Media Self-Regulation Council from the period of April 2012 to March 2013 identified hate speech as major problem in media ethics and, for the major part, in UGC on news portals. Also, during the production of this paper, in comments on major news portals blatant curses, abuses, insults and foul language could be found. Nevertheless, those comments, for the most part, are being deleted by administrators, but with certain time delay. Majority of comments that contain abusive language, insults and hate speech refer to deep interethnic division in Montenegro between Serbs and Montenegrins and homophobic statements towards gay population.

To understand this situation, it is necessary to say that in Montenegrin society there are strong divisions reaching back to independence referendum in 2006, dividing population to supporters

⁷ <http://www.vijesti.me/vijesti/tv-vijesti-dobija-ombudsmana-clanak-110681>

⁸ Through an open call, the Government has provided MSC with 30000 EUR support intended for three years funding of its operations. The funds have been provided by the European Union.

⁹ 2013 Report "Monitoring of Journalistic Self-Regulatory Bodies in Montenegro", Human Rights Action <http://www.hraction.org/?p=3149>

¹⁰ <http://www.osce.org/fom/31497>

¹¹ <http://medijskisavjet.me/>

of sovereignty and those that opted for state union with Serbia. In current environment, this division is more-less transposed to the ruling regime and the opposition consisting mainly of pro-Serbian parties and the debate is easily opened in everyday political life, especially when there are still unsolved questions of identity, such as national symbols, and treatment of Montenegrin vs. Serbian language and church.

Another problem is political rhetoric and public dialogue, which is generally negative, abusive and often drown to personal insults. Such atmosphere is the most easily seen in pre-electoral campaigns, which was confirmed in reports of international observers such as OSCE¹². Traditional media reports testify of such examples. For example, in addressing the electoral rally ahead of October parliamentary elections, current Prime Minister Milo Djukanovic called its political competitors “Chetniks and beginners”¹³ (četnici i početnici), explaining how the opposition was influenced by Serbian nationalistic politics and local tycoons that have joined forces to “strangle Montenegro”. This statement was elected for statement of the year by state owned daily Pobjeda.

On the other hand, similarly abusive and potentially libelous statements are coming from opposition parties. For example, one of the leaders of main opposition block Democratic Front, Nebojsa Medojevic, on February 24 2013, wrote on his Facebook profile, that the ruling Democratic Party of Socialists (DPS) was ¹⁴ “a fascist sect and weed that should be eradicated”. This political discourse sets fertile grounds for spread of hate speech in media, especially when having in mind that media community for the major part follows the confronted political lines. Open confrontation between pro-Government media block and those with critical stands toward the authorities also brings to personally insulting verbal attacks through the exchange of online editorials, blogs and columns.

Such political, and, consequently, media discourse bores communication stereotypes among the public which is obvious through comments in online media. Thus, on one side, one can find posts referring to DPS and its members as “mafia”, “corruptionists”, “fascists”, “autocrats”, “Shqiptar lovers”, while the pro-Serbian opposition, and often Serbs in general, become “Chetniks”, “oppressors” and “throat slayers”.

Although the Codex of Montenegrin journalists forbids media to publish material that is likely to engender hostility or hatred towards persons on the grounds of their ethnic origins, nationality religion or even political affiliation, it is highly disputable whether this is the general case. In addition to the competitive atmosphere created by popularization of social media such as Facebook and Twitter, when posts from social profiles of public figures became an inexhaustible source of information, online media are trying to grab some of the popularity. In trying to gain in speed, number of posts and liveliness of discussion, online media enter the trap of sensationalism

¹² OSCE/ODIHR Limited Election Observation Mission Final Report on early parliamentary elections held on 14 October 2012 states that the electoral campaign was personalized and negative in tone.

www.osce.org/odihr/97940

¹³ „Naša konkurencija se danas na političkoj sceni dominantno prepoznaje kroz jednu grupu koju bih kvalifikovao kao grupu četnika i drugu kao grupu početnika.“ <http://www.pobjeda.me/2013/01/01/politika-2012-izjava-godine-cetnici-i-pocetnici/>

¹⁴ <http://www.portalanalitika.me/politika/vijesti/91706-medojevi-dps-je-faistika-sekta-i-banda-taj-korov-treba-zatrijeti-.html>

and language that was not common for traditional media. Although it is hard to discern between abusive language, satire and hate speech, especially when these occurrences are not clearly defined, there are still examples which pose open calls for hostility and violence.

Such examples can be found among the users' comments on article published on Vijesti portal¹⁵ "CEDEM: Stojimo iza Bešićevog istraživanja"¹⁶ (CEDEM: we are standing behind Besic' poll) published on October 10 2012. The article reports only a short statement by Center for Democracy and Human Rights (CEDEM) confirming that they fully support pre-electoral opinion poll conducted by their chief methodologists Milos Besic. The poll gave advantage to ruling coalition in the parliamentary elections, seven days before the vote. The statement was given following the claims from other election participants that polls were rigged in DPS's favor, but the article itself does not provide context of the statement. Among the 35 comments posted on this article there are a number of those who called Besic a "mercenary", "analyst of the regime", giving insulting comments on his appearance, while some called for closure of his and similar organization, following the fall of "mafia-fascist regime". However one of the comments posted by user nicknamed portir (doorman) says: "Glasamo svi za front,a 14 uvece slavimo pobjedu nad mafijaskom elitom,blokiramo aerodrom,zatvaramo sve puteve,zauzimamo televiziju crne gore,ako krenu na nas,branimo se,jer smo casni i posteni!!!"¹⁷ (We shall all vote for Front, and on 14th in the evening we shall celebrate the victory over the mafia elite. We shall block the airport, close all roads, take over the Television of Montenegro and if they came at us, we shall defend ourselves, because we are straight and honest!!!)

Comments like this, which present open calls for violence towards the political opponents pose serious threat to public order, especially considering the fact that every electoral victory in Montenegro is traditionally being celebrated in the streets and that such gathering require police alertness so as to prevent potential outbreak of violence.

Spread of ethnic intolerance is another common case with users' comments. For example, in portal CDM, the article "Dzomic: Samo mi još pol nijesu promijenili" (Dzomic: They left only my gender unchanged)¹⁸ contains comments with calls for exile of Serbian priests from Montenegro. The article contains statement of Serbian Orthodox Church parish who claims that officer from the ministry of interior forged his personal data in order to make him unqualified for gaining residence in Montenegro. Previously the residence requests of Dzomic, Serbian national who lived in Montenegro for 17 years, were rejected twice. The National Security Agency concluded he jeopardized national security, peace, and order. Both decisions were overruled by the Appellate court. The case received international attention¹⁹ as possible problem with the respect of religious freedoms in Montenegro.

In this specific case, out of the 22 comments, several contain statements such as "out with him", "hit the road", "get lost, poisoner of our people. Go back from where you were sent". The

¹⁵ In this paper examples have been taken from major portals (Vijesti, CDM and Analitika). Similar examples can be found in other web editions of traditional media, and news oriented web sites, but they haven't been considered due to the small number of visits (less than 5000).

¹⁶ <http://www.vijesti.me/izbori-2012/cedem-stojimo-iza-rezultata-besicevog-istrazivanja-clanak-94395>

¹⁷ <http://www.vijesti.me/komentar/94395/>

¹⁸ <http://www.cdm.me/drustvo/hronika/dzomic-samo-mi-jos-pol-nijesu-promijenili?comments=post>

¹⁹ Montenegro Country Report on Human Rights Practices for 2012, US State Department, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

hostility expressed in comments further spread to the SOC in general, and thus one comment says “more or less everyone from SOC are working exclusively against the state, people and citizens’ interest ... they should all be exiled”.

To be able to truly see the potential consequences of spread of hatred on the Internet, it should be taken into account that online world is mainly populated by younger population. Recent research²⁰ show that 65 percent of young people in Montenegro aged 15 to 24 spends certain amount of time on the Internet every day, while almost 80 percents of them uses Facebook where they spend in average 2.5 hours every day. Online world filled with hate speech, propagated by media as acceptable, proved to be alarming ground for violence. Only in 2013, several massive fights among high-school population were organized via Facebook. One of them was instigated by religious hatred. In another instance, where one 16-year old was stabbed, one of the actors was so of opposition leader Andrija Mandić.

Treatment of minorities in online media

Besides hatred propagated through UGC in online media directed at members of different ethnic communities, LGBT community is another major victim of such posts. Here is one illustration. Portal Analitika published on October 1 2012, an article titled Cimbaljević: Prva Parada ponosa u Crnoj Gori sljedeće godine /Cimbaljević: the first pride parade in Montenegro to be held next year/. The article reports statement by executive director of LGBT forum Progress, a NGO that deals with protection of LGBT rights in Montenegro, saying that Montenegro is ready to hold a pride parade. One of the comments posted below under the name “bokserka” /female boxer/ says: *“NIKAD te parade neće biti, da cu ja prva ulecet da vas lomim tamo vjerujte mi ... Zvali vi to fasizam ili ne - zabolje me! Homoseksualnost nije urodjena, pouzdano znam... E djeca mi neće vala biti takvi . NIKAD! To je vaspitanje, sredina, nacin na koji odrastas i koliko roditelji znacajnu ulogu tu odigravaju. Vecinu njih roditelji uopste ne sprijece, ja bih mojim kosti”*²¹ /This parade will NEVER happen. Even though I had to sweep in the crowd to beat you up, believe me ... You can call this fascism – I don’t care! Homosexuals are not born; I know for sure ...My children will not be like that. NEVER! That is a matter of upbringing, environment, the way of growing up and the role of parents. Their parents did not prevent most of them. I would b... my children’s bones..../

A week later, Government’s Council for Protection against Discrimination issued general statement in which it strongly condemned hate speech against LGBT advocates and urged the media not to contribute to these phenomena through their editorial policies. This specific comment, however, was not removed.

Statements like this contribute greatly to the spread of homophobia in Montenegro, which is still coping with this problem. In its report on human rights practices for 2012, US department of state says that LGBT persons and their supporters in Montenegro experienced continued discrimination, ostracism, hostile public attitudes, and violence.

²⁰ Damar agency, Svakodnevnica mladih u Crnoj Gori /Everyday life of the youth in Montenegro/, April 2013, http://damar.co.me/istrzivanje_mladi.pdf

²¹ <http://www.portalanalitika.me/drustvo/vijesti/75493-cimbaljevi-prva-parada-ponosa-u-crnoj-gori-sljedece-godine.html>

According to Human Rights Action, organization that deals with protection of human rights in Montenegro, in online media there still can be found comments posted to articles dealing with Kosovo situation that are directed to Albanian minority, and which can be treated as hate speech. Also, comments representing hate speech can be found under articles on sport matches played by representations of ex-Yugoslavian countries.

Anonymity and Cyber-hate

As have been said that abusive language and hate speech in online media in Montenegro is almost exclusively drawn to UGC, these statements are, by rule, authored by anonymous commentators. Comments are posted under a nickname selected by users. Chief Editor of CDM portal Aleksandra Obradovic says that the identity of commentators is known to the portal's editorial board. Vijesti portal has a base of over 30 000 registered users, and, according to Aida Ramusovic, Ombudsman in TV Vijesti which is using the portal together with Daily Vijesti, editorial board of the portal knows the e-mail and IP address that the comments is sent from. Users are not obliged to give their real names.

Steps that media take to address the matter

Both major portals Vijesti and CDM have moderators in charge of filtering of comments. Chief Editor of CDM portal Aleksandra Obradovic states the example that out of 100 posted comments on an article dealing with rights of LGBT persons, moderators block 25-30 percents of them due to the unacceptable content. Criteria for filtering of comments are statements that incite religious and ethnic intolerance, personal insults, as well as comments that contain swearwords. Moderators in Vijesti portal use similar criteria. This portal has very visibly stated notice on rules of commenting which says that "Comments are posted in real time and "Vijesti online" can not be hold responsible for their content. Hate speech, swearing, insulting and libeling is forbidden. When noticed, such content will be deleted, and its authors may be reported to competent institutions". Editor of Vijesti portal Srdan Kosovic said that their administrators daily erase 150-200 comments with inappropriate content.

Another problem identified by web portal editors and managers is lack of qualified staff that could deal with filtering of users comments. In addition, online media claim that round-a-clock pre-moderation of users comments would be financially exhausting for their budgets.

Efficacy of these measures and balancing measures to freedom of expression.

Mechanisms taken by online media proved to be insufficient. Current practice of using disclaimers for UGC content may be considered irresponsible considering the situation where the given freedom is being abused. Role of moderators is also limited by non existence of clearly prescribed rules on allowed online media content and responsibility of media that would be accepted by entire media community.

Aida Ramusovic, Ombudsman in TV Vijesti believes that the solution for combating online hate speech is to update the Codex of Journalists with principles relating to this specific sphere. In such way, media would be given clear rules to adhere to. As far as users are concerned, she argues that

sufficient procedure in case of offence is to give user a notice and, eventually blocking his access to portal.

President of Self-regulatory council for periodical press, Amer Ramusovic, says that, although out of their scope of work, they have received citizens complaints related to online media and the role of administrators. The complaints referred to inability of publishing denials to contents published in forms of comments. Ramusovic believes that this poses breaches of ethic principles of equality and journalists' impartiality and puts portal editors in unacceptable and dangerous role of censors. If this were the case, Montenegrin media would be dealing with breaches of principle of network neutrality of the Declaration on Freedom of Expression and the Internet.²²

When it comes to joint regulatory efforts by media community, Media Self-Regulation Council is currently the only self-regulatory body that is dealing with online hate speech. Secretary of this body Ranko Vujovic says that their competencies are limited to noting of hate speech cases and informing the public on these occurrences. Besides issuance of warnings, MSRC does not have any other mechanism for sanctioning of these occurrences in the media.

Coordinator of human rights program in Civic Alliance Milan Radovic, expects from media to take more serious approach to this problem. Expressing his disbelieves in the efficacy of current disunited self-regulatory mechanisms, he says that media should, however become the first and most important filter for such occurrences. Radovic also believes that the main problem lays in inadequate legislation which doesn't recognize online hate speech as criminal act, but also that the problem is systemic in nature. Inadequate coping with the past, which was motivated with religious and national hatred, make this problem grow. Radovic argues that for this reason all examples of hate speech, from street graffiti to online media posts, should be processed by police and prosecution and severely punished in courts. Severe punishments for hate speech, according to Radovic, would not jeopardize freedom of expression. On the contrary, they would be a contribution to freedom of speech and democracy.

In an interview with Milos Lalevic, representative of Ministry of culture's media sector, he reminded that Montenegrin media legislation already forbids all forms of hate speech in media, but that improvements are likely to be made during the ongoing process of country's negotiations for the accession to the European Union. In the forthcoming period, Montenegro will start drafting strategic documents for normative and institutional harmonization with European standards and practice in the area of information society and media, which would be a space for dealing with fight against online hate speech.

²² Declaration on Freedom of Expression and the Internet, adopted by the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, on 1 June 2011, states the following:

Network Neutrality

- a. There should be no discrimination in the treatment of Internet data and traffic, based on the device, content, author, origin and/or destination of the content, service or application.
- b. Internet intermediaries should be required to be transparent about any traffic or information management practices they employ, and relevant information on such practices should be made available in a form that is accessible to all stakeholders.

As far as current mechanisms for fighting online hate speech are concerned, Lalevic says that, in line with European standards, the role of the state in media regulation is down to minimum, and that instead Montenegro has created self-regulatory framework. Three self-regulatory bodies that have been formed in the past year should be a starting point for building firm mechanisms for sanctioning online hate speech.

If Montenegro would adopt a law that would financially sanction online hate speech, Obradovic said that she would support such law, confessing however that the number of comments in portals would be decreased. Opinions among online media community, however, vary. Editor of newly established portal of PBS RTCG Slavko Djurdjic, said that he would not support such law, since it would pose a threat to freedom of expression considering that in practice it is often hard to define what represents hate speech. Such situation would potential lead to arbitrariness damaging the freedom of expression.

State regulator, AEM, also points out that their decennial practice of monitoring contents of electronic media proved that registered cases of hate speech were mainly consequences of the lack of knowledge of journalists and editors, or professional negligence or irresponsibility, and less the result of conscious intention or editorial policy. Thus, they suggest that all relevant factors should work on education on all levels, starting from primary school children to professional media editors.

IV Recommendations

Montenegrin legislation should be complemented to provide legal definition of online hate speech. The most obvious way is through changes of the Criminal Code, which should be amended in line with the Council of Europe's Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. Parallel to legislation changes, necessary capacities both in the police and prosecution should be built.

Agency for electronic media, as state regulator competent for work of online media should draft a Rulebook on program standards in online media, or amend the existing Rulebook on program standards in electronic media.

Self-regulatory practice in Montenegro should be aligned with best principles in this area. The best solution would be the re-establishment of a single national self-regulatory body that would gather all major media. If it proves impossible to include all major media to Media Self-Regulatory Council, which is currently only active organization with such potential, the Press Council should start its operation. In later case, the state, as sole financier of MSRC, should not favor any self-regulatory body when it comes to financial support. When it comes to funding, the model of international organizations' involvement such as OSCE proved as functional in case of Journalists' Self-regulatory body.

Establishment of functional self-regulatory body/bodies that could be considered representative/s of entire media community is a prerequisite for amendments of the Codex of Montenegrin journalists. Only such body/bodies can be regarded as observes of the Codex eligible to its

amendments. Provided this prerequisite is met, the Codex should be amended to include principles specific to online media.

Individual online media should step up its efforts in eliminating hate speech contained in UGC. This should be done through filtering of comments, establishing and displaying more clear rules for commenting. To solve the existing dilemma on the responsibility of web portals for users comments, these media should adhere to principles agreed by major portal editors on roundtable "Addressing online hate speech: the role of media accountability mechanisms", held in Podgorica on May 24th 2013. That principle states that portal is not responsible for comments that contain hate speech at the moment of its posting, but it would be held responsible if it doesn't remove it when noticed or reported.

31. May, 2013.