

## **Hate speech in Bulgarian and Macedonian media: examples, causes and solutions**

### **Bulgarian and Macedonian: from multilayered to uniform meanings**

#### Introduction

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As in every rivalry, contest or feud driven by nationalist sentiments or resentment, semantics plays an important role in the relations between Macedonia and Bulgaria. While national and ethnic names themselves are not innocent, the confrontation between the two grand narratives of Skopje and Sofia can be traced back to the interpretation or rather the misinterpretation of the terms “Bulgarian” and “Macedonian” within the respective national contexts and sets of values.

If one attempts to dissect the meaning of the both terms in a thorough scholarly manner, we could see how “Bulgarian” and “Macedonian” have multifaceted meanings across time and space, meanings that are mutually not exclusive nor imply any historic or ethno national irreconcilability.

“Bulgarian”, for instance can refer to the proto Bulgars, or the proto Bulgarian and Bulgarian tribes that lived in Asia and migrated to the coast of the Black Sea. It can also refer to the subjects of the Bulgarian realms ruled by Middle Age Bulgarian tsars. The term can also refer to the subjects of the Bulgar millet created within the Ottoman administration system in the nineteenth century and to all of the subjects of the Bulgarian Exarchate. Finally the term can refer to the subjects of the modern Bulgarian state to the ethnic Bulgarians (the ones who define themselves as Bulgarian regardless of the place they live in) and to the citizens of the contemporary Republic of Bulgaria. To a certain extent, the term Bulgarian can have a regional meaning, referring to everyone that inhabits the constructed region of Bulgaria, depending of how we define Bulgaria.

By the same token, “Macedonian” can refer to the ancient Macedonian tribes that populated the region centuries ago. It can also refer to the subjects of the Ancient kingdom of Macedon, which at one point was turned into an empire. It can refer to the later day citizens of the constructed region of Macedonia. It can be used to label the

ones who define themselves as ethnic Macedonians, regardless of the political borders. It can be also used to denote the citizens of the contemporary Republic of Macedonia.

As mentioned above, if we define the terms “Bulgarian” and “Macedonian” using a critical apparatus and not allowing emotions come into the big picture, we can sketch a more nuanced version of the historical context and socio-political reality of the two neighboring states and cultures. Therefore when talking about the Macedonian minority in Bulgaria (ethnic Macedonians who hold Bulgarian citizenship) or the self-declared Bulgarians (sometimes pejoratively called “Bulgarophilles” in Macedonia (ethnic Bulgarians who hold Macedonian citizenship), both of the labels (Macedonian and Bulgarian) are applicable and do not seem to be mutually exclusive or contradicting. The image is even clearer when discussing holders of dual citizenship, whose number is estimated to several tens of thousands. In terms of the history, one can easily see that the fluid categories in the past and the shifting unbound principles of identification could have easily contributed to the parallel existence of both Bulgarian and Macedonian identification, whatever they might have meant.

### **The process of “Othering”**

The scholarly interpretation of the terms “Bulgarian” and “Macedonian”, unfortunately, is confined to a very narrow community of people in both of the countries. At the same time, it is rarely influential on the public discourse, which on the other hand, is marked by the perpetual contradiction between the flow of history and the national imaginary and taxonomy. To paraphrase what Ernest Renan has stated more than a century ago - the nation is an unlikely outcome of the misinterpretation of history; and to amend this claim, it is also a result of the distorted perception of the present. In the historically mistaken and presently misconstrued image of Macedonia and Bulgaria, reason has only limited power and is dominated by sentiments and resentments.

The image of the nation, or rather the self-perception of nationalists, which are both intrinsically distorted and belong to the sphere of the irrational, and this refers to any nation or any nationalist in the world, are built on two premises. The first is the quest for historical continuity or the quest for the origin of the nation, and the other one is the

perception of the world with political, or more often, nationalist lenses – seeing it as comprised of strictly bound homogenous nations who have the role of collective yet unitary actors and are engaged in a certain way of a mystical yet frigid interplay marked by secret interests, kinships and unclear intentions.

The process of seeking historical continuity, or “seeking” the roots of the nation (usually as deeply as possible) is carried through projecting the category nation in times where it has not existed. All nations in the world are products of modernity; yet, nationalist imagination usually projects them in times ancient (like the Macedonian narrative) or the Middle Ages (like the Bulgarian one). These processes necessarily require selective remembering and un-remembering (forgetting) of historical events on order to fortify the image of the nation. In the Macedonian and the Bulgarian context, the cost of the “commemoration” of the longevity and the endurance of the both nations has been the neglect of the Roman, Byzantine and Ottoman past of the region, as well as the numerous encounters between armies and cultures from East Asia to Western Europe.

The perception of the world as comprised of strictly bound and homogenous nations, on the other hand, is a response to the need of a simplified taxonomy of the world order. This taxonomy necessarily includes an account on “Us”, but also on the so called “Other”, which serves for the negative definition of the nation. This significant “Other” is everything opposite of “Our” particular nation. Usually, it is the most proximate and neighboring cultures that are perceived as such, primarily due to the fear that cultural closeness may eradicate the notion of uniqueness of a given community. Without the nationalist lenses, neighboring cultures are most often seen as interrelated with “our own culture”, very similar “to us” and we feel familiar with them; with the nationalist lenses on, however, neighboring cultures are seen as separate ones (usually of lower order), and are perceived as somewhat distant and alien to us. This perception can turn out to be a self-fulfilling prophecy if incorporated on a large scale as a mainstream attitude of the particular polities and if stipulated into policy. Arguably, such has been the case of Macedonia and Bulgaria, as after the schism between Yugoslav and Soviet leaderships in the late 1940s, Skopje and Sofia found each other on the opposite sides of this confrontation and engaged into their own thug of war, manifested through confronting historical and cultural discourses, and inevitably, developing stereotypes, prejudices and

intellectual, and losing the sense of proximity due to the significant shrinkage of cultural exchange.

Therefore, unlike the critical interpretation of “Bulgarian” and “Macedonian” as multi-layered terms that can have diverse meaning across time and space, the mainstream rhetoric developed in Bulgaria and Macedonia has adopted a rather rigid, one-sided and exclusive interpretations of the two terms. At the same time, official identitarian policies perpetuated hostility between the two neighboring cultures. In the Bulgarian context, Bulgarian became to denote the objects of the Bulgarian national imagination, regardless of time, space and their own context. One of the main tendencies was interpreting the Macedonian cultural legacy as intrinsically Bulgarian, while denouncing Yugoslav Macedonian nation-building process as flawed and thus detrimental to the Bulgarian character of Macedonia. At the same time, in the Macedonian context, Macedonian became to denote the objects of the Macedonian national imagination, while Bulgaria was seen as a fiend and a burden for the national affirmation of the Macedonian culture. In both Bulgaria and Macedonia, alternative perceptions of history and socio-political reality have been censured and treated as betrayal of the nation.

#### *Paradigmatic examples*

The confronted Macedonian and Bulgarian national rhetorics are marked by plenty of points of contention. For instance, both the national discourses claim the legacy of the scholars and later saints, the brothers Ss Cyril and Methodius from Thessaloniki. While they have been both Greek speaking Byzantines, today they are interpreted as national heroes of both Macedonia and Bulgaria. In both ways, they are attributed with Macedonian or Bulgarian nationality, even though they lived in the tenth century AD. Both discourses claim continuity of one millennium in order to justify the claim of the “national heroes”, thus significantly downgrading the significance and the dynamics of various historical processes that have happened in the region, from the rule of several empires, to the emergence of contemporary states.

Another point of contention, for instance, is the legacy claimed over Slavic speaking revolutionaries of Ottoman Macedonia, that have been active during late nineteenth and early twentieth century. While they have been associated with the Bulgarian institutions,

they fought for the autonomy of Macedonia, thus contributing to the process of creation of the Macedonian liberation movement, which has ultimately led to the creation of the modern day Macedonian state.

A third point of contention is the so called “language dispute”. While all standardized languages in the world have been results of institutional design and enforcing, and without exception, all standardized languages in the world have been rooted in common vernaculars and therefore are similar to neighboring languages, the debate between the Macedonian and Bulgarian nationalists seems not to take in account these premises. Therefore, while Bulgarian nationalists argue that the Macedonian language has been man-made and therefore illegitimate (even though every language in the world is man-made), Macedonian nationalists try to disprove this claim by resorting to esoteric and obscure explanations about the Macedonian language being rooted into antiquity.

### **Nationalist rhetoric and the path to hate speech**

From what has been argued so far, it can be concluded that national-ist discourses produce a mythologized version of the history and a distorted perception of the present that in the value system of the particular nationalism are seen as absolute axiomatic truth. At the same time, the existence of absolute (national) truth, calls for the existence of non-truths, or even lies. It is primarily because of the exclusive interpretation and the production of “truths” that the debate between apologists of colliding national discourses (such as the Macedonian and the Bulgarian one) becomes an effort of the self-declared apologists of the “truth” to defeat the apologists of the “lies”. At the same time, the national myths and narratives are attributed with proprietary features, making them seem as if they were tangible, physical and could be owned as a material possession. This way, the holders of the “national truth” position do not only see their opponents as “liars”, but also as attempting to steal or destroy the property of the nation.

This has been reflected in the Bulgarian-Macedonian dispute, maybe even more illustrative than many other examples. Usually the nationalist representatives of the respective sides accuse each other of “stealing the history” and attribute each other with words such as “shameless” and resort to conspiracy theories and other esoteric

explanations; however this is a process, however, as outlined above, in which everything that constitutes the image of “national history” is being interpreted as solid body owned exclusively by the nation (regardless of whether it is Macedonian or Bulgarian).

Another important aspect here is the interpretation of the national truth as a scholarly supported, evidence-based and accurate account on the authenticity of the nation. An important agency for perpetuating this image of authenticity is the branch of nationalist academics (in the first place historians) that put their academic training and knowledge in the service of the nation, rather than academia, thus betraying reason for emotion. Within this framework, the apologists of the “national truth”, perceiving themselves as “the enlightened ones” do not only accuse their opponents of stealing, but also they denounce them for alleged ignorance (seen in the phrase “they do not know their own history”). Furthermore, very often “the enlightened” ascribe themselves a civilizing mission of lighting the torch of knowledge among the ones living darkness, thus “enlightening” the ignorant apologists of lies and un-truths about history and society. That way, apologists of the national truth do not only construct their own historic and socio-political auto portrait, but they attempt to construct the history and the current image of the “Other”. The image of the “Other” embodies primarily negative features and stereotypes. That way, for instance, Bulgarian nationalists create the image of Macedonians as brain-washed and oblivious Bulgarians unaware of their original roots, while Macedonians create the racist image of Bulgarians as fraudulent Asiatic emigrants (Tartars).

These attitudes are marked by utter distrust, which often is on the verge of paranoia and contributes to the development of conspiracy theories about the hidden deeds of the “Other”. Usually, the emotions and the embedded stereotypes are much stronger than the reason in the public debate on topics that approximate the issue between Macedonia and Bulgaria. Perhaps, even projects like this one might cause suspicion within the nationalist domain.

The nationalist stereotypes and prejudices are interrelated with the notion of group thinking. The imagination of the nation as a community implies neglecting the principle of individualism and seeing people as members of the national community rather than as separate personalities. On a personal level, it also implies thinking and acting as

member of the national community, rather than as a separate individual. The group thinking, therefore, perpetuates stereotypes and prejudices, which are taken for granted and incorporated as basic assumptions in the process of formulating or expressing an opinion.

The encounter of two sides that have developed prejudices and stereotypes about each other is the prequel to emergence of hate speech. In the emotion-colored communication of people whose starting point is that they are the defenders of their respective national truth against their opponents who want to steal it from them, or against opponents who are ignorant to the extent not to know what the truth is, words can become another means of imposing one's own version of history or socio-political reality. If one is overtly self-confident in their own version of history, they can adopt cynical and sarcastic language, mocking on the allegedly ignorant opponent. Often the lack of critical perception can lead to the embracement of slurs and other slanderous talk, expressed with the intention to be insulting. These actions can be taken also in attempt to defend oneself or their national pride, even when the alleged attack is not an attack at all (usually a simple disagreement can escalate into a tirade of insults). The underlying condition of this process however, is the lack of tolerance of different opinion. The outcome is almost often on or over the verge of verbal violence, which serves primarily for the reproduction of radical nationalism and mutual hatred.

Yet, hate speech in general, and in the Macedonian and Bulgarian context, cannot be expected to be significant in the mainstream media due to the increasing regulations and filtering of the program. What is somewhat predictable, however, is the emergences of hate speech as a response or as a follow up of a provocative content published or broadcasted through the media. In the digital age, one can trace this response through online comments or trackback content in new media. This way, the media might not have the direct responsibility of spreading hate speech, but they bear full culpability for instigating it with the spread of stereotypes or unbalanced discourse.

### **The role of the media explained**

Media are important agents in the support and perpetuation of nationalist rhetoric. As Michael Billig argued, through their “prosaic and routine” language, the media demarcate the sphere of the national on a daily basis, reminding us of who we are and what we should stand for. The media discourse backs the idea of nations as uniform, bound actors. Often it aims to promote ideas of national dignity and tries to protect national identity, while condemning various attacks, thus causing implicit national insecurity. In the Macedonian and Bulgarian discourse this is usually seen in the coverage of events in which the claims that do not conform to the official discourse are put in the context of disputing, adding heat to the given situation.

The content of the media is designed according to the idea of the national as well. When it comes to the design of the program or contents of the news, the division between national on one hand, and regional or world news on the other is apparent. This division, especially in small countries like Bulgaria and Macedonia contributes to the generation of an image of the nation as a self-sufficient microcosm which at the same time represents a center of the world. Furthermore, additional symbolic practices that seem banal, such as the weather forecasts can feature subliminal nationalist messages (for instance, maps of the “greater homeland” and references to the territories where a kin minority lives). Additionally, the masculinist and militarist rhetoric of national sports for instance, can contribute to the development of frontal and salient nationalist discourse and stimulate further tensions.

Media are also one of the agencies that is assigned the role of protection and advancement of national identity. In other words, even state regulations see media as put in the service of the nation, obliging them to conform to the mainstream national narratives. In this context, national identity and its protection are seen as common goods and public interest, while it is omitted that the protection of the national identity, whatever it may mean, is a way of imposing political values in the public deliberation and a burden for the neutrality of the media. In other words, it becomes increasingly challenging and thankless for media to question and debate issues assumed already as “national truths”. Similar to what Monroe Price has suggested, in a situation like this the national identity can often serve as a reason or excuse for the restriction of the plurality of ideas and ultimately, to the freedom of expression. Therefore, it is just to assume that there is an

inherent tension between the notions of caring for and protecting the national identity on hand, and the objective and responsible journalism on the other.

To refer one more time to Monroe Price: one must not neglect the fact that today the public sphere has gradually been turned into a market of loyalties. The basic good around which this market revolves is the fixated, strictly defined identitarian narrative. The producer and seller of identity, in the classical model, is the state; in the factual contemporary model, however, this role has been pluralized and is comprised among others, the media themselves. The buyers are the public, or basically all of us. We pay with different aspects of loyalty (our votes, our donations, by purchasing merchandise or by simply following the given medium which in turn gets higher rates and higher costs for advertisements). The market of loyalties, framed like this, dictates the basic condition, and that is that the particular narratives must be “sold” for certain loyalty in return. This type of regulation of the public sphere means that the necessity for loyalty might be met with the deployment of stereotypes, prejudices and playing the national insecurity card, all of which might lead to the emergence of reactive hate speech, as hate speech would be a side effect of one’s manifestation of closeness to the national narrative.

However, the role of the media depends mostly on their respect of the professional standards and their objective functions of being a watchdog and a corrector, rather than a perpetuator of the status quo of the political debate. Stereotypes become published, and hate speech becomes enabled when media embrace the popular, and sometimes even the vulgar discourse, instead of adopting critical and disinterested stance. Media should be objective and neutral even on matters of importance for the national dignity. Often, the reality is that media accept socially constructed terms and categories such as nation and ethnicity as if they are organic to the society and are taken for granted, implying the (i)logic of nationalism. This process among other things simplifies complexities and imposes group thinking as the sole mode of coping with “national issues”. In this sense, media, due to their lack of critical observation, become yet another representative of the national discourse and lose the edge of professionalism, thus enabling, and sometimes even unconsciously, the slip of stereotypes, prejudices, pretentious wording and nationalist paranoia in the mainstream discourse.

This process is complemented with the vulgar need for sensationalism as well. Often, in the lack of interesting or inspiring content, media play the shock card, which among other things, can refer to the alleged endangerment of the national pride. This way, media can freely build a straw man enemy to the national interest, and tear it apart in the attempt to assume the role of a popular hero. However, even if used against a straw man, stereotypes and prejudices can cause resentment, and on the long term, be a factor of perpetuation of the hate speech.

## **Methodology**

for monitoring the Bulgarian media

for instances of hate speech in the coverage

of the anniversary of the Ilinden-Preobrazhenie Uprising

This methodology has been developed for the purposes of monitoring the Bulgarian media for instances of hate speech in the coverage of the anniversary of the Ilinden-Preobrazhenie Uprising. The monitoring is part of the Cross-border Journalist and Citizen Cooperation to Fight Hate Speech in Bulgarian and Macedonian Media project. The project is being implemented by BTC ProMedia Foundation, Sofia and Media Development Center Skopje **with the support of the East East: Partnership Beyond Borders Programme of the Open Society Institute – Sofia**

1. **Timeframe**– The Bulgarian media were monitored in the period 10/07/2010 to 23/08/2010. The monitoring spans a period slightly longer than the one initially set in the project proposal /20/07/2010 – 19/08/2010 /. The period had

to be extended because of the possible publication of stories on the topic before the actual celebrations and the traditional commemorative fair at Petrova Niva /this year on August 21 and 22/.

2. **Media reviewed** – the monitored media are:

2. 1. Print media with print-run:

№	publication	Circulation
1	24 Chasa Newspaper	70 000 weekly / 110 000 on Saturdays
2	Trud Newspaper	90 000 weekly / 130 000 on Saturdays
3	Standart Newspaper	55 000 weekly / 130 000 on Fridays
4	Sega Newspaper	22 000
5	Monitor Newspaper	20 000
6	Ataka Newspaper	63 000 weekly
7	Struma Blagoevgrad Newspaper	20 000
8	Marica Plovdiv Newspaper	20 000

2.2. Online media/monthly visits/:

№	Media	Number of visits
1	Focus News	16 295 318 /average monthly visits/
2	Mediapool	July 2010 825 076, August 2010 - 747 911
3	Darik News	July 2010 2 063 110 , August 2010 - 1 975 097

2.3. Electronic media:

2.3.1. Televisions: Bulgarian National Television, bTV, Nova TV, SKAT

2.3.2. Radio: Horizont, Bulgarian National Radio, Darik Radio

3. **Key words** - the key search words and phrases are: "Bulgaria", "Macedonia", "Ilinden", "Ilinden-Preobrazhenie Uprising"

**Analysis**

of the information from the database compiled based on the results from monitoring the Bulgarian media for instances of hate speech in the coverage of the anniversary of the Ilinden-Preobrazhenie Uprising

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This analysis covers Bulgarian media publications reviewed and selected in the period between July 20 and August 20, 2010 /July 10 – August 23, 2010/, compiled in a database based on a methodology, attached to the report. The publications have been reviewed for instances of hate speech in the coverage of the celebrations of the 107<sup>th</sup> anniversary of the Ilinden-Preobrazhenie Uprising.

The analysis focuses on whether the publications in question present instances of hate speech or other violations of the law or the ethical standards for publishing information and opinions in the media. The review is not limited to detecting “hate speech” in the strict sense of the term, but possibly also insult, slander, discrimination and other instances of overstepping the bounds of the freedom to express opinions and disseminate information. The ethical aspect is also being considered, i.e. even if the reviewed publications are admissible from a legal standpoint, the question remains whether they meet the existing ethical standards.

The legal framework regulating the freedom of expression and the right to freely seek, receive and impart information is set by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms /European Convention on Human Rights – ECHR/ and the practices of the European Court of Human Rights /ECHR/. Naturally, the national legislation is also relevant as per the Constitution of the Republic of Bulgaria – Articles 39-41, Criminal Code – Articles 146-148, Radio and Television Act, Protection Against Discrimination Act. The civil liability regulations for damages caused through publications are contained in the general regulations on repairing damages that have been caused guiltily – Articles 45 – 54 of the Obligations and Contracts Act.

The ethical standards are based on the text of the Code of Journalistic Ethics of the Bulgarian Media adopted in 2005. The code, signed by the most influential electronic and print media, contains a set of rules that the media recognise as the basis for self-regulation.<sup>1</sup> Two commissions were set up in 2006, charged with considering code violations – the Ethics Commission for Print Media and the Ethics Commission for Electronic Media. The commissions publish their practices on the Internet and these have been accounted for in this analysis.<sup>2</sup>

## **Hate speech regulations – European standards**

Pursuant to Article 10 of the ECHR everyone has the right to freedom of expression, which includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of these freedoms can only be subject to restrictions in the interest of other rights and interests listed in paragraph two of the norm, namely national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. The conditions, restrictions and sanctions in this respect should without exception pass the test for “necessity in a democratic society”.

Consequently, restrictions to the freedom of expression are admissible when all elements of the ECHR's triple test are observed. This means that the restrictions should:

- be set in the national legislation ;
- aim to protect the rights and interests listed in the ECHR ;
- meet the requirement for “necessity in a democratic society”.

Upon establishing the relation between the freedom of expression and its possible restrictions, the ECHR came to the following conclusion:

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<sup>1</sup> The full text of the Code of Journalistic Ethics of the Bulgarian Media is available in Bulgarian at : <http://www.mediaethics-bg.org/index.php?do=17&lang=bg>

<sup>2</sup> The full text of the decisions of the Ethics Commission for Print Media is available at : <http://www.mediaethics-bg.org/index.php?do=30&lang=bg> , while the full text of the decisions of the Ethics Commission for Electronic Media is available at: <http://www.mediaethics-bg.org/index.php?do=34&lang=bg>

*Freedom of expression constitutes one of the essential foundations of a democratic society and is one of the basic conditions for its progress and for the development of every man. It is applicable not only to "information" or "ideas" that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of pluralism, tolerance and broadmindedness without which there is no "democratic society".<sup>3</sup>*

According to the practices of the ECHR, the exceptions to the freedom of expression include the restriction of the so-called "hate speech". For this restriction to apply, a plausible reason should be in place. For instance, the simple fact that the author of a publication belongs to an organization declared as terrorist under the national legislation is not sufficient grounds for restrictions and sanctions. The national courts are in all cases obliged to study the context and contents of the publication at hand (eg. ECHR decision, dated 6/07/2010, in the case of Gözel et Özer v. Turkey). Even when a given publication depicts a certain country in a very negative light or contains hostile connotations, this is not sufficient grounds to justify restriction of the right to freedom of expression. In order to conclude that a case involves hate speech, it should seek to arouse deep or irrational hatred against those presented as responsible for the situation in question. (eg. ECHR decision, dated 22/06/2010, in the case of Bingöl v. Turkey).

Basically, in its practice the ECHR considers given speech as constituting hate speech when it incites recourse to violence, armed resistance or insurrection (see ECHR decisions in the cases of Kanat and Bozan v. Turkey, Unay v. Turkey).

## **Regulations on hate speech, insult and slander accountability – national legislation**

### Constitutional framework

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<sup>3</sup> This principle position is a constant for ECHR practices and has been adopted by the Bulgarian Constitutional Court with Decision № 7, dated June 6, 1996, in constitutional case № 1/1996, which provides interpretation of Articles .39, 40 and 41 of the Bulgarian Constitution from 1991.

The right to freedom of expression established under Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights /ICCPR/ and Article 10 of the ECHR, is set in the national legislation as well. The freedom of expression is guaranteed under Article 39, the right of the media to be free and not be subjected to censorship is guaranteed under Article 40, while everybody's right to seek, obtain and disseminate information is guaranteed under Article 41 of the Constitution. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality. Bulgaria has ratified the ICCPR, as well as the ECHR, which have been promulgated and have entered into force for the country and are directly enforced, taking precedence over national law should any contradiction exist. As per Constitutional Court Decision № 7, dated June 4, 1996, in constitutional case № 1/1996, the rights under Articles 39 – 41 of the Constitution shall be considered as the principle and the restrictions they might be subject to - as the exception to the principle. This means that they can only be applied to defend competitive interest and are subject to restrictive interpretation.

#### Liability for hate speech

Pursuant to Article 162, para. 1 of the Criminal Code, a person who propagates or incites racial or national hatred or racial discrimination is liable under criminal law. The punishment in such cases is deprivation of liberty for up to three years and public censure.

#### Liability for insult and slander

Pursuant to Article 146 of the Criminal Code insult constitutes saying something degrading to the honour and dignity of another and shall be punished with a fine of up to BGN 3,000. Pursuant to Article 147 slander constitutes making public a disgraceful fact about someone or ascribing to him a crime and shall be punished with a fine of BGN 3,000 to BGN 7,000. These crimes are subject to more severe punishment if perpetrated through publications – in these cases the punishment is a fine ranging between BGN 3,000 and BGN 10,000 /from EUR 1,500 to EUR 5,000/ or public censure.

Pursuant to Articles 45 – 54 of the Obligations and Contracts Act the victim of damage that has been caused guiltily, which implicitly includes insult and slander, is entitled to compensation. Such can be claimed either in a criminal case, or separately in a civil case, where the claim can be against the journalist responsible for the publication or the media that made it public. When quoting a politician, a public figure or another person, that person can be held liable.

#### Liability for discriminatory speech

Pursuant to the Protection Against Discrimination Act any direct or indirect discrimination on grounds of gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or belief, education, convictions, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status, or on any other grounds established by law or by an international treaty to which the Republic of Bulgaria is a party, shall be banned.

The question is raised about liability for public speech, which contains discriminatory statements, for instance regarding a given ethnic group. In 2004 the Sofia Regional Court ruled that with his public appeal for forming a national guard to fight Roma criminals, the leader of the Podkrepa Labour Confederation, Konstantin Trenchev, had committed incitement to discrimination and ethnic harassment. The court qualified as incitement to discrimination Mr. Trenchev's appeal for less favourable treatment of Roma criminals compared to other criminals. According to the court ruling, the appeal to raise arms against Roma criminality fosters a perilous environment for every person in the community.

### Hate speech ethical standards

The Code of Journalistic Ethics of the Bulgarian Media adopted in 2005 by a group of print and electronic media, including the most influential sector representatives, contains a section 2.5. titled "Discrimination", which includes the following principles:

2.5.1. We respect everyone's right to live in safety and security, and we shall avoid publications that incite or encourage hatred, violence or any form of discrimination

2.5.2. We shall not refer to a person's race, colour, religion, ethnic background, sexual orientation, mental or physical condition, unless it is of importance to the meaning of the story.

In 2008 the non-governmental organization Inter Ethnic Initiative for Human Rights Foundation and activists from other non-governmental bodies filed a complaint with the Ethics Commission for Print Media against publications in a national daily. The commission concluded that there was no personal interest for the complainants, but "given the public interest and the importance of the issues raised through the complaint (valuation of the so-called hate speech) for the media, it grants approval for drafting recommendations to print media regarding the way in which the problems of ethnic, religious and other communities are being presented."

Following the decision, the Ethics Commission for Print Media adopted Recommendation No 3 to the print media, where the following important principles are outlined:

1. "In most of its manifestations the so-called "hostile speech" demonstrates lack of journalistic and analytical skill to make a serious and in-depth analysis of the reasons behind the existing social and economic problems of the society... This elementary approach not only speculates with the superficial passions of the audience, pointing to some abstract "bad people/bad ethnic groups", but also fails to result in the desired effective change. What is more, in the long run it destroys the trust in the media as an authority and a factor giving a

positive impulse to the political system by offering concrete alternative decisions to the existing social problems.”

2. The commission appeals to the journalists to seek “the balance between freedom of expression and the possibility of the use of speech leading to harmful consequences for certain members of society,” while reminding that “attaching ethnic labels to problems without offering any solutions is not helpful to anyone, including themselves.”

3. “The commission does not find it necessary to come up with a catalogue of “politically correct” and “politically incorrect” concepts. Each „ban” on using a given word would lead to requests for banning yet another word and the freedom of speech would thus be put into question.” The recommendation reminds that “one of the underpinning aspects of freedom is having the right to say things that others would not like” and that in Bulgaria the totalitarian past is directly linked to the period of obligatory “political correctness” in journalistic speech.<sup>4</sup>

### **The context of the reviewed publications**

The review of publications from the print, electronic and online media targets the coverage of the celebrations of the anniversary of the Ilinden-Preobrazhenie Uprising. The topic, i.e. the actual anniversary and the respective celebrations, were covered by almost all reviewed media. The database compiled based on the review, however, includes only publications which contain hate speech or in some way breach ethical standards.

Representatives of political parties in Bulgaria and Macedonia and public organizations, officials, who were subject to extensive coverage in many publications, made public statements during the period under review. There is also coverage of a number of activities – installation of a billboard featuring a map of Bulgaria at the time of the San Stefano Treaty at the borders, in certain cities and along a major road, organizing of a fair, working meetings, reaction of the Greek consul and Macedonian media, laying of wreaths, public chanting, declaration of the Bulgarian prime minister. These are all actions and events from the objective reality, which logically should be covered by the media. It is also logical that the reports are all from southeastern Bulgaria and no regional publications are available from geographic regions other than this one. News publications/broadcasts prevail, with two interviews broadcast: one with VMRO leader Krassimir Karakachanov on a morning show of the BNR; and one with VMRO deputy chairman Kostadin Kostadinov for an online news agency.

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<sup>4</sup> The full text of the recommendation is available at <http://www.mediaethics-bg.org/index.php?do=31&lang=bg> . I have done the numbering in the text above.

It is noteworthy that the 15 publications included in the database based on the review have been authored by a relatively small number of Bulgarian media, which have a relatively small audience. For instance, the viewership of the only TV station, whose newscasts and programmes have been selected, accounts for less than 10 % of the viewership of any national terrestrial television. One national private radio and its regional channel in Blagoevgrad were among the radio broadcasters to report on the topic /it was covered on the site, which represents a separate media/. One of the programmes of the Bulgarian National Radio /in fact the most popular one, but not in its prime time, for instance no such speech has been detected in newscasts/ also covered the issue. Only one daily featured articles dedicated to the event and there were two short reports in another daily. The rest of the dailies, which cover a larger part of the audience, were not found to feature stories that could potentially trigger hate speech or ethical concerns. Two of the numerous electronic publications and news agencies covered the topic. All this points to the conclusion that the publications that the review classified as sensitive in terms of hate speech and ethical standards actually reached a relatively small portion of the media audience.

The reports are lacking in comments, offering primarily facts, résumés of comments made by politicians and public figures or direct quotations.

### **Characteristics of the speech encountered in the reviewed publications**

Several types of statements can be distinguished in the reviewed publications or segments of the publications, depending on their subject matter. A number of them raise the issue of historical truth. In themselves these publications do not raise questions relating to the legality or ethics of speech. The second type of publications in essence constitute criticism against those in power for not seeking to jointly celebrate the event with representatives of Macedonia's government, for not pursuing the right foreign policy, for the policies in the sphere of education and so on. Fundamentally, this category is linked to the public debate on the government's efficiency and is typical for democratic societies. The second type of publications look at the rebels as a moral example, highlighting its importance for the present and criticising the lack of idealism among the people of today. It is hardly necessary to explain why this type of speech is harmless.

The fourth type of publications contain negative opinions about the state of Macedonia – “made-up”, “steals” history, personalities, holidays, “Bulgarian”, “not free”. These types of statements are obviously sensitive and would be considered later on. The fifth type of statements express negative opinions about public groups – “those schmucks in Skopje”, “illiterate media, politicians”. The sixth type involves negative opinion of personalities – “the

empty head of the Macedonian prime minister”, “the illiterate in Skopje” /again talking about the Macedonian prime minister/.

### **Analysis of concrete publications**

The publications feature the following concrete statements

*1. SKAT TV, 5 p.m. and 7 p.m. news, 21 July 2010:*

“The people of Macedonia have strong Bulgarian feelings”

The statement was made the VMRO leader Krassimir Karakachanov. This however does not represent “hate speech”, as there is no incitement to violence or resistance. Neither can it be qualified as discrimination or insult/slander. On the one hand, these violations are committed when the speech is directed at a concrete personality. On the other, the statement is not degrading, regardless of whether it is true or not. At the same time, it is sensitive and provocative for the people of Macedonia. The media have no choice but to publish it, as it is part of the political speech and the public debate in Bulgaria. Still, there is the issue of adhering to the Ethics Code principle prescribing that “when covering disputes, we would try giving a chance to the parties involved to express their position” /1.1.6./. Undoubtedly, in practice, this is not an easy task and risks being counterproductive.

*2. Darik Radio website, Blagoevgrad, 31 July 2010,*

*Headline: „VMRO-NIE launches the "We Have Not Forgotten" campaign:*

“... The Ilinden-Preobrazhenie Uprising, which is ... and redemptive tribute to Bulgarians' general strife for freedom”

In itself the expression is not hostile or abusive speech.

*3. “Macedonia is Bulgarian”*

This statement is a quote from a slogan. It does not display any characteristics of hate speech, insult or slander. It is obvious though that it represents sensitive speech with regard

to the feelings of Macedonians. The stance of the other party, the Makfax information agency in Skopje, is also presented.

#### *4. Focus Agency, 1 August 2010*

*Headline: „Krassimir Karakachanov: That Macedonia is Bulgarian is known for hundreds of years”*

“... some crap about Alexander Makedonski that is spinning in the Macedonian prime minister's empty head.”

“Over the last 20 years I have had enough of commenting on the statements of the illiterate Macedonian media and the illiterate Macedonian politicians”; “...those schmucks in Skopje”.

The statement was made by Krassimir Karakachanov. This is no hate speech, but could be construed as an insult to a concrete person. It should be borne in mind that in his capacity as a public figure the prime minister has to take harsher criticism than private individuals. As to the epithets used for the media and the politicians, they could be insulting, but no concrete media or politicians are mentioned, hence legal liability does not apply. The statements on a topic that is very sensitive are unnecessarily caustic. The media could put some thought into ways to convey these statements, in full consciousness of the fact that they cannot edit them, provided that this would constitute a form of censure and would prevent the public from getting the right picture about the actions and statements of the politicians.

#### *5. Focus Agency, 1 August 2010*

*Headline: „Kostadin Kostadinov: In 1903 Bulgarians living in Macedonia and Thrace are no worse than those in the free Bulgarian principality”:*

“Macedonia does not pose claims to Bulgaria alone. It steals history from all of its neighbors.”

“The newly invented Macedonian state”

The statement was made by Kostadin Kostadinov, VMRO deputy chairman. This is not hate speech, but displays negative connotations regarding the Macedonian state. Given that it was made during a direct interview, the media cannot be held liable. In some cases

conveying the actual thoughts and stances of political leaders can be of benefit to society, even if only to demonstrate their excess /comp. Jersild v. Denmark/.

*6. Bulgarian National Radio, 2 August 2010,*

*Horizont program, the "Before Everyone Else" broadcast:*

"... the made-up symbols of some Macedonian nation"

The statement was made by Krassimir Karakachanov. It does not represent hate speech, but demonstrates blatant disregard and touches upon people's sensitivity. The practical question arises whether the anchor could be more proactive asking the politician whether he believes such speech could be counterproductive. At the same time, the politician's speech contains a comparison between the idealism of the rebels and the unwillingness of the contemporary people to "help one just cause or another".

*7. Focus Agency, 2 August 2010*

*Headline: „Kostadin Kostadinov: Today is one of the most prominent dates in Bulgarian history”:*

"... Macedonia is not free even today, even today 90 % of the territory of the geographic region of Macedonia is not in Bulgaria, where it should be."

The statement was made by Kostadin Kostadinov, VMRO deputy chairman. It is no hostile speech or insult. Still, the issue is at hand about the truthfulness of the allegations made about human rights violations in Macedonia. Given that such a statement raises issues important for the public, such as respecting human rights, it could be of consequence for the public debate. Naturally, an answer could only be given within the framework of the public debate itself, after hearing all opinions. That is why, even if sensitive, the speech could potentially serve the public interest. Question is whether other opinions should be sought as well so that a different standpoint could be presented, at least to a degree.

*8. Focus Agency, 2 August 2010*

*Headline: Every Bulgarian in their right mind knows Macedonia belongs to them – Krassimir Karakachanov”:*

“Every Bulgarian in their right mind sees Macedonia as their own”

The statement was made by Krassimir Karakachanov. It involves no hate speech, but the ambiguity of the phrase could potentially hurt people's sensitivity. The interesting fact in this case is that the statement was made for a Macedonian media, which presented the other party's point of view. The Macedonian media report was then reproduced by a Bulgarian media – the Focus news agency.

*9. Darik Radio website, 13 August 2010*

*Headline: „VMRO-NIE submits declaration to Borissov on Bulgarians in Macedonia”:*

“The document gives expression to the commanders' concerns about the inadequate policies of the Bulgarian government with regard to the unconditional support granted for Macedonia's joining the EU.”

The speech levels criticism against the policies of the Bulgarian government. Any criticism of the kind, regardless of whether justified or not, should be part of a society's political and public debate. Any preliminary censure of such a publication over immoderateness would be inappropriate. No hate or insult are demonstrated. Conveying the contents of a declaration is informative in nature, rather than seeking any comment, hence publishing the other party's standpoint is not required.

*10. SKAT TV, 18 July 2010,*

*“Banished from the Homeland” program:*

This is an interesting broadcast that differs from the other reviewed publications as it should involve discussion. Still, even though viewers can and do make comments, some even defending differing points of view, the key problem is the lack of a discussant to present the

other standpoint. This also being one of the reasons behind the partiality of the anchor. The broadcast contains no hate speech or insulting connotations. At the same time, however, it is biased and views the issue from a single perspective. On the one hand, this undermines the quality of the programme, with the academic character of the standpoints presented being lost. The Ethics Code requires that a second opinion should be presented in such cases, giving viewers the opportunity to get a balanced picture.

## **Conclusions and recommendations**

The exposé brings about several conclusions. On the one hand, none of the selected publications incites recourse to violence, resistance or insurrection. Hence there is no ground for the media not to report the opinions of the political and public figures. On the other, by rule of thumb journalists abstain from ***personal comments on statements made by politicians, which seems like the right approach in similar cases.***

Although some of the statements demonstrate an attitude that is insulting or disparaging, none of them constitutes insult or slander under the letter of the law. The exception is the statement about Macedonia's prime minister, who is however a public figure and as such is subject to harsher criticism than private individuals.

The media that covered the events on the occasion of the anniversary of the Ilinden-Preobrazhenie Uprising reach a comparatively small part of the audience. The issue has so far not been raised with the ethics commission either, unlike issues bearing on the coverage of topics related to the Roma minority.

The exposé leads to the conclusion that the coverage of topics related to Macedonia does not really have legal implications. Still, it is beyond doubt that the debates and the way they are conducted raise tensions. Discussion on the topics covered in the selected publications cannot be avoided or restricted, but efforts could be made to change the way they are conducted. A key point to consider lies in the fact that the phrases and epithets that spark tensions hardly contribute to solving the problems, but rather have the potential of aggravating them. It would be useful if the journalists that cover the topic are given room for dialogue, preferably on an ongoing basis, with their Macedonian colleagues. Sharing problems and personal conclusions about the reasons and ways to solve these would give them a chance to improve the quality of the publications.

Within the framework of the European context attempts should be made to avoid negative qualifications of countries or groups of neighboring states. There should be openness and

stronger interest in the position and arguments of the other, so that the debate is held at a higher level and for the results to be beneficial for the societies of both neighboring countries. A culture of tolerance should be cultivated to that end, which would create the prerequisites for equality in dialogue and for mutual respect, without which no society can call itself “democratic”.

## **Analysis**

of the contents published in Macedonian media in the period July 20 –August 20, 2010 on the topic of the celebration of the national holiday Ilinden, related to the possible hate speech in terms of the Macedonian-Bulgarian relations

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## **Context**

The analysis, assesses the possible manifestations of various forms of hate speech in the Macedonian media, related to the Macedonian-Bulgarian relations.

The analysis contains the following sections: a) analysis of the legal framework, aiming to depict the understanding of the term “hate speech” in the Macedonian context, as well as its regulation; and b) a discourse analysis of the media contents related to the Macedonian-Bulgarian relations in the time frame between July 20 and August 20, 2010.

This particular time frame was selected intentionally, as the period immediately before, during and after August 2 is usually marked by the abundance of stories regarding the celebration of the Ilinden Uprising. The Ilinden Uprising, a historical event that occurred on August 2, 1903, has since become an important part of the national mythology of the two countries and August 2 has become a national holiday of exceptional importance in both Macedonia and Bulgaria; at the same time, due to the discursive conflicts over the historical legacy of the region of Macedonia, among them the historical legacy of the Ilinden Uprising, some of the media outputs on the topic resembles a source of conflicts on various interpretations of history and political tensions. The media monitoring was conveyed on a sample of six electronic media (TV A1, TV Sitel, TV Kanal 5, TV Telma and TV Alfa), all of them being national broadcasters and seven daily newspapers with high circulation throughout the whole territory of the country (Dnevnik, Utrinski Vesnik, Vest, Nova Makedonija, Vreme, Shpic and Večer). From the total number of entries produced during the period analyzed, we managed to single out a total of 30 entries regarding the Macedonian-Bulgarian relations. Except the majority of entries related to the Ilinden issue, we have also encountered another important topic on the Macedonian-Bulgarian relations –

the Struga Poetry Evenings, whose Golden Wreath for 2010 was awarded to the Bulgarian poet Ljubomir Levchev.

## **I. Hate Speech – Legal Framework**

On international level (as in most of the democratic countries in the world), the ideology of the freedom of expression is not an imperative that may overlap other human rights and certain societal values. Therefore, it is not allowed the freedom of expression to step over equality or non-discrimination. As a matter of fact, the freedom of expression is one right that is more or less shaded, and it is not primary in regard to other, competitive rights. Such is its position in the system of rights guaranteed with the Universal Declaration of Human Rights, International Covenant on Civil and Political rights, as well as with the International Convention on the Elimination of All Forms of Racial Discrimination and European Acts. This positioning should be also seen in the legal system of Republic of Macedonia.

Having in mind the fact that by Article 98 of the Constitution of Republic of Macedonia, international acts ratified in accordance with the Constitution are part of the legal system of the country, in the further text we will analyze relevant provisions of international law, as well as relevant national legislation, especially the Constitution of RM, the Criminal Code, the Law on Obligations and the Code of Journalists of Macedonia.

### **1. International sources**

Hate speech should be seen in light of the right of freedom of expression. Therefore, first of all we will address the provisions of international legal acts that set the frame of this right, so we could review the way in which the prohibition of hate speech is regulated.

The **International Covenant on Civil and Political Rights** (Article 19) guarantees freedom of expression but also sets its limitations. In doing that, the limitations must be determined by law and to be necessary for respect of rights and reputation of others, or for protection of national security, public order, public health or moral. This article must be read in connection with Article 20 of the Covenant, which further limits the scope of the right of freedom of

expression. It foresees legal prohibition of propaganda of war and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (Appendix 1)<sup>5</sup>.

From the documents of the UN, we can single out the **International Convention on the Elimination of All Forms of Racial Discrimination of 1965** (especially Article 4) which seeks from member states to ban hate speech or other forms of spreading propaganda on the basis of racial or ethnic supremacy. The Convention also forbids ethnic or racial discrimination, hate and violence.

The “International European position” in terms of hate speech is strict. The position of the Council of Europe and the EU towards racism is a position towards a their classification as criminal act. The intention of these organizations is to fight against it, and that position is reflected not only on racial hate speech, but on all kinds of hate speech. They have a very clear position that we must also oppose dissemination of hate speech directed towards certain nationalities, religions and societal groups<sup>6</sup>.

**The European Convention for Protection of Human Rights and Fundamental Freedoms** of the Council of Europe guarantees the right of freedom of expression but foresees its limitation, which is necessary in democratic societies for protection of, among other things,

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<sup>5</sup> These balancing was seen in the case *Faurisson v. France* ((4 I.H.R.R. 444) the decision was made on November 8 1996; Communication No. 550/1993) in front of the Committee for human rights of UN. The case arises from the sentencing of Robert Faurisson – French university professor, for disputing criminal acts against humanity (denouncing the holocaust). Faurisson promoted the attitude that gass chambers in Auschwitz and other Nazi camps were not used for extinction and that wants all French citizens to understand that the “myth for the gas chambers is a dishonest fabrication ” (Views of the Committee, para.9.5.). He was sentenced according to the French „Gayccot Act” – according to which it is an infringement to dispute the existence of proved criminal acts against humanity. The committee decided that the sentencing of Faurisson is in consistence with the protection of free speech secured by article 19 of the Covenant, i.e. the limitation of his freedom of expression is based on the recognition given to the respect of rights and reputation of other people. Because Faurisson’s statements were nurturing anti-Semitism, their restriction served the legitimate goal for promotion of the right of the Jewish community to leave free of fear from an atmosphere of anti-Semitism.

<sup>6</sup> The commitment of the Council of Europe and the EU is not limited only to their judicial authorities and their acts. So, within the Council of Europe there is a European Commission against Racism and Intolerance – ECRI, which was established in 1993. Its work has two key focuses – the “country – by - country” approach that means monitoring of relevant issues in member states; and the work on general recommendations and their explanation. Within the EU, the European Monitoring Centre for Racism and Xenophobia –EUCM, was established in 1997, as the centre for campaigning against racism and intolerance. In 2007, EUCM was succeeded by the Agency for Fundamental Rights – FRA. In comparison with the ECRI of the Council of Europe, FRA is an advisory body fro assistance and expertise in terms of fundamental rights and its activities are focused on collecting data, advice to the EU institutions and member states, cooperation with civil society and raising awareness.[[www.fra.europa.eu](http://www.fra.europa.eu)]

reputation or rights of others (Article 10 of the European Convention for Protection of Human Rights and Fundamental Freedoms from 1950). There are sanctions, conditions, and limitations regulated by law for protection of citizens against discrimination and for promotion of the collective wellbeing. So again, the right is shaded and the balance between competitive rights is considered necessary or appropriate, as it was the logic of reasoning in *Jersild v. Denmark* (1994)<sup>7</sup>. The question that rose in front of the ECHR was, whether Jersild – a Danish journalist, is criminally responsible for helping and instigation of three young people that had racial remarks in interviews done by Jersild on a television program for matters of public interest<sup>8</sup>. The ECHR decided that the sentencing of the Danish courts is not in accordance with the standards of the European Convention. Reviewing of the legitimacy of his sentence turned into balancing of his right of expression (reporting about facts and expressing opinions about them), and the damage done by the message of hate speech to his target group<sup>9</sup>.

The **Framework Decision on Combating Racism and Xenophobia**<sup>10</sup> has a goal to set provisions for approximation of law and regulations of member states, and closer cooperation between court and other authorities of member states regarding acts that include racism and xenophobia (defined in Article 4).

## **2. Legal framework of the Republic of Macedonia.**

In terms of freedom of speech, Article 16 guarantees the freedom of personal conviction, conscience, thought and public expression of thought, as well as freedom of speech, public address, public information and the establishment of institutions for public information.

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<sup>7</sup> Judgment of the European Court of Human Rights of 23 September 1994, Series A, No. 298.

<sup>8</sup> Three young persons, members of the group “Greenjackets”, which were involved in hate speech against certain groups – in this case people, especially Danish citizens of African descent. In the interview they gave insulting and degrading statements for immigrants (calling them among other things, “niggers” and “animals” ) and Jersild aired their views in a documentary that he edited. The airing gave wide publicity to these young persons whose views would in other case reach a very limited audience

<sup>9</sup> Even though all judges agreed that balancing is the appropriate approach, they disagreed how much weight should fall on the interests concerned. For the judges that voted against, the majority put too much weight on the right of expression of the journalist, and too little on the protection of the dignity of the victims of hate.

<sup>10</sup> Through the criminal law of the European Council of Ministers of 19 April 2007 ( Framework Decision against Racism and Xenophobia of the EU)

However, this article of the Constitution must be considered along side the provisions that guarantee the civil and political freedoms and rights. In this respect, in accordance with article 11, the human right to physical and moral dignity is irrevocable and any form of torture, or inhuman or humiliating conduct or punishment, is prohibited.

In context of the forms of “hatred” we must have into consideration the guarantee of freedom of confession and the right to express one's faith freely and publicly, individually or with others (Article 19, paragraph 1 and 2), as well as freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions, guaranteed by Article 20, paragraph 1 of the Constitution of Republic of Macedonia. In terms of freedom of association it should be pointed out that the Constitution, clearly and strictly (Article 20, paragraph 3) forbids the programmes and activities of political parties and other associations of citizens to be directed either at the violent destruction of the constitutional order of the Republic, or at the encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance. Finally, according to Article 25, every citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and of his/her dignity and reputation.

The constitutional principles expressed in this way have their reflection in the legislation.

Republic of Macedonia with the **Criminal Code**<sup>11</sup>, by proscribing few criminal acts, directly or indirectly, sanctions hate speech. In Section 18, (criminal acts against honour and reputation) there are provisions for criminal responsibility for slander, insult, expressing personal or family circumstances, undermining the reputation of the Republic of Macedonia and exposure of the Macedonian people and nationalities to ridicule. According to Article 172 of the CC, whosoever expresses or spreads something untruthful and harmful regarding another's honour and reputation, shall be fined. When doing so, if the expressed or spread false information is such to cause serious consequences to the life and health of the damaged party, or to a person closely related to him, the offender shall be sentenced to imprisonment of three months to three years. Responsibility is excluded if the offender proves the truthfulness of his claim or proves to have justified grounds to believe in the truthfulness of the expressed and spread information. Whosoever insults another, according

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<sup>11</sup> „Official Gazette of Republic of Macedonia” No. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08 and 114/09: hereinafter CC

to Article 173, shall be fined. The CC, separately prescribes that when one person publicly exposes to mockery another person by use of a computer system because of his or her belonging to a group that is different by race, colour of skin, nationality or ethnic origin, or exposes to mockery persons characterized with any of these characteristics, shall be fined or sentenced to imprisonment up to one year. In this norm we can specifically see the sanctioning of hate speech. Expression or spreading of information from the personal or family life of another, being harmful for his reputation, according to Article 174 of the CC, is sanctioned with fine, and if the expressed or spread is so significant that may cause or result in serious consequences for the life and health of the damaged party or to a person closely related to him, the offender shall be sentenced to imprisonment of three months to three years.

The Criminal Code (Article 176) provides that no sentence shall be imposed to whosoever insultingly expresses against another within a scientific, literary or artistic work, in serious critics, in performance of official duty, journalist profession, political or other community work, in the defence of the freedom of public expression of opinion or other rights or when protecting the public interest or other justified interests, if the manner of expression or the other circumstances of the work result in no signs of insult or no significant violation of the honour and reputation of the person. In these cases the sanction for slander is excluded i.e. to whosoever reports about something being announced to another shall not be sentenced for slender, as well as whosoever is prevented from exercising the right to access to information of public character against the provisions on free access to information, wherefore he calls upon in his defence.

If the offender was provoked by an incident or rude behaviour of the damaged party, according to Article 177, paragraph 1, the court may impose a court admonition to the offender. If the offender apologizes to the damaged party, and if at court the offender recalls the expressed and spread, according to article 177 paragraph 3 of the CC, his punishment shall be acquitted.

With the Criminal Code, undermining the reputation of the Republic of Macedonia is also sanctioned as by Article 178 it is determined that whosoever, with the intent to ridicule publicly mocks the Republic of Macedonia, its flag, coat of arms or anthem, shall be

sentenced to imprisonment of three months to three years. The same punishment, is threatened to the person that will with the intent to ridicule publicly mocks the Macedonian people and members of communities living in the Republic of Macedonia

**The Law on Obligations of the Republic of Macedonia**<sup>12</sup> determines the civil liability (liability for damage) for the breach of personality rights *inter alia* the right to honour, reputation, dignity, personal name, privacy of the personal and family life and freedom.<sup>13</sup> In accordance with Article 141, par, 1 of LOO, the person that by fault causes damage to another person shall be liable to indemnify the damaged party, and the breach of the personality rights is considered non-pecuniary (non-material) damage.<sup>14</sup> Such damage, in accordance with the LOO shall be indemnified in immaterial form ( moral satisfaction) and material form ( material satisfaction) in cases determined by Law. The moral satisfaction is seen in the right of the damaged party to request the court to order that, at the expense of the tort-feasor, the sentence or the correction, be made public, or to order that the tort-feasor take back the statement causing the violation, or order something else which would reach the purpose, otherwise.<sup>15</sup> In accordance with Article 189, in case of breach of personality rights the court shall, after finding that the severity of the breach and circumstances of the case provide a corresponding ground thereof – award equitable damages, independently of redressing the property damage, even if the latter is not awarded. In deciding on awarding equitable damages the court shall have into account the severity and the duration of the violation that caused physical suffering, mental pain and duress, as well as the purpose of damages, but also that that it does not favour ends otherwise incompatible with its nature and social purpose. For the violation of the right of honour and other personality right of the legal entities, the court shall, after finding that the severity of the breach and circumstances of the case provide a corresponding ground thereof – award equitable damages, independently of redressing the property damage, even if the latter is not awarded. Beside these rules, in certain cases, when that is regulated by other law, the rules of other law shall be applied. In deciding on the amount of the equitable damages, the court shall take into

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<sup>12</sup> “Official Gazette of Republic of Macedonia” No. 18/01, 78/01, 04/02, 59/02, 05/03, 84/08, 81/09 and 161/09; hereinafter LOO

<sup>13</sup> LOO, Article 9 - a

<sup>14</sup> LOO, Article 142,

<sup>15</sup> LOO, Article 187

consideration the time that elapsed for the time the damage was caused to the moment of deciding, if the duration of waiting for the equitable damages and the other circumstances justify that.<sup>16</sup>.

The **Law on Prevention and Protection against Discrimination** of Republic of Macedonia<sup>17</sup>, aims to provide prevention and protection from discrimination<sup>18</sup> in exercising the rights guaranteed by the Constitution of the Republic of Macedonia, the Laws and the ratified international agreements. By Article 3 of the Law any direct or indirect discrimination, calling and encouraging discrimination and help in discriminatory treatment<sup>19</sup> based on race, colour, gender, membership in a marginalized group, ethnicity, language, nationality, social background, religion or religious beliefs, other beliefs, education, political affiliation, personal or social status, mental and physical disability, age, marital or family status, property status, medical condition or any other ground which is regulated by law or ratified international agreement (in further text: discriminatory basis) is prohibited. This law is applied by all state organs, organs of local self-government, public entities with legal authority and legal and natural persons, inter alia in the area of public information and media<sup>20</sup>. The law defines the institute – harassment (Article 7) as an act which has the purpose or result of a violation of the dignity of a person or creating a threatening, hostile, humiliating or intimidating environment or practice; and the institute calling and encouraging discrimination (Article 9) any activity that a person directly or indirectly invites, encourages, instructs or encourages another person to commit discrimination.

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<sup>16</sup> LOO, Article, 192, Paragraph 2

<sup>17</sup> “Official Gazette of Republic of Macedonia” No. 50/2010, Decision of the Constitutional Court of Republic of Macedonia U. No. 82/2010 from September 15 2010, published in the “Official gazette of Republic of Macedonia” No. 127/2010

<sup>18</sup> Article 5, par. 1, indent 3: Discrimination is any unjustified legal or factual, direct or indirect making a difference or unequal treatment, or omission (exclusion, restriction or preference) in relation to persons or groups that is based on gender, race, colour of skin, membership of a marginalized group, ethnicity, language, nationality, social background, religion or religious belief, education, political affiliation, personal or social status, property status, health condition or any other basis

<sup>19</sup> Article 5, par. 1, indent 4: Discriminatory behaviour and treatment is any active or passive behaviour of any person by the public authorities, as well as person and legal entities of the private and the public sector in the public life that creates basis for privileging or deprivileging of a respective person in an unjustified manner, or that exposes him/her in unjustified and degrading relation in comparison to other persons in a similar position, based on any of the discriminating basis;

<sup>20</sup> Article 4, par. 1, indent 6

In addition to the legislation, in terms of conduct of the media and journalists, the **Code of the Journalists of Macedonia**<sup>21</sup>, should also be taken into consideration as by Article 10 it strictly forbids hate speech in the journalistic work, providing: “Journalists shall not consciously create or process information that jeopardizes human rights and freedoms, shall not use hate speech and shall not encourage discrimination of any sort (nationality, religion, sex, social class, language, sexual orientation, political orientation ...); and with Article 11, calls for respect of differences in a way that “the Journalist shall observe the general social standards of decency, and shall respect the ethnic, cultural, and religious differences in the Republic of Macedonia”.

## **II. Discourse Analysis of the Media Entries (July 20 – August 20)**

### **1. Celebration of the national holiday Ilinden**

Macedonian electronic and printed media focused their main attention on the "incident" with the banner of the Bulgarian VMRO of Krasimir Karakachanov, which depicted the slogan "Macedonia is Bulgarian" that, needless to say, irritates the Macedonian public, even though Karakachanov and his party are still marginal within the Bulgarian political landscape.

The media generally cover the event and the reactions of the people that were present i.e. members and supporters of OMO Ilinden. There are no direct comments or provocations; however the indirect commenting goes through the words of the members of the unregistered OMO Ilinden.

A) Quote from the daily newspaper “Vreme” from 03.08.2010: “.“Stojko Stojkov, the leader of OMO Ilinden – Pirin, says that the Macedonians in Bulgaria are already used to the provocations of Karakachanov’s VMRO. According to him, Karakachanov and his party are created by the Bulgarian security forces in order to work against the Macedonian – Bulgarian relations, and that the banner “Macedonia is Bulgarian” is an expression of the position of all Bulgarian nationalists”

B) Similarly, this quote is used by several other media outlets. For example, TV Alfa, in the report from 01.08.2010 in the 17:30h news, “asked the Macedonian Ministry of Foreign affairs for its official position regarding similar incidents connected with the Bulgarian MP, but

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<sup>21</sup> [http://www.znm.org.mk/index.php?option=com\\_content&view=article&id=47&Itemid=62&lang=mk](http://www.znm.org.mk/index.php?option=com_content&view=article&id=47&Itemid=62&lang=mk)

didn't receive an answer. Even though the news was reported by some of the Bulgarian media, there was also no reaction from official Sofia. Krasimir Karakachanov is well known to both Macedonian and Bulgarian public. Only a month ago he called on Bulgarian institutions to take a more active role in order for the Macedonians living in Albania to declare themselves as Bulgarians on the upcoming census".

C) TV Sitel contextualizes the same event in slightly different manner. At the 18:00h news from 01.08.2010 the following is stated: "according to the agency Bgnes, the marking of the Ilinden uprising in front of the memorial of Ilinden heroes started with a scandal. The banner on which was written that "Macedonia is Bulgarian" was exposed at the beginning of the ceremony by members of the VMRO, from Sofia, led by Krasimir Karakachanov. According to the reporter of Bgnes, the banner was not removed besides the suggestion of the actor Nikolay Kimchev who was the host of the ceremony. Kimchev tried to explain to the member of VMRO from Sofia that the event was not a political rally, yet the banner was still not removed".

D) Similarly, TV Kanal 5 in the 17:00h news of the same day states the following: " Krasimir Karakachanov with another provocation to the Macedonian nation. On a banner saying 'Macedonia is Bulgarian' he and his party marked the anniversary in front of the Memorial of the Ilinden Heroes, near Blagoevgrad. Activist from the party VMRO of the controversial leader, exposed the banner during the beginning of the ceremony, but didn't remove it until the end... ".

E) It is noticeable that several media call Karakachanov controversial, but do not explain why. Therefore the information is incomplete because of the simple reason that not every viewer or reader knows who is Karakachnov nor why is he "controversial". For example, in the daily newspaper "Vecher" from 02.08.2010, with a headline "Krasimir Karakachanov, leader of the VMRO - BND" a statement of his can be read without any additional comments. The newspaper goes on to quote Karakachanov (in the section "quote of the day"):

"A normal Bulgarian, that is not burdened with some rubbish about Alexander of Macedon, some ancient Macedonian nation and similar twisted issues, is normal for every Bulgarian in free Bulgaria to consider Macedonia as a part of Bulgaria's national space".

However, it is not clear what should this quote say to us if there is no explanation where was the statement given, to whom and when. At the same time, there is a possibility that the

hidden aim of exposing this quote as the quote of the day is to arouse the sentiments among the newspaper's readership.

F) In the 18:30 news on Telma TV, from 03.08.2010, it is stated: "the marking of the Ilinden uprising did not go through without provocations based on the Greater Bulgaria narrative and other incidents, thanks to a couple of radical political parties stemming from the same source: VMRO – BND of Krasimir Karakachanov and VMRO – NIE of Petko Atanasov.." In addition to the report, the same information about the banner follows. However, the viewers are left without an explanation why are these political parties are "radical" and what is the "same source" from which they stem, thus not many viewers can fully understand what is the purpose of the whole statement.

## **2. Ljubomir Levchev, awarded "Golden Wreath" at the Struga Poetry Evenings**

The second significant event that has received significant media coverage in the period of analysis is the 49<sup>th</sup> annual Struga Poetry Evenings. Two occurrences have marked the 2010 Struga festival: for the first time, the winner of the Golden Wreath of Poetry was a Bulgarian poet; and the award ceremony was politicized, as the presidents of the both countries attended the event. Their working meeting at the Villa Biljana in Ohrid was held at the time of the Struga Poetry Evenings.

In general, all of the occurrences around Levchev's arrival and stay in Macedonia, as well as the Golden Wreath award ceremony have been fully covered by the media, and Levchev's statement has been quoted in the media.

**A)** One of the national daily newspapers, "Dnevnik", on 19.09.2010 quoted a anonymous comment of its reader that Levchev allegedly did not recognize the existence of a separate Macedonian language, asking "if he is the one that we are going to award the Golden Wreath?", adding that "his selection was accompanied by a lot of controversy in the Macedonian public", yet these allegations are not further examined. The newspaper later on quotes Levchev that he has never given such a statement and that he denounced the "Sofia evil sayers". That makes the only more controversial content, while the rest of the coverage of the topic is conveyed in a professional and elaborate manner, including the meeting of the two presidents, which is presented through the official press release.

**B)** In an entry titled “I write words of love, not of antimacedonism”, the daily “Vreme” on 20.08.2010 quotes the statement of Levchev::

„Never in my life have I said or written a bad word for Macedonia. I have only written words of love and that was always liked by many”. (...) “He did not spare his good words for Struga, the festival, for the great honor Macedonia shows, as awarding him the Golden Wreath”, writes “Vreme” and further quotes:

„There used to be invisible walls built of lies between our two peoples. I think that it is of great importance that the cultural ties between us are now being purified. Maybe they are still not as clean as the Crn Drim waters, but what matters is that they are improving” (...) “Stressing that he was ascribed various statements on the Macedonian language and people, Levchev reminds that relationship with Macedonia and Stuga was always deep, ever since 17 years ago he was here for the time and gave his first interview”.

Similar entries from the same day can be found in “Utrinski Vesnik” and “Dnevnik”. During the same period of time, the media have informed on the Ohrid meeting of the presidents of the two countries, Gjorge Ivanov and Georgi Prvanov and for their presence at the Struga Poetry Evenings, solely relying on the official press release from Ivanov’s office, as there was no press conference for the event.

### **III. Concluding remarks**

Macedonian media did not spread any flagrant form of hate speech (defined as act which aims to offend someone based on their personal or identity trait) in the period in which they were surveyed. On another note, there is an impression that besides the attempts for neutral dissemination of information free of excessive commentaries and maliciousness, there are hidden assumptions when discussing the issue of the Macedonian-Bulgarian relations. The assumed position the issue is not necessarily pro-Macedonian or anti-Bulgarian, but rather along the lines of the belief that when this issue is under question, then there “has to be a problem”. This kind of assumptions are reflected in the redundant and excessive coverage of radical Bulgarian nationalists in Macedonian media, without providing the necessary introduction or background information regarding these politicians. A paradigmatic case of this is the one of the marginal extra-parliamentary Bulgarian politician Krasimir Karakachanov – while his rating and media exposure in Bulgaria is low compared to other political subjects in the country, he receives much higher visibility in Macedonian media, as

he was an official representative of the Bulgarian government due to the lack of contextualization in his case. In the case of the poet Levchev, some of the media had a strong assumption that he is a controversial, “anti-Macedonian” person, and due to their discourse, his arrival in Macedonia was portrayed as a politically controversial event. This kind of reporting, while not embracing hate speech, fails to filter and oust prejudices nested in the broader social discourse. Thus, such reporting can resemble a provocation or can provide the grounds for the emergence of hate speech, which is visible on the web pages of the media. For instance, the story about the actions of Karakachanov’s political party on the web page of A1 TV has stirred a heated discussion consisting of many elements of hate speech (<http://a1.com.mk/vesti/default.aspx?VestID=125930>). Furthermore, as seen in the analysis of social media, often the news from the traditional media can inspire hate speech, that can lead to “online wars” between Macedonian and Bulgarian commentators. Therefore, the classical media have a responsibility that besides not enabling hate speech, they will have to contribute in the elimination of stereotypes, prejudices and the variety of contents that on the long term instigate hate speech, as well as to deconstruct and disable the somewhat paranoid discourse that Macedonian-Bulgarian relations resemble a form of a dispute or conflict by default.

Finally, we have to refer to our own limitations in terms of this analysis – the very short term of conducting the survey. The time frame of only 30 days is too narrow for drawing more elaborate conclusions whether the entries in Macedonian media throughout the whole year contain elements of hate speech. The sequel to this project, or other future projects dealing with this particular topic will have to answer to the challenge of monitoring and analyzing the media content over a longer period, through which it is very possible that even the smallest acts or statements can arouse the anger among certain individuals who might turn to using hate speech in their responses.

## **Hate speech between Macedonians and Bulgarians in the new media**

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While new media have been an important technological innovation contributing with multilayered advancement of people's everyday life, they have certainly enabled and probably advanced some negative aspects of communication. With their broad accessibility, the relatively low requirements for their usage (in terms of knowledge, finances and technological devices), and their popularization among all of the social categories (unlike in their beginning, when they were accessible and common for just a narrow bit of the population), new media are nowadays omnipresent in every Internet users' life. They have had an especially tremendous impact on small countries, such as Macedonia and Bulgaria – in the case of the former, the majority of the online content today is generated by internet users, not by companies or magazines.

The dark side of the new media consists, among other things, of hate speech. Due to the easy access, but also the nature of new media (participativity, relative anonymity and possibility to indirectly, but publicly “face” your opponent), many individuals overcome the barriers that prevent them from engaging into hate speech in the world away from keyboard (lack of audience, lack of opponents and lack of courage). That has been the case with numerous Macedonian and Bulgarian Internet users, who have been involved in a perpetual and decentralized war on several fronts (blogs, Facebook, YouTube and even social pornography websites), in which they throw to each other the nastiest, most offensive phrases one can even imagine, resembling very illustrative examples of hate speech.

The collisions between Macedonian and Bulgarian cyber-haters has escalated with the boom of the Macedonian blogosphere ever since 2004/2005 and the establishment of the most popular Macedonian blogging platform “Bloggeraj” ([www.blog.com.mk](http://www.blog.com.mk), later [www.blog.mk](http://www.blog.mk)) in 2006/07. What has been striking from the beginnings of the blogging platform, is the intensity of the Macedonian-Bulgarian feuds. Due to the language proximity, Macedonian and Bulgarian blog wars have been going on with a very high frequency, very often occupying the front page of the platform, and eventually leading to the depart of many bloggers who refused to participate in that kind of communication. Often, the Macedonian-Bulgarian feuds

on the platform have inspired various bloggers, primarily Macedonians (as they constitute the vast majority of the platform users, compared to the minority of Bulgarians, but also because the platform is conceptualized as "Macedonian", so they act as hosts) to address the rest of the community to action to solve the problem. Sometimes, this urge takes the form of clear, hateful anti-Bulgarian hate speech, and sometimes it takes the form of public address to the editors of the platform to ban Bulgarian users. Finally, there have been various "appeals to boycott" of the contents and comments produced by Bulgarian commentators in order the self-proclaimed patriots and online defenders of the nation not to lose their nerves. Others, attempt to promote a peaceful and down-to-earth reasonable rhetoric. Mecheto Ushko (mecetousko.blog.mk), a Macedonian blogger has recently reflected on the topic, labeling it destructive and unreasonable.

"On this blogging platform (...) there are continuously new guys who don't do anything else except spreading hatred and chauvinism through pejorative slang sentences towards Bulgaria and its citizens. I bet that (...) the ones that are on this platform since its foundation will remember that destructive post who caused irritation even in Bulgarian media (...). They probably also remember that most commented post ever, containing more than 15 thousand comments on the Bulgarian nation and state. (...)"

The hate speech between Macedonians and Bulgarians manifests primarily as an extension to the existing historical feuds, but also the mutual stereotypes – Macedonians label Bulgarians "Tartars" or "Mongols" (which is an example of orientalist rhetoric, in which Asian features are considered traits of backwardness) who look like horses, and whose women are very promiscuous especially with Macedonian men; Bulgarians denounce Macedonians as semi-retarded, brainwashed people who have been manipulated by the Communists. Needless to say, both of the rhetorics besides nationalistic, are machoistic, homophobic and highly sexist. For instance, the ones who engage in hate speech, often post pictures of homosexual intercourse, which in the value system of the radical nationalist subculture is seen as an utterly negative phenomena, and aims to insult and emotionally harm the one to whom it's addressed.

For paradigmatic examples of hate speech by Macedonian bloggers, see the so called "LogBlog" <http://logblog.blog.mk/> whose motto is "Death for pro-Bulgarians, freedom to the world" and features an image of Adolf Hitler and says in German "Forbidden for pro-Bulgarians, sectarians and dogs"). Another blog that often utilizes hate speech against Bulgarians is Darvel (darvel.blog.mk). On one occasion in a post titled "Tartars... Thieves, what else (they could be)?", Darvel argued that the authors of Bulgarian Wikipedia have stolen an image of his personal collection by stating the following:

"I can't believe what kind of bastards these Tartars are... First, they are stealing our national history, then they are stealing my family history, and now they are stealing my photographs. Damn you Tartaric bastards, couldn't you at least crop this picture?(...)"

Another blog entry, by Lavot, ([lavot.blog.mk](http://lavot.blog.mk)) discusses the historical role of the Bulgarian Exarchate as primarily negative. The entry is titled "Tartars are only Tartars!" and goes on to quote the founder of the Exarchate who argues that the Exarchate attempted to culturally assimilate the people of Macedonia more than a century ago (it was founded in 1870 and was active in Macedonia up to 1912). This is a very illustrating example how, sometimes the (mis)interpretation of historic documents can lead to using offensive words and slurs. An exchange of hate speech in the comments goes on:

[a Bulgarian commentator says the following in English, alluding that Macedonian is not a human language – using the adjective FYROMIAN as a slur word]:

I don't speak FYROMIAN:((( (...)

Do you speak any human languages???

Like ENGLISH, BULGARIAN???

[a Macedonian commentator replies in Macedonian, playing the homophobic card]:

You can easily see that all Bulgarians are gays by soul and heart and they can read and see only what they want to see, but not the things that do not fit their perception. You Tartar whore, the solution for you is only Hitler to come back and to exterminate all whore-souls like you.

[further on, after several exchanges of insults and hate speech, a Macedonian commentator calls to arms]

It was enough silence [by the Macedonians] and this is the case with all of our neighbors. If we do not start [the war, conflict or similarly], then we will have to defend ourselves and only after that attack with our full force. By the way, I found out why the Bulgarians are so mad at us... we have f\*cked the Bulgarian women too often, in the past for a very cheap price and nowadays just for fun [...]

The hate speech does not end here. Other new media platforms have served as a field for “digital encounters” between nationalists from the both sides. For instance, YouTube features a video by a Bulgarian TV that victimizes Bulgarians in Macedonia (and there's certainly a reason for that), but also is full of prejudices regarding Macedonia and borders hate speech towards Macedonians. In the comments below the video however, primarily written in English, one can read petrifying statements:

"Fuck all macedonian`s fools... burn them, rape their children,father and sons... kill them all.. they do not deserve to be alive, just because they say they`re macedonian.. Bulgaria was created in 681year, but when was created macedonia? What is the history of Macedonia- there is no fucking history,they just left Bulgaria and created this stupid country.. Kill those motherfucker and no mercy for the people who say they`re Macedonian... No mercy" [authentic quote]

YouTube features several clips titled "Macedonia is Bulgarian", and clips such as "Vardar Macedonia - indivisible part of Bulgaria", "Macedonia - Western Bulgaria", "FYROM is a fraud (Macedonia is Greece, FYROM is Bulgaria)", "Macedonia - the dearest Bulgarian land" and so on. As well, there are clips such as "Macedonian Truth - Bulgarian Lies" and so on. While these titles are primarily manifestation of radical nationalism, one can not escape from the impression that they are full of prejudices and hate speech. By the logic of truth and lie, and of "mine" and "yours", the Others are imagined as nasty and fraudulent thieves and generally bad people, who need to be punished and taught a lesson. Therefore all of the really horrifying speech.

Even Facebook, the most popular global and seemingly cosmopolitan social networking website enables hate speech between the two sides. There have been numerous individually posted contents that contain elements of hate speech. At the same time, Facebook enables

the gathering and the networking of people sharing similar interests (even if that is radical nationalism and hatred towards the Other). As a result, many hate groups, pages and causes have emerged – with plenty of them being reported as inappropriate and as a result being banned – however, a lot of them persist even today. They are comprised of several tens, hundreds up to thousands and tens of thousands members. One can easily find pages titled as: "Let's gather 2 millions, and go to Bulgaria to have sex", which consists of nasty stories about Bulgarian women; "Bulgaria - Tartaria, the truth of the world is above the Bulgarian one" (featuring an image of Greater Macedonia map), "While I can bear a gun, no Bulgarian will step into Macedonia - Goce Delchev", "Oh Tartars, oh Turco-Mongols, you can suck a Macedonian dick" – all of them being outrageously full of hatred; at the same time one can find pages such as "The greatest howlers of Macedonism" with an official description saying that "This page is intended to create a community of citizens who laugh on and throw off the MACEDONIZM as a theory" and contains plenty of negative sentiments and hate speech, or "Macedonia is a Bulgarian land! 'Macedonian' history is a forgery!", "Macedonia is Bulgarian! The world history is above the 'Macedonian' one" and "Bulgaria should demand its Western provinces and Strumica at the Hague Court", all of them containing prejudiced talk and elements of hate speech.

What remains an open question, is how to tackle this obviously seething problem? One positive aspect is that, at least the hate speech now is not hidden under the carpet, but becomes publicly visible through the new media. However, the challenge of how to solve the issue will inevitably open a debate on possible censorship, tighter regulation and sanctions for the ones who engage into acts of hate speech. Yet, one must not forget that the new media contents are a mere copy of our everyday life. Sanctioning the hate speech online will not prevent the individuals to hate and to say hateful things away from the keyboard, and on the long run will not solve the problem. Therefore, the problem of hate speech in the new media is primarily a problem of the existence of hate speech itself. Civil society and media campaigns, as well as mutual actions might have better odds in combating it. In the attempts to influence the culture and the attitude of the online community, a Macedonian blogger writing about everyday life in Sofia, or a Bulgarian blogger writing about everyday life in Skopje will certainly have a better chance than a strict censoring policy.

## **Joint Recommendations**

### **For The Media and Civil Society Activists In Bulgaria and Macedonia to Limit The Role Of Media In Hate Speech**

#### **General:**

These recommendations have been developed as a part of a joint project of the BTC ProMedia Foundation in Bulgaria and the Media Development Center Skopje in Macedonia aimed at analyzing the reasons and helping establish mechanisms for the decrease in hate speech about the two countries in their media. They are based on national reports on hate speech in Bulgarian and Macedonian media aimed at the neighboring country developed on the basis of joint media monitoring using shared methodology and of discussions of the two national groups of experts working on the issue of hate speech.

These recommendations do not pretend to be exhaustive or to offer a comprehensive solution to the problem of hate speech in the media of the two countries, since this task is beyond the scope of the current project. In the short term the initiative aims to open channels of communication between media experts, civil society actors and opinion makers from the two countries about the issues of hate speech. They also aim at fostering public debate on the role of media in hate speech exchanges between Bulgaria and Macedonia, ultimately helping minimize such content in the mainstream media of the two countries.

This particular set of recommendations is an expert draft. It is open to further debate and will result in final recommendations, which will be presented to the interested parties in both countries at the end of the project activities.

#### **Target Audience:**

These recommendations are intended to be used as professional reference by journalists, civil society activists and media experts in Bulgaria and Macedonia. However, they are open to any other interested party. Political or media use (or abuse) of the recommendations may help raise public interest and foster public debate, which is one of the goals of the initiative.

## Recommendations:

1. Agree on definitions of hate speech and make clear distinctions from libel and defamation and freedom of expression.

Freedom of expression is one of the underlying principles of a democratic society and any considerations about hate speech should take into consideration that limiting the freedom of expression is unacceptable, unless provided by law. While libel and defamation are defined and prosecuted by law, there are no legally binding definitions of hate speech in the legal systems of Bulgaria and Macedonia.

In general, “***hate speech***” should be defined as ***speech, which advocates or encourages violent acts*** or crimes of hate ( in this case, based on national identification) ***and which creates a climate of hate or prejudice***, which in turn may foster the commission of such crimes.

An example of a legally binding (though not enforceable) definition exists in the Bulgarian Constitution, “Art. 39. (1) Everyone shall be entitled to express an opinion or to publicize it through words, written or oral, sound or image, or in any other way.

(2) This right shall not be used to the detriment of the rights and reputation of others..., or the incitement of enmity or violence against anyone.” It is recommended that media and experts apply similar definitions and create self regulatory mechanisms to apply them.

2. Define national specifics of hate speech.

In some cases national media in Bulgaria and Macedonia provoke angry reactions on the other side of the border unwillingly, because of the ***lack of knowledge and sensitivity*** about the public opinion and established national consensuses in the two societies. One example is the policy of many Bulgarian broadcast media not to translate sound bites from Macedonian. In most cases this is done because the editors assume their audience will not need a translation, but it may be interpreted in Macedonia as furthering Bulgaria’s denial of the existence of a Macedonian language. It is recommended to analyze such unintentional acts of provocation and try to avoid them.

3. Reporting Cases of Hate Speech

When analyzing hate speech in the media, it is recommended not to overstate their role in creating tensions between the two countries. The media are not asked not to report on cases

of hate speech by other actors, but are advised not to use and multiply hate speech themselves and to identify hate speech by others when reporting on it.

#### 4. Identifying Political PR (cross border publications)

While the media should report on statements by politicians and other prominent figures from the other country, which have elements of hate speech, the journalists are advised to consider if these statements are not a part of political PR aimed at domestic audiences. Some politicians deliberately use media across the border in order to attract domestic attention, which they can't achieve at home. The media are advised to consult with colleagues across the border and avoid paying this service to the political PR of the specific politician.

#### 5. Measure the relative weight of a publication

When quoting a publication in a media across the border, it is advisable to make reference of its reach in terms of circulation and ratings. This would help avoid situations when a hate speech publication in a marginal local media is being quoted by a mainstream media outlet across the border, multiplying significantly the effect of the statements.

#### 6. Discourage use of stereotypes

Negative stereotypes of the two nations have been created over many years and are deeply rooted in the thinking of many people on both sides of the border. The media on both sides of the border should consider carefully whether the use of such stereotypes does not contribute to the creation of a climate of hate or prejudice, which would constitute hate speech itself.

#### 7. Differentiate between individuals and official positions

Correct attribution of hate speech statements should be strictly observed. Statements of individual politicians should not be represented as the opinion of the whole nation.

#### 8. Avoid generalizations

Avoiding generalizations is an effective tool against hate speech, which aims at creating a “group” enemy. This applies to the media itself. Identifying specific perpetrators of hate speech is recommendable. Blaming the media as a whole is not.

#### 9. Provide background to carries of hate speech

When quoting a statement of a politician from the other country, which may be interpreted as hate speech, it is important to give the audience an objective background information on his/her role in the political process in that country. For example, some of the most prominent authors of hate speech statements in Bulgaria, which infuriate the Macedonian public, have very limited influence on domestic policy and do not deserve the level of attention given to them by the media across the border. It is important to inform the public that such figures do not speak on behalf of the state or people of Bulgaria and have limited influence over domestic and international Bulgarian politics.

#### 10. Commercialization, bad taste

Playing on negative stereotypes is one of the basic rules of commercial TV entertainment. While it may resemble or even constitute hate speech, the use of negative stereotypes in entertainment should not be quoted across the border as news or as the official position of the country. Freedom of speech sometimes results in bad taste, but its effect on the bilateral relations should not be exaggerated.

#### 11. Free lancers

Many of the cases of hate speech misinterpretation come from the fact that most Bulgarian and Macedonian media do not have their own correspondents across the border and have to rely on second-hand information. It is recommended to consider using more free lancers in the other country and rely less on biased political interpretations of events.

#### 12. Work with CSO's

Both in Bulgaria and Macedonia there are civil society organizations, which have excellent expertise in the areas of human rights, media freedoms, professionalism and media ethics. It

is recommended that media and experts work with these organization on a regular basis in order to increase their capacity to identify and limit hate speech.

### 13. Developing consultation mechanisms

Based on the results of the current project, it is recommended to form a joint Macedonian-Bulgarian Editors' council, which would review cases and come up with recommendations about the limitation of hate speech in the media

### 14. Cooperation between professional journalism organizations

Such a council should be working against the background of enhanced cooperation between professional journalism organizations and media experts, which would keep open channels of communication between the media of the two countries on issues of hate speech.

### 15. Continued monitoring

It is important to continue monitoring the media on the two countries and analyze the development of the self regulation processes in them. Such monitoring should include New Media and Social Networks.

### 16. The EU perspective

Dealing with hate speech, as a part of establishing good neighborly relations, is an important part of the prospects of any EU candidate state. Bulgarian and Macedonian media can contribute significantly to the prospects of Macedonia joining the EU as soon as possible by decreasing the tensions and putting hate speech across the border under control.