

Macedonia: State of Affairs Report

1. Country Snapshot

1.1 Internet Freedom State of Affairs

In recent years in Macedonia a significant increase of the Internet usage is noted, which lead to expansion of a multitude of new online media outlets (news websites and portals, blogs) which contribute to a more vibrant, diverse and informative online media sphere.

On one hand, the intensified consumption of Internet enabled an immense number of citizens to become easily and promptly informed and up-to-date with daily happenings and news. On the other hand however, the majority of the journalists and experts perceive a vast number of the internet-media as unreliable outlets which offer a wide range of information not in line with journalists' ethics and to a great extent related to propaganda and hate speech.

On paper the Macedonian Constitution includes basic protections for freedom of the press and freedom of expression, including on the internet, but government enforcement or protection of these freedoms is limited at best. A continued issue in the country is self-censorship of journalists due to various government pressures.

Impunity of public officials for threats, physical and verbal violence against journalists, activists and other citizens using their right to free expression is the norm. Since 2011 there were 33 cases of attacks on journalists, and in most cases the public prosecutor office had not initiated investigations. Selective implementation of various laws had been used by authorities to intimidate, punish or silence citizens, including detention and imprisonment of journalists.

Case in point is the Law on Defamation. Defamation was removed from the criminal code in 2012 but prosecutions have been replaced by civil actions with the possibility of heavy fines and jail terms for reporters and media owners. At least 580 defamation suits have been brought since the end of 2014, several dozen of them against journalists. As a result, more than half of Macedonia's journalists say they censor themselves, according to a poll by the Macedonian Union of Journalists and Media Workers.¹

Widespread invasions of privacy had been detected in Macedonia, including credible allegations of massive illegal surveillance using the state institutions, such as the Ministry of Interior with complicity of the telecom operators. In order to resolve this issue, as part of the urgent reform process implemented with the help of the EU and the US, new state institutions of Special Public Prosecutor had been created to investigate it. Surveillance, and the fear of surveillance, is used as factor of control and intimidation for journalists, civil society activists and the population at large.

Due to the current political crisis in the country, the situation with freedom of expression continued to deteriorate, increasing the need for objective analysis and fact-checking of political discourse, produced by most powerful political parties and conveyed by the polarized media. Macedonia kept getting lower ratings at international indexes of democratic development. Freedom House's Freedom in the World 2016 report designate the country as "partly free", while its Freedom of the Press 2016 Report listed Macedonia as "not free". Reporters without Borders lowered Macedonia's rank to 188th place in the 2016 World Press Freedom Index.

Macedonia has a large number of broadcast and print outlets for its population, but pro-government media—including several private television stations and newspapers, as well as the public broadcaster MRT—hold a dominant position in the market. A small number of outlets, such as Telma TV, 24 Vesti, Sloboden Pečat, and Fokus, carry more balanced or critical coverage. Broadcast outlets run by members of Macedonia's ethnic Albanian minority, some of which provide content in both Albanian and Macedonian, often produce news that is more objective than their Macedonian-language counterparts; observers have suggested that this is because they are somewhat removed from the political wrangling between the two main parties, which are composed primarily of ethnic Macedonians.²

Recently, journalists have also become target of police brutality, when a journalist and four photo reporters were seriously injured by security forces on 13 April 2016 in the capital, Skopje, while covering an anti-government rally. The protests were sparked by President Gjorge Ivanov's dual announcement of early elections and the decision to drop the investigation into the wiretapping scandal that broke out in February 2015 when it was alleged the government had illegally engaged in wiretapping over 20,000 people, including journalists. Thousands of protesters took to the streets of the capital Skopje, demanding that the President either revoke his decision or resign. During the clashes, four journalist were attacked by police officers, who wanted to prevent them from taking pictures of the violent protest.³

1.2 Brief Country Data

Macedonia gained its independence peacefully from Yugoslavia in 1991. Greek objection to Macedonia's name, insisting it implies territorial pretensions to the northern Greek province of the same name, have stalled the country's movement toward Euro-Atlantic integration. Although Macedonia became an EU candidate in 2005, the country still faces challenges, including overcoming the ongoing political crisis that began in 2015 when opposition party SDSM began releasing wiretap content that it alleged showed widespread government corruption, the ongoing migration crisis, fully implementing the Framework Agreement which enhances the rights of minorities, resolving the

outstanding name dispute with Greece, improving relations with Bulgaria, halting democratic backsliding, and stimulating economic growth and development. Macedonia's membership in NATO was blocked by Greece at the Alliance's Summit of Bucharest in 2008.⁴

2. Access to Internet & Internet Services

2.1 Penetration

Internet penetration in Macedonia reached 68.1% according to the World Bank.⁵ 70.14% of Macedonian households own a computer.⁶

2.2 Demographics

There is a significant difference between the number of Internet users in urban and rural areas of Macedonia. Internet penetration in rural Macedonia is 41%, compared to 59% in urban areas.⁷

2.3 Uses of Internet

According to the data published by the State Statistical Office in October 2015, in the first quarter of 2015, 69.4% of the households had access to Internet at home, which is one percentage more in comparison with the data provided from the previous year. Almost all (99.5%) of the households with Internet access had broadband (fixed or mobile) connection to the Internet⁸. The usage of the social media is also increased; there are more than 1 million Facebook profiles (according to Facebook), but probably only somewhere 300,000 and 400,000 are individual users⁹, with 330,000 accessing social media regularly from their mobile devices.¹⁰ According to a survey by Metamorphosis conducted in June 2016, 69% of adults are internet users, and 50% of the general population uses social network as source of news (47% at least one time per day, 7% at least once per week).

2.4 Barriers to access (ex. Government, poverty, etc.)

The main barrier to Internet access is price, due to the fact that significant percentage of the population lives in poverty (22.1% according to World Bank's data from 2014), especially in the poorer, rural areas in Macedonia. The Macedonia government has aimed to alleviate these barriers to access with the implementation of 680 Wi-Fi kiosks throughout rural Macedonia in 2014,¹¹ but the reports on impact of this project had not been publicly accessible.

Access to the internet is constrained by its cost, as well as the demographic factors. The population over 55 years of age uses the internet significantly less than the younger age groups. Another constraining factor is the level of education. According to the last census, 3.85% of the population is without education, whereas 10.77% have incomplete primary education and 34.77% have only primary education completed.¹²

3 ICT Actors & Infrastructure

3.1 Fixed, Mobile and International Telecommunications

Fixed Communication

Fixed-broadband communication subscriptions are only held by 16.19% of the population,¹³ partly due to the popularity and ease of mobile communication. There are a number of actors providing fixed communications, with the largest being T-Mobile, who merged with the previous largest provider, Macedonian Telekom, in July 2015.¹⁴

Mobile Connection

Mobile cellphone subscriptions in Macedonia are high, with a rate of 109.10 subscriptions per 100 residents.¹⁵ Even with the large number of cellphone subscriptions, there are only 47.69 mobile-broadband subscriptions per 100 residents.¹⁶ The majority of mobile subscriptions (61%) are pre-paid packages and only 23% of subscriptions were for 3G connections as of 2014.¹⁷

International Communication

The International bandwidth per user in Macedonia is 41,812 Bit/s¹⁸

4 Regulatory ICT Policy

Enforcement of media regulations is weak, and the licensing process is subject to undue political and economic influence. Under 2013 media laws, a government-dominated media regulator, the Agency for Audio and Audiovisual Media Services, is empowered to impose heavy fines and revoke broadcast licenses for content that threatens vaguely defined interests such as “public order” and “health or morals.”

Agency for Audio and Audiovisual Media Services (AVMS): The Agency for Audio and Audiovisual Media Services was established with the newly enacted Law on Audio and Audiovisual Media Services as a regulatory body for the media. The agency is legal successor of the former Broadcasting Council. By law, the Agency is obliged to ensure transparency in the broadcasters’ work, development of pluralism, protection of minors and protection of citizens’ interests in the field of audio and audiovisual media services.

Agency for Electronic Communications: The Agency for Electronic Communications is a regulatory body responsible for creating a competitive electronic communications market to serve public interest. The AEC had played a role in closing down the critical A1 TV in 2011, and had not reacted to the indications of widespread surveillance using the telecom operators. Funds collected by AEC had been used for government projects promoting tourism, such as the Panoramic Wheel as part of Skopje 2014 project.

Directorate for Personal Data Protection is in charge of implementing the Law on Personal Data Protection. They had not reacted to the indications of widespread surveillance, and had so far not reacted to numerous cases of suspected abuse of citizens personal data by state institutions, including data on personal income from the Public Revenue Service.

Ad hoc media monitoring body: In July 2016 a political agreement was reached between the four biggest political parties which in regards to the media, have agreed that the Law on Audio and Audiovisual Services and the Electoral Code will be amended within 15 days from the date of this agreement. AAVM established an ad hoc body to monitor compliance with media provisions of the Electoral Code. This ad hoc body will function until the end of the electoral process (the parliamentary elections are scheduled for December 11, 2016). The ad hoc body is composed of five persons.

In consultation with relevant professional organizations, the four political parties selected four members of the ad hoc body of whom at least one ethnic Albanian. The fifth member was selected by consensus by the four selected members of the body.¹⁹

5 Information Security, Data Protection and Privacy

- *Internet Infrastructure (susceptibility to cybercrime, terrorism, and attacks), types of attacks, actors, and those targeted*

When it comes to cybersecurity and attacks, currently there is a lack of public official data due to the fact that the institution in charge, the Department for cybercriminal within the Ministry of Interior does not publish reports for their work. It should be noted that the conceptualization and the establishment of such a national body should be more transparent and protect not only national/state interests but also the interests of the private sector and of the citizens. Unfortunately, with the reforms progressing only very slowly, the capabilities of the Macedonian authorities to tackle cybersecurity issues remain unclear.²⁰ There are some assumptions that cybercrime does happen, for example DDOS attacks which make the websites of independent media or HBO temporary unavailable, or hacking of state public institutions websites from abroad.

- *Government surveillance*

In February 2015, the opposition started revealing excerpts of leaked wiretaps made by the state Secret Service, alleging that over 20.000 citizens were subject to direct illegal surveillance, as part of criminal conspiracy run by the Prime Minister Nikola Gruevski and his family. The illegal surveillance, conducted with use of state resources and with compliance of telecom operators, was the foundation of state capture operation resulting in nearly total submission of state institutions to ruling parties, the EPP member VMRO-DPMNE and its coalition partner DUI. Moreover, the opposition leader revealed that all persons of some significance in the society, “all the judiciary, the Synod of the Orthodox Church, NGOs, and journalists were tapped.”

He played leaked conversations between current government ministers, indicating that surveillance also extended to officials of the ruling party, VMRO-DPMNE, and their coalition partners. He said that only the Prime Minister Nikola Gruevski and the Director of the Intelligence and Security Sasho Mijalkov were not tapped. They allegedly received daily reports from the 24/7 surveillance operation that especially targeted political opponents during elections.

Using surveillance as a tool for control and intimidation, in concert with corrupt judiciary, lead to decline of all human rights, in particular freedom of expression. For instance, Macedonia's rank on World Press Freedom Index sunk from 34 in 2009 to 118 in 2016.

6 Legal Overview

After the adoption of the new Law on Media which does not refer to the Internet, there is a misbelief among the public, the media and the institutions that the internet-media and internet-communication do not come under the overall existing legislation and therefore one could not be held accountable. On the contrary, a vast number of laws in Macedonia are referring to the internet communication in a lot of aspects – human rights, freedom of expression, criminal actions, buying and selling goods and services, copyright, privacy etc.

6.1 Laws

Macedonian Constitution 1991:

The Constitution of the Republic of Macedonia in Article 16 prescribes the following: The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed. The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed. Free access to information and the freedom of reception and transmission of information are guaranteed. The right of reply via the mass media is guaranteed. The right to a correction in the mass media is guaranteed. The right to protect a source of information in the mass media is guaranteed. Censorship is prohibited.

Moreover, The Constitution protects the privacy and freedom of communication: Article 17 states, "The freedom and secrecy of correspondence and other forms of communication is guaranteed. Only a court decision may deviate from the principle of inviolability of the secrecy of correspondence, if necessary for a criminal investigation or it is in the interests of the defense of the Republic."

However, in accordance with the Constitution the freedoms and rights of the individual and citizen can be restricted during states of war or emergency.

European Convention on Human Rights, ratified in 1997:

Pursuant to Article 118 of the Macedonian Constitution, the international agreements ratified in accordance with the Constitution become part of the national legal system and cannot be amended by law. Therefore, Article 10 of the ECHR is directly applicable in Macedonia. Article 10 prescribes extensive protection of the freedom of expression, including the protection of the source of information through the freedom to obtain and to transfer information or ideas, without the interference of public authorities and regardless of borders. According to the ECHR, the journalist enjoys full protection in terms of the reception and the transfer of information of public interest. Courts in no event may threaten the right of journalists to protect their sources, and an appropriate indicator in this regard includes the numerous judgments by the European Court of Human Rights in favor of journalists. However, the Convention does not provide absolute right not to disclose the source. The conditions when this right may be restricted are specifically indicated.

Law on Media 2013

The Law on Media was enacted in order to “regulate the basic principles and conditions to be fulfilled by media publishers.”²¹ After the original draft legislation was disputed, the law was further revised and the Law on Audiovisual Media Services was removed and made into its own law. The law lists a series of 15 fines that can be placed against media outlets, with the largest fines administered if outlets fail to produce ownership information or print indecent material for minors.²²

The Law on Media exhaustively states which outlets are considered as media and in accordance with the law, the internet web-portals are not considered as media.

Law on Audiovisual Media Services 2013

The Law changed the Broadcasting Council into Agency for Audio and Audiovisual Media Services (AVMS).

2014 Amendments to Law on Media and Law on Audiovisual Media Services

Responding to criticisms and international pressure, the 2014 amendment to the Media Laws exempted online media outlets from regulation and reduced regulations placed upon print media.²³ An amendment was added to the Law on Audiovisual Media Services stating that regulations to media content must be in alignment with the European Court of human Rights.²⁴

Law of Civil Liability for Insult and Defamation 2012: Criminal defamation was removed from the penal code and replaced with the Law of Civil Liability for Insult and Defamation. AJM notes significant changes following the adoption of the Law, with 700 cases of defamation being dropped immediately.²⁵ but change to civil defamation law authorized fines.

Penal Code 1996

In February 2014, the Republic of Macedonia enacted new legal provisions prohibiting and punishing hate speech and dissemination of online materials that promote or incite hatred, discrimination or violence on any ground, against any person or group. With the amendments to the Criminal Code that were immediately adopted by the Assembly in early 2014 and came into force in mid-February (eight days after being published in the Official Gazette of the Republic of Macedonia, No. 27 from 05.02.2014) Article 319 now reads:

Inciting hatred, discord or intolerance on a national, racial, religious or any other discriminatory ground

(1) Any person using force, harassment, endangering safety, derision of national, ethnic, religious and other symbols, by burning, destroying or otherwise damaging the Macedonian flag or flags of other countries, damaging someone else's items, desecrating monuments, tombs or in any other discriminatory manner, directly or indirectly, causes or incites hatred, discord or intolerance based on gender, race, skin color, descent, belonging to a marginalized group, ethnicity, language, nationality, social origin, religion or belief, other kinds of beliefs, education, political affiliation, personal or social status, mental or physical disability, age, familial or marital status, economic status, health condition, or based on any other grounds stipulated by law or with a ratified international agreement, shall be sentenced to 1 to 5 years in prison.

(2) A person who commits an act referred to in paragraph (1) of this Article by abusing position or authority, or if this person's actions were the reason for riots and violence or large scale property damage, shall be sentenced to one to ten years in prison.

This article stipulates a one to five years prison sentence for anyone who instigates or incites hatred, discord or intolerance on a discriminatory basis.

After the amendments to the Criminal Code, Article 394 –g now reads:

Dissemination of racist and xenophobic material through a computer system

(1) A person who is using a computer system for spreading in public racist and xenophobic material, picture or another presentation of an idea or theory that helps, promotes or incites hatred, discrimination or violence against any person or group based on gender, race, skin color, descent, belonging to a marginalized group, ethnicity, language, nationality, social origin, religion or belief, other kinds of beliefs, education, political affiliation, personal or social status, mental or physical disability, age, familial or marital status, economic status, health condition, or based on any other grounds stipulated by law or with a ratified international agreement, shall be sentenced to 1 to 5 years in prison.

(2) The sentence referred to in paragraph (1) of this Article shall also apply to a person committing this act by using other means for informing the public.

(3) A person who commits an act referred to in paragraphs (1) and (2) of this Article by abusing position or authority, or if this person's actions were the reason for riots and violence or large scale property damage, shall be sentenced to one to ten years in prison. The Assembly adopted these amendments using urgent procedure, without any prior consultation with all the stakeholders.²⁶

Law on Free Access to Public Information:

The law is meant to allow all legal individuals living in Macedonia the right to obtain information from government authorities. The framework of requesting access to information allows many requests to go unfulfilled. According to the law, requests for information must be responded to within 10 days and information to be provided within 30 days.²⁷ Unfortunately, the law fails to provide any rights to the individuals requesting the information which has allowed for numerous requests to be flat out ignored. The vagueness of in the law of what public information is that individuals have a right to request further inhibits access to information.²⁸

Law on Personal Data Protection 2005:

The Law on Protection of Personal Data, adopted in 2005, defines the ways in which citizens' personal data is collected, when the collection and storage of personal data is allowed and when it is not, it defines categories of personal data based on sensitivity, and also measures to protect them from illicit processing. Generally, citizens' personal data may only be processed with the express consent, except in cases of great importance for the security of the country.²⁹

Law on Electronic Communications 2014:

The law implemented the EU regulatory framework for telecommunications from 2003.³⁰ The law also serves as the regulator of the relationship between government agencies and the telecommunication companies.

An amendment to the previous version of the Law on Electronic Communications from 2005, in 2010 authorized the Macedonian government to use surveillance without warrants and require companies to establish backdoor access into data.³¹ Macedonia's Constitutional Court struck down the amendment, forcing all surveillance to be in accordance with the Law on Communications Interception.³² However, contrary to the decision of the Constitutional Court, in 2012 the Assembly returned these stipulations into the law.

Law on Communications Interception 2006:

The law outlines the procedure for intercepting, using, and storing data.³³ The law states that the Macedonian Court can issue an authorization for intercepting communications in the cases that threaten the country. These cases include; "preparations of criminal

acts against the state, criminal acts against the armed forces and against international law and humanity... encouragement, organization or participation in armed attack against the Republic of Macedonia, or incapacitating its security sector.”³⁴ The procedural authority of the Law enables both the Ministers of Interior and Defense to request access from the Public Prosecutor and the Public Prosecutor then requests approval from a High Court Judge.³⁵

With advances in technology, the Law was amended to include the new mediums of communication like Skype, Viber, and WhatsApp.³⁶ Further amendments were made in 2012 broadening the guidelines for interception and surveillance. Interception of communication was no longer solely allowable through written court order, but could be approved with verbal authorization in urgent cases. New amendments further authorized the Financial Police, Public Prosecutor and Customs Office to carry out interceptions and greatly expanded the time government agencies were allowed to carry out surveillance.³⁷ These vast expansions open the door for potential government abuses.

Law on Concessions 2005: The law allows the government to grant broadcasting licenses without putting them up to public competition.³⁸

Law on Broadcasting Activity 1997:

The law was the first enacted in Macedonia concerning the media. Before the law, numerous government officials regarded media legislation as unnecessary because they believed all relevant information had already been laid out in the 1991 Constitution.³⁹ The law created the Broadcasting Council as a media regulating body with independent authority from the government. The Council’s independent stance from the government was hampered by its ability to only provide opinions and proposals on major issues, with the government holding power to make final decisions.⁴⁰

Law on Criminal Procedure 1997:

The law was amended in 2004 to introduce communication interception methods for criminal investigations. In 2010, these interception methods were expanded to include electronic communications methods. The law also requires the Public Prosecutor to submit an annual report to the Parliament to detail the costs, statistics, uses and results of interception.⁴¹

Law on Copyright and Related Rights 2010:

In case of publishing a photograph, audio-visual work, artistic work, written work, music work or any other works, the author and the source from where the work was re-published (hyperlink or similar) must be stated.⁴²

6.2 Litigation

Constitutional Court Rejection of complaint by journalists ejected from legislative chamber (April 2014)

2014 Defamation Case P4 30/13a:

Macedonian Newspaper, *Fokus*, published an article in 2013 quoting the former Macedonian Ambassador to the Czech Republic, Igor Ilievski, as resigning from his ambassadorship because of the activities of the Macedonian Security and Counter-Intelligence Directorate (UBK) and its director, Sasho Mijalkov in the country.⁴³ The journalist and editor-in-chief from *Fokus*, Vlado Apostolov and Jadranka Kostova, as well as Igor Ilievski were ordered to pay damages and legal costs for the defamation case. Even though the rulings on the case is directly against the COE rules, however the Appellate Court confirmed the verdict.

2013 Defamation Case P4 57/13a:

After being fired from her job at Kanal 5 TV, Vesna Kovacevska Trpcevska accused her employer of firing her due to pressure from political leaders and that the cabinet of the Prime Minister was leading the content of Kanal 5 TV.⁴⁴ Kanal 5 sued Trpcevska and the court found her guilty of defamation, ordering her to pay damages.

Milenko Nedelkovski vs Zharko Trajanoski Defamation Case:

Zharko Trajanoski, a human rights activist, has been accused of defamation by Milenko Nedelkovski, a vocal supporter of the government, who has several times advocated the murder of the ruling Party critics (especially journalists and civil-society activists). Five years after the case first began, Macedonia's judiciary has finally rejected the appeal by the activist.

In 2010, Trajanoski, called Nedelkovski a “media charlatan,” criticizing the TV show host's tendency to praise ethnic and religious discrimination, sexual harassment, and homophobia on his show and online, where he mixes local political propaganda with conspiracy theories, off-road driving, and old YouTube videos about unsolved mysteries, like UFOs.

In November 2012, Macedonia decriminalized defamation, moving it from criminal to civil courts, though steep fines are still possible. Despite this reform, the case against Trajanoski went ahead, and he was sentenced in 2014.

More than a year later, Nedelkovski's public behavior hasn't changed. In March 2015, he earned condemnations from both the OSCE and Council of Media Ethics of Macedonia for continuing his “negative practice of hate speech.”

Nedelkovski although didn't deny using hate speech, arguing instead that “traitors” deserve hate, still enjoys impunity while calling for liquidation of people who disagree with him.⁴⁵

Tomislav Kezarovski:

Tomislav Kezarovski was convicted on dubious charges of revealing the identity of a protected witness in a murder case; the charges were linked to an article he had written about police corruption. Kezarovski received a prison sentence of four and a half years, but was transferred to house arrest after a short period behind bars. In January 2015, an appeals court reduced his sentence to two years and ordered that he serve the remaining four months in prison. Kezarovski was consequently transferred back to prison, but days later he was granted conditional release following domestic and international pressure.⁴⁶

Velija Ramkovski:

Ramkovski was a media mogul in Macedonia, who owned the independent TV station A1 which was shut down in 2011 following tax evasion charges. A1's troubles started late 2010, when police and tax inspectors raided the station's premises. Its accounts were frozen by Macedonian officials on 27 January 2011, and several A1 vehicles were confiscated by the tax office.

Also three newspapers – Shpic, Vreme and Koha e re – owned by Ramkovski, had to close down in early July due to unpaid taxes demanded by the government. Together, the news outlets had been ordered to pay more than €10 million in back taxes. An installment payment plan was rejected by the Public Revenue Office.⁴⁷

Various relevant international institutions and media bodies have expressed serious concerns for the media freedom and for the silencing of the independent media which are critical of the government.

Zoran Bozinovski:

Macedonian journalist Zoran Bozinovski, who has been in pre-trial detention for more than five months in Skopje, after his extradition from Serbia where he had spent another 18 months detained, currently is awaiting trial on espionage charges.

Bozinovski runs the tabloid-style web portal Burevesnik.org, famous for publishing leaked information that implicated prominent members of the Macedonian political elite in a variety of misdeeds. In 2012 the Macedonian government launched a court case code-named "Spy" accusing about 20 people, including Bozinovski and other government critics and whistle-blowers, of spying on behalf of EU members Greece and Hungary (Macedonia is a candidate for EU membership).

Most of the suspects in this case had already been found guilty by the Criminal Court and their case is currently expecting a decision from the Court of Appeals. However, as Bozinovski lived abroad at the time, a separate trial was set for him within the Criminal Court.

Bozinovski was arrested and jailed on an Interpol warrant in 2013 in Serbia, but released after 300 days while Macedonian authorities made a case for his extradition. He was finally extradited to Macedonia in April 2016.⁴⁸

7 Information Campaigns and Internet Activism

- Advocacy work on IF
 - Topics of activism, activist networks and campaign
 - Mediums: social media, journalism, blogs, etc
- Government Response
- Opportunities for additional/alternative advocacy

Lobbying for Decriminalization of Defamation: AJM successfully lobbied the Macedonian government in November of 2012, after a year of efforts, to decriminalize defamation and enact the Law on Civil Liability of Defamation and Insult.⁴⁹

Law on Media Draft: The Macedonian Government released a draft of proposed legislation on media in April of 2013. The Association of Journalists in Macedonia (AJM), Macedonian Institute for Media (MIM), Metamorphosis, Media Development Center (MDC), and numerous other domestic, and international organizations such as European Digital Rights - EDRI met the draft with skepticism and calls for edits in order to exclude online media from control of the Agency for Audio and Audiovisual Media Services. Series of public debates and journalist engagements around the country that helped lead to the draft legislation being rewritten into two separate laws, Law on Media and the Law on Audiovisual Media Services.⁵⁰

Besides the regulatory framework, the civil society promotes the concept of self-regulation in the media.

Media Ethics Council: The Media Ethics Council opened its office in January of 2015. The Council is a self-regulating body that promotes and protects professional standards of ethics in the media in Macedonia, through application of moral sanctions on those who do not observe the professional standards and the Code of Journalists.

Campaigns against hate speech: Macedonian civil society organizations are actively working on the field of preventing and identifying of particular hate speech cases, and moreover on education and increasing public awareness on hate speech aspects.

One of the projects implemented by Macedonian think tank Metamorphosis encompassed activities aiming at capacity building of civil activists and teachers for recognizing and opposing of separate cases of hate speech on Internet through providing educative tools and trainings and establishment of a platform for networking and initiating activities for advocacy and for raising public awareness.

Furthermore, the Macedonian Helsinki Committee for Human Rights established an online platform against hate speech for identifying and mapping of hate speech. The purpose of the platform is to gather information about the hate speech in the public sphere and the media, and also to motivate the citizens to report the hate speech cases.

Failure to Protect Citizens' Personal Data: In February of 2016, blogger Kalina Zografka revealed a failure of the Macedonian government to protect citizen data in its voter registry. The State Election Commissioner (SEC) used a simplistic URL format to allow voters to check their registration and information. The simplistic URL format provides little protection to voter information, leaving large amounts of personal data readily available for the taking on Macedonian Citizens.⁵¹ The Law on Personal Data Protection requires that the government take all measures to ensure the protection of citizen data and its current registry format was a complete failure. The activism of Zografka publically identified the government's error and aided in fixing the process.

¹ <https://rsf.org/en/macedonia>

² *ibid*

³ http://www.coe.int/en/web/media-freedom/all-alerts?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-4&p_p_col_count=1&_sojdashboard_WAR_coesojportlet_mvcPath=%2Fhtml%2Fdashboard%2Fsearch_results.jsp&_sojdashboard_WAR_coesojportlet_yearOfIncident=0&_sojdashboard_WAR_coesojportlet_selectedCategories=11709590&_sojdashboard_WAR_coesojportlet_fulltext=1

⁴ <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>

⁵ "Internet Users (per 100 People) | Data," n.d. <http://data.worldbank.org/indicator/IT.NET.USER.P2?locations=MK>.

⁶ "ITU | 2015 Global ICT Development Index," <http://www.itu.int/net4/ITU-D/idi/2015/#idi2015countrycard-tab&MKD>.

⁷ "European Digital Landscape 2014." *We Are Social*

http://147.102.16.219/demo1/attachments/124_european%20digital%20landscape%202014.pdf.

⁸ "Usage of information and communication technologies in households and by individuals", 2015, Report by State Statistical Office <http://www.stat.gov.mk/pdf/2015/8.1.15.31.pdf>

⁹ Group of authors, "Hate speech in online media in South East Europe", Albanian Media Institute 2014, pg 101, <http://www.institutemedia.org/Documents/PDF/Hate%20speech%20in%20online%20media%20in%20SEE.pdf>

¹⁰ "European Digital Landscape 2014." *We Are Social*,

http://147.102.16.219/demo1/attachments/124_european%20digital%20landscape%202014.pdf.

¹¹ "Fresh Air and Free Internet" in Rural Macedonia." Text/HTML. *World Bank*,

<http://www.worldbank.org/en/news/feature/2014/07/23/fresh-air-free-internet-in-rural-macedonia>.

¹² Census of population, households and dwellings in the Republic of Macedonia, 2002 - book xiii

¹³ "ITU | 2015 Global ICT Development Index," <http://www.itu.int/net4/ITU-D/idi/2015/#idi2015countrycard-tab&MKD>.

¹⁴ "Macedonia - Telecoms, Mobile, Broadband and Digital Media - Statistics and Analyses - BuddeComm,"

<https://www.budde.com.au/Research/Macedonia-Telecoms-Mobile-Broadband-and-Digital-Media-Statistics-and-Analyses>.

¹⁵ "ITU | 2015 Global ICT Development Index," <http://www.itu.int/net4/ITU-D/idi/2015/#idi2015countrycard-tab&MKD>.

¹⁶ "ITU | 2015 Global ICT Development Index," <http://www.itu.int/net4/ITU-D/idi/2015/#idi2015countrycard-tab&MKD>.

¹⁷ "European Digital Landscape 2014." *We Are Social*,

http://147.102.16.219/demo1/attachments/124_european%20digital%20landscape%202014.pdf.

¹⁸ "ITU | 2015 Global ICT Development Index," <http://www.itu.int/net4/ITU-D/idi/2015/#idi2015countrycard-tab&MKD>.

¹⁹ <https://europeanwesternbalkans.com/2016/07/20/what-the-parties-agreed-to-new-editor-at-mtv-ad-hoc-body-for-the-media-and-support-for-the-spo/>

²⁰ http://procon.bg/system/files/3204_macedonia.pdf

²¹ "Law on Media," n.d. http://88.85.99.70/index.php?option=com_content&view=article&id=1178%3A2014-01-24-10-03-48&catid=150%3A2014-01-15-12-01-55&lang=en.

²² Blazeva, Ana, Viktorija Borovska, Kalina Lechevska, and Jordan Shishovski. "Policy Study: Freedom of Expression, Association and Entrepreneurship in a Captured State: Macedonia 2015." *Institute of Social Sciences and Humanities: Skopje*, n.d.

<http://isshs.edu.mk/documents/Studija-eng-WEB.pdf>.

²³ "Macedonia | Country Report | Freedom of the Press | 2016," <https://freedomhouse.org/report/freedom-press/2016/macedonia>.

-
- ²⁴ Blazeva, Ana, Viktorija Borovska, Kalina Lechevska, and Jordan Shishovski. "Policy Study: Freedom of Expression, Association and Entrepreneurship in a Captured State: Macedonia 2015." *Institute of Social Sciences and Humanities: Skopje*, n.d. <http://isshs.edu.mk/documents/Studija-eng-WEB.pdf>.
- ²⁵ "Summary of Media Situation in Macedonia." *Association of Journalists of Macedonia*, November 2014. <http://www.znm.org.mk/drupal-7.7/sites/default/files/Summary%20of%20the%20Media%20Situation%20in%20Macedonia%20November%202014.pdf>.
- ²⁶ <http://factchecking.mk/hate-speech-is-considered-a-crime-in-the-republic-of-macedonia/>
- ²⁷ Iloska, Aleksandra. "Common Media Pressing Issues in Six SEE Countries (Macedonia)." [http://integrityobservers.eu/UserDocsImages/PSD_CMPISS_web\[1\].pdf](http://integrityobservers.eu/UserDocsImages/PSD_CMPISS_web[1].pdf).
- ²⁸ Iloska, Aleksandra. "Common Media Pressing Issues in Six SEE Countries (Macedonia)." [http://integrityobservers.eu/UserDocsImages/PSD_CMPISS_web\[1\].pdf](http://integrityobservers.eu/UserDocsImages/PSD_CMPISS_web[1].pdf).
- ²⁹ <http://privatnost.mk/en/legal-framework-for-privacy/>
- ³⁰ "Strategies for the Promotion of Broadband Services and Infrastructure: A Case Study of TFYR Macedonia." *ITU: Broadband Commission for Digital Development*. Accessed August 18, 2016. https://www.itu.int/ITU-D/treg/broadband/BB_MDG_Macedonia_BBCOM.pdf.
- ³¹ Belicanec, Roberto, and Zoran Rieliev. "Mapping Digital Media: Macedonia." *Open Society Foundations*, June 5, 2012. <https://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-macedonia-20120625.pdf>.
- ³² "Macedonia: Government Failed in Its Attempt to Eavesdrop without a Court Order." *Metamorphosis*, December 16, 2010. http://metamorphosis.org.mk/en/arhiva_arhiva/macedonia-government-failed-in-its-attempt-to-eavesdrop-without-a-court-order/.
- ³³ Bogdanovski, Andreja, and Magdalena Lembovska. "Communications Interception Oversight in Macedonia – Making the Impossible Possible" http://www.academia.edu/19765522/_Communications_interception_oversight_in_Macedonia_Making_the_Impossible_Possible_.
- ³⁴ Bogdanovski, Andreja, and Magdalena Lembovska. "Communications Interception Oversight in Macedonia – Making the Impossible Possible" http://www.academia.edu/19765522/_Communications_interception_oversight_in_Macedonia_Making_the_Impossible_Possible_.
- ³⁵ Bogdanovski, Andreja, and Magdalena Lembovska. "Communications Interception Oversight in Macedonia – Making the Impossible Possible," n.d. http://www.academia.edu/19765522/_Communications_interception_oversight_in_Macedonia_Making_the_Impossible_Possible_.
- ³⁶ Bogdanovski, Andreja, and Magdalena Lembovska. "Communications Interception Oversight in Macedonia – Making the Impossible Possible," n.d. http://www.academia.edu/19765522/_Communications_interception_oversight_in_Macedonia_Making_the_Impossible_Possible_.
- ³⁷ Bogdanovski, Andreja, and Magdalena Lembovska. "Communications Interception Oversight in Macedonia – Making the Impossible Possible," n.d. http://www.academia.edu/19765522/_Communications_interception_oversight_in_Macedonia_Making_the_Impossible_Possible_.
- ³⁸ "Television across Europe: Regulation, Policy & Independence (Republic of Macedonia)." *Open Society*, n.d. https://www.itu.int/ITU-D/tech/OLD_TND_WEBSITE/digital-broadcasting_OLD/Bulgaria_Assistance_Transition/Macedonia/media-mac1.pdf.
- ³⁹ "Media Integrity Matters – Book of the SEE Media Observatory." *Media Observatory*, n.d. <http://mediaobservatory.net/radar/media-integrity-matters-%E2%80%93-book-see-media-observatory>.
- ⁴⁰ "Television across Europe: Regulation, Policy & Independence (Republic of Macedonia)." *Open Society*, n.d. https://www.itu.int/ITU-D/tech/OLD_TND_WEBSITE/digital-broadcasting_OLD/Bulgaria_Assistance_Transition/Macedonia/media-mac1.pdf.
- ⁴¹ Bogdanovski, Andreja, and Magdalena Lembovska. "Communications Interception Oversight in Macedonia – Making the Impossible Possible," n.d. http://www.academia.edu/19765522/_Communications_interception_oversight_in_Macedonia_Making_the_Impossible_Possible_.
- ⁴² "Analysis: Macedonia in the digital age – between the rights and responsibilities while communicating on Internet", Macedonian Institute for Media
- ⁴³ "FYROM Macedonia | Defamation Laws." <http://legaldb.freemedia.at/legal-database/fyrommacedonia/>.
- ⁴⁴ "FYROM Macedonia | Defamation Laws." <http://legaldb.freemedia.at/legal-database/fyrommacedonia/>.
- ⁴⁵ <https://globalvoices.org/2016/02/29/macedonian-court-rejects-appeal-by-activist-sentenced-for-defaming-pro-government-tv-host/>
- ⁴⁶ <https://freedomhouse.org/report/freedom-press/2016/macedonia>
- ⁴⁷ "Media freedom under attack in Macedonia" Norwegian Helsinki Committee <http://www.nhc.no/no/nyheter/Media+freedom+under+attack+in+Macedonia.9UFRzS3Y.ips>
- ⁴⁸ <https://globalvoices.org/2016/10/03/macedonian-journalist-bozinovski-continues-hunger-strike-in-face-of-trial-postponement/>
- ⁴⁹ "Summary of Media Situation in Macedonia." *Association of Journalists of Macedonia*, November 2014. <http://www.znm.org.mk/drupal-7.7/sites/default/files/Summary%20of%20the%20Media%20Situation%20in%20Macedonia%20November%202014.pdf>.
- ⁵⁰ "Summary of Media Situation in Macedonia." *Association of Journalists of Macedonia*, November 2014. <http://www.znm.org.mk/drupal-7.7/sites/default/files/Summary%20of%20the%20Media%20Situation%20in%20Macedonia%20November%202014.pdf>.
- ⁵¹ "Global Voices Advocacy - A Blogger Exposes Personal Data Protection Flaw on Macedonia's Election Commission Website." *Global Voices Advocacy*, February 19, 2016. <https://advox.globalvoices.org/2016/02/19/a-blogger-exposes-personal-data-protection-flaw-on-macedonias-election-commission-website/>.