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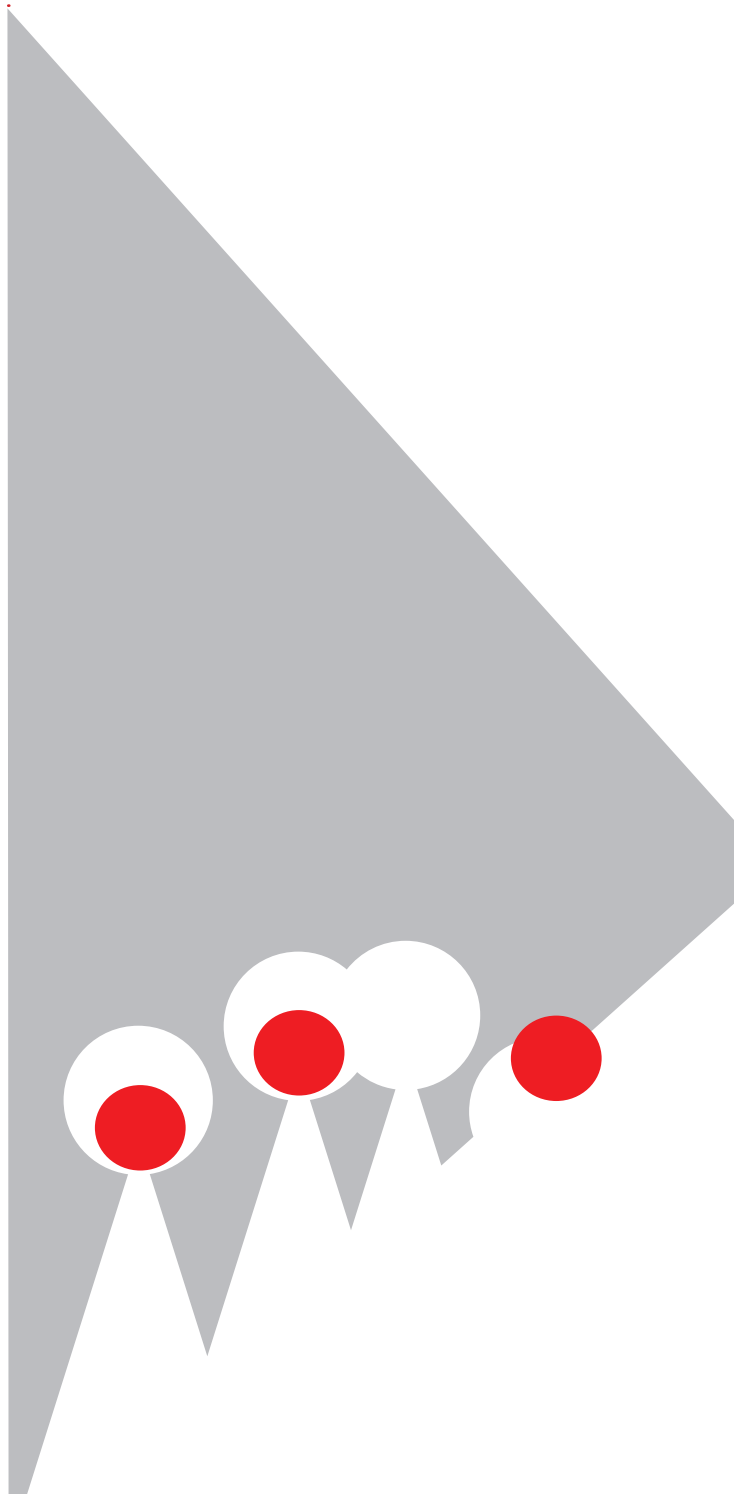


ETHICAL DILEMMAS IN REPORTING ON
ELECTION CAMPAIGNS CONTAINING
HATE SPEECH ELEMENTS

(Case study)



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ETHICAL DILEMMAS IN REPORTING ON ELECTION CAMPAIGNS CONTAINING HATE SPEECH ELEMENTS

(Case study)

By Pavle Pavlović

INTRODUCTION

The election campaigns always bring number of situations for journalists, editors and media that require taking clear position and decision making in relation to professional ethics and standards. These standards and ethical principles are set in the Code of Ethics of Journalists, as well as in international documents – recommendations of international organizations (Council of Europe, UNESCO, OSCE etc.)¹ and international professional associations.² Reporting on the presidential elections in Montenegro, held in April 2018, was a chance to look more closely at several concrete examples of how journalists and the media in Montenegro relate to the profession's ethical standards during election.

The objective of this short study is to encourage public debate on ethical standards in the media in Montenegro and to emphasize the importance of observing the code of ethics, especially in situations whose content represents the challenge to ethical journalism. The thrust of this report is limited to a case study, where the goal is not to give final assessment on code of ethics implementation, but to stimulate and inspire the debate on concrete ethical provisions and their application.

The research was conducted within the project Respect - Advancing Respect for Ethical Standards by Media and Respect for Ethical Media by Citizens from March 26 to May 26, 2018. The project is implemented through partnership with the Peace Institute from Ljubljana and the Ethical Journalism Network from London. Methodological guidelines and mentoring during this study was provided by Brankica Petković from the Peace Institute.

1 One of such documents is the Recommendation No. R (99) 15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns from September 9, 1999. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e3c6b. Accessed: April 19, 2018.

2 Many international media and journalists associations issued recommendations on election reporting. For example, the European Broadcasting Union, whose members are all the public television stations in Europe, published its principles for covering the election. Available at: <https://www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Election-Principles.pdf>. The Ethical Journalism Network, the partner of the Montenegrin Media Institute in this project have also published set of principles for election reporting. Available at: <https://ethicaljournalismnetwork.org/?s=elections>. Accessed: April 19, 2018.



The study included three stages: the first stage – monitoring the media during the pre-election presidential campaign in Montenegro (from March 26 to April 14) and identifying content we have assessed could be suitable for our analysis due to the presence of ethical dilemma relating to the Code of Journalists of Montenegro principles; the second stage – selecting the case for analysis; and the third stage – analysis, i.e. the case study.

We conducted media monitoring in this period on a sample of 12 media³, including television, print and online media. When selecting media, we were governed by the criteria of their relevance with regard to viewership, readership and web traffic, and their influence on public opinion and their position in the media community.⁴

Intending to stimulate debate and reflexion on the ethical code application, we based the case study on interviews with interlocutors who have journalistic and editorial experience or they are media ombudspersons.⁵ We presented ethical dilemmas to them and collected their views and experiences. We included in the research mostly foreign interlocutors with intention to present experiences and views from other countries to the professional public in Montenegro, so that experiences from the country obtained from domestic interlocutors could be compared with and used in professional debate on media ethics in Montenegro.

SELECTING THE SUBJECT AND CONTEXT DESCRIPTION

During systematic monitoring the media coverage during the presidential election in Montenegro, the Respect project's research and editorial team did not notice pronounced and continuous problems and practices in reporting that should have been highlighted and reviewed critically in relation to the ethical principles and guidelines cited in the code, considering the goal of the study. The campaign dynamics and the context, in which the election was held, significantly impacted the softer discourse of candidates, influencing the media coverage. However, for the sake of future journalistic reporting on elections, it is worth reviewing the observed problems and challenges for ethical standards and respecting the ethical code of journalists of Montenegro, related to the coverage of the campaign and appearances of political candidates using hate speech.

3 The media we monitored could be divided in three groups: 1) television programs: *RT CG*, *TV Vijesti* and *Pink M*; 2) print media (dailies): *Pobjeda*, *Vijesti*, *Dan* and *Sloboda*; and 3) online media: *Vijesti online*, *Antena M*, portal *RT CG*, portal *Analitika* and portal *CdM*.

4 We have taken into account public opinion surveys, i.e. Miloš Bešić, Citizens' Views on Media Freedom in Montenegro – *Report*, 2012. Available at: <https://www.osce.org/me/montenegro/97479?download=true> Accessed: 31. 05. 2018.

5 We interviewed six interlocutors: Chris Elliott, the *Ethical Journalism* Network director, former *Guardian's* executive editor and ombudsman; Ilinka Todorovski, the protector of the viewers and listeners of *RTV Slovenia*, former editor in the news program of *TV Slovenia*; Agron Bajrami, editor in chief of the *Koha Ditore* daily in Pristina; Sanja Mikleušević-Pavić, journalist and editor at *Hrvatska televizija (HTV)*, former chief editor of this public television news program; Vladan Mićunović, *TV Crna Gora* director and Nikola Marković, deputy editor in chief of the *Dan* daily in Podgorica. We conducted interviews with Mr. Elliott and Ms. Todorovski through online communication, and the rest of the interviews live in Podgorica.

In the strict sense, the hate speech is the term used for the criminal offence of provoking national, racial and religious hatred and intolerance, and in the broad sense, to denote socially unacceptable public speech, spreading prejudices, stigmatizing and disparaging certain social groups, especially minorities and vulnerable groups.

Considering both mentioned aspects, the Media Institute research team has isolated two cases from the material collected while monitoring media during the presidential election campaign in Montenegro. It was possible to establish that the two cases contain hate speech and as such they provoked public reaction and lead to different approaches and decisions on how to professionally report on them.

It is important to emphasize that hate speech could appear in the media during the election on two levels: the first one is when the media itself advocate and provoke hatred, and the second one is when political candidates and other participants spread hatred at election time, and media report it. The accent of our study will be on the second question.

Chronologically recorded, the first case we singled out relates to media reporting on statement by Nebojša Medojević, a politician and the leader of the opposition movement, who endorsed one of the opposition candidates at the election. During the election campaign, Medojević called the voters who vote at the presidential elections for Milo Đukanović, the ruling DPS party candidate, „poturice“ (*those who converted to Islam from Christianity during the Ottoman rule*) in the statement published on his Facebook profile on March 28, 2018.⁶ The second case we singled out relates to the media coverage of the presidential candidate Milo Đukanović's statement depicting the work of the part of the civil society and media as „fascist“⁷ in the live TV show, broadcasted on April 11, 2018.

6 The articles that reported on Medojević's statement and subsequent reactions: „He Called Đukanović's Voters Poturice“. *CdM*, March 27, 2018. Available at: <https://www.cdm.me/izbori-2018/predsjednicki/dukanoviceve-glasace-medojevic-nazvao-poturicama/>. Accessed: March 27, 2018.

„The Muslims won't vote for the Medojević's candidate“. *Analitika*, March 29, 2018. Available at: <http://portalanalitika.me/clanak/297802/pljevaljski-imam-porucio-da-muslimani-nece-glasati-za-medojevic-og-kandidata>. Accessed: March 30, 2018.

„DF Calling On Islamic Community to Apologize to Medojević and Knežević“. *Analitika*, March 28, 2018. Available at: <http://portalanalitika.me/clanak/297793/df-poziva-islamsku-zajednicu-da-se-izvini-medojevicu-i-knezevicu>. Accessed: March 29, 2018.

7 The articles that reported on Đukanović's statement and following reactions: Đukanović: 'Vijesti' Promote Fascist Ideas. *Vijesti online*, April 12, 2018. Available at: <http://www.vijesti.me/vijesti/dukanovic-vijesti-promovisu-fasisticke-ideje-983948>. Accessed: April 13, 2018.

„Đukanović: Some Media and NGOs Behaving in a Fascist Manner, Racketeering, in Disguise Want to Come to Power. *CdM*, April 11, 2018. Available at: <https://m.cdm.me/izbori-2018/predsjednicki/dukanovic-neki-mediji-i-nvo-se-ponasaju-fasisticki-reketiraju-prerusereni-hoce-da-dodu-na-vlast/>, Accessed: April 11, 2018.

Đukanović Encourages Supporters Again to Lynch his Critics. *Vijesti online*, April 11, 2018. Available at: <http://www.vijesti.me/vijesti/dukanovic-opet-hrabri-pristalice-da-linuju-njegove-kriticare-984127>. Accessed April 13, 2018.



The way media reported on these cases differed and it ranged in the scope and combination of the following approaches: reporting the statement, publishing reactions and critical comment by editorial members, keeping silent on the statement and reaction and lack of critical comment by editorial members.

The definition and identification of hate speech and ethical conduct of the media in cases of reporting on events that contain hate speech are challenges faced by the media editorial staff not only in Montenegro. Before considering how to act ethically in such cases, we will review in detail the question of the hate speech definition and regulation.

DEFINITION AND REGULATION OF HATE SPEECH

The right to free speech is one of the fundamental human rights, protected by international conventions and national constitutions. Still, freedom of speech is not an absolute right. Under international law, freedom of speech is possible to restrict only in several cases that have to be clearly defined by law, and such cases include propagating war and promoting national, racial and religious hatred which instigate discrimination, hostility and violence.

The Constitution of Montenegro in its paragraph 2 of article 47 cites that „right to freedom of expression could be restricted only by the right of others to dignity, reputation and honour and if endangering public moral and security of the citizens of Montenegro“,⁸ while articles 7 and 8 forbid any discrimination and provoking hatred on any grounds.

The Criminal Code of Montenegro (2017) in its article 370 prescribes the prison sentence from 6 months to 5 years for anyone who „publicly incite the violence or hatred against a group or a member of a group determined by race, skin colour, religion, origin, state or national affiliation“.

The Law on Media is explicit on this part when it prescribes in the paragraph 1 of article 23 it is „forbidden (...) to publish information and opinions that instigate discrimination, hatred or violence against a person or a group of persons for their affiliation or non-affiliation to a race, religion, nation, ethnic group, gender or sexual orientation.“

Also, article 48 of the Law on Electronic Media prescribes that „AEM shall not with its service instigate, enable instigating or spreading hatred and discrimination on the grounds of race, ethnic belonging, skin colour, gender, language, religion, political or other belief, national or social origin, economic situation, trade union membership, education, social status,

8 The Constitution of Montenegro. Official Journal of Montenegro, No. 1/2007 and 38/2013 – Amendments I-XVI, 2017. Available at: <http://www.paragraf.me/propisi-crnegore/ustav-crne-gore.html>. Accessed: May 31, 2018.

marital or family status, age, health condition, disability, genetics, gender identity or sexual orientation.”⁹

This law also prescribes a possibility to restrict re-broadcasting audio-visual services in Montenegro on request from other states, if providing such audio-visual service endangers or seriously threaten to endanger „fight against instigating hatred on the grounds of race, sex, religion or nationality, endangering dignity of person.”¹⁰ The ban on such content counts also for advertising. The law thus determines it is forbidden „to promote discrimination on the grounds of gender, race, national affiliation, religion or beliefs, disability, age and sexual orientation,”¹¹ through the commercial audio-visual communication.

These provisions derive from the European Union Directive on Audiovisual Media Services,¹² according to which an independent regulatory authority should implement regulation competences in the audio-visual media services field. In Montenegro, it is the Agency for Electronic Media. In the review of the cases of hate speech it dealt with from 2003 to 2016, it cited decisions and sanctions it imposed based on complaints in the hate speech cases. In the given period, the measures mostly meant warning on observing minimum of programming standards prescribed for operating electronic media and imposing fines most often in cases of repeating hate speech by the same broadcaster.¹³

In the journalism self-regulation field, hate speech is governed by the Code of Ethics of Journalists of Montenegro (2016) whose principle 4 states: „Race, religion, nationality, sexual orientation, gender orientation, family status, physical or mental condition or illness, and political affiliation will be mentioned by a journalist only if that is necessary for the complete information in public interest.” Continuing in this part of the Code, the guideline c) is relevant, pointing out: „Journalists must especially take care to avoid contributing to spreading of hatred when reporting on events and phenomena containing hate speech”. We could conclude that exactly this guideline could be directly applied on question how journalists report on politicians’ statements and actions in the election campaign, containing hate speech, which is, in the strict sense, the subject of our research in this case study.

In legal theory and practice, however, there is no full agreement on the hate speech definition. There are different approaches, experiences and contexts taken into account. Vesna Alaburić cites two prerequisites of the hate speech legal definition. The first precondition is that it is about „expressing certain hating and insulting content/messages (i.e. on con-

9 The Law on Electronic Media. Official Journal of Montenegro, No 46/2010, 40/2011 – other law, 53/2011 and 6/2013. Available at: <http://www.paragraf.me/propisi-crnegore/zakon-o-elektronskim-medijima.html>, Accessed: May 31, 2018.

10 Ibid.

11 Ibid, article 85.

12 Audiovisual and Media Policies. European Commission. Available at: http://ec.europa.eu/archives/information_society/avpolicy/reg/tvwf/incit/index_en.htm. Accessed: May 31, 2018.

13 The Review is available at the regional publication Regulatory authorities for media and Hate Speech (Ajsa Rokša-Zubčević et al., 2017).



tents expressing, advocating or instigating hatred, discrimination or violence, or which mock, disparage, humiliate, dehumanize or devalue)". The second precondition is that „such hate speech has to be directed against certain target social groups and their members who can be identified by certain common objective features such as race, skin colour, national or ethnic origin, religion, sex, sexual orientation, and the like.“¹⁴

Alaburić points out to the danger of too wide a definition of hate speech and its identification „with every kind of impassioned, polemical or attacking public discourse“, where one also counts „criticising government, government’s policies or actions and views of individuals within the government, no matter how this criticizing were fierce, unjust, shocking, disturbing, hateful or insulting“, so, for example statements „treacherous government, the commie government, authoritarian government, corrupt government, criminal organisation, the snitch president“ cannot be considered as hate speech, even if they are motivated by hatred.¹⁵

HOW TO APPLY HATE SPEECH BAN IN THE MEDIA IN CASE OF STATEMENTS BY CANDIDATES AT ELECTION?

In the main part of our research we elaborated the question of how to apply hate speech ban in the media in case of statements by candidates or their advocates in the election campaign into number of sub-questions put to interlocutors who have journalistic and editorial experience or they are media ombudsperson. We interviewed interlocutors from four media outside of Montenegro (from the United Kingdom, Slovenia, Croatia and Kosovo) and from the two media from Montenegro (*TV Crna Gora* and *Dan*).¹⁶ Apart from the question of how they thought it should be reported in such cases, we asked them also on their specific experience and decisions.

We presented to our interlocutors the two cases we noticed and singled out during monitoring of the media reporting in Montenegro on the presidential election campaign, where participants in the election campaign used elements of hate speech. We noted the guideline in the Code of Ethics of Journalists of Montenegro points out a journalist must „especially take care not to contribute with anything to spreading of hatred when reporting on events and on phenomena containing hate speech“.

14 Vesna Alaburić, Limiting ‘Hate Speech’ in a Democratic Society – Theoretical, Legal and Practical Aspects – Part I. Croatian Legal Review, January 2003, page 4.

15 Ibid, pages 5-6.

16 As we noted in the second footnote, the interlocutors were Chris Elliott, the Ethical Journalism Network director, former *Guardian’s* executive editor and ombudsman; Ilinka Todorovska, the protector of the viewers and listeners of *RTV Slovenia*, former editor in the news program of *TV Slovenia*; Agron Bajrami, editor in chief of the *Koha Ditore* daily in Pristina; Sanja Mikleušević-Pavić, journalist and editor at *Hrvatska televizija (HTV)*, former chief editor of this public television news program; Vladan Mićunović, *TV Crna Gora* director and Nikola Marković, deputy editor in chief of the *Dan daily* in Podgorica.

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The questions put to the interviewees could be placed in three groups:

The first part relates to the main question of how to report in such cases. We asked:

- How should media act in the case of hate speech occurring in statements and actions of political actors in the election campaign? How to cover such cases? Should media react and how? What is in the public interest? Whether such content should be conveyed authentically and without a comment in the report on the event, and then collect reactions of other actors and/or publish editorial comment with an analysis and context? Whether election campaign contents containing hate speech should be published/conveyed at all? Whether there is a line for what to publish from an election campaign contents where there are hate speech elements? What is the line? Should media paraphrase such statement and contents and publish them only with analysis and condemnation? Should they be kept silent about? How can journalists and editors act concretely and not to contribute to spreading hate speech? What are these measures?

In the second part we put only one question:

- In the case of the election campaign hate speech is spoken during the live show, how should journalist/host position themselves?

In the third part we asked them on their specific experiences:

- What is your specific experience in such situations? Could you single out one or more examples during your career when you were faced with the question of how to report on an event in an election campaign where one or more political actors participating in the campaign use hate speech? What was your decision?

VIEWS AND EXPERIENCES OF INTERVIEWEES FROM THE SIX MEDIA

Our interlocutors emphasized media conduct in case of hate speech in the strict or broad sense¹⁷ occurring in political actors' statements and actions during election time should be built on applying the law and the ethical code, and the media should use the approaches that offer all the relevant information to the citizens and enable them to understand all the relevant contexts.

The first step in informing citizens on content suspected of having hate speech elements is to recognize such speech. Vladan Mićunović emphasizes the consequence of careless approach towards hate speech:

17 In the strict sense as the criminal offence of provoking national, racial and religious hatred and intolerance, and in the broad sense as marking of socially unacceptable public speech, spreading prejudices, stigmatizing and disparaging certain social groups, especially minorities and vulnerable groups.



„How to approach hate speech in Montenegro is more important than hate speech itself. Also, I note we sometimes tend to declare as hate speech something which is not hate speech, while something which is an obvious example of hate speech or inappropriate speech we are ready to minimize, especially at the height of an election. (...) One should not enter the arbitration zone of what was said, but why something is hate speech.“¹⁸

The interviewees say hate speech is regulated by numerous international documents and that the legal profession gave number of useful definitions. This is how Sanja Mikleušević-Pavić summarizes the definition she uses as a guide to recognize such content:

„Hate speech is an emotional notion which degrades, intimidates, instigates hatred, violence and discrimination against persons or groups, and hate speech wishes to create sense of contempt, based on negative connotations towards persons and groups and their features.“¹⁹

However, Chris Elliott points out to the complexity of recognizing hate speech, because the source of the problem in journalism is language dilemma and intention behind the hate speech, unlike the legal definitions which are mostly categorial and exclusive.²⁰ If its consequences are of the violent nature, it is doubtlessly hate speech. Mr. Elliott in these situations differentiates between *pep talk conversation* and political speech. The former is of instrumental nature and its intentions are to provoke reaction and further spreading of information by the media, which would be a kind of „self-advertising“. A journalist should be careful not to be instruments for that purpose.

After identifying hate speech, it is expected from a journalist to point out to the context and facts that are important for the problem. Vladan Mićunović points out to a tendency „to position ourselves towards everything, take a view and then dig deeper looking for the background of the context and some broadness “.²¹ He notes there is no set of universal categories that could be applied in every case and based on them determine if a statement is hate speech. Thus, not every use of the word and marking „fascist“ is hate speech. If there is grounds for that, and if a certain person has such characteristics, than the use of such expression is justified without any doubt, Mićunović says.²²

Ilinka Todorovski thinks that reporting on the actors' statements containing elements of hate speech needs to be based on an explanation of the context, as wide as possible, behind of

18 Interview with Vladan Mićunović, *TV Crna Gora* director. Podgorica, May 7, 2018.

19 Interview with Sanja Mikleušević-Pavić, *Hrvatska televizija* journalist, former editor of *Hrvatska televizija* news program. Podgorica, May 3, 2018.

20 Interview with Chris Elliott, the Ethical Journalism Network director, former *Guardian's* executive editor and ombudsman. Online interview, May 8 2018.

21 Interview with Vladan Mićunović, *TV Crna Gora* director. Podgorica, May 7, 2018.

22 Ibid.

what is said. The public must be informed, and the media must not hide what is socially relevant, nor marginalize certain phenomenon.²³

She emphasizes it is very important to choose the manner of reporting that does not deepen non-democratic dialog. Ms. Mikleušević-Pavić reminds that task of the media is also to educate, raise citizen's consciousness, and to use all available means to inform citizens while respecting professional ethics, and to enable citizens to see all relevant angles.²⁴ Nikola Marković states about the role of the media: „Media should report on everything of public interest [and] serve not only to inform the citizens but also to point out to irregularities of any kind in the society and to criticize those whose duty is to resolve it.“²⁵

The interviewees say media can reach for an expert analysis and consult experts when journalist reports on an event or statement and he is not sure that what is said counts as hate speech. The consequences of superficial reporting on hate speech are more serious than the initial effort needed to identify certain categories, says Mićunović.²⁶ He emphasizes it is a category whose content can result in consequences, and role of the media is to put themselves in citizens' service and not to be accomplices of the said phenomenon.²⁷

Reporting on a statement containing elements of hate speech includes authentic conveying of it, but also the reaction that follows afterwards, says Ilinka Todorovski.²⁸ That is why in such cases the formats that include commentary and editorial view are necessary. She emphasizes that any selective approach in reporting would be unprofessional; explaining and investigating of what was said is needed – facts and context. Mr. Bajrami says the hate speech most often carries the danger exactly because of context where such statement was given.²⁹ That is why the reporting format would include conveying the statement in question, with the explanation of the context for the full consideration of such statement.³⁰ Mr. Mićunović warns it is very important to be careful with the reinterpretation of events, because it could impact the possible statement's authenticity and divert the genesis of the problem in the direction that is not relevant. The format requires authenticity because the public have the right to know. Vladan Mićunović points out to the importance of accurate informing:

„I am even for conveying the statement authentically. Spare whom? Media must not embellish or pacify statements with hedging that the statement is extreme in a cer-

23 Interview with Ilinka Todorovski, the protector of rights of the viewers and listeners of *RTV Slovenia*. Online interview May 4, 2018.

24 Interview with Sanja Mikleušević-Pavić, *Hrvatska televizija* journalist, former editor of *Hrvatska televizija* news program. Podgorica, May 3, 2018.

25 Interview with Nikola Marković, deputy editor in chief of *Dan* daily. Podgorica, May 23, 2018.

26 Interview with Vladan Mićunović, *TV Crna Gora* director. Podgorica, May 7, 2018.

27 Ibid.

28 Interview with Ilinka Todorovski, the protector of rights of the viewers and listeners of *RTV Slovenia*. Online interview May 4, 2018.

29 Interview with Agron Bajrami, editor in chief of the *Koha Ditore* daily. Podgorica, May 4, 2018.

30 Ibid.



tain sense. Active attitude! (...) because I fear every packaging or attempt to reinterpret hate speech would cause possible distortion and more damage than benefit.“³¹

Media reporting is influenced by increasingly active use of information technologies and social networks (i.e. *Facebook* and *Twitter*) also among the political actors. In such circumstances, journalistic profession is faced with challenges how to ethically report on hate speech relevant actors use in communication on social networks. All interviewees agreed that follow up reaction of media that notice such relevant actors' communication is expected and necessary. The journalists distance themselves from the statement by it, and in further examination shed light on the motives and background of what is said and put it in the relevant legal and political context. Chris Elliott suggests that distance, which must be clear and unambiguous, should be established between journalist and the source of such a speech, whenever it is possible.³²

The digital age brought sudden and unavoidable development of online media and their impact on the news publishing speed. Nikola Marković warns of the current „race “ who will publish an information first, where print and TV media can hardly follow the tempo of publishing information on online portals. On the other hand, the portals approach informing in a non-selective manner, which causes initial damage without reviewing the consequences, and follow up writings are only the upgrading of the commenced hate speech.³³ He thinks media in these cases should be guided by criteria that „statements going under the threshold of human dignity or expose someone to derision [are] not to be published“.³⁴

Ilinka Todorovski emphasizes that after the report on an event and reactions that followed it is needed also that media (newsroom) editorial staff or the journalists through their own opinion condemn the hate speech. The editorial staff or journalist's view is important in such cases. „If we bring out only facts, it is a mistake. Editorial staff must have a position. They must inform the public that the socially unacceptable words appeared in the election race.“³⁵ Editorial staff must be the line of defence against hate speech in case the journalist who was directly reporting fell short of it.

In the event of hate speech being spoken live in TV or radio program, the role of the journalist must not be that of a participant but of the witness of the speech, say our interlocutors. That is why they recommend to bring to attention what was said in such situations, and to examine the background of an event. On the other hand, the hate speech based on real intention is dangerous because of the consequences it can produce. The journalist must be aware of responsibility for publicly spoken word, every „silence“ means approving hate speech, and

31 Interview with Vladan Mićunović, *TV Crna Gora* director. Podgorica, May 7, 2018.

32 Interview with Chris Elliott, the Ethical Journalism Network director, former *Guardian's* executive editor and ombudsman. Online interview, May 8, 2018.

33 Interview with Nikola Marković, deputy editor in chief of *Dan* daily. Podgorica, May 23, 2018.

34 Ibid.

35 Interview with Ilinka Todorovski, the protector of rights of the viewers and listeners of *RTV Slovenia*. Online interview May 4, 2018.

its repercussions are terrifying, says Sanja Mikleušević-Pavić.³⁶ Ilinka Todorovski reminded us on the qualities journalist has to possess in order to act professionally, and they include good preparations for the task. It is necessary to predict all the outcomes of the conversation and be ready for the challenges that talking to an interlocutor brings. The preparation and the direction of the program flow are the obligations of the host and everything said in the show is partly his responsibility, says Ilinka Todorovski.³⁷

Media houses have the obligation and possibility to develop internal rules³⁸ and technical solutions in order to „protect“ citizens from hate speech in their content and approach such phenomena readily and actively, instead of the actors appearing in their programs and contents catch them unprepared and use them for spreading their messages and ideology of hatred. Chris Elliott cites a technical solution *BBC* introduced in the fight against hate speech that positions the editorial staff in the „second line of defence“. During the program transmission, the broadcasted signal is delayed for 7 seconds, so the editorial staff (in production control room) have the time to react when the guests act in unplanned way, where it reacts to the said hate speech with warning, stopping the show or asking for more facts.³⁹

Agron Bajrami emphasizes the importance of the well organized self-regulation in the media community. The print media in Kosovo have established the Press Council that pulls together the most important editors of print media, and they included online media too. That model of joint self-regulation is implemented from 2005, while there is no ombudsperson model in individual media in Kosovo. The Press Council deals with complaints and also acts against hate speech. Mr. Bajrami says that recognition of the self-regulatory authority in Kosovo came also from the judiciary, because their decisions the courts accept as an expert opinion.⁴⁰

36 Interview with Sanja Mikleušević-Pavić, *Hrvatska televizija* journalist, former editor of *Hrvatska televizija* news program. Podgorica, May 3, 2018.

37 Interview with Ilinka Todorovski, the protector of rights of the viewers and listeners of *RTV Slovenia*. Online interview May 4, 2018.

38 The useful manual for journalists and editorial members on how to report on contents containing hate speech, published by Ethical Journalism network, the Montenegro media Institute partner in this project. The manual title is *Hate Speech – A Five Point Test for Journalists*. It is available in English at <https://ethicaljournalismnetwork.org/resources/publications/hate-speech>, and it is also available in Serbian at: <https://ethicaljournalismnetwork.org/resources/infographics/5-point-test-for-hate-speech-serbian>. Accessed: May 10, 2018.

39 Interview with Chris Elliott, the Ethical Journalism Network director, former *Guardian's* executive editor and ombudsman. Online interview, May 8, 2018

40 Interview with Agron Bajrami, editor in chief of the *Koha Ditore* daily. Podgorica, May 4, 2018.



CONCLUSION

With this research we sought to shed light on ethical dilemma faced by the media when reporting on election campaigns and public appearances of political candidates or their advocates who use hate speech. The subject derived from monitoring 12 media during the presidential election campaign and noticing two cases in the election campaign when the statements of the candidates or their advocates contained hate speech, while media were faced with a challenge of how to cover it. We found the base for looking at this problem in order to promote the ethical code of journalists of Montenegro in the code guideline that prescribes the obligation for journalists to take into account not to contribute with anything to spreading of hate speech when reporting on events and phenomena containing hate speech.

Placing the subject into wider context of the definition and regulation of hate speech in Montenegro, we established that the laws contain relevant provisions, and that there are principles and guidelines in the self-regulation field related to preventing the spread of hate speech in the media.

We considered the question of how to apply in practice the ban on hate speech in the media in cases of election candidates' statements through interviews with the interlocutors with many years of editorial experience from five states, among whom some have media ombudsman experience.

The main recommendations resulting from that consideration relate to the importance of the accurate and authentic informing, because the public has the right to know. That is why the election campaign statement containing hate speech needs to be conveyed, and immediately and unavoidably media need to point out to the context and facts that are important for the problem. „The silence“ can be understood as approving the hate speech. What is said needs to be explained and investigated – facts and context, and reaction or commentary and view of editorial staff is necessary. The editorial staff must be the second line of defence if the journalist who reports or the host fell short of it. The importance of good preparation for the journalistic task is emphasized, because it makes the journalist or host able to predict outcomes and prepare ethical approach. The content should be approached carefully and if needed, use expert assessment as a means to resolve the dilemma on content that could be hate speech. At the same time, it is needed to pay attention to political actors who use elements of hate speech with intention to provoke reaction and use media for further spreading the information for the purpose of „self-advertising“.

The conclusion of the ethical question we singled out is that the task of the media is to inform and educate the public, and in no way to be allies of hate speech. By re-examining its context, motivation and goals, media put themselves in the citizen's service.

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LIST OF INTERVIEWS

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Ilinka Todorovski, the protector of the rights of viewers and listeners of *RTV Slovenia*. Online interview, May 4, 2018.

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