

The Issue of Responsibility for Online Comments (the Lithuanian Case)

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Abstract

The research discusses the specifics of online comments as a text genre, the issue of responsibility of a media outlet and a commenter as well as the issue of ethics in Lithuania. Legal regulation of online media is reviewed, opinions of media researchers on the situation of online comments in Lithuania and in the world are introduced. A case analysis of Lithuanian online media is presented as well as proposals on how to improve the level of culture of online comments invoking ethical and legal measures.

Keywords: online media, comment, author, responsibility, law, ethics

Introduction

Visitors of Lithuanian web portals and news websites can comment articles. Media outlets seem to be following the main democratic principles by providing readers with an opportunity to freely express themselves. It is often focused on the freedom of speech and expression, one of the primary human rights. However, the situation when legal and ethical boundaries are overstepped, when a person is belittled, smeared or discriminated, is seldom analysed. Problems related to online comments are emphasised not only by Lithuanian or international organisations which address law enforcement institutions or human rights protection organisations over unethical comments but by national case law as well. Having in mind that most online comments are anonymous, a question arises who has to take legal and ethical responsibility - an author of a comment or a media outlet.

The objective of the research paper is to establish who is responsible for comments posted in Lithuanian online media. To analyse what editorial policy practices prevail among major Lithuanian web portals and news websites as regards responsibility for online comments.

Theoretical framework. New information technology has radically changed text: its nature has changed, hypertext has emerged as a new and previously unimaginable type of text, some older text genres have changed and new ones have emerged. One of them is online text comments, they appeared and spread because of opportunities provided by internet technology and online publications to comment articles. They are considerably more distant from traditional comments than other genres that have offline equivalents. In the modern society online comments create a new problem, especially those on news websites. In theory, they should ensure the freedom of speech and improve the work of editorial offices of

news websites (feedback enables the media to understand readers and their needs better). However, in practice, readers' entries under news publications often incite intolerance and show disrespect.

Virtual space enables a person to express an opinion anonymously. Understanding this, internet users take advantage of such freedom, but opinions expressed by them cannot always be regarded as a discussion. It often becomes an outburst of negative emotions, stereotypes and contradictions. Web 2.0 technologies turned the internet into a public sphere. When internet users began creating their own content, a part of social life shifted into this realm. The question is whether it is decent and legal to express bitterness or intolerance. According to James Scott, the truth is not openly told even in liberal democratic societies because the standards of social etiquette and politeness often call to sacrifice one's views or beliefs to a certain degree in return for good, consistent and meaningful relations. Such behaviour has a strategic dimension as well, a person who we represent ourselves to may later harm us or help us (Scott, 1990).

Online commenters are internet users. The internet is a global computer network connecting wide area networks and local area networks. In theory, the users of a network should follow the rules of network etiquette also known as netiquette. Network etiquette is a set of rules for all internet users that could be compared to a code of honour. Every internet user should get acquainted with and follow netiquette. Netiquette is always developing, expanding and transforming. Many various forms of netiquette that differ in extent may be found on the internet, they are adapted for concrete browsers, social networks, blogs etc. Virginia Shea in her book *Netiquette* discusses ten general rules of network etiquette that could be followed (2004). David Craig in his book *Excellence in Online Journalism* writes that it would be best if a journalist or a person featured in an article would engage in an online discussion, especially if a topic is worth discussing or is controversial. According to the author, a journalist's participation in taming aggressive commenters would be more effective because a journalist is often an authority for an audience. If a journalist reproached an author of abusive comments, then other readers would do the same (2011:129). However, as regards Lithuania, such practice is only popular among bloggers but not mass media outlets. In some cases the opportunity to write comments could be limited in order to avoid negative or insulting comments. Such measure is sometimes applied by foreign media. In those cases when the topic of an article is very sensitive or does not evoke any discussions there is no possibility to comment it. A journalist who is the author of an article, an editor or a responsible staff member decided if a publication can be commented.

According to Claude Elwood Shannon's and Warren Weaver's model of communication proposed in 1949 (Fiske, 1998), internet communication can be regarded as a linear process in which an author of an article is a sender while a commenter is a receiver. An author of an article makes a certain decision, i.e. prepares a text and decides to publish it. He refers to a certain web portal or is an employee of that web portal – a journalist who writes articles to be published in the web portal and disseminated to the general public. A journalist as the author of an article uses the internet as an effective virtual and public channel and transmits information to others. Based on this model, the internet (web portal as a social media) carries out the role of a medium between a journalist (the author of an article) as a sender of information and a reader (a commenter) as a receiver of information.

A journalist, as the author of an article, and a reader, as a commenter, do not interact with each other, thus a medium, a web portal, helps to establish indirect communication. A web portal, as a medium, performs its function: a journalist, the author of an article, transforms a text into a formal document, which a reader, as a commenter, can use, i.e. read and express an opinion, comment. In order to transmit a journalist's, as a sender's, article, a web portal, as a transferor of information, uses certain measures (editing, layout, hosting etc.) and transcodes the article in secondary code – uploads the article online thus transmitting it to a receiver, a reader, and hence carries out its function.

Laima Nevinskaitė (2009), a scientist in the area of communication and information, distinguishes 6 categories comments in news websites. These include: presenting additional information, presenting links to information sources, requesting for information, correcting or indicating mistakes, indicating gaps in information, criticising article selection. The categories suggest that the goal of a discussion when posting online comments is to increase knowledge and to better understand the analysed issue and not only to express (a controversial) opinion, quarrel, criticise or spend time. In other words, an opportunity of mutual communication provides conditions for readers to widen knowledge on a discussed topic and submit remarks, which would improve the content of a website if taken into account by its editorial office.

Therefore, comprehensive metadata created by users, online comments and assessments, is one of the main indicators that reveals the ever increasing user interest in the internet and reaffirm its success as a phenomenon. Many users actively participate in the life of the online community by writing annotations on the content of an article published on a web portal by invoking comments and evaluation forms (*like – dislike*). Although concise metadata about the published content is rendered in the form of comments (even if frequently consisting of one word), yet it can also be regarded as contextual information about web portal's content (Hsu, Caverlee, Khabiri, 2012). Meanwhile, the styles of speech of comments, the chosen written communication form, enable us to shape the overall image about ethics, morality and the sense of responsibility that users, as the online community, publicly uphold.

Relevance of the research. When drawing the prospects of the social media, it is noticeable that they are not only a social tool or means to build friendship between communities, networks or share information. In fact, certain limits exist in the social media that the traditional media often has as well. Some of such limits are ethics, morality and the sense of responsibility while communicating in virtual space (Archer-Lean, Pavitt, 2012).

Research problem. We may notice how the fast-changing media, which has many shapes and forms today, is also changing people's behaviour when receiving and sharing information etc. Ethics, responsibility and morality are one of the main issues calling for a very concrete and detailed discussion considering the changes in the area of media. How should the actions of social website *WikiLeaks*, which publishes classified diplomatic reports, be considered: as responsibility against the society and a democratic measure, or as danger to national and business security? Did Julian Assange, the founder of *WikiLeaks*, behave ethically and felt responsible for his actions when he published classified documents exposing the leaders of the world's countries on his website? Do ethical norms exist on social network *Facebook* or can one write anything about anyone and in any way? All of these problematic questions demonstrate that new media forms and means prompt to address the issue of ethics, responsibility and morality.

The aim and scope of the research:

1. To ascertain the specificities of online comments as a text genre and communication messages;
2. To discuss legal framework in Lithuania regulating responsibilities of online media;
3. To analyse editorial policies of major web portals and news websites regarding responsibility for online comments.

Research methodology: Document analysis and case study; secondary data analysis; comparative analysis and synthesis.

1. Specificities of online comments as a text genre

First of all, before dwelling into the specificities of online comments as a text genre, the definition of online comments should be discussed, defining its semantic content and distinguishing the main components of this notion. The *Modern Lithuanian Dictionary* gives two meanings to define the notion of *a comment*. The first one defines a comment as a certain explanation of a text, while the second defines it as an explanatory, critical remark¹. An online comment cannot be a separate text and exists only in relation with a news message that it comments (Marcinkevičienė, 2006).

It should be said that even though comments are not creations of an editorial office, yet they are distributed by editorial offices as producers and disseminators of public information. Therefore, they should be subject to rules regulating media law and ethics.

For example, news website *Delfi.lt* defines the section of comments as a system that enables readers to express their opinions about news published daily on the website, share additional information on the same topic, share ideas with other people or debate with opponents². News website's *Balsas.lt* terms and conditions of commenting³ define comments as phrases, replies, opinions and other content written by readers under any article. Summarising the definition of *a comment*, it can be said that comments carry out two functions – explanatory and criticising.

Analysing the particularities of online comments it is obvious that they are an integral part of an article, i.e. if there was no article written by a journalist and published online, then there would be no pretext to comment. Based on the theory of literary studies, an article as a text genre, similarly as any other text, may have remarks in the margins. Today, when the new social media dominate and are very strong competitors for traditional means of mass communication, remarks have been replaced by online comments, which are characterised by publicity, anonymity, self-expression (freedom of speech) etc. Online commenters comment, explain and interpret texts published on the internet.

2. Legal and ethical responsibility of online media for comments

In spite of the advantages of the new media there are some drawbacks as well. The possibility to express ideas and opinions writing online comments anonymously, unidentified, raises numerous issues of ethics, responsibility and morality. Therefore the new media present new challenges of ethics in virtual space. Is it possible to guarantee ethical communication in cyberspace? If actions of commenters are unethical, can they be interrupted, can certain sanctions be applied so commenters take responsibility for their actions? Anonymous online comments prompt to reconsider ethical norms and codes that the media had to follow and to start creating new ethical guidelines for the new media. This issue is especially exacerbated by cases when hiding behind the mask of anonymity online commenters defame or insult other people, hoping that a nickname or an anonymous identity will allow them to avoid responsibility. Based on the laws of the Republic of Lithuania, people are held liable for inciting statements they spread. The same provision is in force when inciting statements are published in online comments. Managers of web portals are obligated to reveal the source of information, i.e. they have to provide information (for example, an IP address) to law enforcement agencies carrying out investigations over incitement of hatred.

Article 54(1)(4) of the Law on the Provision of Information to the Public stipulates that a producer and/or disseminator of public information is exempt from editorial responsibility and they are not held liable for publication of false information where they have indicated the source of information and it

¹ Dabartinės lietuvių kalbos žodynas. Vilnius, 1993, p. 321.

² *Delfi.lt Komentavimo taisyklės ir atsakomybė* [Online]. Available: <http://www.delfi.lt/help/comments.php> (October 15, 2014)

³ *Balsas.lt Komentavimo taisyklės ir nuostatos* [Online]. Available: <http://www.balsas.lt/naujiena/377341/balsas-lt-komentavimo-taisykles-ir-nuostatos> (September 4, 2014)

has been published by participants of live programmes and internet conferences, viewers of interactive television or users of information society media who are not related to the producer of public information.

Every citizen of the Republic of Lithuania can express his or hers opinion freely by writing comments, but an opinion has to be expressed responsibly and ethically. This is affirmed in Article 4 of the Law on the Provision of Information to the Public which provides for the right to freely express ideas and convictions and to collect, obtain and disseminate information and ideas. Nonetheless, the article in question also states that the right to collect, obtain and disseminate information may not be restricted otherwise than under the law where it is necessary to protect the constitutional system, a person's health, honour, dignity, private life and morality.

Article 19 of the Law on the Provision of Information to the Public defines what is regarded as information that must not to be published. The article stipulates that it is prohibited to publish information in the media which incites war, hatred or discrimination. Such provision could be regarded as establishing responsibility of a media outlet for publishing information. This is because Article 19 stipulates that it is prohibited to publish in the media information which instigates war or hatred, ridicule, humiliation, instigates discrimination, violence, physical violent treatment of a group of people or a person belonging thereto on grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, belief, convictions, views or religion. Article 19 also prohibits to disseminate disinformation and information which is slanderous and offensive to a person or which degrades a person's honour and dignity.

Article 170 of the Criminal Code of the Republic of Lithuania stipulates that a person who publicly ridicules, expresses contempt for, urges hatred of or incites discrimination against a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views may be punished by fine or by restriction of liberty by arrest or by imprisonment for a term of up to two years. A person who publicly incites violence or a physical violent treatment of a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views or finances or otherwise supports such activities may be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years. Legal entities are also subject to liability for violations listed in Article 170, i.e. a media outlet may be held accountable too. The state protects a person's equal rights and freedom of conscience. Such cases are not subject to private prosecution, therefore, not only a person mentioned in a comment but other people as well may refer to the law enforcement asking to initiate a pre-trial investigation. Moreover, people may be held liable for libel or slander. Therefore, authors of comments must have the feeling of responsibility for their public statements in cyberspace, despite the freedom of speech and democracy guaranteed by the Constitution of the Republic of Lithuania.

In fact, both the freedom of speech and democracy should have certain boundaries consisting of certain ethics, morality and responsibility. The freedom of speech should not be taken advantage of to spread slander, disinformation or violate the law. The issue of ethics in online comments is clearly reflected in statistical data on hate crimes committed in Lithuania. According to the data of Prosecutor General's Office, so far the court has imposed a custodial sentence for insulting, libelling or humiliating comments just once. For example, the activity report of the Prosecutor General's Office states that in 2008 of the 101 pre-trial investigations over online comments inciting against any national, racial, ethnic, religious or other groups of persons only 28 criminal cases were initiated and only in 5 cases indictments were drawn up⁴. However, in 2013 a total of 101 pre-trial investigations were launched and 99 of them were due to

⁴ Lietuvos Generalinės prokuratūros veiklos ataskaita [Online] Available: <http://www.prokuraturos.lt/Veikla/Veiklosataskaitos/tabid/515/Default.aspx> (September 18, 2014)

incitement against any national, racial, ethnic, religious or other groups of persons and 2 because of discrimination on the grounds of nationality, race, sex, descent, religion etc. It should be noted that 85 percent of the initiated pre-trial investigations were related to criminal offences carried out online – 86 pre-trial investigations were over comments made by internet users. Nonetheless, even though the number of pre-trial investigations over online comments inciting against any national, racial, ethnic, religious or other groups of persons has been growing, most of them do not reach the court.

An online commenter may be held liable for violating Article 154 (regarding libel) and Article 155 (regarding insult) of the Criminal Code. The court may impose various financial penalties from 2 Minimum Standards of Living (LTL 260, EUR 75) to 25 Minimum Standards of Living (LTL 3250, EUR 941).

Talking about the legal liability for comments, a crucial ruling of *the European Court of Human Rights* (ECHR) must be mentioned, which radically changed the perception on who should be responsible for comments posted on web portals. In the case *Delfi.lt* against Estonia, dated 10 October 2013, the ECHR ruled that a media outlet and not an anonymous commenter is responsible for anonymous comments which impair a person's honour and dignity, spread false information, incite hatred and are libellous and which are published by web portals below their articles⁵. It should be noted that the court found the portal to have encouraged readers to write comments because it had integrated a comment section in its content. It was also established that the number of comments had an effect on the number of visits to the portal and directly influenced *Delfi.ee* revenue from advertising, hence the portal had economic benefit from publishing comments. The court did not give significance to the fact that comments were removed from the portal several days later as they had already done damage.

Because the ECHR's case law is constantly incorporated into case law of Lithuania's courts, it should be presumed that if a dispute emerged, a media outlet would be held de facto responsible.

The society's activity monitoring the media and commenters' behaviour in the public sphere is equally as important.

For example, non-governmental organisation *the European Foundation of Human Rights* (EFHR) has been operating in Lithuania for four years. Its employees and volunteers monitor and analyse online comments which present false information, are insulting or incite violence or any other wrong doing.

In case of such violations (comments inciting discrimination), the EFHR refers to the law enforcement requesting to launch investigations. Depending on the nature of a violation, the EFHR may submit proposals and complaints to relevant institutions regarding the breach of journalist ethics and request to correct false or biased information⁶.

It should be noted that unruly and unregulated public communication in cyberspace may have a negative effect or be harmful to other members of society. It has been publicly recognised that comments in Lithuania's public cyberspace are impolite. Therefore, it is crucial to ensure that democracy and equality in this sphere would not overstep the boundaries of ethics, morals and responsibility. Even though comments on web portals are not separately regulated, yet they are subject to general laws of the country. One of the laws is the Criminal Code which prohibits incitement of national and racial hatred and establishes penalties for such violations. It should however be kept in mind that there is a possibility not to allow posting certain comments online, in the public sphere, and this would not be regarded as censorship. It should be underscored that the internet today should be treated as part of the public sphere. Thus it should be strived

⁵ European Court of Human Rights. "CASE OF DELFI AS v. ESTONIA". [Online] Available: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-126635> (November 1, 2014)

⁶ <http://lt.efhr.eu/category/efhr/>

for the same ways of expression on the internet, the same principles and restrictions that are applied to the public sphere as it is understood today (press, radio, television, public statements in organised gatherings).

Authors of online comments are directly and personally responsible for them. They may be subject to criminal, administrative or civil liability for defamatory statements that insult the honour and dignity of public or private persons, incite national or other hatred.

Another measure that could help solve the issue of the lack of ethics in comments is intolerance of anonymity. Such regulatory practice is often applied by foreign media, where in order to write a comment a person has to become a registered user, enter his name, surname, sometimes also an e-mail address or a telephone number. Commenters who sign in with their name and surname feel greater responsibility for their words as they are easier to identify. Pre-moderation of comments could be invoked to avoid fake names and surnames, such measure is also applied by foreign media. A new registered user may have to complete several week-long probationary period. During this period his comments are published only after they are reviewed by a responsible employee of the editorial office. Future comments are published at once if no violations are made during the probationary period.

3. Policies of web portals concerning comments

Having examined the culture of online comments theoretically, it is clear that comments are a part of the lower structural level, i.e. they are an addition to an article. Websites devote a special and expressly separate space for comments. Even though comments are treated as a supplement to an article, it is important to ascertain how online editorial offices deal with issues of ethics of online comments and the responsibility of their authors. Four online news portals were selected for the analysis of editorial policies concerning online comments: *Delfi.lt*; *Balsas.lt*; *Alfa.lt*; *Lrytas.lt*. A comparative analysis of *Delfi.lt* and *Balsas.lt* editorial policies in relation to comments was carried out.

3.1 Delfi.lt

In order to comment articles published in news portal *Delfi.lt*, an author of a comment has to enter his name in the appropriate field while the text of a comment is entered in another field. Moreover, commenters are informed about news portal's *Delfi.lt* rules of commenting and responsibility. An author of a comment agrees with these rules when he clicks the button to post his comment.

The Rules and Responsibility of Commenting on news portal *Delfi.lt* are concluded of seven main paragraphs:

1. Why are comments needed?
2. Is it confidential?
3. How to write comments?
4. What if I want to read only comments?
5. Does censorship exist?
6. DELFI reserves the right to remove comments which...;
7. Who is responsible for comments?

The Rules and Responsibility of Commenting first of all explain why a separate space has been created on the website where comments may be published. It is stated that "Delfi comment system enables readers to express their opinions about news published by Delfi every day. Readers can share additional information on the same topic, share ideas with like-minded people or debate with opponents."⁷

The paragraph on confidentiality stresses that there is no need for a person to enter the real name and surname or an e-mail address. This means that a commenters are not obliged to reveal their

⁷ *Apie Delfi* [Online] Available: <http://www.delfi.lt/help/about.php> (October 15, 2014)

identities and may remain anonymous when expressing opinions in cyberspace, especially when expressing ideas that contradict the norms of ethics and morals that have established and settled in society.

News portal *Delfi.lt* emphasises that posting comments online is very simple, i.e. it is noted that the system is easy to use and enables everyone to express an opinion with ease, it does not require any specific knowledge. In addition, there is a possibility only to read other people's comments without expressing one's personal opinion. Consequently, online commenters have unlimited opportunities: comments can be read by anyone as there is no need to log in, they can be written by anyone as there is no need of identification or registration. It should be noted that there is no age limit either - comments may be written by anyone. Thus minors have an opportunity for self-expression too, which during adolescence is quite often manifested through various forms of rebelliousness, for example, cyberbullying is especially frequent nowadays etc.

The Rules and Responsibility of Commenting of web portal *Delfi.lt* also touches upon a relevant question of censorship. The rules state that "All comments written by readers instantly appear on the website without prior review or editing by staff."⁸ This demonstrates that an author of a comment is responsible for his ideas expressed publicly as his text that is published publicly is not edited, unlike it is typical for the traditional media. Therefore, the model of posting online comments is characterised by complete autonomy and sense of responsibility of the author, his perception of ethics and morals. If a commenter lacks such qualities, then cyberspace is flooded with comments that do not meet the norms of ethics or morality and lead towards administrative or criminal liability. In spite of this, the rules also stress that a comment will not be posted if it contains obscenities, if cookies are turned off in the browser or if the posters IP address is blocked due to the breach of the rules. In addition, the rules also prohibit advertising in comment section.

Web portal's *Delfi.lt* Rules and Responsibility of Commenting has a separate paragraph which states that the web portal reserves the right to remove comments that are vulgar, incite violence, are threatening, insult minorities, incite national, racial, religious or other hatred, are signed pretending to be another actually existing person or enterprise. This shows that certain filters are in place in this web portal which prevent a commenter from expressing ideas that violate ethical and moral norms. Hence certain boundaries do exist in cyberspace. An author of a comment must himself realise that such boundaries exist and should not be transgressed.

The issue of responsibility for comments on this news portal is raised separately. Web portal *Delfi.lt* stresses in advance that it does not edit comments and is not responsible for their content. The Rules and Responsibility of Commenting indicate that readers are directly and personally responsible for comments they post, they may be subject to criminal, administrative or civil liability for slanderous statements that insult the honour or dignity of public and private persons, that incite national or other hatred, violence, instigate to depose the legitimate government of Lithuania or for any other illegal actions⁹. This paragraph clearly indicates that an author of a comment has to take responsibility for his ideas, opinions and statements before posting a comment on the web.

The news portal's administration can solve the issue of inappropriate comments with the help of its visitors, the web portal's community. News portal *Delfi.lt* has introduced filters and encourage to inform the editorial office about inappropriate comments, which are vulgar, threatening, slanderous, inciting violence, hatred, instigating illegal activities and otherwise breaching the law. In such cases *Delfi.lt* removes such comments. It could be said that the removal of comments is the most effective means in dealing with unethical comments. They can be removed either automatically or manually. In the former case, a comment

⁸ Ibid.

⁹ Ibid.

is removed when a particular number of *Delfi.lt* readers mark it as inappropriate. In the latter case, a reader can inform the administrator of the site about an inappropriate comment directly in order for it to be removed. Thus the portal feels the responsibility for the texts published, including comments, it fosters the standards of ethics and morals.

Summarising this point it can be stated that *Delfi.lt* follows an appropriate policy regarding comments in its web portal. It acknowledges the boundaries of ethics and morality, encourages commenters to show responsibility and not feel as if they can act with impunity. One of the instruments used by web portal *Delfi.lt* is removal of unethical comments and blocking of IP addresses of commenters who act unethically and irresponsibly, thus restricting their ability to publish unethical statements in cyberspace.

3.2 Balsas.lt

Having examined news portal *Balsas.lt*, it is noticeable that similarly to news portal *Delfi.lt* its readers may also express their opinions in the comment section. However, comment submission form slightly differs in news portal *Balsas.lt*. Unlike in *Delfi.lt*, here a reader first of all has to enter the text of a comment and write his name and email in the fields beneath it. *Delfi.lt* does not require to enter an email address at all, whereas in *Balsas.lt* the entry is optional¹⁰.

Web portal *Balsas.lt*, similarly to *Delfi.lt*, also provides Terms and Conditions of Commenting that readers can acquaint themselves with by clicking a link. However, unlike in *Delfi.lt*, in *Balsas.lt* there is no notice that by clicking the button “comment” authors agree with the terms and conditions.

Terms and Conditions of Commenting on web portal *Balsas.lt* define what a commentary is, this is missing in *Delfi.lt*. *Balsas.lt* indicates that comments enable readers to express their opinions about the web portal’s content. Readers can post additional information on the topic, share opinions and discuss with others¹¹. Readers of *Balsas.lt* news portal, in the same way as readers of *Delfi.lt*, may choose to post comments by entering real personal data or completely anonymously.

Next, the website in question focuses on the posting policy. The rules state that “All readers’ comments are posted on *Balsas.lt* website instantly, without prior review or editing.” *Balsas.lt*, similarly to *Delfi.lt*, warns in advance that a reader may fail to post a comment if his IP address has been blocked due to the breach of the terms of commenting or if obscene language was used in a post. Moreover, it is impossible to post a comment in *Balsas.lt* if it includes a link to another web page.

Analysing the right reserved by *Balsas.lt* to remove comments and comparing it to *Delfi.lt*, it is apparent that the main items coincide. *Balsas.lt* may remove comments if they are insulting, vulgar, threatening, incite violence, national, racial, religious or other hatred, are signed pretending to be another actually existing person or enterprise. Furthermore, *Balsas.lt* has established some more cases compared to *Delfi.lt* when it reserves the right to remove comments: if they are unrelated to the topic of the article, if the same text is repeated many times in one comment. However, if *Delfi.lt* separately emphasises the responsibility for insulting minorities, *Balsas.lt* does not highlight this. In addition, both web portals can block IP addresses of people who violate the rules of commenting and both of them prohibit advertising in comments.

Just as *Delfi.lt*, *Balsas.lt* indicates that readers are directly and personally responsible for comments they post and may be subject to criminal, administrative or civil liability for statements that are slanderous, insult the honour and dignity of public or private persons, incite national or other hatred, violence, instigate to depose legitimate government of Lithuania, or for any illegal actions¹². In contrast to

¹⁰ *Balsas.lt Komentavimo taisyklės ir nuostatos* [Online] Available: <http://www.balsas.lt/naujiena/377341/balsas-lt-komentavimo-taisykles-ir-nuostatos> (September 4, 2014)

¹¹ Ibid.

¹² Ibid.

Delfi.lt, *Balsas.lt* emphasises that it cooperates with law enforcement institutions and may provide information about a reader who posted a comment violating the law if requested.

The rules of news portal *Balsas.lt* state that readers can inform editors about inappropriate comments, this can be done by clicking a certain link. When it is clicked, *Balsas.lt* editor receives a notification about an inappropriate comment and considers whether it should or should not be removed. However, it is stressed that “The link “inform about an inappropriate comment” should be clicked only if a comment is worthy of removing but not if you disagree with an opinion expressed in the comment”¹³. *Balsas.lt* readers can only inform the editorial office about inappropriate comments, whereas *Delfi.lt* has both, an automatic removal option, when a certain number of people mark a comment as inappropriate, and manual, when an editor is informed about a violation of rules. Accordingly, *Balsas.lt* readers have limited possibilities to report unethical comments.

In Summary, it should be noted that the rules of commenting of web portals *Balsas.lt* and *Delfi.lt* do not differ greatly. *Balsas.lt* raises essential points seeking for the principles of ethics and morals to be followed. After carrying out a comparison of the rules of commenting of the two news portals, it has been determined that *Balsas.lt* devotes more attention to liability and cooperation with law enforcement institutions, striving to prevent unethical actions of commenters. Comparative analysis revealed that *Balsas.lt* applies only one form of removing comments – when they are reported to the editorial office directly, which then decides if a comment should be removed or not. Meanwhile, *Delfi.lt* takes into account the opinion of the majority of readers: they can express their opinion by clicking a button proposing to remove a comment, or by voting for each comment by clicking “Like” or “Dislike” buttons, as a result comments are ranked and some of the worst rated comments may be removed if they are offensive.

3.3 Alfa.lt

Another news portal *Alfa.lt* does not provide a code of ethics on its site and does not separately present the rules of commenting that visitors should adhere to. Still, the news portal does provide the Terms of Use consisting of 4 points focusing on general provisions and privacy, copyright and responsibility¹⁴. The rules state what *Alfa.lt* users must not do, for example, they are prohibited from disseminating information which urges to change the constitutional order of the Republic of Lithuania by force, which would violate the laws of the Republic of Lithuania as well as international treaties. The document emphasises that the editorial office is not accountable for the content of users’ comments and reserves the right to edit comments if the terms of use or laws are breached. It is also stated that the editorial office reserves the right to remove users’ comments unilaterally, without any prior warning and at any time.

After analysing news portal’s *Alfa.lt* documents describing the rules of commenting, it may be concluded that this media outlet does not contribute to improving the culture of commenting, it does not inform users about network etiquette and distances itself from any responsibility related to readers’ comments posted on the web portal.

3.3 Lrytas.lt

Throughout 18 years¹⁵ a tradition has formed in Lithuania to post rather irrelevant or insulting comments, instead of comments that would be beneficial for a broader discussion.

News portal’s *Lrytas.lt* comment section indicates that the editorial office is not responsible for the content disseminated by commenters, but the latter themselves are responsible for opinions, facts or

¹³ Ibid.

¹⁴ *Naudojimosi taisyklės* [Online] Available: <http://www.alfa.lt/taisykles/> (October 15, 2014)

¹⁵ In 1997 the daily Lietuvos Rytas established its web portal, making it the first news portal in Lithuania.

other information they publish. Under every Lrytas.lt article there is a link in the commentary section titled *Commenters' Responsibility*. The link takes visitors to a page where UAB *Lrytas* privacy policy is set out¹⁶. The portal states that the author of a comment is responsible for its content, moreover, the portal warns that it may transfer commenters' data to relevant institutions: "The information you provided (name, surname, e-mail address, IP address and other data) may be transferred by *Lrytas* to law enforcement institutions and interested persons addressing us seeking in order to redress the violated rights".

News portal *Lrytas.lt* provides for only one way of managing comments – the right to remove comments that instigate to transform the constitutional order of the Republic of Lithuania, to encroach on its sovereignty, territorial integrity, political independence; that incite against a group of persons on the grounds of gender, sexual orientation, race, nationality, language, descent, social status, religion, beliefs or views. Furthermore, comments are removed which spread, propagate or advertise pornography, propagate or advertise sexual services, sexual perversions, harmful addictions, narcotic or psychotropic substances. *Lrytas.lt* claims that in all such cases the editorial office informs the law enforcement and fully cooperates in determining the identity of a commenter.

It may be assumed that the news portal avoids taking responsibility for readers' comments or additional efforts to monitor comments by limiting the period during which comments are publicly displayed. Previously comments under articles were visible permanently, however, now they are displayed only for 14 days. Afterwards comments are automatically removed, including commenters' nicknames, posting date and time, and IP addresses.

Therefore, people who believe that a comment infringes their dignity, honour or other rights protected by law, have to record the content of a comment and all the additionally published information in time and do this themselves.

Conclusions and recommendations

1. Reciprocal communication should have created conditions for readers of news portals to gain deeper knowledge on the discussed topic and submit observations that an editorial office of a web portal would take into account to develop and improve its content. However, in Lithuania a tradition has formed to post rather irrelevant or insulting comments, instead of comments that would benefit the wider discussion.
2. News portals *Delfi.lt*, *Balsas.lt*, *Alfa.lt* and *Lrytas.lt* do not contribute to the improvement of the culture of commenting, they do not inform their readers about the rules of network etiquette (netiquette) and distance themselves from any responsibility related to comments posted by their readers.
3. Editorial offices of news portals *Delfi.lt*, *Balsas.lt*, *Alfa.lt* and *Lrytas.lt* do not employ staff that would oversee the flow of comments and their content, whereas this could be one of the measures seeking to solve the issue of unethical comments or comments that breach the law. Meanwhile, researchers of the processes and content of foreign media recognise this to be an efficient way to filter abusing comments.
4. It is proposed to apply the practice of management of comments invoked by foreign media:
 - 4.1. Not to tolerate the anonymity of commenters;
 - 4.2. Not to enable comments under certain articles in order to avoid abusive or insulting comments;

¹⁶ UAB LRYTAS *Privatumo Politika* [Online] Available: <http://www.lrytas.lt/kiti/atsakomybe.htm> (October 17, 2014)

- 4.3. A journalist who has written an article, an editor of a media outlet or a staff member responsible for overseeing online comments should decide whether comments may be enabled under the article;
- 4.4. Even though the proposals might lead to fewer comments, in some cases perhaps even to the decrease of visits to the site, yet they would bring quality to the comment section because a proper discussion would take place in which other people would not be humiliated, defamed and discriminated.
5. Online commenters are users of the internet, thus they should follow the rules of network etiquette.

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