



SELF-REGULATION OR REGULATION OF INTERNET MEDIA IN MACEDONIA

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1. INTRODUCTION

The Internet space and the Internet media in Macedonia, from 2008 to 2017, turned into an alternative public sphere which was perceived to be one of the few "slaps" in which many suppressed marginalized, neutral and critical voices managed to break through and come to the fore. This rise of the Internet sphere was some kind of a "reflection" to the political environment in which political centers of power dominated most of the traditional mainstream media.

The rise of the amount of information and the channels for their spreading, as well as the number of online media, undoubtedly opened up more opportunities for freedom of expression at a time when Macedonian journalism sank on the international rating lists for media freedom. However, this explosion of information and media has brought many challenges to professional journalism - from the worrying degradation of ethical standards to more legal dilemmas.

The key challenge facing the media scene in Macedonia is how ethical and professional principles that apply to traditional media could be also applied to the Internet media, which are becoming a growing source of information for the public. This is especially important given the socio-political context in which the media industry in Macedonia has been functioning in the past decade, when political centers of power have been aggressively trying to impose their control over the online media. This has resulted in the spread of some extreme phenomena in the society, such as hate speech, discrimination on various grounds, nationalism, false news and propaganda, but also unfair competition among the media, traditional or online, which observe the professional and business rules.

The trend of communication progress on the social networks takes place in parallel. Many actors - individuals, civic activists, politicians, and even political subjects and institutions - realized the power and potentials of social networks and began to intensively use them in the processes of public opinion creation.

"While new media encourage people to bring out what they have in mind, democracy still requires independent journalists working to provide credible and impartial news and analysis," Dunja Mijatovic, a former OSCE Media Freedom Representative said.¹

It is precisely for the purpose of providing reliable and independent information on the Internet and, at the very least, reducing the frequency of abuses and extreme phenomena that continually pollute the Internet space in Macedonia, a dilemma is raising: Is there a need of legal remedies that will regulate the operation of the Internet – media? Or, can professional issues be resolved within the profession itself through the existing self-regulatory mechanisms?

This analysis will describe the legal postulates and ethical standards that apply to the Internet media and will identify some of the problems faced by online journalism in Macedonia; it will provide a brief overview of some standards and recommendations from relevant international

¹Hulin, A. and Stone, M., (ed.) *The Online Media Self-regulation Guidebook*, OSCE, Vienna, 2013. Available at: <http://www.osce.org/mk/fom/316166?download=true>.

bodies and offer examples of mechanisms in the international practice to deal with ethical and professional issues of the online media.

2. THE INTERNET AS A GROWING SOURCE OF INFORMATION IN MACEDONIA

The basis for rapidly evolving development of the information society, which has stimulated the use of digital technologies in Macedonia - from the individual through the institutional to the corporate level, is enabled with the low-cost technology, good infrastructure coverage and the easy access by users.

In 2016, in Macedonia, 75% of households had access to the Internet, and approximately - 72%, were Internet users in the age group of 15 to 74 years. The percentage of business entities with 10 or more employees was 94% high.² Almost all public and educational institutions have access to the Internet.

As result of these factors, the number of Internet media and the frequency of online communication increases. Studies show that the Internet and Internet media are becoming a growing source of information for the public in Macedonia, although television still holds the primacy. According to the IRI poll³, the Internet and websites in 2016 were on a second place as a source of political news for the audience with 37%, which is twice as much from 2014 (19%). The research conducted within the framework of the international project Infocore⁴ confirms a similar trend, according to which in 2016, after television, as the first source of information (74.5%), conversations followed with different people (relatives, friends, etc. with 57%), and then news and comments written by friends on social networks (41%), informative websites, including news aggregators (31.5%) and news from links accessed by the users on social networks (31.3%).⁵

Additionally, the number of Facebook profiles in Macedonia reaches over 1 million, of which individual users are probably half a million⁶. Researchers estimate that there are between 200-300 different aggregators of news that can reach over 10,000 readers, "but most of them are engaged in entertainment, and maybe only a tenth (20-30) are more seriously and structurally engaged in independent production of content related to political, economic, educational and other problems of public interest ... "⁷ As an illustration, the most popular news aggregator in Macedonia Time.mk includes about 130 media on the Internet (this also includes electronic

²State Statistics Bureau of the Republic of Macedonia, Statistics by areas – information society: key indicators for 2016. Available at: <http://www.stat.gov.mk/OblastOpsto.aspx?id=27>.

³ Center for insights in survey research, "Survey of Macedonian Public Opinion", April 19-25 2016, IRI. Available at: http://www.iri.org/sites/default/files/wysiwyg/iri_macedonia_survey_april_2016_0.pdf. page 51.

⁴Presentation at the conference of the **INFOCORE**, held in Ohrid, 4 July 2016, within the Project „INFOCORE- Informing Conflict Prevention, Response and Resolution: The role of Media in Violent Conflict“.

⁵ Ibid.

⁶Saracini, P., (Ed) etall, *Macedonia in the digital age – between the rights and responsibilities in the Internet communication*, MIM, Skopje, 2015. Available at:

http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf. Page 11.

⁷Ibid, page 12

editions of traditional and national internet media) as sources of news in Macedonian language, and 41 internet media outlets in Albanian.⁸

The development of information and communication technologies has significantly affected the media eco-systems on a global scale. That meant significant changes in the way the traditional media were functioning, their economic models and professional standards. Global trends spill over to local media systems, and the media landscape in Macedonia has significantly changed.

Regardless of the fact that they do not have such an impact as the television, and regardless of the quality of the content they distribute, in a situation in Macedonia when a large number of newspapers were shut down, several online media with an informative content try, more or less successfully, to fill in the released space. The competition created by the Internet media is already a reality, and they should be inevitably seen, at the present or in the future, as relevant actors on the media scene. This entails a duty to act responsibly towards their audience.

3. LEGAL FRAMEWORK AND INTERNET MEDIA

In Macedonia, Internet media are neither defined nor covered by media laws - the Law on Media and the Law on Audio and Audiovisual Media Services. However, in dozens of different laws that do not strictly apply to the media field, there are several provisions that indirectly regulate the operation and conduct of the Internet media, the content production and their distribution to the audience online.

The legal framework that regulates the media field⁹ in Macedonia does not contain explicit provisions that refer to internet media which are created and exist exclusively on the Internet. Subject of the Law on Media (2013) are media publishers, and media are defined as "means for public informing, such as newspapers, magazines, programs on radio and television, teletext and other means for daily or periodical publishing of editorial content in writing, sound or image in order to inform and meet the cultural, educational and other needs of the general public "(Article 2).¹⁰ The Law on Audio and Audiovisual Media Services (2013) does not either cover the internet media, by emphasizing that the search engines or electronic versions of newspapers and magazines are not in its scope (Article 3, paragraph 1).

Due to the fact that the national internet media are not included in the media regulations, the amendments of the *Electoral Code* (2016)¹¹ made prior to the parliamentary elections in 2016 were controversial and in the part related to the media coverage of the election campaign (article 75), beside traditional electronic, i.e. Internet media are also included.

Following these changes, the Agency for Audio and Audiovisual Media Services was imposed a legal obligation to monitor election media coverage and program service of broadcasters and

⁸ Webpage of the Internet aggregator of news Time.mk. Available at: <http://www.time.mk/s/all>.

⁹ Law on Media (2013) and Law on Audio and Audiovisual Media Services (2013). Available at: www.avmu.mk.

¹⁰ Law on Media (2013), article 2. Available at: www.avmu.mk.

¹¹ Election Code (2016), (refined text). Available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zM2lkMkZERFo0NXc/view>.

electronic media (internet portals) in Macedonia from the day of announcing the elections to the day of voting (Article 76-c), to initiate a misdemeanor procedure against them if they fail to act in accordance with the Electoral Code (Article 76-c, paragraph 3), and penalties for electronic media (internet portals) are provided if they do not inform about the elections in a fair, balanced and impartial manner, if they do not provide conditions for equal access to all participants in the campaign, if they fund or donate sources to political parties, etc. (Art. 181 a).

The Agency was to adopt a Methodology for Monitoring of the electoral media coverage of radio and television program services and electronic media (Internet portals) during the election process (Article 76-c, paragraph 8). However, the regulatory body decided not to monitor the internet portals in the election campaign, stating that "the Code does not define the term 'internet portals' or its scope, and such a definition is not found in other laws.¹² According to the Agency, there is no register of internet portals, and some of the legal entities that should be included in this category in the Central Registry are registered under another activity, such as citizen associations or news agencies. The regulator argued that there are no examples of monitoring the internet media content by regulatory bodies in the European regulatory practice.¹³

However, the Internet media are not excluded from the legislation, especially in relation to the content they create and distribute to the audience. The analysis "Macedonia in the digital age - between rights and responsibilities in the Internet communication" provides an overview of the legislation covering the online media.¹⁴ The provisions relating to some sensitive issues, such as *hate speech, defamation, insult, copyright, privacy, juvenile protection, etc.* are equally valid and applicable to both traditional and online media, which are in fact European standards.

Thus, the *Criminal Code* (1996) sanctions incitement of violent change of the constitutional order (Article 318), hate speech and discrimination (Article 319 and Article 417), provides punishment against a person who will publicly deny, roughly minimize, approve or justify genocide, crimes against humanity or war crimes by using the information system (Article 407-a) and prohibits the spread of racist and xenophobic material through a computer system (Article 394-d).¹⁵

The Law on Civil Liability for Insult and Defamation (2012)¹⁶, in turn, includes the Internet media (editorial-based program content that is published as content for the general public)

¹² AAVMS, „*Opinion of the Agency about its duty to monitor the electoral media coverage by the Internet portals*“, AAVMS, Skopje, 2016. Available at: http://avmu.mk/images/Stav_na_Agencijata.pdf.

¹³ Ibid.

¹⁴ Saracini, P., (ed.) et al, *Macedonia in the digital age – between the rights and responsibilities in the Internet communication*, MIM, Skopje, 2015. Available at:

http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf

¹⁵ Criminal Code of the Republic of Macedonia (1996). Available at:

<http://www.pravda.gov.mk/documents/KRIVICEN%20ZAKONIK%20precisten%20%20tekst.pdf>.

¹⁶ Law on Civil Liability for Insult and Defamation (2012). Available at: <http://bit.ly/2vS37SY>.

through which insult or slander can be made (art. 6 and Article 8). The rights to react, deny, reply and correction, as well as compensation for damages apply to them as well (Articles 13-16).

A particularly important law for the Macedonian Internet context is the *Law on Copyright and Related Rights*, according to which legal entities, such as internet portals, can be considered copyright works. Therefore, they have an obligation, whenever downloading any material from other sources, to indicate the author from whom they download the content.¹⁷

This includes the *Law on Personal Data Protection*, which is being handled by the Directorate for Personal Data Protection, which, at the request of citizens, reacted in cases of publishing photographs without the consent of persons, publication of other personal data, identity theft, password abuse and creation of false profiles on the Internet¹⁸. According to this Law, it is forbidden to post photographs on internet portals without prior consent, then downloading of photos from *Facebook* and publishing on internet portals, and if photos of juveniles are published permission from parents is required. The Directorate has the authority to erase false profiles on social networks. It responds to citizen complaints, most of which related to the abuse of personal data on social networks and internet portals.¹⁹

About ten laws, including the *Law on Free Access to Public Information*, the *Law on Protection against Discrimination*, the *Law on Labor Relations* and the *Law on Archive Material*, show that the sphere of internet media is not unregulated as it seems at first glance. On the contrary, many provisions scattered across all of the mentioned laws regulate various aspects of the work, creation and distribution of content by the internet media.

The unprofessional and unethical work of the Internet media is, partially, allowed by the non-application of these, already existing, laws in practice and is due to the inertia of the competent institutions in the processing, as well as in the sanctioning of certain occurrences, such as hate speech, for example. Research on the laws that cover the internet media also suggest that "Macedonia has sufficiently good legislation, which is applicable in the internet sphere, and there is no need of additional regulation of the Internet communication."²⁰

Therefore, before opening the debate on the need of any additional regulation of the Internet media, the recommendations are that it is first necessary to non-selectively, fairly and proportionally implement the existing laws to all actors in the public communication²¹ in order to protect human rights and dignity, both in the online and traditional media.

4. THE ETHICAL STANDARDS AND THE INTERNET MEDIA– WHAT ARE THE CHALLENGES IN PRACTICE?

¹⁷ Saracini, P., (ed.) et al, *Macedonia in the digital age – between the rights and responsibilities in the Internet communication*, MIM, Skopje, 2015. Available at: http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf, page 27

¹⁸ Ibid. page 24.

¹⁹ Ibid.

²⁰ Ibid. page 44.

²¹ Ibid.

The amount of available and accessible information on the Internet increases information and knowledge on the one hand, but determining of accuracy and reliability of that information proved to be a great challenge, on the other hand. The digital environment brought about such novelties and challenges for professional journalism and for the media business, which stirred up a debate in the media industry on a wider international context, even in Macedonia, and it is still ongoing. The problem is global and contains many aspects, but this analysis will focus on the content produced by the online media in Macedonia, whether they observe professional standards and which self-regulatory mechanisms are at the disposal of the community if the ethical principles are breached.

Professionals in the field, and especially representatives of online media who declare to work according to the ethical and professional standards, pointed to the disrespect of professional standards and unfair competition created by certain online media that manage to attract ads from both commercial clients and the state advertising²², and survive on the market. The Macedonian Media Association, which unites the five commercial terrestrial TV stations with a national reach, prior to the Parliamentary elections in 2016 reacted that the TVs were discriminated against internet portals, for which they conclude "they can publish what they want and whenever they want without facing the opportunity to be imposed any sanctions."²³

The arguments for these reactions can be found in the everyday practice: many online media operate without an editorial board and data on the ownership structure. In some cases, one or two people are listed in the editorial board, and it is not clear if they are editors or journalists, and sometimes there is only a "contact person" mentioned. The informative online media newsrooms are small, composed of several journalists and editors working in modest conditions (sometimes even from home) and get modest salaries. Research shows that "newsrooms with adequate staffing are a real rarity."²⁴ Journalists in the online media are often engaged on a part-time basis, "they have the same duties as regular employees, but not the same rights."²⁵ As result, contents that many online media produce is of poor quality, and often violates basic ethical and professional standards, containing sensationalism and tabloidization.

However, one of the biggest problems is the abuse of *copyright*, which is manifested by downloading texts and photos from other traditional or online media, in which the actual sources or authors of the information are not attributed. Internet media and social networks have also opened up a space for spreading *hate speech*, *inflammatory speech*, *nationalism* and *discrimination*. However, the spread of *false news* via websites and through social networks, as was the case with the young creators of false web sites from Veles, is the most spectacular example of breaking down the journalistic principles and the audience trust in the media,

²² The Government declared a moratorium on the state funding in the middle of 2015.

²³ Economic Chamber of Macedonia - MMA, „Request from MMA“, 31 August 2016. Available at: http://avmu.mk/images/Baranje_od_MMA.pdf.

²⁴ Saracini, P., (ed.) et all, *Macedonia in the digital age – between the rights and responsibilities in the Internet communication*, MIM, Skopje, 2015. Available at: http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf, page 12

²⁵ Tuneva, M. and Milenkovski, S., *Employment and Working Conditions for the Journalists in the Republic of Macedonia*, MIM, Skopje, 2015. Available at: http://seemediapartnership.cji.ro/wp-content/uploads/2017/02/Macedonia_Final.pdf. page 10.

regardless of the platform on which they work.²⁶ An additional phenomenon was the internet media controlled by political power centers that published similar or identical news in support of the political ideology or the retaliation of opposing options, which were often quoted even from the most viewed national televisions.²⁷

In the lack of in-depth research on the profiles and content of the internet media, an indicative support for these phenomena can be found in the analysis of the self-regulatory body - the Council of Media Ethics Council of Macedonia,²⁸ which according to the decisions of the Press Complaints Commission finds that several online media violated the principles of *truthfulness* and *accuracy* when transmitting the information, that is, that there is an absence of a "second source of information" in the texts that were processed. Online media were dominated by media content that can be categorized as comments, which were not based on any *news* and *facts*. In many portals, as with televisions, *propagandistic* and *one-sided texts* were identified in favor of the Government. The Commission concluded that most often hate speech was used by online media and by some eminent authors of shows, as well as in comments by readers of online media.²⁹

It is inevitable to note that in this rush of media and information in the Internet space in Macedonia, there are also ones that respect ethical and professional standards, have a transparent editorial and ownership structure and try to competitively work on the media market. The Council of Media Ethics of Macedonia has 16 online media outlets as members, which have committed to adhering to the Code of Ethics of Journalists, the Statute of CMEM and the decisions of the Press Complaints Commission.

However, the majority of the media community, since the beginning of the adoption of media laws, opposed any regulation of the Internet media, even to the so-called "soft regulation", which implies that there should be a register for them, as well as for the printed media, which is usually managed by an institution, such as the regulatory body or the competent ministry. The reasons lie in the fear of possible misuse of legal provisions by the institutions, which could additionally stifle freedom of expression, democracy and media pluralism³⁰.

The Association of Journalists of Macedonia confirmed this attitude in 2017 and decisively declared against the legal regulation of internet portals and media content because, according to the President of the AJM Naser Selmani: "... More laws means less freedom for the media

²⁶Jenkins, C., "Fake online news from Macedonia: who's behind it?", Channel 4, 24 November 2016. Available at: <https://www.channel4.com/news/fake-news-in-macedonia-who-is-writing-the-stories>.

²⁷ In the pre-election period, prior to the parliamentary elections in December 2016, some pro-government televisions published TV items with demonizing contents published in pro-government portals and newspapers. See more in the Media Monitoring Report of the Election Campaign in the TV – news, produced by the Institute for Communication Studies, 30 November -9 December 2016, Project „MODEM“, Institute for Sustainable Communities, 2016. Available at: <http://respublica.edu.mk/attach/MODEM/dek/MODEM-izvestaj-dekemvri-MK.pdf>. Page 54.

²⁸ Tahiri, S. and Adamcevski, M., *Reporting in the Public Interest – Protection of ethical principles of reporting through the work of the Press Complaints Commission*, CMEM, Skopje, 2017. Available at: <http://www.semm.mk/attachments/izvestuvanje-vo-interes-na-javnosta.pdf>.

²⁹ Ibid.

³⁰ Blazevska, K., „'Yes' for the freedom, 'no' for the Law“, Deutsche Welle, 29 April 2013. Available at: <http://b2.mk/news/da-za-slobodata-ne-za-zakonot?newsid=FCEN>.

... The AJM rejects the idea of regulating media content, and every professional journalist should oppose the state to evaluate their work as journalists. Journalistic ethics is solved by self-regulatory mechanisms."³¹

The debate over the need of regulation or self-regulation of the Internet media in the media community in Macedonia draws a genesis from the adoption of the media regulation in 2013. In that period, after the adoption of the Law on Media, the media organizations succeeded in evicting the "electronic publications" from its scope, which included electronic versions of newspapers and magazines. This was the only correct step in such a political momentum, because regulation, both in that period and today, brings a lot of risks, both for our, and for the more developed and more democratic societies.

5. REGULATION AND SELF-REGULATION OF THE INTERNET MEDIA IN THE INTERNATIONAL PRACTICE

The new media-technological reality has expanded the field of human rights, which are now valid both offline and online, as stipulated by the European Convention on Human Rights. The member states of the Council of Europe have obligations to respect, protect and promote human rights and fundamental freedoms on Internet as well. Therefore, any attempt to establish any governance of Internet at national, regional or global level must be based on the understanding of the concept of Internet freedom.

States have an obligation to create a favorable environment on the Internet. Therefore, the Council of Europe Recommendations (CM / Rec (2016)5)³² point out that laws and policies related to the Internet should be prepared by state authorities in an inclusive and transparent process that will include all affected actors, such as the private sector, civil society, the academic and technical community.

According to the Council of Europe recommendations on media freedom, the editorial independence of the online media should be guaranteed in laws and in practice. The media should not receive a separate license, except an ordinary registration for doing business, so they can work online or on a blog. Investigations of threats and crimes against journalists and new media actors should be quick and effective, and the practice of impunity should be avoided.³³ The Council of Europe points out that journalists and other media actors using the Internet must not be subject to threats or harassment and should not practice self-censorship, such as fear of punishment, harassment or attacks.

As a result of the change in media eco-systems, the Council of Europe recommends that member states adopt new, broader, definitions of the media that will include all actors involved in production and dissemination of content, with editorial control; to review regulatory

³¹ „The AJM and the EFJ against legal regulation of the portals and media contents “, Nova Makedonija, April 26 2017. Available at: <http://bit.ly/2hO4Cvv>.

³² Council of Europe, *Recommendation CM/REC (2016)5*, Committee of Ministers, 13 April 2016. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415fa.

³³ Ibid.

requirements taking into account all actors that deliver services or products in the media eco-systems; to engage in a dialogue with all actors in the media system; to adopt promotion and development strategies or to ensure a proper delivery of public services in order to guarantee a satisfactory level of pluralism, diversity of content, and so on.³⁴

Media policy creators should take into account six criteria in order to determine if some activities, services or actors should be considered as media in the new eco-systems: an intent to act as media, basic media objectives, editorial control, professional standards, reach and dissemination and expectations from the audience.³⁵ Professional standards also apply to new media, which they reaffirm this through statements about their mission, rules for employees, or conditions for using the media. The criteria - expectations of the audience - contains the indicators respecting of professional and ethical standards, accountability, transparency and security, which media should fulfill in the new media system.³⁶

OSCE supports the view that online media that tend to deal with journalism should respect the same ethical and professional standards that apply to traditional media. "Ethical standards should be applied by anyone working in the field of news and public information, across all media platforms," says Aiden White, adding that the ethical challenges of journalism, such as truthfulness, no harm, accountability, and independence - remain the same as before³⁷. According to him, the rapidly changing media environment imposes a need for complementing the already established principles that apply to non-digital media with new guidelines."³⁸

Due to the large number of information, content and Internet users, journalism is becoming more complex and more democratic, and "this new democratic landscape requires much more self-regulation, which is considered the best way to follow media ethical standards," White says.³⁹ The quality and responsibility of Internet media can only be increased by education, and they should be encouraged to establish and apply principles and standards in the work, if they want to deal with journalism, he recommends.

The advantages of self-regulation are that it is a mechanism for protection of potential interference by the centers of power in the media contents, both in the traditional and in the online media. Instead of excessive regulation and the possibility of new regulatory restrictions on Internet media and freedom of expression, self-regulation offers an alternative to the courts in resolving complaints for the media content. This, of course, does not preclude the right of the public, that is, the citizen, to initiate proceedings before the court.

Self-regulation is more effective than regulation of Internet media for several reasons: in conditions of continuous changes in media technology, it offers greater flexibility compared to

³⁴Council of Europe, *Recommendation CM/REC (2011)7*, Committee of Ministers, 21 September 2011. Available at: <http://www.osce.org/odihr/101403?download=true>.

³⁵ Council of Europe, *Recommendation CM/REC (2011)7*, Committee of Ministers, 21 September 2011. Available at: <http://www.osce.org/odihr/101403?download=true>.

³⁶Council of Europe, *Recommendation CM/REC (2011)7*, Committee of Ministers, 21 September 2011. Available at: <http://www.osce.org/odihr/101403?download=true>.

³⁷Hulin, A. and Stone, M., (ed.) *The Online Media Self-regulation Guidebook*, OSCE, Vienna, 2013. Available at: <http://www.osce.org/mk/fom/316166?download=true>, page 67

³⁸Ibid.

³⁹Ibid. page 70.

state regulation; it is more efficient and lasts shorter than long and complex litigation, and ultimately, self-regulation is much cheaper for governments and society⁴⁰. Its weakness is that it cannot force anyone to anything, because it imposes only moral sanctions. The authorities, however, may not react to certain online insults, believing that online mediators will remove content. Internet media can remove problematic content from a web site, but it may appear later somewhere else.

According to ARTICLE 19, when choosing between regulation and self-regulation, account must be taken of the criteria of necessity: whether self-regulation is effective to achieve a goal of public interest or is regulation strictly necessary to achieve that goal? When promoting and achieving some goals of a legitimate public interest, self-regulation is the first choice because it is less restrictive in terms of freedom of expression. Both mechanisms - self-regulation and regulation, according to ARTICLE 19, must be effective and have the power to make the actors accountable, and protect the audience on the other hand.⁴¹

The European Commission discusses possible revision of the Audiovisual Media Services Directive, with proposals that all audio-visual media services be placed under the authority of regulatory authorities. The proposal applies to all media services, legal entities or individuals, who have editorial responsibility. ARTICLE 19 expresses concern that this could lead to unnecessary regulation of the online media and see a justification in this measure only if it concerns services that have a *clear impact on a substantial part of the audience*, which implies the market share of the company, the share of the audience, the number of views on the online service in a given period, profit or non-profit company, the size of the company or its reputation among the audience. Considering the fact that media services can be distributed through different channels, ARTICLE 19 recommends that the EU takes into account the global impact on a significant part of the audience, through a combination of different channels, which is a feature of the mass media.

This, according to ARTICLE 19, should be a "threshold", from which the debate should be conducted as to whether there is a need and which audiovisual media services would fall under the competence of the regulatory authorities.⁴²

6. EXAMPLES FOR ADDRESSING INTERNET MEDIA THAT BREACH THE ETHICAL AND PROFESSIONAL STANDARDS

The explosion of online media and the quantity of content that can be found online led to the need of redefining the media self-regulation in terms of adjusting the methods of work of self-regulatory bodies to the new digital environment. A study⁴³ shows that in 2015 out of 99

⁴⁰Hulin, A. and Stone, M., (ed.) *The Online Media Self-regulation Guidebook*, OSCE, Vienna, 2013. Available at: <http://www.osce.org/mk/fom/316166?download=true>, page 84

⁴¹ARTICLE 19, *2016 Annual Colloquium on fundamental rights—Public consultation on "MEDIA PLURALISM AND DEMOCRACY"*, Response of ARTICLE 19, 2016. Available at: http://ec.europa.eu/information_society/newsroom/image/document/2016-44/article_19_en_18798.pdf. page 1

⁴²Ibid, page 3.

⁴³Diaz-Campo, J., and Segado-Boj, F., *"Journalism ethics in a digital environment: How journalistic codes of ethics have been adapted to the Internet and ICTs in countries around the world"*, *Telematics and Informatics*, 32 (4),

explored codes of ethics from different countries around the world, only nine of them had adapted and included the Internet and information-communication technologies. Most references to new media were found in the Code of Ethics of Canada, the United Kingdom and Norway.

Self-regulation can involve different forms and modalities - it can be an internal process of the company itself (ethical code, ombudsman or "Cyber - ombudsman" responsible for the media and communication on Internet), self-regulation at a segment of the industry (in the press only or the Internet industry),⁴⁴ or self-regulation that covers all types of media.

The Council of Media Ethics of Macedonia (CMEM) was established based on the last model, which, besides the traditional media, includes the online ones. CMEM, i.e. the body called the Press Complaints Commission, processes complaints related to violation of professional and ethical standards in the print media (press and news agencies), electronic (TV and radio) and in the Internet media in Macedonia. The self-regulatory body in Macedonia guides its work by the Code of Journalists of Macedonia, adopted in 2001, the Principles of the International Federation of Journalists, as well as the Charter of Ethical Reporting during the Elections. This means that the internet media that are members of CMEM are obliged to respect all professional and ethical principles that apply to traditional media. CEMM is also working on preparation of principles for ethical reporting on the Internet, which will take into account the specifics of the Internet media and will complement the current Code of Ethics.

In some countries, online media establish their own associations, such is the case in Cyprus, where 16 "mainstream" online media, including online versions of the newspapers, joined in an association that accepted the Code of Ethics and was placed under the "jurisdiction" of the Cyprus Media Press Complaints Commission. Cyprus has other online media that have not joined the association, but some of them respond to requests for cooperation if there are complaints against them, while there are also those that completely ignore the Commission.⁴⁵

Self-regulation is today an opportunity that is not only accessible, but also recommended for the Internet media. Membership of Internet media in the self-regulatory bodies gives them a higher credibility, helps them promote their professionalism, i.e. demonstrate responsibility and a guaranty for provision of reliable information for the Internet audience.

The following examples show the way in which self-regulatory mechanisms could help in promotion of professional practices in Internet media or the creative steps media actors can take to deal with unfavorable occurrences on Internet.

The Media Council of Bosnia and Herzegovina, founded in 2000 among the first in the wider European framework, has adapted its work to the new digital era.⁴⁶ Since 2010, news web

735-744, 2015. Available at: <http://reunir.unir.net/bitstream/handle/123456789/2826/D%C3%84Z-CAMPO%20Y%20SEGADO%20-%20JOURNALISM%20ETHICS%20DIGITAL.pdf?sequence=1&isAllowed=y>.

⁴⁴Hulin, A. and Stone, M., (ed.) *The Online Media Self-regulation Guidebook*, OSCE, Vienna, 2013. Available at: <http://www.osce.org/mk/fom/316166?download=true>, page 54

⁴⁵Correspondence by e-mail with Petros Petrides, Secretary of the Press Complaints Commission in Cyprus, 8 August 2017.

⁴⁶ Hulin, A. and Stone, M., (ed.) *The Online Media Self-regulation Guidebook*, OSCE, Vienna, 2013. Available at: <http://www.osce.org/mk/fom/316166?download=true>, page 112

portals have been allowed to join the self-regulatory body, and its Code was revised in the Press and Online Media Code. The Council has criteria that Internet media need to fulfill to become its member: a list of editors with contact details, a chief editor, at least two professional journalists, acceptance of the Code and the principles of self-regulation and registration as LLC, not as an association or an NGO. The Council is highly respected within the media community, and the interest of many online media to join is great, although the opportunities are limited due to high criteria. This body is very active in raising the level of professionalism of the Internet media. For example, to prevent the spread of hate speech on web portals through content generated by users, the Council launched the campaign "You are not invisible" as a joint platform of this body, the judiciary and the police in collaboration with web site editors. This activity followed after 2012, after many complaints from citizens about hate speech and threats to certain individuals in editorial texts and in comments on some web portals, and when criminal charges were brought against identified individuals.⁴⁷

The Code of Ethics of Luxembourg, which is used by the Council of Ethics in that country, explicitly emphasizes that it also applies to information distributed through media professionals on the Internet or another electronic channel, but obliges journalists in the production of content and hyperlinks, to previously check websites and find out if they contain illegal material, which they must not transmit.⁴⁸

To illustrate some innovative and effective approaches that can be adapted and applied in other countries, we offer the example with the "Online Eye (Spletno oko)" Center in Slovenia - a website for reporting hate speech and child abuse online (www.pletno-oko.si), which has been operating successfully for 10 years. The "Online Eye" acts within the Secure Internet Center, coordinated by the Faculty of Social Sciences at the University of Ljubljana. Members of the Secure Internet Center are the Supreme Public Prosecutor's Office of Slovenia and the police, media representatives and other organizations dealing with the protection of children's rights. Applications arriving in relation to hate speech or child abuse on the Internet are quickly and effectively analyzed and processed to the police.

The situation with the application of self-regulation is more complex when it comes to social networks, such as *Facebook* or *Twitter*, where, according to many, there is a key and difficult solvable problem. In recent years, *Facebook* and *Twitter* have tried to face responsibility and deal with harmful and inaccurate information by introducing a moderation system and reporting problems.

"As press councils, we hear about stories from citizens who feel powerless faced with some issues on social networks. It is very difficult for citizens, if not impossible, to get in touch with *Facebook* or *Twitter* and address specific issues to them," Peter Finney said, Press Ombudsman from Ireland. He points out that it would be very complicated for social networks to respect ethical rules or be part of self-regulatory mechanisms, but stresses that "pressure can be made, especially through powerful governments and multinational agencies (such as the European Union), and by regulatory bodies that may force them to recognize problems, such as cyber bullying, false news, etc., found on their pages."⁴⁹

⁴⁷ibid

⁴⁸ Code of Deontology, Luxembourg, 2004. Available at: http://ethicnet.uta.fi/luxembourg/code_of_deontology.

⁴⁹E-mail correspondence with Peter Finney, Press Ombudsman of Ireland, 8 August 2017.

The practice of the press councils that are members of the AIPCE (Association of Independent Press Councils of Europe) in terms of whether they deal with complaints of content published on social media is divided. In many countries, *Facebook* comments are not under the authority of self-regulatory bodies. This is the case with Macedonia, where complaints can only apply to media content, and *Facebook* is not under the authority of CMEM. In some countries, such as Cyprus and Belgium, press councils consider complaints on *Facebook's* comments only if a journalist publishes them on social networks in a professional way, not in a private capacity, or publishes journalistic content that violates ethical principles.

An illustrative example of how a society can deal with hate speech on social networks, and generally online, can be found in Slovenia. The case begins when a politician's sister wrote a comment on her *Facebook* profile containing hate speech about refugees who in 2016 transited through the Balkans to Western European countries, which was followed by a comment by a Catholic radio journalist who also contained an even more aggressive hate speech. After this, the right-wing association of journalists took away the journalist award that was previously awarded to this journalist. The party also expelled him from a membership and published that information. This is just an example of how society and organizations - political and journalistic - can deal with unwanted ways of behavior, including the Internet.⁵⁰

In a situation when social networks remain one of the open spaces when it comes to abuse of human rights and ethical and professional standards, press councils offer to open a dialogue with social networks, such as *Facebook* and *Twitter*. The goal is not to impose control or limit freedom of expression, but to raise awareness of the responsibility they have towards its users in the direction of protecting human rights, which are valid online as well as offline.

7.CONCLUSION

The answer to the dilemma whether new legal regulations are required to deal with the problems of the Internet media is simple: the existing laws are sufficient. Namely, the Law on Media and the Law on Audio and Audiovisual Media Services neither define nor include Internet media, which at first glance gives the impression that the sphere of the internet media is not regulated. However, the Macedonian legislation contains a dozen laws that regulate various aspects of the work, creation and distribution of content by the internet media through several provisions.

The real problem is the inconsistent, selective and unprincipled application of the existing laws in practice, as well as the inertia and non-responsiveness of the competent institutions when acting and sanctioning the illegal phenomena on the Internet. Before discussing new legal solutions, the functionality and efficiency of the regulation that already exists, but is not applied, should be tested first. The new legal solutions would only lead to a "re-regulation" of

⁵⁰Video from the debate: *How to efficiently deal with hate speech* ", MIM, 7 July 2017. Available at: <https://www.youtube.com/watch?v=r8cqF1R0-rQ>.

the area, as Saracini says⁵¹, but would not guarantee application and action for which political and institutional will is necessary. The media and the journalistic community should maintain a continuous dialogue with the competent institutions or make a pressure on them to carry out their already prescribed obligations.

On the other hand, what are the advantages of self-regulation in comparison to the regulation of the Internet media? In conditions of continuous technological changes in the media systems it is: more flexible in comparison to state regulation, more efficient and shorter than long litigation and much cheaper for governments and society. In addition, the membership of the Internet media in self-regulatory bodies "brands them" as credible media that work professionally and offer reliable information to the public on the Internet.

The self-regulatory body, the CMEM, together with the journalistic and the media community in Macedonia, should popularize these principles among the Internet media and the Internet community. Responsibilities and duties are practically divided on both sides. Continuous education of actors from the Internet industry is necessary, and if they want to deal with journalism, they should respect the ethical and professional rules that are the same for both online and offline media.

Rapid technological changes in the media environment impose the need for CMEM, in collaboration with other actors, to supplement with new guidelines the already established ethical and professional principles that apply to traditional media. This will help the online media to establish their own internal codes and codes of conduct, while the possibility to join the CMEM remains open.

In the entire landscape, although last in this analysis, the role of media literacy of the audience is also crucial. The audience should be educated and guided how to recognize what is quality news, what are facts, what are manipulations and lies and how to compare sources. At the end, the media literate audience is the one that will make the right choice, both between traditional media and the Internet ones.

8.RECOMMENDATIONS

1. The relevant institutions and bodies should engage and consistently apply in practice the legal provisions contained in about 10 existing laws that also apply to the Internet media and communication on the Internet, in order to prevent the illegal conduct and dissemination of illegal content on Internet.

⁵¹Saracini, P., (ed.) et all, *Macedonia in the digital age – between the rights and responsibilities in the Internet communication*, MIM, Skopje, 2015. Available at: http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf

2. The journalistic and media community should keep constant communication with all competent institutions and bodies for quick and efficient implementation of the legal provisions that apply to the internet in case of violation of the laws.
3. Self-regulation should have an advantage over the regulation of online media, because it is a faster, more flexible and less expensive option. Regulation can pose a risk to media pluralism and media freedom.
4. Internet media dealing with journalism should be transparent in terms of their ownership structure and editorial board, and above all respect ethical and professional principles that are the same regardless of the platform on which the content is transmitted (traditional media or the Internet) .
5. The self-regulatory body CMEM, in cooperation with the journalistic community, should continuously maintain a dialogue with the Internet community in order to promote the existing Code of Ethics with new guidelines for professional reporting that will apply to new online media. These guidelines can be complemented and developed depending on the new challenges faced by the online journalism, which will help the Internet media themselves to establish internal procedures of conduct and content creation.
6. The self-regulatory body, CMEM, in cooperation with the journalistic and media community and the relevant institutions, should encourage educational and innovative projects that will include the Internet community, in order to increase their professionalism and responsibility.
7. The self-regulatory body, CMEM, should initiate or engage in projects or other initiatives to improve media literacy of the audience, whose better understanding of media reality and media content will ease the selection of quality content and sources on the Internet.

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