

**MACEDONIAN REGULATIONS AND
PRACTICE CONCERNING
“HATE SPEECH” AND POLITICAL
PROPAGANDA**

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Media Services of the Republic of
Macedonia**

Regulations.....

The Constitution of the Republic of Macedonia guarantees freedom of expression

The European Human Rights Convention - ratified in 1997

- ▶ **Law on Media**
- ▶ **Law on Audio and Audiovisual Media Services**
- ▶ **Law on Prevention and Protection against Discrimination**
- ▶ **Law on Civil Liability in Cases of Insult and Defamation**
- ▶ **Criminal Code**

The Law on Media...

- ▶ Prescribes the basic principles and conditions that are to be met on the part of the media publishers (broadcasters and print media) in performing their business activity;
- ▶ Prohibits publishing, i.e. airing of contents in the media that may jeopardize national safety; encourage violent destruction of the constitutional order of the Republic of Macedonia; call to military aggression or armed conflict; incite or spread discrimination, intolerance or hatred on the grounds of race, sex, religion or nationality;
- ▶ The prohibitions have to be in harmony with the practice of the European Court of Human Rights.

The Law on Audio and Audiovisual Media Services ...

- ▶ **Regulates the rules, obligations and liability of the broadcasters, providers of on-demand audiovisual media services and the operators of public electronic communication networks that transmit or retransmit programming services;**



- ▶ **Stipulates a specific prohibition, virtually similar in its content to that of the Law on Media; however, this one refers to the broadcasters and the providers of on-demand audiovisual media services.**

Criminal Code...

Six-months to five-years imprisonment sentences

- ▶ **Endangering one's safety on the grounds of belonging to a group or religious conviction – Article 144;**
- ▶ **Instigating national, racial and religious hatred, discord or intolerance - Article 319;**
- ▶ **Disseminating racist and xenophobic material – Article 394-d;**
- ▶ **Approving of or justifying genocide, crimes against humanity and war crimes – Article 407-a;**
- ▶ **Racial and other forms of discrimination - Article 417.**

Law on Prevention and Protection Against Discrimination ...

- ▶ Protection refers to all physical and legal entities (Article 2).
- ▶ Discrimination grounds (Article 3): sex, race, colour of the skin, gender, belonging to a marginalized group, ethnicity, language, citizenship, social background, religious confession or conviction, other kinds of conviction, education, political affiliation, personal or social status, mental or physical impairment, age, family or marital status, property status, health condition or any other grounds covered by law or by a ratified international agreement.
- ▶ The law is implemented by all state authorities, local governance authorities, legal entities performing public legal duties and legal and physical persons in a number of areas, including public information and media (Article 4).
- ▶ **Competent authority: Commission for Protection Against Discrimination**

Law on Civil Liability in Cases of Insult and Defamation...

Regulates liability for damage inflicted upon the honor and reputation of a physical or legal entity by means of insult or defamation.

For insult or defamation via the mass media

Held liable: the author of the statement (the journalist), the editor and the legal entity - the plaintiff decides whom to sue;

The damaged party has the right to refutation, reply or correction, within 7 days after having found out, but no later than 1 month from the date the insult or defamation was published;

The court proceeding is urgent;

The burden of proof is the duty of the plaintiff.

Competences of the Agency ...

In case of violating the provisions of the Laws and other acts, the director of the Agency may:

- adopt a decision (warning);
- file a request to initiate misdemeanor proceedings for the same insult in the course of the year.



**THERE ARE NO MEASURES
AGAINST INCITING HATRED
AND INTOLERANCE**

On the other hand, the Law grants the Agency jurisdiction to temporarily restrict the freedom of reception, i.e. retransmission of audio and audiovisual media services from other states, on the territory of the Republic of Macedonia, in case these programming services violate this provision gravely and seriously.

Initiatives...

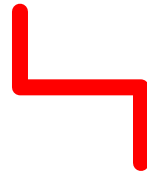
Trainings for media professionals to promote editorial culture and respect for human rights and freedoms in the media products.

In 2014, Guidelines were prepared for monitoring 'hate speech' content in the audiovisual media services.

With expert support as part of the IPA 2009 Project.

Guidelines for monitoring 'hate speech' content

How to recognize 'hate speech'



- What is the context of the expression or the message;
- Who was the person who stated it;
- Was there an intention for hate speech;
- What was the content of the expression;
- The scope and manner of disseminating the expression;
- Impact on the audience and their future actions.

Experiences

Under the previous laws that regulated radio and television broadcasting, the regulator had clearly defined competences to prevent 'hate speech' and a wider choice of measures – ranging from written warning to temporary restriction of the broadcasting.



A small number of cases: one part – upon citizens' complaints, another – found through monitoring.

No measures:

- a letter of warning to the media outlet;
- press release;
- requests for action from the Public Prosecutor and the Commission for Protection against Discrimination.

Experiences

**Milenko Nedelkovski Show - current affairs
information programme**

Kanal 5 and Kanal 5 Plus - national broadcasters

6 shows broadcasted in January and February 2016

Experiences

The theses in the shows are that homosexuality is:

- **Mental and physical illness, a disorder that needs to be treated medically and restricted by law;**
- **Contrary to the traditional values of our orthodox Christian religion, our people, our church; and supporting homosexuals or being one is shameful and contrary to the “traditional values”.**

Video clips

[Peder i bolni lugje](#)
[Vestacenje na zadnikot](#)

Experiences

- ▶ **Hate speech can be concealed in expressions that seem at first sight as reasonable or normal – “liberal”, “European values”, “I was glad to”, “I praised him/her ”....**
- ▶ **The expressions do not contain direct call to acts of hate, but do constitute serious prejudiced claims.**
- ▶ **There is a perceptible intention to put down the persons whom the author perceives as political opponents.**

Experiences

Prime time news- 29.08.2016

[“Football fans tell Zoran Zaev not to come to Macedonian games”](#)

TV Sitel - national broadcaster

Measures and reactions.....

- ▶ **A warning sent against homophobia and hate speech on the grounds of sexual orientation, as well as a request to the Commission for Protection against Discrimination to undertake measures (still no reply)**
- ▶ **Written notification regarding obligation to respect programming principles**
- ▶ **Reactions following the Agency's Report:**
 - **by public: condemnation of the author and the media outlet, and positive commentaries**
 - **by author and broadcaster attempt for exercising pressure on the regulator**

Thank you

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