



(Dis)information spread online in the pre-election period



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Executive summary

Disinformation is prevalent in all forms of human communication and spreads across all of the information sources used. Daily exposure to false information might cause confusion and represent a risk to the country. Electoral processes, beginning with election campaigns and culminating with the announcement of election results, are a particularly fertile ground for the propagation of disinformation. As a result, the media must exercise caution while sharing information, ensuring its accuracy and sources. Furthermore, this obligation is crucial for online media because, in the twenty-first century, they are an increasingly popular source of information worldwide, including among Macedonian citizens.

Given that online media are not legally regulated in the Republic of North Macedonia, mechanisms for media self-regulation have been established. One of them is the Code of Conduct in the Online Sphere during Electoral Processes and Referenda, published in October 2023. Its application will be tested for the first time this year, in the presidential and parliamentary elections in late April and early May.

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Introduction

There is no globally accepted definition of disinformation, i.e. "fake news," nor is there any consensus on the term from a theoretical, legal, or political perspective. The European Commission defines disinformation as "*proven false or misleading information, created, published, and distributed for the purpose of gaining economic benefit or for the purpose of deliberately deceiving the public, and which may harm the public interest*".¹ The phrase "harming the public interest" refers to "*threatening the democratic political process and the policy-making process, as well as the public interest, such as the protection of the health of European Union citizens, the protection of the environment, and security*".²

Disinformation is presented daily, it is shared through all sources of information of the citizens and is particularly harmful because it affects the creation of public opinion and formation of collective consciousness. Even more, its negative effect comes to the fore in the pre-election period, when citizens are preparing to participate in a significant democratic political process and decide on their country's future by giving their vote.

Given that 2024 is an election year in many countries around the world, as well as in the European Union³, it is especially important for the media this year to pay attention to the accuracy of the information they share. In the Republic of North Macedonia too, on the eve of the parliamentary and the presidential elections⁴, it is necessary to preserve impartiality in media reporting. These elections will be another test for them, as citizens will determine whether they refrain from spreading disinformation and whether they follow the principles of objective and transparent journalism outlined in journalist associations' codes.

Disinformation vulnerability

People are exposed to a great deal of false information each day that can lead them astray, represent a risk for them and the country, but at the same time a risk that they will spread that information themselves, without being aware of its inaccuracy. The inability to recognize disinformation, the high risk of bearing the negative consequences thereof, low capacity, abilities

¹ "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (Tackling disinformation online: a European approach) COM/2018/236 final" (European Commission, 26 April 2018), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0236>.

² Ibid.

³ "Tracking the 2024 election: every vote and why it matters", The Guardian, 22 April 2024, <https://www.theguardian.com/world/2024/feb/23/2024-global-elections-tracker-voting-dates-us-india-indonesia-belarus-haiti-pakistan-full-list>.

⁴ "The 2024 presidential and parliamentary elections have been announced", A1on, 14 February 2024, <https://a1on.mk/macedonia/raspishani-pretседatelskite-i-parlamentarnite-izbori-2024/>.

and opportunities to deal with it, as well as the frequent exposure to it, constitute disinformation vulnerability⁵.

Macedonian citizens are not immune to this situation, which is evident from the research carried out by NGOs regarding the citizens' habits to use different types of sources for their information. According to the research of the Metamorphosis - Foundation for Internet and Society - Skopje, domestic TV stations and social media are the most represented media channels of information, whereas the third most frequently used information channel is online media. A significantly increased level of use by citizens can be observed in the past years, thus in 2022, 37% of surveyed citizens were informed through online media, while in 2023, this number increased to 51%.⁶ According to the same survey, 51% of the surveyed citizens declared that they use online media for daily information, and 18% declared they use them several times a week⁷. This trend is the result of the increased availability of electronic devices and internet connection, the speed of information publication online, and the reduced use of traditional media.

Although citizens are aware of the prevalence of disinformation and know that the content presented to them by online media is not always verified, they admit they do not know how to recognize it. According to the research carried out by the Institute for Communication Studies, 54% of the surveyed citizens answered they doubt all the news they read, while 30% check the same information in other media⁸. On the other hand, only 22% of them are certain they can always recognize false information; the majority – 51% answered that they can sometimes recognize disinformation, and the rest can rarely or never recognize disinformation⁹. Hence, the need to regulate online media is obvious in order to progress in the fight against the spread of false information, which on the one hand represents a threat to the security of the citizens and the country, while on the other hand, it also creates fertile ground for encouraging hate speech and division in the society.

Relevant legislation

⁵Eleonora Serafimovska and Jordanka Cherepnalkova Trajkoska, "Vulnerability to disinformation of diverse groups of citizens in North Macedonia" (Institute for Communication Studies, 19 April 2023), https://cdn.iks.edu.mk/wp-content/uploads/2023/04/ranlivost-na-dezinformacii-en.pdf?_gl=1*18jqxj0*_ga*MTA3NDgyNzc1LjE3MTY3Njc2NzEwNy4xLjAuMTcxNjc2NzEwNy42MC4wLjA.

⁶Gjorgji Mitrevski, "The effect of disinformation and foreign influences on the democratic processes in North Macedonia in 2023" (Metamorphosis - Foundation for Internet and Society - Skopje, 23 January 2024), <https://metamorphosis.org.mk/wp-content/themes/metamorphosis/download.php?id=42556>.

⁷ Ibid.

⁸ "Report from research of citizens' ability to discern and deal with disinformation" (Institute for Communication Studies, 6 December 2022), https://cdn.iks.edu.mk/wp-content/uploads/2022/12/izveshtaj-od-istranzhuvanje-na-sposobnosta-na-gragjanite-za-prepoznavanje-i-spravuvanje-so-dezinformacii-eng.pdf?_gl=1*1yjw215*_ga*MTA3NDgyNzc1LjE3MTY3Njc2NzEwNy4xLjEuMTcxNjc2NzEwNy42MC4wLjA.

⁹ Ibid.

Traditional media in the Republic of North Macedonia are regulated by the Law on Media, adopted in 2013¹⁰. This law prescribes the basic principles and conditions that must be fulfilled by media publishers when performing their activity, as well as ensuring the protection of juveniles, editor and editorial office in charge, the journalist's right to express their opinion and position and to refuse to perform a task, protection of the source of information, impressum, publicity in the media publisher's work, and the right to correction and reply to published information, as well as the conditions and procedure for granting financial support for printing and distribution of press¹¹. The glossary defines the term media as "*means of public information, i.e. any type of communication such as newspapers, magazines, radio and television programs, teletext and other means for daily or periodic publication of editorially shaped content in written form, sound or image, with the purpose of informing and satisfying the cultural, educational and other needs of the general public.*"¹²

By analyzing this definition, it can be determined that it does not mention online media, hence we conclude that the Law on Media does not regulate them.

In addition, in the Republic of North Macedonia there is no special law that regulates online media, and the manner of reporting and disinformation spread through them.

This conclusion has also been confirmed by the European Commission in the latest Country Report on North Macedonia for 2023¹³. It points out that the lack of online media regulation leads to breaches of intellectual rights, and growing threats from the spread of disinformation.

Media self-regulation

In lack of a legislative framework governing online media, journalist associations in the Republic of North Macedonia have attempted self-regulation by developing codes of professional standards for online journalism. Media self-regulation is a mutual commitment of media workers to define and adhere to voluntary editorial norms, in which the media accepts responsibility for the quality of public discourse while maintaining editorial independence in shaping it¹⁴. Therefore, it can be concluded that while journalist associations' drafting of the codes demonstrates their commitment to professional and ethical reporting, it is also necessary to coherently adhere to them in order for them to have a genuine impact and not to exist only on paper.

¹⁰ Law on Media ("Official Gazette of the Republic of Macedonia" no. 184/13 and 13/14 and "Official Gazette of the Republic of North Macedonia" no. 63/24).

¹¹ Article 1 paragraph 1 of the Law on Media.

¹² Article 2 item 1 of the Law on Media.

¹³ "North Macedonia 2023 Country Report" (European Commission, 8 November 2023), https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf

¹⁴ Javuz Baydar and others, "The Media Self-Regulation Guidebook: All questions and answers " (Skopje, the Council of Media Ethics of Macedonia, 2016), <https://www.osce.org/files/f/documents/1/d/31497.pdf>.

The Code of Journalists of Macedonia¹⁵ prepared by the Association of Journalists of Macedonia was adopted in 2001 and contains 17 principles and ethical values, which, if followed, ensure that journalists take responsibility for the information they share. The Code aims to promote the basic values of the profession and the standards that every professional should adhere to, as well as to contribute to the fight against the spread of disinformation and media propaganda.

The Code was adopted almost two decades ago, and since then, technology has advanced significantly, resulting in a surge in online media. As a result, the need for suitable interpretations and guidelines for journalists working in such media developed, as the Code applies to all journalists and all media. In 2021, Council of Media Ethics of Macedonia responded to this need by developing the Guidelines for Ethical Reporting of Online Media (Application of the Code of Journalists in the Online Sphere)¹⁶.

These Guidelines contain explanations for easy and appropriate application of the provisions of the Code, as well as special provisions that apply only to online media, and refer to archiving and permanent recording of published content, transparency of online media - impressum and responsibility for the publication of comments from readers.

In 2018, the Interactive Advertising Bureau (IAB Macedonia) published a Self-Regulation Code of Ethics of Good Professional Practices in Digital Publishing in the Territory of the Republic of Macedonia¹⁷. This Code aims to define the norms of best practices in digital publishing and advertising, to determine and follow the rules for fair, ethical, and good professional practices for creation and publication of contents, goods, and services offered on online media.

In addition to the codes, journalist associations have taken another step towards media self-regulation by establishing online media registries. In 2019, the Association of Journalists of Macedonia and the Council of Media Ethics of Macedonia established the register of professional online media www.promedia.mk, with the goal of encouraging the process of professionalisation of the operation of online media, improving their credibility, and recognising those media that adhere to the standards¹⁸. To register, online media must meet 15 requirements, submit an application for admission, and follow the Code of Journalists of Macedonia.

A latter example of this sort of online media register was created in 2023 by the Association for Protection and Promotion of Online Media (Onlinemedia.mk). This register was developed with

¹⁵ AJM provided a Code of Ethics for the media in Macedonia, Association of Journalists of Macedonia, 3 October 2017, <https://znm.org.mk/znm-obezbedi-etichki-kodeks-za-mediumi/>.

¹⁶ "Guidelines for ethical reporting of online media (Application of the Code of Journalists in the online sphere)" (Council of Media Ethics of Macedonia, 2021), <https://semm.mk/attachments/01-02-2021/Насоки%20за%20етичко%20известување%20во%20онлајн%20медиумите.pdf>

¹⁷ " Self-Regulation Code of Ethics of Good Professional Practices in Digital Publishing in the Territory of the Republic of Macedonia" (Interactive Advertising Bureau IAB Macedonia, 2018), https://www.iab.mk/wp-content/uploads/2018/04/Samoregulatoren-etichki-kodeks-_final.pdf.

¹⁸ "AJM and CMEM: The register of professional online media available at www.promedia.mk," znm.org.mk, 6 March 2020, <https://bit.ly/4cZbrld>.

the aim of collaborating to strengthen the online media sector and ensuring that professional internet portals have equal status as traditional media¹⁹. To access this register, online media must meet ten criteria, submit a membership application, and follow six basic rules for obtaining content from other members.

Considering the efforts undertaken for media self-regulation by journalist associations, the European Commission concluded that stronger self-regulation is needed for online media, especially through the promotion of the online media register www.promedia.mk and the development of professional standards for online journalism²⁰.

Online media reporting in the pre-election period

In addition to the country's abovementioned commitments to combat the spread of disinformation through strategic documents, as well as the attempts at media self-regulation, citizens of the Republic of North Macedonia continue to face disinformation in the online media on a daily basis. This trend is especially emphasized during the pre-election period, when online media disseminate information that is frequently unconfirmed or from untrustworthy sources, and their distribution goes unpunished, given the absence of regulation of this type of media.

The importance of dealing with disinformation during election campaigns is also emphasized in the Screening report for Cluster 1 – Fundamentals for the Republic of North Macedonia published by the European Commission in July 2023²¹. It reiterates the need for regulation of online media, especially in view of the growing threat of disinformation in the context of election campaigns.

Although the Electoral Code contains provisions for election media representation and publication of public opinion polls, it does not regulate the spread of disinformation in the pre-election period²². In it, election media representation is defined as "*the promotion (directly or indirectly) of attitudes, programs, platforms, achievements, activities and more of political parties, coalitions, groups of voters and their representatives.*"²³ Representation can be free or paid, depending on whether a monetary compensation is paid for it, and it allows direct access of the participants in the election campaign to the voters. It covers electronic media (internet portals) because the Electoral Code includes specific provisions regarding them. The essential principles for their coverage of the electoral process include performing it in a fair, balanced, and unbiased

¹⁹“Onlinemedia.mk – a new association of Internet portals for the advancement of status in society,” Onlinemedia.Mk, 12 September 2023, <https://bit.ly/4aBPmHP>.

²⁰ “Country Report on North Macedonia for 2023” (European Commission)

²¹ “Screening report for Cluster 1 – Fundamentals for the Republic of North Macedonia” (European Commission, 24 July 2023), https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/MK%20Cluster_1%20Draft%20screening%20report_external%20version.pdf.

²² Electoral Code ("Official Gazette of the Republic of Macedonia" no.40/06, 136/08, 148/08, 155/08, 163/08, 44/11, 51/11, 142/12, 31/13, 34/13, 14/14, 30/14, 196/15, 35/16, 97/16, 99/16, 136/16, 142/16, 67/17, 125/17, 35/18, 99/18, 140/18, 208/18, 27/19 and "Official Gazette of the Republic of North Macedonia" no. 98/19, 42/20, 74/21, 215/21, 58/24 and 76/24)

²³ Article 2 item 28 of the Electoral Code

manner throughout their entire programme, which also applies to traditional media²⁴. Regarding the publication of the results of public opinion polls related to the participants in the election process, electronic media, like traditional media, are required to list information about the person commissioning the poll, the institution that carried out the poll, the methodology used, the size and structure of the sample size and the period when the poll was performed²⁵.

Furthermore, the Electoral Code regulates the content that the electronic media must not publish in the pre-election period (Article 75-d paragraph 1), as well as the rules that apply during the election silence (Article 76-b). A provision that can be highlighted is the one entailing the obligation of media that provide paid political advertising, including electronic media, to register with the State Election Commission²⁶. This register maintained by the Commission could be used to monitor the manner of reporting of the media (at least of those that are registered) and the degree of disinformation spread in the pre-election period by each of them. However, no provision of the Electoral Code regulates the dissemination of disinformation, nor sanctions for media that spread disinformation.

In 2016, the Council of Media Ethics of Macedonia developed a Charter for Ethical Election Reporting as a form of media self-regulation²⁷. It comprises eight principles that the media should follow, including refraining from releasing information that may mislead citizens, as well as rectifying previously released false information. The Charter's signatories commit to follow its principles and actively advocate for the promotion of ethics and professionalism in reporting.

Macedonian vs. Dutch Code of Conduct Online During Election Processes

A new example of media self-regulation that specifically refers to online media is the Code of Conduct in the Online Sphere During Electoral Processes and Referenda²⁸. It was created on the initiative of the Agency for Audio and Audiovisual Media Services in cooperation with the Association of Journalists of Macedonia, the Macedonian Media Institute, the Council of Media Ethics of Macedonia, the Institute for Communication Studies and the Metamorphosis Foundation, with the support of OSCE/ODIHR²⁹. The Code was published and promoted in October 2023³⁰.

²⁴ Article 75 paragraph 1 of the Electoral Code.

²⁵ Article 77 paragraph 2 of the Electoral Code.

²⁶ Article 75-f paragraph 6 of the Electoral Code.

²⁷ Charter for Ethical Election Reporting" (Council of Media Ethics of Macedonia, 12 February 2016), <https://semm.mk/povelba-za-etichko-izvestuvanje-za-izborite/>.

²⁸Code of Conduct in the Online Sphere During Electoral Processes and Referenda" (2023), <https://izborenkodeksonline.mk/kodeks-za-odnesuvanje-vo-online-prostor/>.

²⁹ Regulating election campaigns online with codes of conduct: the example of North Macedonia" (OSCE/ODIHR, 2023), https://www.osce.org/files/f/documents/2/7/560972_1.pdf

³⁰ "The Code of Conduct in the Online Sphere During Electoral Processes and Referenda Promoted", Nova Makedonija, 12 October 2023, <https://novamakedonija.com.mk/makedonija/politika/promoviran-kodeksot-za-odnesuvanje-vo-onlajn-prostorot-za-vreme-na-izborni-procesi-i-referendumi/>

The goal of developing this Code is to serve as a tool - a guide - for all parties participating in electoral processes and referenda who have the potential to affect public opinion via online statements. The Code should contribute to increasing the citizens' trust in electoral processes by increasing the transparency and creating an environment that allows for the realisation of the right to privacy, personal data protection, and freedom of expression and information.

In addition, it should prevent the spread of disinformation, hate speech and discriminatory speech in the online sphere. On the one hand, the Code applies to political parties and their candidates, as well as independent candidates, while on the other, to traditional and online media during electoral processes. It establishes the principles and standards of conduct to which all parties must comply, and especially emphasizes that online media have social and ethical responsibility, hence they should be attentive to the accuracy of information and the manner of reporting during electoral processes, among other aspects.

However, compliance with the Code is voluntary, so only three political parties and 14 media organizations have adopted it thus far.³¹ This demonstrates that the relevant stakeholders have not been sufficiently informed about this Code and its scope, or that they lack the willingness to adopt it and provide correct and clear information to citizens about the electoral process this year, which will be free of disinformation, discrimination, and hate speech.

Considering that this Code is the first of its kind in the Republic of North Macedonia, it would be interesting to compare it with its Dutch counterpart, which is the first such code in an EU member state.³² The Dutch Code of Conduct for Transparency of Online Political Advertisements³³ was prepared by the International Institute for Democracy and Electoral Assistance (International IDEA), in consultation with the political parties represented in the Dutch House of Representatives and online platforms, upon the request of the Ministry of Interior.

The purpose of this Code is to preserve the integrity of Dutch elections by recognizing the significance of online political advertising for elections. By complying with the Code, political parties and online platforms contribute to guaranteeing voter privacy and freedom of expression. The Code covers online platforms that publish paid political advertisements and those that publish only unpaid content, on the one hand, and political parties participating in elections, on the other. Primarily, it covers paid online political advertising, but it also recognizes the importance of unpaid content for fair and democratic online election campaigns. The Code includes joint obligations for political parties and online platforms, as well as particular ones for each of the two categories, which relate to increasing the transparency of persons who publish and share

³¹ "Citizens can respond to online behavior during elections", *Electoral Code Online*, <https://bit.ly/3xVDMZI>

³² "The first national code of conduct for online political advertising in the European Union signed by Dutch political parties and global online platforms", International IDEA, 9 February 2021, <https://www.idea.int/news/first-national-code-conduct-online-political-advertising-european-union-signed-dutch-political>

³³ Dutch Code of Conduct for the Transparency of Online Political Advertising", (IDEA International, 2021), <https://www.idea.int/sites/default/files/news/news-pdfs/Dutch-Code-of-Conduct-transparency-online-political-advertisements-EN.pdf>.

content online. It also emphasizes the need to avoid spreading disinformation, misleading content or hate speech that incites violence.

The Code is a guideline for good conduct, which is intended to supplement the applicable legal framework. Its adoption involves obligations for political parties and online platforms, but it remains voluntary.

Despite their apparent differences, the two codes were designed with the same purpose: transparent, clear, and unbiased media reporting that does not expose citizens to harmful and false narratives during the pre-election period. According to their wording, at least "on paper" it appears that they cover all major aspects of this domain, but their significance and effect may be determined when implemented during electoral processes.

Conclusions

The aforementioned analysis leads to the general conclusion that Macedonian legislation does not regulate disinformation. The lack of a unified definition should not prevent them from being regulated or sanctioned.

Furthermore, the work of online media as a source of information, which is increasingly used by Macedonians, particularly young people, must be comprehensively regulated. It does not necessarily entail legal regulation, but rather improvement of existing mechanisms of media self-regulation, as well as their implementation by a larger number of online media.

A very good example of self-regulation is the Code of Conduct in the Online Sphere During Electoral Processes and Referenda, however its application in practice may be assessed only after the completion of the parliamentary and the presidential elections in the Republic of North Macedonia in 2024.

However, the number of relevant stakeholders who adopted the Code is disappointing, and indicates insufficient awareness of its scope and the goals of its preparation. Furthermore, the lack of willingness to comply with it is evident, which leads to the conclusion that the relevant stakeholders, particularly the online media, are unwilling to adhere to the established principles of conduct, nor to accept responsibility for false or misleading information that they publish.

Recommendations

- Regulating disinformation is necessary to protect the citizens and the country from harmful content. At the same time, a nation-wide campaign should be carried out to improve citizens' recognition of disinformation and protection against its influence on the public opinion.

- According to the European Commission's recommendations, it is necessary to improve the forms of media self-regulation, particularly online media, by developing the existing registries of journalist associations, increasing the number of media adhering to their codes, and improving the transparency and the integrity of journalistic work.
- The combat against the dissemination of disinformation should be a joint commitment of public institutions, journalist associations, media workers and citizens, because results be achieved in that direction only through collaborative effort.
- During election campaigns, the media must report clearly and impartially, without disseminating disinformation, discriminatory speech, or hate speech. In this approach, it is vital to avoid creating harmful narratives that are based on unsubstantiated information and which affect the public discourse.
- As the Code of Conduct in the Online Sphere During Electoral Processes and Referendais relatively new, it is necessary to better inform the relevant stakeholders about its purpose and scope, as well as the voters, so that they can monitor its implementation in practice during electoral processes and referenda.

Author's Biography

Beba Zhagar holds a master's degree in law with a passed bar exam and is a court translator from English to Macedonian and vice versa.

In 2018, Beba graduated from the Faculty of Law "Iustinianus Primus" at the University of "Ss. Cyril and Methodius" in Skopje, at the department of legal studies, after which she obtained her master's degree in international law and relations and EU law at the same faculty, two years later. At the same time, in July 2020, Beba obtained a master's degree in the advanced program of international and European law at the University of Ghent (Belgium).

Beba has previously worked at a law firm and a consultancy firm.

She is currently working as a researcher at the European Policy Institute (EPI), in the democracy and rule of law program.

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