

CYBER BULLYING, STALKING, ONLINE HARASSMENT in North Macedonia and Serbia

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Cyber criminal phenomena

- Increasing use of ICTs
- Increasing cyber threats
- Cyber bullying, online stalking, and online harassment
- Is digital society prepared for safe internet? off guard from new cyber threats, lack of protection from cyber threats
- Individual cases, sharing explicit private data
- Case Telegram - North Macedonia and Serbia

Telegram group – Public Room

Case studies from North Macedonia and Serbia

Telegram group – Public Room North Macedonia

- Explicit content was exchanged of girls and women, even underaged
- The first group "Public Room" of Telegram had over 7000 members and about 10,000 photos and videos were shared
- Did Telegram cooperate with Macedonian authority?
- Respond from the society, law enforcement, CSOs, academia
- Protest from CSO's, civil right activists

Telegram group – Serbian case

- Revengeful Pornography and Intimate Video Abuse
- Telegram group with more than 37 thousand members
- Police investigation ordered by the Special Prosecutor's Office for High-Tech Crime
- Violence against women and girls is happening more in the digital and online space
- Internet remembers everything
- Revenge pornography became a "new normality" during the pandemic

Law enforcement in North Macedonia and Serbia

- Ministry of Interior
- Sector for computer crime and digital forensic
- Public prosecutor office
- Investigation for the case - Public Room
- Special Prosecutor's Office for High-Tech Crime

The EU Legal Framework on Cyberbullying

- The Treaty of Lisbon pays a particular importance to fundamental human rights.
 - The EU upholds and promote, internally and externally, its values and contributes to the protection of human rights, in particular the rights of the child (Arts 3 and 21 TFEU)
- Neither Treaty of Lisbon or EU Charter have a single provision that would completely and directly define and regulate cyberbullying issues.
- The EU has adopted several legal and non-legal binding measures with the aim of promoting and protecting fundamental rights and children's rights.

The main legal and non-legal measures

1. Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography
1. Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings
1. Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime
1. Regulation (EU) 2016/679 General Data Protection Regulation
1. Directive 2013/40/EU on attacks against information systems (Cybercrime Directive)
1. Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law
1. An EU Agenda for the Rights of the Child;
1. Protecting Children in the Digital World;
1. European Strategy for a Better Internet for Children.

Impact of EU Law on Candidate Countries

- Stabilisation and Association Agreement with North Macedonia and Serbia aims to bring each country closer to the standards which apply in the EU.
- The SAA with Serbia and North Macedonia contain an identical approximation clause which “recognise the importance of the approximation of [Serbia and North Macedonia’s] existing legislation to that of the Community and of its effective implementation” and Serbia and North Macedonia shall “endeavour to ensure that its existing laws and future legislation shall be gradually made compatible with the Community acquis”.

Legal framework of fighting Cyberbullying in Serbia and North Macedonia

Criminal Code in Serbia	Criminal Code in North Macedonia
<p>Art 144 Unauthorised photographing -fine or imprisonment up to one year; -with imprisonment up to three years</p>	<p>Art 152 Unauthorized Recording -fine or imprisonment up to one year; -with imprisonment from three months to three years -Fine (in the case of legal entity)</p>
<p>Art 145 Unauthorised Publication and Presentation of another's Texts, Portraits and Recordings -fine or imprisonment up to two years -imprisonment up to three years</p>	<p>Art 151 Unauthorized tapping and audio recording -imprisonment of one to five years</p>
<p>Art 146 Unauthorized collection of personal data -fine or imprisonment up to one year; -with imprisonment up to three years</p>	<p>Art 157-c Phonogram piracy -imprisonment of six months to three years</p>
	<p>Art 149 Abuse of personal data -a fine or imprisonment for a term not exceeding one year -Imprisonment from three months to three years</p>

Legal framework of fighting Cyberbullying in Serbia and North Macedonia

- The fight against cyberbullying is still in its infancy
- None of the countries have adopted a specific legislation targeting cyberbullying
- The legislation not fully in line with EU Law or international standards (stalking)

Law enforcement and the gaps in law

- Investigation, which crime was committed according to Macedonian criminal code, ex officio?
- Difficulties in providing legal proofs
- Convention on preventing and combating violence against women and domestic violence
- Psychological violence, article 33
- Sexual harassment, article 40

Incriminating the criminal act - Stalking

- Ministry of Justice
- Stalking under article 34 of the Istanbul Convention is defined as repeated / continuous engagement in threatening behavior directed at another person, causing him/her to fear for his or her safety.
- The proposed changes by the Ministry of Justice were approved by the Government on July 28th 2021

Psychological aspects

- The victims are stigmatized by society
- Without legal protection from this violence
- Shame is the key emotion that usually keeps victims completely alone in their pain and agony
- Attack to the victims, insecurity and constant fear, trauma
- Cyber-violence is no less painful or less real or harmful than direct violence

Digital rights

- Universal and equal access to the Internet
- Freedom of expression, information and communication
- Privacy and data protection
- Right to anonymity
- Right to be forgotten
- Providing electronic evidences
- Protection of minors
- Intellectual property

Challenges for cybersecurity

- For cybersecurity it is essential to ensure the cyber security and freedom of internet users
- State institutions cannot provide complete security in cyberspace
- Strategy for Cybersecurity (Mol, MD, Ministry for administration, and digital society)
- Multi Stakeholder approach (State officials representative, CSO's, academia, private company in cybersecurity)

Telegram privacy policy

- History of Telegram, Pavel Durov
- Telegram UK Holdings Ltd (71-75 Shelton Street, Covent Garden, London, England, WC2H 9JQ), parent company is Telegram Group Inc, located in the British Virgin Islands; and Telegram FZ-LLC
- Personal data of the customers from Europe are stored in data centers in the Netherlands

Telegram privacy policy

- Anonymity
- Telegram policy - court order that confirms user is a terror suspect, Telegram may disclose customer's IP address and phone number to the relevant authorities. So far, this has never happened.
transparency report published at: <https://t.me/transparency>
- Multistate jurisdiction, distributed servers in many countries

Recommendations and prevention mechanism

- Increased involvement of all stakeholders in the country and the region, government with relevant ministries, CSOs, academia, private companies specialized in cyber security, in order to build capacity that would specialize in issues as online gender-based violence, online bullying, and cyber security.
- Continuous training and education of the new IT trends and challenges how to deal with, in order to build a more resilient society.

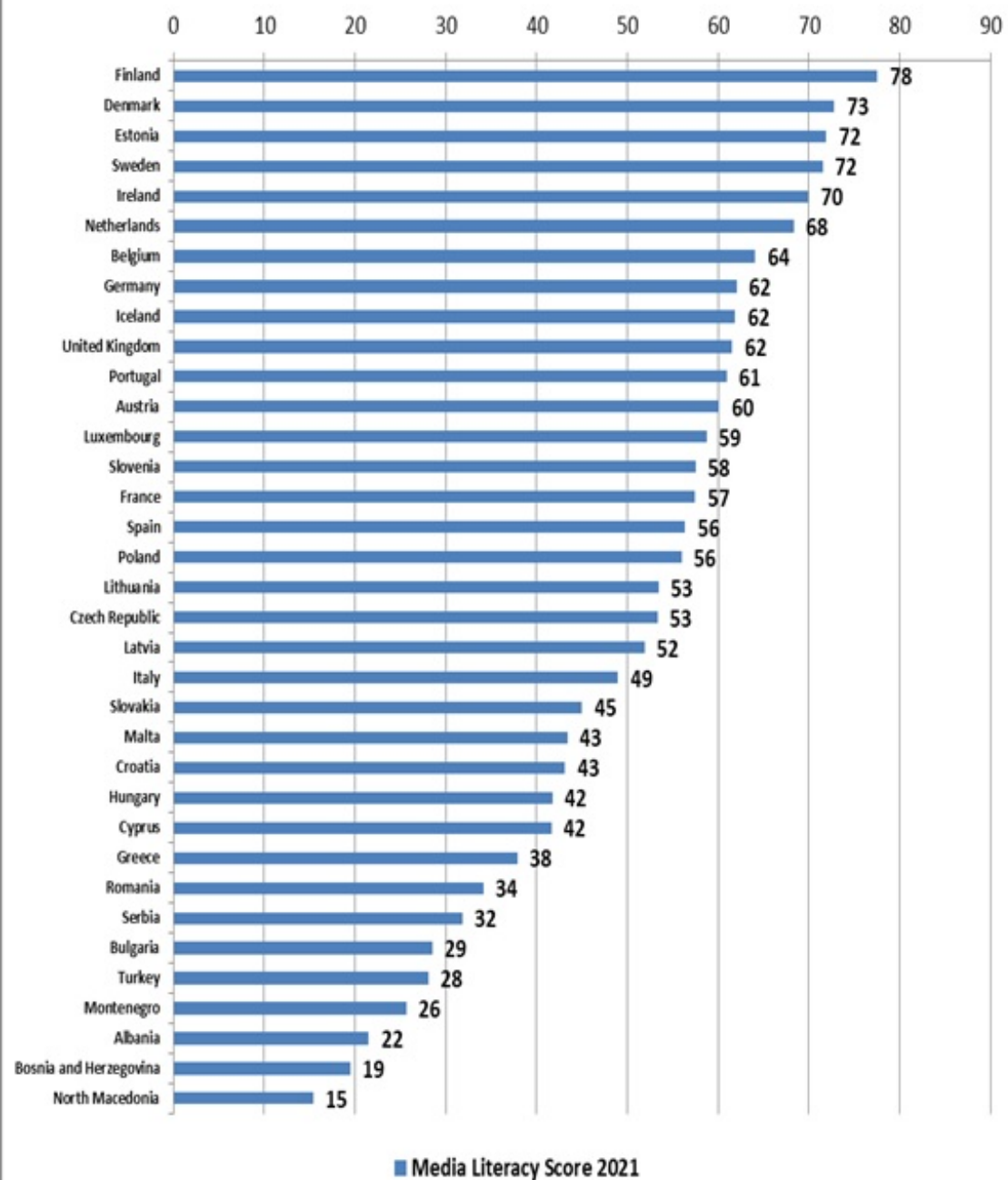
Recommendations and prevention mechanism

- Raising awareness for online security and online violence from the earliest age in primary schools. Increasing digital and media literacy through formal and informal education.

Recommendations and prevention mechanism

- Timely adoption of new amendments to existing laws and adoption of new ones depending on the need relating to the new IT technology and cybersecurity threats. Information technology is evolving very fast. Telegram is developing its technological infrastructure in order to avoid the jurisdiction of one country

Media Literacy Index 2021 ranking and scores



Media literacy index - 2021



Thank you

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