



ANALYSIS OF THE LEGAL FRAMEWORK FOR HATE SPEECH IN NORTH MACEDONIA



POLICY BRIEF

POLICY BRIEF

Analysis of the Legal Framework for Hate Speech in North Macedonia

Helsinki Committee for Human Rights

Skopje

October, 2023

This publication was funded by the European Union. Its contents are the sole responsibility of the Helsinki Committee for Human Rights Skopje and do not necessarily reflect the views of the European Union.



Funded by
the European Union



Зајакнување на националните
заштитни механизми против
говор на омраза



ХЕЛСИНШКИ
КОМИТЕТ
ЗА ЧОВЕКОВИ
ПРАВА

POLICY BRIEF SUMMARY

Hate speech, as a worrying trend, is increasingly present in North Macedonia. While young people are most often both perpetrators and victims, its recognition, reporting, and subsequent processing must be adequate, bearing in mind that hate speech is often the first step before actual violence. Although certain criminal provisions exist, the current legal framework lacks a clear definition and consistency in sanctioning and preventing hate speech. This document highlights the gaps in national legislation, analyzes them in light of EU standards, and proposes concrete recommendations for effectively addressing the problem.

KEY FINDINGS:

- Absence of an explicit definition of hate speech in the Criminal Code.
 - Insufficient distinction between hate speech and personal insult or defamation.
 - Insufficient civil and administrative legal remedies (compensation, deletion, blocking, injunctions, publication of statements acknowledging hate speech; and under administrative law: fines and revocation of licenses).
 - Non-alignment with the EU Digital Services Act and Council of Europe guidelines.
 - Limited mandate of key institutions for a systemic approach to hate speech.
-

Legal Analysis and Gaps

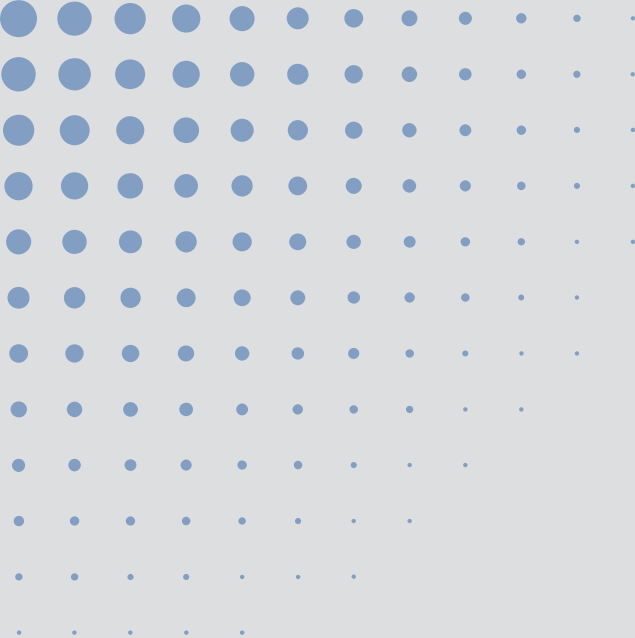
The Criminal Code currently does not contain a specific article that explicitly regulates hate speech. Existing provisions (e.g., Articles 319, 394) cover some aspects but do not provide a unified and effective mechanism for sanctioning. Civil and administrative law, particularly the Law on Prevention and Protection against Discrimination, does not provide a clear mandate for institutions such as the Commission for Prevention and Protection against Discrimination (CPAD) to act against hate speech.

International and European Standards

EU and Council of Europe standards require clear legal definitions, proportionate sanctions, and mechanisms for protection against abuse. The EU Digital Services Act sets obligations for online platforms to remove hate speech in a timely manner. The legal framework of North Macedonia should incorporate these elements to align with EU accession obligations and provide protection for marginalized groups.

RECOMMENDATIONS

- Introduce a specific provision in the Criminal Code to define and sanction hate speech.
- Adopt clear guidelines for interpretation and application by courts and police.
- Empower the Commission for Prevention and Protection against Discrimination with explicit competence over hate speech.
- Strengthen media regulation and introduce obligations for online platforms to control hate speech.
- Promote restorative measures (community service) for perpetrators.
- Develop training programs for judges and prosecutors on the application of European case law and practice.



Funded by
the European Union



Зајакнување на националните
заштитни механизми против
говор на омраза



ХЕЛСИНШКИ
КОМИТЕТ
ЗА ЧОВЕКОВИ
ПРАВА