



RESILIENCE:
For Media Free of Hate and Disinformation

NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORK AGAINST HATE SPEECH AND DISINFORMATION

FACTSHEET

Vesna Nikodinoska

NORTH MACEDONIA

RESILIENCE : For Media Free of Hate and Disinformation

The regional project 'RESILIENCE: Civil society action to reaffirm media freedom and counter disinformation and hateful propaganda in the Western Balkans and Turkey' is implemented with the financial support of the European Union by partner organizations [SEENPM](#), the [Albanian Media Institute](#), [Mediacentar Sarajevo](#), [Kosovo 2.0](#), the [Montenegro Media Institute](#), the [Macedonian Institute for Media](#), the [Novi Sad School of Journalism](#), the [Peace Institute](#) and [Bianet](#).

Info: <https://seenpm.org/>

Contact: admin@seenpm.org

NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORK AGAINST HATE SPEECH AND DISINFORMATION

FACTSHEET

NORTH MACEDONIA

Author: Vesna Nikodinoska

Editor, regional lead researcher: Brankica Petković

Executive editor: Vesna Nikodinoska

Language editor: Fiona Thompson

Design: Špela Kranjec for Filip Kranjec s.p., Ljubljana, Slovenia

Publishers: SEENPM, Tirana, Peace Institute, Ljubljana and Macedonian Institute for Media, Skopje

Ljubljana, October 2021

© SEENPM, Peace Institute, Macedonian Institute for Media and the author



This publication was produced with the financial support of the European Union.
Its contents are the sole responsibility of the author and the publishers
and do not necessarily reflect the views of the European Union.

CONTENTS

1. INTRODUCTION 5

2. HATE SPEECH REGULATION 5

- 2.1. Main legal documents and provisions 5
- 2.2. Sanctions and remedies stipulated in laws 6
- 2.3. New initiatives for regulation 7
- 2.4. Good practice of regulation 7

3. IMPLEMENTATION OF HATE SPEECH REGULATION 8

- 3.1. Implementation by prosecutors and the courts 8
 - 3.1.1. Case study: Spread of racist and xenophobic material through a computer system 8
- 3.2. Implementation of the law by the Agency for Audio and Audiovisual Media Services 9
 - 3.2.1. Case study: Spreading hate speech on grounds of sexual orientation 10
- 3.3. The role of the Commission for Prevention and Protection against Discrimination 10
 - 3.3.1. Case study: Antidiscrimination body took measures against several portals 11
- 3.4. Good practice of implementation 11

4. REGULATION OF DISINFORMATION 12

- 4.1. Main legal documents and provisions 12

5. SELF-REGULATION OF HATE SPEECH AND DISINFORMATION 12

- 5.1. Self-regulation documents and provisions on hate speech 12
- 5.2. Self-regulation documents and provisions on disinformation 13
- 5.3. Self-regulation related to comments sections in online media 13
- 5.4. Implementation of self-regulation in practice 13

5.5. Case studies of self-regulation related to hate speech and disinformation	14
5.6. Implementation of self-regulation by global platforms and social networks in North Macedonia	15
5.7. Specific projects and platforms for reporting hate speech online	15
5.8. Specific projects and platforms for debunking disinformation	15
5.9. Self-regulation of political communication	16
5.10. Good practices in self-regulation of hate speech and disinformation	16
6. POLICY RECOMMENDATIONS	17
Literature and sources	18
About the author	21

FACTSHEET

NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORK AGAINST DISINFORMATION AND HATE SPEECH

Vesna Nikodinoska

1. INTRODUCTION

Hate speech in North Macedonia has been on the rise throughout 2020 and 2021, particularly online. The regulatory framework on hate speech has been stipulated in several laws and the media self-regulatory body also has a mandate to react. Disinformation has not been regulated by law; it is within the mandate of self-regulation and fact-checking services.

This document outlines the basic legal and self-regulatory mechanisms concerning these phenomena as part of the project “**Resilience: Civil Society for Media Free of Hate and Disinformation**”. Prior to it, three research studies were conducted focusing on media models that spread disinformation and hate speech, related narratives and citizen’s trust in the media. The document contains recommendations which will be presented at a stakeholders’ debate to discuss resilience against hate speech and disinformation.

2. HATE SPEECH REGULATION

2.1. Main legal documents and provisions

The regulatory framework regarding hate speech is stipulated in several laws and in general includes the European Convention on Human Rights standards.

The Criminal Code¹ lists several hate speech crimes. The article related to “endangering safety” stipulates sanctioning for persons that use the computer system to threaten to commit crime against other people due to their belonging to a certain race, skin colour, origin, national or ethnic belonging, sex, gender, sexual orientation, marginalized group, language, citizenship, social background, education, religious or political belief,

¹ Krivicen zakonik (2018). Available at: <https://www.praksis.mk/Document/Details/144001>.

disability, age or any other ground (Article 144, para 4). The crime of “inciting hatred, discord or intolerance regarding nation, race, religion or other ground” refers to endangering the security of the state, as well as the mocking of national, ethnic, religious and other symbols (Article 319).

Hate speech is specifically addressed through the article on publicly spreading racist and xenophobic ideas or theories through a computer system, or other means of public information which promote or incite hatred, discrimination or violence, against a person or a group (Article 394-g, para 1, 2). The Code bans approval or justification of genocide, crimes against humanity, or war crimes through a computer system (Article 407-a), racial and other discrimination (Article 417, para 3).

The Law on Audio and Audio-visual Media Services² bans broadcasting of media content that endangers national security, calls for violent destruction of the constitutional order of the state, military aggression or armed conflict, incites or spreads discrimination, intolerance or hatred based on any discriminatory account (Article 48).³

The Law on Prevention and Protection against Discrimination⁴ lays down the discriminatory accounts (Article 5) and stipulates protective mechanisms for discriminated persons.

2.2. Sanctions and remedies stipulated in laws

Laws stipulate fines, prison sentences and other remedies for breach of regulations that sanction hate speech.

Crimes related to hate speech according to the Criminal Code can be sanctioned with prison sentences of up to five years.

The Agency for AAMS can impose measures when it determines hate speech in audio-visual media content (Article 48), such as: a public warning, petition for initiating a misdemeanour procedure, proposal to revoke the licence and decision to delete the media outlet from the registry (Article 23). A fine of up to 5,000 euros can be imposed on the legal entity, and a criminal offence is not excluded (Article 147).

Persons who have been discriminated in accordance with the related Law can file a complaint to the Commission on Protection Against Discrimination. Individuals, as well as associations, foundations, trade unions or other organizations, can petition a lawsuit before the civic courts for discrimination. Fines can be imposed on legal entities (3,000 euros), officials (500–1,000 euros), as well as natural persons (800 euros) (Article 41).

² Law on changes to the Law on AVMS (2018). Available at: <https://bit.ly/3mg2cVr>.

³ On the same accounts as Article 144 of the Criminal Code.

⁴ Zakon za sprečavanje i zaštita od diskriminacija (2020). Available at: <https://bit.ly/2ZATHvF>.

2.3. New initiatives for regulation

Amendments to the Criminal Code submitted to the Parliament in 2021 stipulate that journalists and other media workers will be included in the group of professions exposed to attacks and threats due to the nature of their work and penalties for perpetrators increased. In October 2021, the amendments were pending in Parliament. These amendments should enable future attacks against journalists and media workers to be investigated *ex officio*, not after a private lawsuit is petitioned.⁵

The crimes committed through online media are especially challenging for the Ministry of the Interior (MOI) and the Basic Public Prosecutor's Office (BPPO) because they cannot act when the identity of the profile, author or the media editor are unknown.⁶ The Association of Journalists of Macedonia (AJM) and the Independent Union of Journalists and Media Professionals (SSNM) request amendments in the article on "spreading racist and xenophobic material through a computer system" (394-g), because they consider that the BPPO and the MOI should act *ex officio* when there are explicit threats via social networks against media professionals.

The AJM recommends establishing a new unit within the Public Prosecutor's Office with a mandate to work only on cases related to the breach of rights and safety of media professionals, as well as explicit hate speech against them.⁷

2.4. Good practice of regulation

The amendments of several laws advanced the regulation in regard to hate speech.

By including the provision that the Agency on AAMS should follow the practice of the European Court on Human Rights when hate speech is noted in the media, the regulator has acquired good grounds to identify and act in specific cases (Article 48, para 2).

The new Law on Protection and Prevention against Discrimination enabled the establishment of a new Commission on Protection and Prevention against Discrimination, which provides more opportunities for effective work of this body.

5 AJM (2021) "Slobodata na mediumite i bezbednost na novinarite vo RSM niz prizmata na postojnite zakonski resenija", Skopje: AJM. Available at: <https://znm.org.mk/wp-content/uploads/2021/06/publikacija-MK-internet-1.pdf>. Pg. 9.

6 *Ibid.* Pgs. 9-10.

7 Spirovski, M. and Todorovska-Kostovska, V. (2021) "Pokazатели za stepenot na sloboda na mediumite i bezbednost na novinarite vo 2020", Skopje: AJM. Available at: <https://znm.org.mk/wp-content/uploads/2021/08/MK-MK-2020.pdf>. Pg. 32.

3. IMPLEMENTATION OF HATE SPEECH REGULATION

3.1. Implementation by prosecutors and the courts

The Basic Public Prosecutor's Office (BPPO), the Ministry of the Interior (MOI) and the judiciary are most frequently criticized for slow and inefficient processing of the cases related to hate speech,⁸ although there has been an increase of hate speech cases in 2020 and 2021.

The BPPO has underlined that they could launch criminal proceedings only in cases where the perpetrator is known, which also applies to crimes committed online or via social networks. Identifying the author, editor or owner of the user's profile is usually a slow and complex procedure which ends without success.⁹ The Computer Crime and Digital Forensics Department within the MOI has filed several criminal charges with the BPPO for founded suspicion of committed crimes connected to "spreading racist and xenophobic material through a computer system."¹⁰

A high level of impunity, given the poor court practice on crimes related to hate speech or other serious verbal delicts, is still present in the country.¹¹ The data gathered from 26 basic courts show that there are five court cases related to hate speech, or more specifically to causing national, racial and religious hatred, discord and intolerance (Criminal Code, Article 319-g).¹²

There is one court case registered in the Basic Criminal Court for spreading racist and xenophobic material through a computer system (394-g).¹³

3.1.1. Case study: Spread of racist and xenophobic material through a computer system

In 2018, the Basic Public Prosecutor's Office (BPPO) pressed charges against the journalist Milenko Nedelkovski for spreading racist and xenophobic

⁸ AJM (2020) "Dramatic rise of attacks against journalists – we demand urgent actions", Skopje: AJM. Available at: <https://bit.ly/33mllWI>.

⁹ AJM (2021) "Slobodata na mediumite I bezbednosta na novinarite vo RSM niz prizmata na postojnite zakonski resenija", Skopje: AJM. Available at: <https://znm.org.mk/wp-content/uploads/2021/06/publikacija-MK-internet-1.pdf>. Pg. 10.

¹⁰ *Ibid.*

¹¹ Sekulovski, D. (2021) "Tolerance of a hate speech as a verbal crime-a safety factor in the society", International Scientific Conference "30 Years Independent Macedonian State", 13-15 September 2021, Ohrid. Available at: <https://fb.uklo.edu.mk/wp-content/uploads/2021/09/TOM-1-konecen.pdf?fbclid=IwAR1QB6l-BaURfGhh37erR2cVbZX9SowNh-FOSyB4WPInh4cb6N83ZZEYfkw>. Pg. 227.

¹² *Ibid.*

¹³ Nikodinosa, V. (2020) "The political and economic basis of media and communication models spreading disinformation and hate speech", Skopje: MIM. Available at: <https://mim.org.mk/attachments/article/1230/Mediumski%20i%20komunikaciski%20modeli%20koi%20shirat%20dezinformacii%20i%20govor%20na%20omraza.pdf>. Pg. 27.

material, after the fires which were raging in Greece, leaving hundreds of dead and injured people.¹⁴

The BPPO claimed that on 24 July 2018, the journalist, by using a computer system, publicly spread xenophobic written material promoting hatred towards the Greek ethnic group on account of their ethnicity. The suspect, a public personality (journalist), left a comment on his public Facebook profile about the fire on the Attica peninsula in Greece, in which people died. According to the BPPO, this is a crime punishable with a prison sentence of one to five years according to the Criminal Code.

In 2020, the Criminal Court acquitted Nedelkovski, and the case was sent for decision to the Court of Appeals, which has not ruled as of October 2021.

3.2. Implementation of the law by the Agency for Audio and Audiovisual Media Services

The regulator has been particularly engaged in the identification and prevention of hate speech and discrimination through media in recent years.¹⁵ The Agency prepared Guidelines for monitoring hate speech,¹⁶ while since the end of 2018, the Agency has had legal remedies at its disposal for launching misdemeanour proceedings in cases where media outlets violate hate speech provisions.

The last occasion when the Agency acted regarding hate speech was in 2018¹⁷ against TV Alfa which broadcast the “Milenko Nedelkovski Show”, airing statements and opinions that incite and spread discrimination, intolerance and hatred based on ethnicity.¹⁸

From 2015 to 2018, the Agency established that several commercial national terrestrial TV stations occasionally violated the legal provisions related to hate speech. Violations were more frequent around the 2016 Parliamentary elections.¹⁹

For each case, the Agency informs the BPPO and the Commission for Prevention and Protection against Discrimination.

¹⁴ SDK portal (2018) “Obvinenie za novinarot Milenko Nedelkovski za govor na omraza i ksenofobija”, Sdk.mk, 19 October 2018, Skopje. Available at: <https://sdk.mk/index.php/makedonija/obvinenie-za-novinarot-milenko-nedelkovski-za-govor-na-omraza-i-ksenofobija/>.

¹⁵ Nebiu, B. at All. (2018) “Indicators on the level of media freedom and journalists’ safety in Macedonia”. Skopje: AJM. Available at: <https://safejournalists.net/wp-content/uploads/2018/12/Indicators-on-the-level-of-media-freedom-and-journalists-safety-in-Macedonia.pdf>. Pg. 9.

¹⁶ AAVMS (2017) “Vodic za monitoring na govorot na omrazata”, Skopje: AAVMS. Available at: <https://avmu.mk/wp-content/uploads/2017/05/Vodic-za-monitoring-za-govorot-na-omraza-Mak.pdf>.

¹⁷ AAVMS (2018) “Izvestaj za izvrsen programski nadzor”, Skopje: AAVMS. Available at: <https://avmu.mk/wp-content/uploads/2018/03/Pismen-izvestaj-za-izvrsen-programski-nadzor-vonreden-na-Alfa-TV-Skopje.pdf>.

¹⁸ Ibid.

¹⁹ AAVMS (2015-2020) “Reports of implemented measures”. Skopje: AAVMS. Available at: <https://avmu.mk/izdavaci-na-mediumi-televizii/>.

3.2.1. Case study: Spreading hate speech on grounds of sexual orientation

In 2016, the Agency for AAMS conducted monitoring of several editions of the “Milenko Nedelkovski Show”, broadcast by the national terrestrial TV Kanal in January and February 2016. The journalist spoke on several occasions throughout the show about the sexual orientation of a deputy minister in the Government at the time.

In 2016, sexual orientation was not explicitly listed as a discriminatory ground in the Law on AAMS. However, the Agency followed the practice of the ECHR and the Commission for Prevention against Discrimination. The show on TV Kanal 5 was an external production project, which led to consideration of the issue of editorial responsibility.

The monitoring established that the television channel was in violation of the Law by making an editorial decision to enable the author, through several shows recorded in advance, to incite and spread discrimination, intolerance and hatred on grounds of sexual orientation. According to the analysis, the use of sexual orientation as grounds of discrimination is banned, and limiting the freedom of expression in this case was legitimate.²⁰

3.3. The role of the Commission for Prevention and Protection against Discrimination

The establishment of the new Commission for Prevention and Protection against Discrimination in 2021 was preceded by a period of year and a half when this body was inactive, due to mistakes in the procedure for adoption of the new Antidiscrimination Law in the Parliament.²¹ The Law was finally passed on 28 October 2020 and provided an opportunity for establishment of an independent and professional Commission, enabling an efficient procedure for protection against discrimination and easier access to court justice.²² One of the main remarks regarding the previous Law was the inefficiency of the entity and slow processing of complaints. The new Commission, established in March 2021, faced numerous technical and administrative challenges in the beginning of its work.²³

²⁰ Roksa-Zubcevic, A., Vojvodic, J. and Bender, S. (2017) “Regulatornite tela za mediumite I govorot na omraza”, Skopje: Sovet na Evropa. Available at: <https://rm.coe.int/-/16808edc82>. Pgs. 54-57.

²¹ Helsinki Committee for Human Rights (2020) “Press release: Konecno usvoen zakon za antidiskriminacija, barame brz i transparenten izbor na soodetna Komisija”, Skopje: MHC. Available at: <https://mhc.org.mk/news/konecno-usvoen-zakon-za-antidiskriminacija-barame-brz-i-transparenten-izbor-na-soodvetnata-komisija/>.

²² Helsinki Committee for Human Rights (2020) “Press release: Konecno usvoen zakon za antidiskriminacija, barame brz i transparenten izbor na soodetna Komisija”, Skopje: MHC. Available at: <https://mhc.org.mk/news/konecno-usvoen-zakon-za-antidiskriminacija-barame-brz-i-transparenten-izbor-na-soodvetnata-komisija/>.

²³ HERA (2021) “Conclusions from the conference: Zajaknuvanje na ulogata na Komisijata za SZD vo promovijata I zastitata na covekovite prava”, Skopje: HERA. Available at: <https://hera.org.mk/zakluchoci-od-konferencijata-zajaknuvanje-na-ulogata-na-novata-kszd/>.

The relevant Law and the Commission treat hate speech as harassment (Article 10). The Commission has acted in several cases when harassing speech was established on social networks, but they did not contain hate speech. There has been an increase of harassing speech on grounds of sexual orientation and gender identity in the period around the Pride Parade in 2021, as well as the last few days before the local elections in October 2021.²⁴

3.3.1. Case study: Antidiscrimination body took measures against several portals

The Commission on Prevention and Protection against Discrimination identified harassment by the author of the text “Sorry gay buddies, it is not up to hormones, it is up to logic!” as well as by the registrars of several portals which published it.²⁵ The Commission acted upon a complaint submitted by two CSOs. It was established that the text contained harassing content on the grounds of sexual orientation and gender identity according to the relevant Law. The portals stated that according to the Media Law they were not considered media outlets and the author only presented her view. The Commission elaborated it acted in accordance with the Law on Prevention and Protection against Discrimination, which has wider application. The online media were recommended to publish the apology of the author of the text on their webpages and their Facebook pages. The online media outlets acted in accordance with the recommendation and withdrew the text.²⁶

3.4. Good practice of implementation

Regarding the crime of “endangering safety” laid down in the Criminal Code, charges were filed with the BPPPO in 2020 because a civil servant used social networks to threaten and insult female editors from the online media outlet A1on, Meri Jordanovska, and Iskra Korovesovska from the national TV broadcaster Alfa. In March 2020 the Basic Criminal Court in Skopje sentenced the perpetrator to a total of one year and 8 months in prison.

This was the only case including journalists which was completed in 2020, bearing in mind that the MOI and the BPPPO acted swiftly and closed the case within a month. This efficiency is more of an exception than a rule in the work of institutions.²⁷

²⁴ Response from the Commission for Prevention and Protection against Discrimination to questions sent by MIM (via e-mail), 26 October 2021.

²⁵ KSZD (2021) “Utvrdeno vznemiruvanje vrz osnova na seksualna orientacija i rodov identitet na internet portali”, Skopje: KSZD. Available at: https://m.facebook.com/kszd.mk/posts/177088414512848?_rdr.

²⁶ KSZD (2021) “Povlečen tekstot za koj bese utvrdeno deka e vznemiruvacki”, Skopje: KSZD. Available at: <https://www.facebook.com/kszd.mk/posts/211310484423974>.

²⁷ AJM (2021) “Slobodata na mediumite i bezbednosta na novinarite vo RSM niz prizmata na postojnite zakonski resenija”, Skopje: AJM. Available at: <https://znm.org.mk/wp-content/uploads/2021/06/publikacija-MK-internet-1.pdf>.

4. REGULATION OF DISINFORMATION

4.1. Main legal documents and provisions

There is no regulation pertaining to disinformation in the Republic of North Macedonia; the issue is subject to self-regulation.

The only document that the Government has adopted regarding disinformation is the Proposed Plan for Resolute Action against Spreading Disinformation, also announcing the design of an Action Plan.²⁸ The Proposed Plan does not contain proposals for introducing legislation, but guidelines for designing security protocols (among others for digital communication) of the institutions with external entities and civil servants, as well as advancing the in-house IT infrastructure. The Proposed Plan has a commitment to design national strategy on media literacy.

The media community in particular has reacted to the proposals which refer to paid campaigns on private media outlets, the announcement for co-regulation, introducing criteria for accrediting media outlets that would have the right to follow the governmental events, establishing a working group for fighting disinformation, etc. According to the AJM, the incomplete presentation of the proposed measures could be interpreted as an effort to limit the freedom of expression.²⁹

5. SELF-REGULATION OF HATE SPEECH AND DISINFORMATION

5.1. Self-regulation documents and provisions on hate speech

The Ethical Code contains a provision that addresses hate speech précising that journalists should not consciously create or process information that jeopardizes human rights and freedoms, use hate speech and encourage discrimination of any grounds – nationality, religion, sex, social class, language, sexual orientation, political orientation... (Art. 10).³⁰

The Charter for ethical reporting during electoral campaigns contains the “Principle for respect and tolerance” which implies that media outlets will not

²⁸ Government of RNM (2019) “Draft-Plan for Decisive Action against the Spread of Disinformation”, Skopje: Government of RNM. Available at: https://vlada.mk/sites/default/files/dokumenti/predlog-plan_za_akcija_protiv_dezinformacii_final.pdf.

²⁹ AJM (2019) “Del od merkite vo planot na Vladata se problematicni”, Skopje: AJM. Available at: <https://znm.org.mk/znm-del-od-merkite-vo-planot-na-vladata/>.

³⁰ AJM (2001) Ethical Code of Journalists. Available at: <https://znm.org.mk/kodeks-na-novinarite-na-makedonija/>.

use stereotypes, prejudices, discrimination on any ground nor hate speech and inflammatory language in its reporting.³¹

The Guidelines for Ethical Reporting in Online Media were adopted in 2021 containing additional provisions in relation to Article 10 of the Ethical Code that refer specifically to online media (Article 10).³²

5.2. Self-regulation documents and provisions on disinformation

The Ethical Code contains several articles in relation to disinformation. Article 1 requires publication of accurate and verified information. In the context of disinformation, infringements related to Article 3 of the Ethical Code are also relevant, since it requires journalists to provide correction, denial and response in case of inaccuracy of information. Article 13 refers to mixing facts and opinions, news and comments.

The Guidelines for Ethical Reporting in Online Media contains additional provisions for preventing disinformation, misinformation and malinformation (Articles 1, 2, 13).

5.3. Self-regulation related to comments sections in online media

The Guidelines for Ethical Reporting of Online Media contain provisions regarding users' comments published under journalists' articles on websites or on social networks that contain hate speech. Online media are responsible for regular overview of their editions and prompt removal of such comments. Media outlets must ensure that the content of the readers/users' comments published on their website in the comments part under the journalistic articles does not contain calls for violence or other criminal acts, hate speech, discrimination, threats or other forms of violation of the rights of individuals, groups, institutions (20.2). Media outlets are also responsible for the comments that are published under the content on their social networks (20.3).

5.4. Implementation of self-regulation in practice

Hate speech was a reason for violation of the Ethical Code in 5.5% of cases in 2020³³ compared to 2019 when it was the second most common reason

31 CMEM (2021) "Povelba za eticko izvestuvanje za izbornata kampanja za lokalnite izbori 2021", Skopje: CMEM. Available at: <https://semm.mk/dokumenti/korisni-resursi/kodeks/950-povelba-za-eticko-izvestuvanje-za-izborite-2021>.

32 CMEM (2021) "Guidelines for Ethical Reporting in Online Media", Skopje: 2021. Available at: <https://bit.ly/3pHNYyQ>.

33 CMEM (2021) "Statistical review of adjudications brought by the Complaints Commission in 2020", Skopje: CMEM. Available at: <https://semm.mk/komisija-za-zhalbi/statistichki-pregledi/853-2020>.

for breaching of the professional standards by media outlets with 20% of all cases reviewed by the Council of Media Ethics of Macedonia. From 2016 to October 2021, the self-regulatory body brought a number of adjudications in which Article 10 was violated by media outlets, most of which (4) were brought in 2020.

Article 1 related to publishing accurate and verified information was most often violated by media outlets in 2020, which represents 67% of all adjudications. Article 13 (mixing facts and opinions) was the second most common ground for violation of professional standards by media outlets in 2020 (19%).³⁴

5.5. Case studies of self-regulation related to hate speech and disinformation

The Council of Media Ethics of Macedonia brought adjudications against two media outlets in 2019 which breached Article 10 in relation to the same case. The articles refer to the adviser to the Minister of Finance in the Government composition in 2019, which, according to the complainer, contained discrimination, partiality, gender inequality and personal privacy intrusion.

According to the CMEM, the text did not have an author, bore a sensationalist headline, contained stereotypes and discrimination based on gender. The journalist used provocative and sexist comments and complemented the text with private photographs, which overall discredited the dignity of the person.³⁵ The media outlets did not respond at all to the complainer's accusations.

The media organizations AJM, CMEM, MIM and SSNM also reacted in the case when journalists and other employees of the Metamorphosis Foundation were threatened on social networks in July 2021.³⁶ The Foundation is a Facebook partner in combating disinformation. In an organized way, individuals and groups openly called for lynching and physical liquidation after an online media outlet published disinformation titled "These are the people who delete content from Facebook in Macedonia!"³⁷

Meta.mk, which is part of the Metamorphosis Foundation, and other media organizations called for prompt reaction from the Ministry of the Interior and the Public Prosecutors' Office, which issued an order to gather evidence.³⁸

34 CMEM (2021) "Statistical review of adjudications brought by the Complaints Commission in 2020", Skopje: CMEM. Available at: <https://semm.mk/komisija-za-zhalbi/statistichki-pregledi/853-2020>.

35 CMEM (2019) "Adjudication of CMEM brought on the ground of complaint of Helsinki Committee", Skopje: CMEM. Available at: <https://semm.mk/attachments/07-10-2019/Helsinki-komitet-za%20covekov-prava-za-internet-portalot-Vistina.mk.pdf>.

36 AJM, CMEM, MIM and SSNM (2020) "Ignoriranjeto na povicite na linc za novinarite od Metamorfozis mora da prestane", 14 July 2021, Skopje. Available at: <https://bit.ly/3bkiu9u>.

37 Meta News agency (2020) "Hate speech and harassment campaign against Metamorphosis staff continues with impunity", Meta.mk, 10 December 2020. Available at: <https://meta.mk/en/hate-speech-against-metamorphosis-foundation-staff-still-unpunished-should-we-shoot-them-or-bring-funeral-wreaths-to-their-homes/>.

38 *Ibid.*

5.6. Implementation of self-regulation by global platforms and social networks in North Macedonia

Regarding social media, in May 2020, Facebook intervened when it was discovered that “disinformation farms” from North Macedonia and the Philippines were working for the Natural News site, known for sharing conspiracy theories and disinformation about COVID-19, by removing the site.³⁹

5.7. Specific projects and platforms for reporting hate speech online

The Helsinki Committee for Human Rights monitors hate speech in social media and traditional media through the online platform www.govornaomraza.mk. In March 2020, there was an 100% increase of hate speech cases compared to the same period the previous year. Of those cases, 108 were reported on grounds of political affiliation and 205 on ethnic grounds in 2019–2020.⁴⁰ In 2021, around 330 cases had been reported on the platform by August, with most of the cases being filed on grounds of sexual orientation and gender identity, ethnic and political affiliation.⁴¹

5.8. Specific projects and platforms for debunking disinformation

The Metamorphosis Foundation administers the fact-checking and deconstruction of disinformation in the media on its websites Vistinomer.mk and Crithink.mk. In July 2020, Vistinomer.mk became a Facebook partner for debunking disinformation.⁴²

The “Fighting Fake News Narratives” (f2n2.mk) project is implemented by the civil society organization “Most” against disinformation on the internet.

39 Nikodinoska, V. (2020) *The political and economic basis of media and communication models spreading disinformation and hate speech*, Skopje, MIM. Available at: <https://mim.org.mk/attachments/article/1230/Mediumski%20i%20komunikaciski%20modeli%20koi%20shirat%20dezinformacii%20i%20govor%20na%20omraza.pdf>. Pg. 15.

40 Web platform Govor na omraza. Available at: www.govornaomraza.mk.

41 Ibid.

42 Metamorfozis (2020) “Fejsbuk vo sorabotka so Metamorfozis i Vistinomer zapocna programa za proverka na fakti vo S. Makedonija”, Skopje: Metamorfozis. Available at: https://metamorphosis.org.mk/aktivnosti_arhiva/fejsbuk-vo-partnerstvo-so-metamorfozis-i-vistinomer-zapocna-programa-za-proverka-na-fakti-vo-severna-makedonija/.

5.9. Self-regulation of political communication

The Parliament of the Republic of North Macedonia has adopted a Code of Conduct for MPs⁴³ which contains several articles that refer to basic ethical principles. MPs must behave without prejudice and discrimination in regards to sex, race, skin colour, national and social origin, political and religious beliefs, property status and societal position (Article 4). MPs should also refrain from behaviour or speech that can cause hatred, intolerance and violence on personal, ideological, religious, national, sexual or racial grounds (Article 6). Despite this, the culture in public communication of politicians in North Macedonia is low, while inappropriate communication is reflected on citizens who are encouraged to spread hatred and intolerance, mostly on social networks.⁴⁴

5.10. Good practices in self-regulation of hate speech and disinformation

The coordination and cooperation among professional media organizations and the regulator in cases when hate speech is produced, spread or identified, especially by politicians or public persons, could be pointed as a good practice in combating this phenomenon. Such example is the Network for Combating Hate Speech in Media, gathering professional media and journalistic associations, decision-makers, state and regulatory bodies responsible for the protection of human rights, civil society organizations and other entities in the field of media and human rights. The Register of Professional Online Media also implies responsibility of its members to respect the ethical and professional standards and refrain from hate speech and disinformation. It included 140 members by October 2021.

43 Parliament of RNM (2018) "Code of conduct of MPs in the Parliament of RNM". Available at: <https://bit.ly/3nBHCyo>.

44 Sekulovski, D. (2021) "Tolerance of a hate speech as a verbal crime-a safety factor in the society", International Scientific Conference "30 Years Independent Macedonian State", 13-15 September 2021, Ohrid. Available at: https://fb.uklo.edu.mk/wp-content/uploads/2021/09/TOM-1-konecen.pdf?fbclid=IwAR1QB6L_BaURfGhh37erR2cVbZX9SowNh-FOSyB4WPInh4cb6N83ZZEYfkW.

6. POLICY RECOMMENDATIONS

- The media community and the civil society sector should support the self-regulatory mechanisms in the media sphere in order to prevent unprofessional and unethical work and to protect the public from disinformation and unprofessional information published by traditional and online media.
- The online media and the media community should support and implement the Guidelines for Ethical Reporting in Online Media initiated by the CMEM. The business community should also support the Guidelines since companies will in this way support the work of the professional media.
- The Public Prosecutor's Office and Ministry of the Interior need to be more engaged and proactive in prosecuting hate speech, while the judiciary needs to process cases, as the number of registered hate speech cases that can result in hate crimes has been increasing over the years.
- The representatives of the police, public prosecutors and the judiciary need regular training in recognizing, processing and effective sanctioning of hate speech in traditional media and on the internet. Training is recommended for journalists who cover these topics.
- Public institutions, the civil sector, the media regulator and the self-regulatory body should work together to raise public awareness of the harm that disinformation and hate speech can cause in society, but also on improving mutual cooperation when prompt response and action is needed.
- MPs should respect the Code of Conduct provisions for mutual respect, objectivity and dignified communication among each other and with the public, thus refraining from disinformation and hate speech. The political parties should also commit to fair, ethical and professional communication with the public, the media and their opponents in order to provide verified and accurate information in the public interest.
- The public institutions and the competent bodies and agencies should implement the regulation related to hate speech in a proactive, nonselective and impartial manner. In this way, the effectiveness of the institutions will be improved and citizens' trust increased.

Literature and sources

EXPERTS CONSULTED:

1. Emilija Petreska-Kamenjarova, Assistant Head of the Programme Affairs Department, Agency for Audio and Audiovisual Media Services.
2. Commission for Protection and Prevention from Discrimination (via e-mail), 26 October 2021.
3. Marina Tuneva, Director of the Council of Media Ethics of Macedonia.
4. Filip Stojanovski, Director, Foundation Metamorphosis.
5. Dragan Sekulovski, Director, Association of Journalists of Macedonia.

LITERATURE REVIEW:

AJM (2001) Ethical Code of Journalists. Available at: <https://znm.org.mk/kodeks-na-novinarite-na-makedonija/>.

AJM (2020) "Dramatic rise of attacks against journalists – we demand urgent actions", Skopje: AJM. Available at: <https://bit.ly/33mlIWl>.

AJM (2021) "Slobodata na mediumite i bezbednost na novinarite vo RSM niz prizmata na postojnite zakonski resenija", Skopje: AJM. Available at: <https://znm.org.mk/wp-content/uploads/2021/06/publikacija-MK-internet-1.pdf>.

AJM (2019) "Del od merkite vo planot na Vladata se problematicni", Skopje: AJM Available at: <https://znm.org.mk/znm-del-od-merkite-vo-planot-na-vladata/>.

AJM, CMEM, MIM and SSNM (2020) "Ignoriranjeto na povicite na linc za novinarite od Metamorfozis mora da prestane", Skopje. Available at: <https://bit.ly/3bkiu9u>.

AAVMS (2017) "Vodic za monitoring na govorot na omrazata", Skopje: AAVMS. Available at: <https://avmu.mk/wp-content/uploads/2017/05/Vodic-za-monitoring-za-govorot-na-omraza-Mak.pdf>.

AAVMS (2018) "Izvestaj za izvrsen programski nadzor", Skopje: AAVMS. Available at: <https://avmu.mk/wp-content/uploads/2018/03/Pismen-izvestaj-za-izvrsen-programski-nadzor-vonreden-na-Alfa-TV-Skopje.pdf>.

AAVMS (2015-2020) "Reports of implemented measures". Skopje: AAVMS. Available at: <https://avmu.mk/izdavaci-na-mediumi-televizii/>.

CMEM (2021) "Povelba za eticko izvestuvanje za izbornata kampanja za lokalnite izbori 2021", Skopje: CMEM. Available at: <https://semm.mk/dokumenti/korisni-resursi/kodeks/950-povelba-za-etichko-izvestuvanje-za-izborite-2021>.

CMEM (2021) "Guidelines for Ethical Reporting in Online Media", Skopje: CMEM. Available at: <https://bit.ly/3pHNYyQ>.

CMEM (2021) "Statistical review of adjudications brought by the Complaints Commission in 2020", Skopje: CMEM. Available at: <https://semm.mk/komisija-za-zhalbi/statistichki-pregledi/853-2020>.

CMEM (2019) "Adjudication of CMEM brought on the ground of complaint of Helsinki Committee", Skopje: 2019. Available at: <https://semm.mk/attachments/07-10-2019/Helsinki-komitet-za%20covekovi-prava-za-internet-portalot-Vistina.mk.pdf>.

Government of RNM (2019) "Draft-Plan for Decisive Action against the Spread of Disinformation", Skopje: Government of RNM. Available at: https://vlada.mk/sites/default/files/dokumenti/predlog-plan_za_akcija_protiv_dezinformacii_final.pdf.

Helsinki Committee for Human Rights (2020) "Press release: Konecno usvoen zakon za antidiskriminacija, barame brz i transparenten izbor na soodetna Komisija", Skopje: MHC. Available at: <https://mhc.org.mk/news/konecno-usvoen-zakon-za-antidiskriminacija-barame-brz-i-transparenten-izbor-na-soodvetnata-komisija/>.

Helsinki Committee for Human Rights (2019) "Komparativna analiza na pravnata ramka za besplatna pravna pomos i praktikata na zemjite od EU so focus na zastitata od diskriminacija", Skopje: MHC. Available at: https://mhc.org.mk/wp-content/uploads/2019/02/A_____pdf.

HERA (2021) "Conclusions from the conference: Zajaknuvanje na ulogata na Komisijata za SZD vo promocijata i zastitata na covekovite prava", Skopje: HERA. Available at: <https://hera.org.mk/zakluchoci-od-konferenczijata-zajaknuvanje-na-ulogata-na-novata-kszd/>.

Komisija za sprechuvanje i zashtita od diskriminacija (KSZD) (2021) "Utvrdeno voznemiruvanje vrz osnova na seksualna orientacija i rodov identitet na internet portali", Skopje: KSZD. Available at: https://m.facebook.com/kszd.mk/posts/177088414512848?_rdr.

KSZD (2021) "Povlecen tekstot za koj bese utvrdeno deka e voznemiruvacki", Skopje: KSZD. Available at: <https://www.facebook.com/kszd.mk/posts/211310484423974>.

Meta News agency (2020) "Hate speech and harrasment campaign against Metamorphosis staff continues with impunity", Meta.mk, 10 December 2020. Available at: <https://meta.mk/en/hate-speech-against-metamorphosis-foundation-staff-still-unpunished-should-we-shoot-them-or-bring-funeral-wreaths-to-their-homes/>.

Metamorfozis (2020) "Fejsbuk vo sorabotka so Metamorfozis i Vistinomer zapocna programa za proverka na fakti vo S. Makedonija", Skopje: Metamorfozis. Available at: https://metamorphosis.org.mk/aktivnosti_arhiva/fejsbuk-vo-partnerstvo-so-metamorfozis-i-vistinomer-zapocna-programa-za-proverka-na-fakti-vo-severna-makedonija/.

Parliament of RNM (2018) "Code of conduct of MPs in the Parliament of RNM". Available at: <https://bit.ly/3nBHCyo>.

Roksa-Zubcevic, A., Vojvodic, J. and Bender, S. (2017) "Regulatornite tela za mediumite I govorot na omraza", Skopje: Sovet na Evropa. Available at: <https://rm.coe.int/-/16808edc82>.

SDK portal (2018) "Obvinenie za novinarot Milenko Nedelkovski za govor na omraza i ksenofobija", Sdk.mk, 19 October 2018, Skopje. Available at: <https://sdk.mk/index.php/makedonija/obvinenie-za-novinarot-milenko-nedelkovski-za-govor-na-omraza-i-ksenofobija/>.

Sekulovski, D. (2021) "Tolerance of a hate speech as a verbal crime-a safety factor in the society", International Scientific Conference "30 Years Independent Macedonian State", 13-15 September 2021, Ohrid. Available at: https://fb.uklo.edu.mk/wp-content/uploads/2021/09/TOM-1-konecen.pdf?fbclid=IwAR3OoUNNPcrvIABVebz1sCe02EkeL37K6lifOU__utqgkFnx5VX3imlyegl.

Spirovski, M. and Todorovska-Kostovska, V. (2021) "Pokazатели za stepenot na sloboda na mediumite I bezbednosta na novinarite vo 2020", Skopje: AJM. Available at: <https://znm.org.mk/wp-content/uploads/2021/08/MK-MK-2020.pdf>.

Nebiu, B. at All. (2018) "Indicators on the level of media freedom and journalists' safety in Macedonia". Skopje: AJM. Available at: <https://safejournalists.net/wp-content/uploads/2018/12/Indicators-on-the-level-of-media-freedom-and-journalists-safety-in-Macedonia.pdf>.

Nikodinoska, V. (2020) "The political and economic basis of media and communication models spreading disinformation and hate speech", Skopje: MIM. Available at: <https://mim.org.mk/attachments/article/1230/Mediumski%20i%20komunikaciski%20modeli%20koi%20shirat%20dezinformacii%20i%20govor%20na%20omraza.pdf>.

Web platform govornaomraza.mk.

LAWS:

Zakon za sprečavanje i zaštita od diskriminacija (2020). Available at: <https://bit.ly/2ZATHvF>.

Krivični zakonik (2018). Available at: <https://www.praksis.mk/Document/Details/144001>.

Zakon za audio i audiovizuelni medijski usluge (2013). Available at: https://avmu.mk/wp-content/uploads/2017/05/Zakon_za_audio_i_audiovizuelni_medijski_uslugi_mkd_1.pdf.

Law on changes to the Law on AVMS (2018). Available at: <https://bit.ly/3mg2cVr>.

About the author

Vesna Nikodinoska holds an MA in Global Communications from the American University of Paris. She is a Programme Manager and a researcher at the Macedonian Institute for Media in Skopje.

This publication is a part of the RESILIENCE project research and advocacy component. It includes a series of factsheets on NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORKS AGAINST HATE SPEECH AND DISINFORMATION in Albania, Bosnia and Hercegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey. The series also includes a factsheet with examples of regulatory and self-regulatory mechanisms on the EU level and in the EU member states.

Nine media development organizations in the Western Balkans and Turkey have joined forces under an EU-funded project 'RESILIENCE: Civil society action to reaffirm media freedom and counter disinformation and hateful propaganda in the Western Balkans and Turkey'. The three-year project is coordinated by the South East European Network for Professionalization of Media (SEENPM), a network of media development organizations in Central and South East Europe, and implemented in partnership with: the Albanian Media Institute in Tirana, the Foundation Mediacentar Sarajevo, Kosovo 2.0 in Pristina, the Montenegro Media Institute in Podgorica, the Macedonian Institute for Media in Skopje, the Novi Sad School of Journalism in Novi Sad, the Peace Institute in Ljubljana, and Bianet in Istanbul.