

Nationalistic competition over Internet: Legal Regulation and Social impact

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Inside Social Media

Abstract

Tracing Media activities involves various aspects of social implication. This work incorporates some of those aspects with main focus on Internet activities related with promotion and expansion of nationalistic ideas, programs and goals over internet space as one of primal factors in progress for nationalistic mobilization.

The nationalistic competition involves the otherness as imagined concept versus which sides are promoting their own collective solidarity confronting rationalistic, and preferring idealistic view over reality. Analyzing internet data from several types of internet media, as YouTube, Forums, Blogs and Wikipedia, structure of people involved, intensity of activities, as well as qualitative content analyzing, we can trace the nature, forms and capacity of extension of several Balkan nationalisms.

This paper includes:

- Theoretic dispute over nationalistic competition and its relation with internet;
- The legal regulative in R. Macedonia, the region and Europe connected with internet activities, as well as analyzes for its future development;
- What do we consider for social implication from nationalistic actions on internet?

The nationalistic ideology is related with the concept of nation state, ethnicity and other forms of collective identification. The traditional Medias (printed and mass media) for promotion of this type of ideology based mobilization in the last ten years are supported by activities on Internet.

The Legal framework of positive legal systems of separate states and international regulations are novel, as well as this type of internet activities. So we can expect there is need to reshape this regulative, confronting stability of systems and international regulations for protecting freedom of expression and human rights.

The last aspect includes analyses of social implications of those types of activities, as reshaping of identities, political mobilization usage, promotion of great nationalistic ideas, and stimulation of conflict between confronting collectivities. The nationalistic contestation over internet space often starts as individual need for expression of otherness, but it transforms very fast into collective confrontation for promotion of nationalistic ideas.

Key words: Media, Internet, Nationalism, Legal Regulative

Nationalism as modern ideology is highly related to existence of nation-state, as sovereign concept addressed to certain territory and its people. Gellner's theory of nationalism emphasizes changes in the quality of interpersonal relationships as a result of increased mobility, standardized education and large-scale labor markets following the industrial revolution. Some of the central features of nationalism, in his theory, are:

- shared, formal educational system
- cultural homogenization and "social entropy"
- central monitoring of polity, extensive bureaucratic control
- linguistic standardization
- national identification-the abstract community
- cultural similarity as a base for political legitimacy
- anonymity, single-stranded social relationships (Eriksen, T. H. 2006)

By this the nationalism has two bases, one cultural, related with the tradition, and the other is institutional, mainly depended on the institutional capacity of the nation state. Because the concept of nationalism is highly inner state rooted, the state is using its mechanisms for nationalistic mobilization, if needed, or in more cases for building sustainable level of national cohesion without cosign further nationalistic expansion. So, the institutional control can be suppressed, maintained or increased by various mechanisms including educational system, bureaucratic control of institutions and public media (whit the influence of the private ones).

This traditional pattern is changed especially in the last few decades, caused by globalization and development of internet as alternative global media. So are changed the roles of the nation-state in providing total control in producing and maintaining nationalism. In this context we should mentioned the role of Diasporas who are creating virtual transnational communities and nationalisms. As Anderson demonstrated, printing technology was one of key features for creation of nationalism possible. Today, other media can and are playing this role (Anderson, B. 1991: 41-49). Particular media are no more understood as physical carriers of the many different characteristics, so all communicational services can be send and by independent of-line, but in the last two decades and as on-line network transfer, as Internet (Голдберг, Т. 2009: 17, 18). The new generations are shaping their identities not

just in school classes, or through traditional media (newspapers, books, radio and television) but more and more by surfing on the web.

By Bakker, nationalism is flourishing on Internet. Every possible movement can be found: there are websites, chat canals, news groups and mailing lists. The same conflict that accompany “real life” movements, accompany the virtual ones. Nationalistic movements existed before and Internet did not invent them, so they are not its consequence. But this does not mean that the virtual world is a mirror of “real” one. The content of websites looks like the content of other media. Online discussions in mailing lists, chat and newsgroups have the same topics as a “real” life (Bakker, 2001).

Theory on Internet use should concentrate on at least five different areas:

- *Who is using Internet?*
- *Why are they using it?*
- *What are users confronted with?*
- *How are they using it?*
- What are the consequences of Internet use?

The last topic goes beyond individual use. Theory on the meaning of Internet for groups and organizations heavily relies on the related concept of “virtual community” (Bakker, 2001).

Interactivity and participation are closely related to technology. When Bakker look at the most common technologies used, it can be distinguished: *Chats, Usenet newsgroups, E-mail* (Ibidem), on which we have added: *blogs, Multimedia internet canals and the model of Wikipedia, as the largest free encyclopedia.*

- *Chats-* (scipe, messenger) Direct personal contact, many people communicating at the same time: are the most used technologies, anonymous participation is possible, and lurking (anonymous following discussions without participating) is difficult;

- *Usenet newsgroups-* (Twitter, , hi five and open forums) Anyone can participate the groups are organized on base of membership, but lurking sometimes can be common;

- *E-mail-* This has two basic forms: personal communication between two or within small group of people, very widely used, little known about it. And, second is mailing list: the one-to-many list and discussions list where any member can

send to the whole group. Some groups are moderated. Facebook, today is the closest to this last category;

- *Websites*- Sometimes only presentation, information, news and pictures without communication or participation; in other cases websites can have features like online discussions, guest books, forums and mailing lists (Ibidem);

- *Blogs*- (has a form of personal diary or newspaper, where the members put their own views on different topics (politics, economy, and every day live, music EST.) and often creates discussions;

- *Multimedia canals*- (As You tube), where you can find all kind of contents, as a model of multimedia encyclopedia created on volunteeristic base;

- And also as a different category I would like to mention the concepts of *Wikipedia* as largest free and open encyclopedia.

Those entire internet based categories, can be and are used in favor of the different kind of mobilization, including nationalistic. The nationalistic activities can be placed in few categories:

- activities of hacking groups, who have offensive (often non legal) character

- using internet space for nationalistic competition, creating virtual battle ground

- placing information directly pointed toward nationalistic contestation (creating multimedia messages- You tube), or expending personal nationalistic views on mutual shared forums, chat rooms, or blogs

- the goal is not only convincing active participants in the contestation of the related story or view, but to attract passive visitors by the quality of the news, or by simple quantification of the messages and domination through the space

Analyzing nationalistic activities Bakker noticed some of the most present topics and characteristics who are part of the messages.

Completeness- In almost every case the webmasters of these sites want to cover every aspect of life on their websites: history, culture (art, music, architecture, poetry, and literature), economics, geography, anthropology EST. But things like traditional motives, folklores and tourism are also present. Bakker is offering the example of the website “Virtual Macedonia” divided in more different sections like sport, travel, health, science and media

(Ibidem). This completeness should be understood in the sense of multimedia presentations such as YouTube, where there is music, text message and picture all presented as symbolic virtual complete message.

Symbols- Flags, coats of arms and anthems are very prominent. The same goes for historic relics places of interest (Ibidem). The power of symbols is presented by usage of nationalistic symbols often is driven from past and history, but also can have political and ideological perspective incorporated with nationalistic view on reality

Maps- Anderson addressed on the map as one of the most powerful means for promoting nationalism. If the census means population quantification, the museum is a simple quantification of historical facts, related with selective reading of those facts; the map is territorial quantification and creation of powerful mobilization factor through the vision of the greatness of the land (country). In Leach's understanding the map is represented as entirety and icon, metaphorical description of the land, but also and metaphorical presentation of the time as general contrast between the culture and the nature (Lic, 1983: 74, 75).

History- One of the most present issues of nationalistic debates on internet is the arguing and elaboration of historical facts. This debate is a continuing debate of one of the official national historiographies. The selective reading of historical facts creates a selective vision of this past and increases the borders of the imagined communities. Tracing to the ultimate historical truth, often means fighting of internet space by simple, one side presentation of facts, and facing other views by their simple quantification. Historical debates are related with the issues of the historical origin, heritage, and some historical events viewed through actual political and historical moment.

News, politics and actuality- Links to media, re-published of articles in elite media, documents of international organizations etc. Conflicts with other parties are covered: Bakker is offering the examples of Kurdish community, between Armenians and Turks and between Macedonians and Greek (Bakker, 2001). The political usage of nationalistic struggle often can be point out to political mobilization factor in periods of elections or some other political event, when there is increased internet activities of political party's orchestrated activists. By Thomas Zittel so called "Electronic democracy" can be developed by usage of Internet as technical support, but also and also for promotional activities as political forum discussions (Цител, Т. 2009: 244-246).

War- The issue of war in its internet usage for nationalistic contestation and mobilization is transformed in two basic means. The first is manifest content of every existing conflict by presentation of military capacities (armies, weapons), songs adapted for

military usage and rise of moral, manipulation of cultural characteristics of features addressed to its own and the culture of the enemy est. The second aspect is the symbolic usage of War which incorporates every competition of the international level (sport events, cultural and scientific competitions est.) where the national pride is driven from the successes of the national representatives.

Music – It is one of the most important elements of nationalistic contestation over internet. The role of this category can fluctuate from promotion of traditional cultural values of the community or group, to promotion of this category as a subject of vernacular mobilization and promotion of nationalistic sentiment through those values.

The aim of those internet activities is to (re)construct a true nation and to create knowledge about specific region. This is done by presenting it as complete and historical as possible. A more semiotic analysis could reveal the personal and cultural significance of these pages. It is very possible that Internet plays and has an important role in the creation of national identity.

The normativistic framework is addressed on the activities on internet who are motivated by nationalism and often political aims but having none legal character. In those activities we can categorize three types:

- Activities promoting and supporting terrorism,
- hacking groups; and
- Activities related with so called “Hate crimes”.

The first category is a subject of multiply studies, and it will not be a part of our special inquiries. The second category- hacking activities can be related with:

1. Unauthorized use of the computer and computer network;
2. Damage to the computer data and programs;
3. Computer sabotage;
4. Computer fraud;
5. Interference with the operation of computer data processing and computer network;
6. Unauthorized access to protected computer and computer network;
7. Design of and infecting with computer viruses;

8. Prevention or restriction of access to computer network (Drakulic, M. and Ratimir Drakulic, 1999).

In this sense we are offering few examples of hatching activities on internet: In July 1996 Goran Katlevic named “the king of Croatian hackers”, stated that he: “broke into Yugoslavia’s system on the second day of its entrance into the Internet and that was laughingly easy”. He was the first individual from former Yugoslavia territory against whom an investigation had been initiated for mixing the sites. The skilled hacker also broke into the site of the Croatian National Television (HRT) and linked Serbia with “Playboy. In October 1998 the presentation of Kosovo’s Albanian paper “Glas Kosova” (“The Voice of Kosovo”) was modified by Serbian hacked group, so called “The Black Hand”. This happened in the time of great uncertainty in Serbia- Will there be bombing or not? “The Black Hand” continued its activity. By the end of October 1998 it raided the site of the Croatian news agency “Vjesnik” (Ibidem). On 27 April 2007, Estonian authorities and businesses become subject to a sustained and very damaging series of cyber attacks, which supposedly came from Russian hackers. The same day, Finnish broadcaster YLE, newspapers and media were also hit. On 18 May, as quickly as they started, the barrages of attacks suddenly disappeared (Jones, B. 2008). On 21 of January 2007 the official web side of the precedent of Republic of Macedonia was under attack of Bulgarian hackers, who were placing Bulgarian nationalistic contents. The next month there were answering treats from Macedonian hackers addressed to Bulgarian official institutional web sides (<http://www.kajgana.com>). On 3-th of Mai 2009 there was hacking attack on the precedential side in Macedonia, this time by hacker group from Kosovo, who placed link and logo of their organization. In the retaliation answer Macedonian hackers storm into official web side of the Albanian precedent (<http://www.al.com.mk>).

The biggest treat of internet is promoting or supporting internet activities that are generating terrorism. Sometimes nationalistic struggle over internet is a tool and mechanism of supporting ultra right group’s theorist activities. The legal framework on this kind of issues is the most developed incorporating international and national levels.

The other type of internet activities who are directly generating nationalism are different kinds of open discussion places as Forums and blogs. The activities are protected by the freedom of the speech and freedom of expressing individual views on certain topic. But, this doesn’t mean that there are not certain rules who can be broken, and who are addressed on the so called “hate crime”. Hate crimes (also known as bias– motivated crimes) occur

when a perpetrator targets a victim because of his or her perceived membership in a certain group, religion, sexual orientation, disability, ethnicity, nationality, age, gender, gender identity, or political affiliation. “Hate Crime” generally refers to criminal acts which are seen to have been motivated by hatred of one or more of listed conditions. Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or insult, or offensive graffiti or letters (Strotzer, 2007). Hate crime laws generally fall into one of several categories: laws defining specific bias- motivated acts as distinct crimes; criminal penalty-enhancement laws; laws creating a distinct civil cause of action for hate crimes; laws requiring administrative agencies to collect hate crime statistics- sometimes the laws focus on war crimes, genocide, and crimes against humanity with the prohibition against discriminatory action limited to public officials (McClintock, M. 2005). In continuing we are offering few examples of hate crime legal regulative in Bulgaria and Greece.

Bulgarian criminal law prohibits certain crimes motivated by racism and xenophobia, but a 1999 report made by the European Commission against racism and intolerance found that it does not appear that those provisions “have ever resulted in convictions before the court in Bulgaria” (Ibidem; ECRI, 2000. Second report on Bulgaria). In its fourth report on Bulgaria “European Commission against Racism and Intolerance (ECRI) recommends that the Bulgarian authorities ensure that the Commission for Protection against Discrimination has the human and financial recourses needed to set up and run local offices” (ECRI report on Bulgaria, 2009: 17, 18). Also ECRI address its focus on vulnerable groups as Roma, Turks, Macedonians and Pomacs, pointing that the Bulgarian authorities should “establish dialog with Macedonian representatives in order to find solution to the issues affecting members of this group. It also recommends that they take steps to bring the media to account as concerns information disseminated about Macedonians and ensure that the legislation is enforced when necessary” (Ibidem, 30).

Greece- Article Law 927/1979 “Section 1.1 penalises incitement to discrimination, hatred or violence toward individuals or groups because of their racial, national or religious origin, trough public written or oral expressions; Section 1.2 prohibits the establishment of, and membership in, organizations which organize propaganda and activities aimed at racial discrimination; Section 2 punishes public expression of offensive ideas ; Section 3 penalises the act of refusing, in the exercise on one’s occupation, to sell a commodity or supply a service on racial grounds.” Public prosecutors may press charges even if the victim does not file a complaint. However, as of 2003, no convictions had been attained under the law

(Sitaropoulos, N. 2007). ECRI has repeated its past recommendations that Greek authorities create an independent body specialized in combating racism and radical discrimination, in line with Council of Europe guidelines, 373 Article 13.2 of the E.U.'s Racial Equality Directive (2000/43) also requires such specialized bodies. A bill transposing the terms of the Racial Equality Directive was introduced in February 2003, which included relevant provisions of the directive 374. The law subsequently enacted to supersede the Race Directives, Law 3304/27-1-2005, provided for three anti-discrimination bodies to fulfill the requirements of the directive. But McClintock argues that during the year 2005, no progress has been made in implementing the terms of the law regarding these specialized bodies (McClintock, 2005: 56-58) In its fourth report on Greece ECRI notified that the progress should be made toward discrimination on Macedonian community in Greece, and implementation of measures for those who fled the Greek civil war as concerns the reinstatement of their citizenship and the return of their confiscated property continues to apply only to ethnic Greeks. So, "ECRI strongly recommends that the Greek authorities take measures to recognize the rights of the members of different groups living in Greece, including freedom of association, in full compliance with the relevant judgments of the European Court of Human Rights". Further on, "ECRI recommends that the Greek authorities investigate allegations of discrimination against members of the Macedonian and Turkish communities and take adequate measures to address them, including by ensuring the implementation of the relevant legislation where necessary. ECRI also strongly recommends that the Greek authorities take steps to recognize the right of selfidentification of those groups" (ECRI report on Greece, 2009: 33-35).

When we are discussing of internet activities in R. Macedonia and their Legal framework we must distinguish three levels:

- International-International regulative
- National-National laws and
- Inner regulation-The rules of the internet sides (Forum rules, Blog rules EST.)

One of the most significant acts of international regulative is the Convention of international regulation of internet crime proclaimed by Council of Europe. The Convention and its Explanatory Report was adopted by the Committee of Ministers of the Council of Europe at its 109-th session on 8 November 2001. It was open for signature in Budapest, on

23 November 2001 and it entered into force on 1 July 2004. On 1 March 2006 the Additional Protocol to the Convention on Cybercrime came into force. Those States that ratified the additional protocol are required to criminalize the dissemination of racist and xenophobic material through computer systems, as well as of racist and xenophobic motivated threats and insults (US Department of Justice).

According to the preamble, the main aim of the Convention is to pursue “a common criminal policy aimed at the protection of society against cybercrime, inter alia by adopting appropriate legislation and fostering international cooperation”. The Convention includes a list of crimes that each signatory state must transpose into their own law. It requires the criminalization of such activities as hacking and offences relating to child pornography, and expands criminal liability for intellectual property violations. It also requires each signatory state to implement certain procedural mechanisms within their laws. The Convention aims principally are focused at:

1. Harmonizing the domestic criminal substantive law elements to offences and connected provisions in the area of cyber crime;
2. Providing for domestic criminal procedural law powers necessary for the investigation and prosecution of such offences as other offences committed by means of a computer system or evidence in relation to which is in electronic form;
3. Setting up a fast and effective regime of international cooperation (Convention on Cybercrime, 2001).

Until now, 46 countries had signed the Convention of international regulation of internet crime proclaimed by Council of Europe, from which 26 countries had ratified this document in their parliaments. Republic of Macedonia has signed this Convention on 23. 11. 2001, ratified on 15. 9. 2004 and it's in force from 1. 1. 2005 (Convention in Cybercrime, Entry into Force).

The national legislative of Republic of Macedonia on the issues of Internet based crime is regulated by the Constitution of Republic of Macedonia and few laws, for example: The law for protection of Industrial property, Criminal law, Law for protection of personal records, Law for protection of calcified information's EST.

By article 9 of the constitution of R. Macedonia all citizens are equal in their freedom and rights irrespective of the gender, race, and color of their skin, national and social origin,

political and religious conviction, property and social status. In article 25 of the Constitution on each citizen are guaranteed right of protection of its dignity and respectability (Устав на Р. Македонија). In article 173 of the Criminal Law are presented the aspects of punishments for the criminal act “Insult or Offence”. The offence done through the press, radio, television, e-mail, or by other means from the media is punishable by financial penalty or prison up to six months. The one, who will put other person on humiliation because of his alliance to certain community, ethical or racial group, or religious determination, will be punished by financial penalty or prison up to one year (Кривичен законик на Р. М.).

The previous examples can be associate with so called Hate Crimes. We also are offering some examples of Macedonian legal legislative which are connected with non legal hacker activities. Article 251, 251a, and 251b, are addressed on non authorized entrance into computer systems, creation and insertion of computer viruses and computer fraud. “The one which will made ore take from other a computer virus with intention for entering it to other computer or computer network, will be punished by financial penalty or prison up to one year.” If the act from previous article creates greater damage or the act is created by organized for this purpose group, the punishment is from one up to five years prison (Ibidem).

In previous context, in the third ECRI report on Macedonia the main focus is on the conditions of successful implementation of Ohrid Framework Agreement and Interethnic relations, but also there are parts on the Citizenship Law, Functioning of public administration and the status of the Roma population in various fields of life as housing, education, employment and access to personal documents, social insurance and health (ECRI, Third report on “the Former Yugoslav Republic of Macedonia”, 2005). But also there are suggestions addressed to Macedonian legal system and laws. “ECRI reiterates its recommendation to authorities to explicitly provide in law that the racist motivation constitutes a specific circumstance for all offences”. Further, “ECRI recommends that a wide range of measures be taken at all levels of the criminal justice system- police, prosecution and judiciary –in order to improve implementation of criminal law provisions relating to racism and discrimination”. In order to achieve this “ECRI also recommends that monitoring of criminal law provisions in this area be created out in a more detailed manner, including qualitative information that makes it possible to assess the manner that the different levels of criminal justice system handle complains (Ibidem, 11,12).

The inner regulations address the rules of different types of forums, blogs, internet providers EST. For example one of the most visited forums in Macedonia, “Kajgana forum” in its rules obligate the members not to use or promote molesting, threatening or insulting content, and also not to spread and use computer viruses and damaging programs (<http://kajgana.com.mk>).

The rules of blog.com.mk are similar to forums instructions. This media canal forbids publishing of threatening, pornographic or commercial content, and content which is breaking Macedonia’s laws (<http://blog.com.mk>). What is interesting on forum and blog rules is that they in their rules are distinguishing them self from the responsibility of “inappropriate published content” as an act of individuality of the members.

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The nationalistic competition over internet as a new form of promotion of nationalism is becoming one of the main factors for social mobilization. Conceptualization of this form of ideology, often address the new generations who are shaping their identity over internet. This promotes new form of media in global sense, but with old pattern of creation of Imaginary transnational virtual borders in which conflict is main demarcation line. In this context nationalism can contain pure promotional aspects of vernacular values. Imagined communities are creating virtual battle fields in which the values and stereotypes are becoming the main weapon for diminishing The Other.

Laws and legal framework are still heavily limited inside the borders of nation-state. Even, making effort to create conditions for facing of this new destructive form of none-regulate media discourse seen trough spreading violence and hatred, the International regulation needs higher level of organization, not only on regional, but rather on global level. But this doesn’t mean that every aspect of nationalism is destructive. As official nation-state ideology nationalism has its functional aspects in building inner group cohesion, as alternative of dehumanization in the global rational and individualistic world. The main challenge is to locate destructive aspects of nationalism, who are gaining this form trough political mobilization and social manipulation. Crises are producing nationalism, as a modern form, but also and need for escaping from rational reality. So, the legal framework should

direct its focus on locating and suppressing the conflict aspects of building inter group relations, and create conditions for promoting, not the impossible unification and universalization of values, but, sustainable level of coexistence and tolerance of differences.

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