

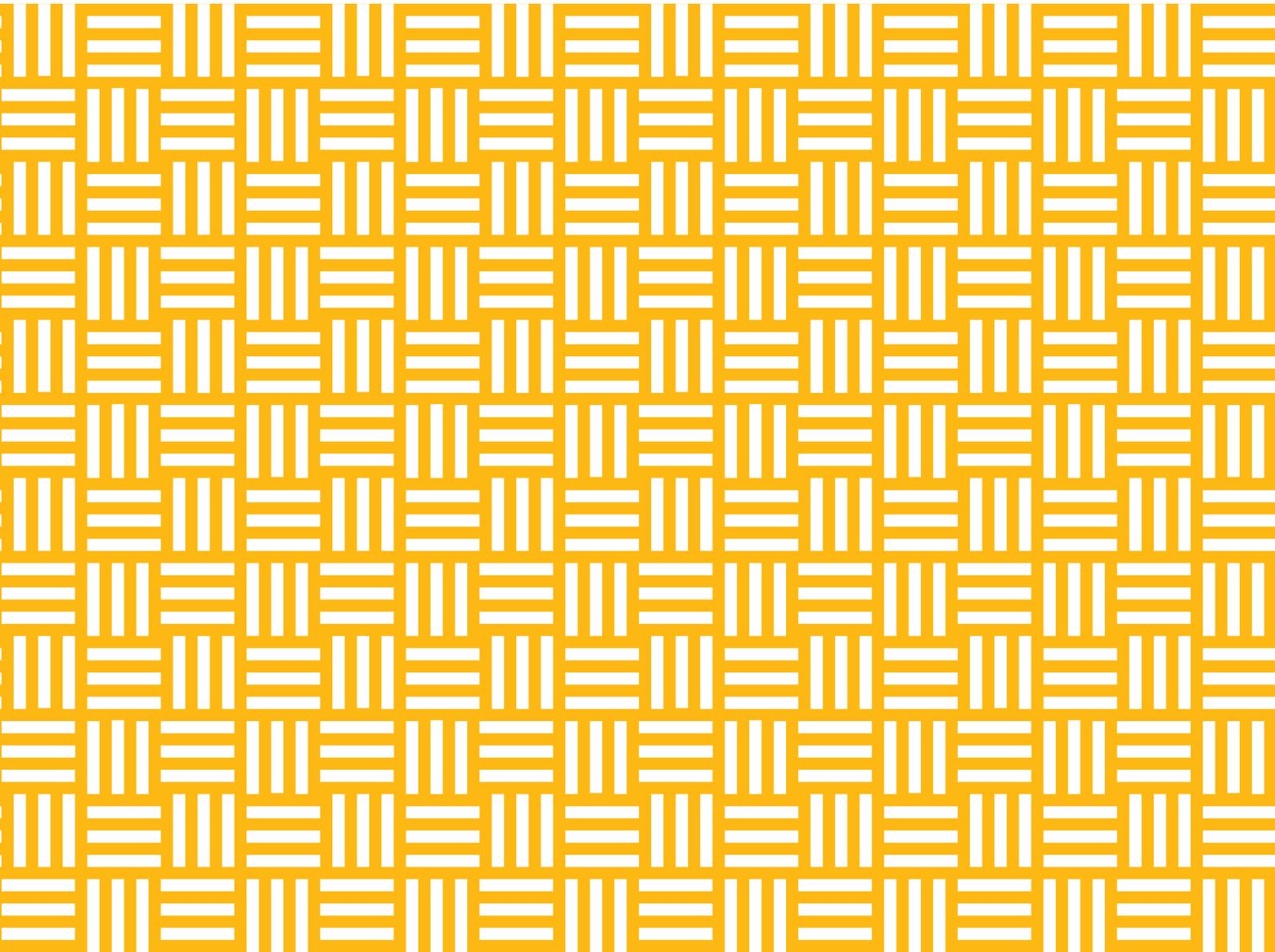


Регионална платформа на западен Балкан за застапување
на слободата на медиумите и за заштита на новинарите
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety



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Indicators on the level of media freedom and journalists' safety [MACEDONIA]



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Project goals and research methodology

This report presents the findings from the research conducted within the regional project "Western Balkan's Regional Platform for advocating on media freedom and journalists' safety", which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The main objective of the research study was to provide base-line assessment and evidence for the level of media freedom and journalists' safety, which will be further used in the regional mechanism for monitoring and advocating on media freedoms, and journalists' safety at local, national, and regional level.

The research study was conducted by the regional research team composed of a lead researcher² and five researchers at country level nominated by the national journalists' associations. The research in Macedonia was conducted by Besim Nebiu, coordinator within the project, Naser Selmani, President of AJM and Dragan Sekulovski, Executive Director of AJM, based on the common Methodology for all five countries. The set of different qualitative and quantitative methods was used for data collection and analysis:

¹ The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organizations.

² The research team was headed by Dr. Snezana Trpevska, expert in media law and research methodology.

- *Qualitative Documents Analysis (QDA)* of: research studies and analyses produced by other research organizations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- *Qualitative interviews* with 11 individuals (journalists, lawyers, media experts, representatives of public institutions and NGO's).
- *Survey* with 69 journalists³ from different media based on structured questionnaire developed within the Worlds of Journalism Study⁴.
- *Official statistic data* requested from public institutions or collected from available websites or other published sources.

This Executive Summary presents the key finding and conclusions from the research, as well as, summarizes the key policy recommendations.

The research shows that the media situation in the Republic of Macedonia is poor and has deteriorated over the past years. The Government has been using all available instruments to limit the freedom of speech and control the media. This conclusion is drawn from the findings that resulted from the following three groups of indicators: A (legislation and implementation), B (professional, economic, and social situation of journalists) and C (government treatment of violence and attacks against journalists). In respect to all the above-mentioned aspects, the report finds that:

Media legislation in Macedonia fails to meet the European standards

- Part of the Law on Audio and Audio-visual Media Services that covers the position and functions of the media regulatory body and public broadcaster is not aligned with the recommendations of the Council of Europe, which insist on attaining political independent and sustainable source of financing. In the case of Macedonia, these key objectives have not been reached. The Agency of Audio and Audio-visual Media Services (AAAMS)⁵ and PBS are heavily politicized and partisan and have no sustainable source of funding.
- The last amendments made to the Electoral Code did not resolve these key remarks. Instead of de-politicization and de-partisation of the media regulator and the public broadcaster, the government and the opposition in August 2016 reached Agreement that further politicized and plasticized these key institutions of the media system. Within AAAMS was established Ad hock body. This Ad hock body, composed of representatives of the political parties, is responsible for monitoring broadcast media and sanctioning unprofessional reporting when detected, one hundred days before the general elections.
- The fines for media are high and disproportionate. Within the last changes made to the Law on media, the Law on audio and audio-visual media services (LAAVMS) as well as the Electoral Code, which were in favour of creating conditions for fair and free elections, there is halving offense for media on all grounds in terms of respecting the working conditions of media, and in terms of how media is reporting on the election campaign. The fines are reduced, but must not be equal for all media. They should rather vary depending on the type of media and their financial power. For example, the fine of EUR 4.000,00 for unbalanced reporting during election campaign for national TV stations with terrestrial concession is negligible compared to print and online portals, which are financially much more fragile.

³ The survey was conducted on a purposive quota sample of 69 journalists from different media at local, regional and national level. It is important to note that, although the quota sample does not allow for generalization of the findings for the entire population of journalists in Macedonia, the obtained replies from the survey, however, provide a good basis for consideration of the situation in regards to media and press freedoms.

⁴ Available at: <http://www.worldsofjournalism.org/>

⁵ For better perspicuity in some parts of the text the abbreviations „AAAVMS“ and „the Agency“ are used interchangeably.

The Government does not provide favourable environment for media work

- Journalists are being detained, violence against journalists is tolerated, and public money is used for corrupting the media. Through these practices, the Government significantly and systematically limits the freedom of the media and causes self-censorship among journalists. Such bad practices include:
- *Imprisonment of journalists*: In the last three years, two journalists have been imprisoned (Tomislav Kezarovski was sentenced to two and half years in prison for revealing the identity of protected witness, Zoran Bozinovski is in detention for nine months over allegations of espionage and blackmail).
- *The failure to undertake measures to sanction attacks against journalists*: There is visible and open policy of impunity for attacks against journalist. None of the 38 cases of attacks against journalist that have occurred over the past three years has been processed and none of the perpetrators sanctioned.
- *Use of public funds to corrupt media*: The Government continuously and systematically misuses public funds to corrupt private media, through so-called “government campaigns”. The Government became one of the biggest advertisers in media, disturbing the media market and threatening the independence of media. According to AAAMS in 2013⁶ the media market was around 20 million euro and during the same year through “promotional campaigns”,⁷ the Government has spent over 7 million euros for media services. In addition, since 2014, the Government spent about one million euros annually to subsidize the domestic production of national private broadcasters. The whole process of Government advertising and subsidy provision for domestic production is not transparent and based on vague criteria. By this, the Government grants special treatment to pro-government media at the expense of those that are critical. In addition, the local governments are financing media through municipal budgets and by this, they exer-

cise influence on the editorial policy of media. In addition, the report finds that:

- The number of lawsuits against journalists has decreased, after decriminalization of *defamation* in the year 2012. The court practice has improved in comparison to the previous period. However, this conclusion is not valid under conditions when high government officials are suing the journalist.
- The report also finds that *economic and social pressure* is widely used to restrict media freedom. Only about half of the journalist in Macedonia have full-time employment contracts and receive social benefits, while the others have incomes lower than the Macedonian average monthly income. Journalists work in difficult working conditions and are under pressure by both media owners (within the newsroom) and state institutions (outside of them). Most journalists believe that their socio-economic status is worse than before.
- From the report, can be also concluded that *access to public information* is difficult, very slow, and discriminatory. The government institutions, the Parliament, the Government and other public institutions are not transparent.

⁶ AAAMS, *Analysis of the Broadcasting Market for 2013, Skopje: 2014, p.32, Accessed on September 16, 2016:* http://www.avmu.mk/images/Analysis_of_the_broadcasting_market_for_2013.pdf

⁷ *Government of the Republic of Macedonia, Data Matrix for Informing Citizens, Accessed September 15, 2016:* <http://lada.mk/node/9241>.

Strategic goals

This report proposes the following *key strategic goals* for stable and continuous improvement of the media situation in Macedonia that should ensure:

1. Increased level of journalist security.
2. Complete independence of media industry from political and party authorities.
3. Complete independence of the regulatory body from the influence and interference of political parties, media industry, and other centres of influence.
4. Institutional and editorial autonomy of the PBS.
5. Increased transparency of public institutions.
6. Sanctioning of hate speech and discrimination in mainstream media.

Recommended actions

To achieve this, we propose concrete actions that state and political actors should carry out in the upcoming period:

Changes in the media legislation

- *Ban on all types of “state advertisements”* in the commercial electronic media. At the same time, the Law should set forth precise definition of “*public campaign*”. Additionally, the law should determine the conditions under which the Public Broadcaster shall broadcast public campaigns free of charge.
- Ban of all type of party-political advertisements in the media, within and outside of electoral period.
- Changes in the manner in which members of the Council of the regulatory body are proposed and elected in order to ensure its independence and professionalism through exclusion of Government and political parties influence.
- Changes in the legal framework regarding the composition and capacity of the Program Council of MRTV (the Public Broadcaster) to ensure de-politization of this institution and strengthening the ties between the Public Broadcaster and the civil society in Macedonia.
- Changes of the funding framework for MRTV with the aim to ensure its long-term sustainability, editorial independence, and institutional autonomy.
- Changes of the manner MRTV Editorial staff are being appointed.
- Members of MRTV Program Council must be appointed through open public procurement process.
- Abolishment of the so-called “*cultural quotas*” for domestic production of TV stations at national level.
- Introduction of legal sanctions for “*hate speech*” or “*incitement to violence*” (article 48 of LAAVMS) according to positive practices from European countries and in accordance with the Article 10 of ECHR.

Changes in the composition of the regulatory body and MRTV Program Council

Shortly after the above-mentioned legislative changes, it is necessary to appoint new members of the Council of the AAAMS and the MRTV Programme Council through urgent procedure. The new composition of the Programme Council should be responsible for reviewing the realization of MRTV's program functions, while ensuring that is in line with the public interest. In addition, it should be authorized to call upon newsrooms and the management of MRTV to be guided by public interest.

Processing and resolving violence and intimidation against journalists

The Government, Ministry of Interior and the Judiciary system should show political will, institutional capacity and to perform their legally prescribed mandate to undertake all measures for protection of journalists and urgently investigate and resolve all cases and incidents that have been reported, thus sending message that the safety and security of journalists is important. By doing so, they will send clear message to the public that violence against journalist is unacceptable and will not be tolerated.

Improving access to public information and increasing public institutions' transparency

The Government, ministries, the Parliament, judiciary, and other public institutions, including the AAVMS and the MRTV, should enable prompt, fair, and equal access to public information for all media outlets in the country through open non-discriminatory and fair treatment, without giving privilege to certain media.

Key institutions and their role in implementing the above-mentioned guidelines and recommendations:

- Ministry of Information and Society and Public Administration – should initiate the legislative process for amendments of the legislation, as described above.
- Parliament of RM – should adopt the legislative changes of LAAVMS in urgent procedure; also, it should appoint (elect) new members of the AAVMS and MRTV Programme Council in urgent procedure. In order to do so, the parliamentary committees should organize public consultation with civil society.
- AAVMS – the input and collaboration with the professional service of the AAVMS should be key interest.
- MRTV – representatives of MRTV, especially the programme staff should be included in the process.

A

Legal protection of media and journalists' freedoms

This section of the report finds that the basic safeguard to protect freedom of expression is incorporated in the Macedonian Constitution⁸. The current media legislation consisting of the LAAVMS and the Law of media also declaratively upholds the editorial and journalistic freedoms. However, parts of the LAAVMS are not fully aligned with the recommendations of the Council of Europe, especially those that refer to the way the PBS and the AAAMS function. The LAAVMS, however, fails to provide political and financial independence of the PBS and the Agency. Unlike public broadcasting service, the Agency has sufficient resources to carry out its work; however, the source of funding is problematic. About half of the funds AAAMS collects from broadcasters' license fees. This situation creates conflict of interest for the Agency. Instead of having its focus on the sustainability of the media market and media independence, the Agency, without serious analysis is granting new broadcasting license with aim to increase own budget. The report also concludes that the legislation is not properly implemented, i.e. in a fair, transparent, and impartial way and it provides examples in which the regulator favours media that close to the ruling parties. As result of that, the institutions are not open, fair and democratic, therefore are creating significant barriers to free and professional media.

8 Constitution of the Republic of Macedonia.

A.1 Does national legislation provide guarantees for media freedom and if they are efficiently implemented in practice?

The Constitution of the Republic of Macedonia includes basic guarantees for freedom of expression⁹ and freedom of the media. It guarantees freedom of speech, public appearance, public information and freedom to establish media outlets for informing the public. It also guarantees free access to public information, freedom to receive and disseminate public information, and is prescribing the right to reply and correct published information. The Constitution also guarantees the right to protect the source of information and explicitly bans censorship.

The basic legislative framework for media in Macedonia is consisted of The Law on Media¹⁰ and the LAAVMS¹¹. These laws declaratively uphold the editorial and journalistic freedoms in accordance with the professional practices. The Law on Media declaratively incorporates the basic constitutional guarantees (Article 3) and sets up the legal ground for the limitation of the freedom of expression, as stipulated in the Article 10 of the European Convention of Human Rights.¹²

However, parts of the LAAVMS are not fully aligned with the recommendations of the Council of Europe that refer to the public broadcasting service (PBS)¹³ and the Agency¹⁴. The LAAVMS fails to provide political and financial independence to the PBS and the media regulator. The Government of Republic of Macedonia has failed to incorporate the key recommendations from the expert assessment¹⁵ on the law on media conducted by the Council of Europe in 2013. More specifically the Macedonian authorities ignored the need to in-

crease the number of representatives from the civil society in the Council of PBS, as well as the number of independent experts in the Council of the AAVMS. Even though the PBS is financed from multiple sources, i.e. broadcasting fees, the national budget, commercials etc. they are not sufficient for the proper functioning of the MRTV. Compared to the public service broadcasters from Europe and the region, the MRTV has the lowest annual revenue on any ground, population number, or gross national income.¹⁶ As consequence, the last EC Progress Report in the part that refers on freedom of expression notices the lack of financial and political independence on the PBS and on the AASMS.¹⁷

Although there was attempt to include news portals in the first draft of the Law on Media, in the revisions from January 2014 (immediately after the enactment of the Law) all the provisions related to the electronic publications were erased. It was result of the criticism addressed by the Association of Journalists of Macedonia (AJM) and media NGO community, that this would further restrict freedom of expression in the country.

Currently, only two legal documents contain passages that explicitly regulate the operation of internet media: a) the last amendments of the Electoral Code¹⁸ incorporate internet publications (web media) in the list of media and b) the Law on Public Procurement of the Republic of Macedonia¹⁹ that defines “electronic portals” as media, along with broadcasters. Although Law on media covers internet publications, they are subject to general laws in the country, such as the Criminal Code, Law on Civil Liability for Libel and Defamation, etc. It should be noted that the national authorities made numerous attempts (in the last three years) to set regulation on on-line media, step which by many journalists in the country was recognized as effort to have influence on the content published in some of the media.

The Government has not been transparent in the process of adopting the new media legislation. For example, in 2013 the Government passed new, general media law comprised of more than 170 articles with time schedule for its adoption in the Parliament of 3 weeks. It was presented as part of the harmonization with the new EU AVMS Directive. Actually, the other main reason behind the new law was to impose greater control

9 Ibid., Chapter II, Article 16.

10 “Закон за медиуми на Република Македонија” [Law on Media of the Republic of Macedonia].

11 Закон за аудио и аудиовизуелни медиумски услуги на Република Македонија” [Law of Audio and Audio-visual Media Services of the Republic of Macedonia].

12 “Закон за медиуми на Република Македонија” [Law on Media of the Republic of Macedonia].

13 Council of Europe, Recommendation No. R (96) 10 of the Committee of Ministers to Member States on the Guarantee of the Independence of Public Service Broadcasting, Strasbourg: September, 1996. Accessed on September 14, 2016: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168050c770>.

14 Council of Europe, Recommendation Rec (2000) 23 of the Committee of Ministers to Member States on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector, Strasbourg: December, 2000, Accessed on September 14, 2016: [https://www.ebu.ch/files/live/sites/ebu/files/Publications/Reference%20texts/CoE%20-%20Media%20Freedom%20and%20Pluralism/REF%20COE-CM-Rec\(2000\)23.pdf](https://www.ebu.ch/files/live/sites/ebu/files/Publications/Reference%20texts/CoE%20-%20Media%20Freedom%20and%20Pluralism/REF%20COE-CM-Rec(2000)23.pdf)

15 Council of Europe, Opinion of the Directorate General of Human Rights and Rule of Law, Strasbourg: May, 2013, Accessed on September 14, 2016: <http://mdc.org.mk/wp-content/uploads/2013/06/Opinion-of-the-Council-of-Europe-on-Macedonian-Draft-Law-on-Media.doc>

16 Association of Journalists of Macedonia, Assessment of Media System of Macedonia, Skopje: 2015, p.60. Accessed on September 14, 2016: <http://znm.org.mk/wp-content/uploads/2016/03/Assesment-media-reforms-Sep-2015-ENG.pdf>

17 European Commission, Enlargement Strategy and Main Challenges 2014-15, Brussels: October 2014, p. 29.

18 “Изборен законик на Република Македонија” [Electoral Code of the Republic of Macedonia], Article 75 and 76.

19 “Закон за јавни набавки на Република Македонија” [Law on Public Procurement of the Republic of Macedonia], Article 8.

over the print and online media. Following the continuous reactions from the AJM and other journalistic and media organizations, supported by the international community, the Government prolonged the process for debate for less than three months. During this period AJM in cooperation with relevant international organizations, particularly the Council of Europe and OSCE²⁰, and local media development CSOs and academic experts analyzed the drafted law²¹, and prepared analysis. In these analyses, numerous observations and comments we presented about the restrictive nature of the proposed legislation. AJM proposed several amendments²² to the drafted media law aimed at clarifying the legal provisions and avoidance of unsubstantiated interpretations that could potentially endanger the freedom of the media.

It is important to note that the first version of the draft Law encompassed all types of media: broadcasting, print, and on-line media to be set under the same regulatory body. The draft Law raised great concern among the professional and expert community in the country, as well as among several international organizations, which stated that media freedoms in the country would be further restricted. This concern was also noted in the European Commission's Progress Report²³ for Macedonia for 2013.

This process ended in December 2013, after several consultations between the Government and the CSOs and the new media legislation was adopted based on a partial agreement between AJM and the Government. In the agreement, the Government accepted to withdraw intention to regulate the online media, while AJM

kept the right to appoint one member in the councils of MRTV and the Council of the regulatory body. Despite this, not all proposals of AJM and recommendations by CoE were accepted. However, there are still several issues of concern. They are related to the current media legislation and the actual independence of media that need to be addressed: (1) Lack of independence of the PBS and the Agency, (2) Unnecessary regulation of print media, (3) Governmental campaigns in private media, (4) Exorbitant obligations of the broadcasters related to the production of domestic content and provision of public funds intended for that production, (5) Problematic definition for journalist, (6) Absence of the principle for penalties for media that violate the law. In the years that followed, the Government has continued with this non-transparent practice. It has amended the LAAMS for additional three times²⁴ without any consultations with the local stakeholders via short procedure in the Parliament.

The current media legislation primarily regulates broadcasters, and print media for the first time are subject to specific legislation. The new Media Law does not include content regulation of the print media and does not set limitation for persons entering into the journalistic profession. The print media are not obliged to have a license; however, they need to be registered in the AAAMS. Their obligation, as stipulated in the Law on Media²⁵ is to have an imprint that provides basic information for the founder of the media and the legal entity. Yet, this Law includes restrictive definition of the journalistic profession.

Broadcasters are granted broadcasting licenses from the Agency, based on the level of coverage (national, regional or local). The Agency has the authority to revoke the license in cases the broadcaster does not adhere to the stipulations, conditions set forth by the Media Law, and the contract for license is signed between the media and the regulator. If it is the case, the AAAMS should publish on its web page²⁶ the Decision for revoking the license, in the Official Gazette of the Republic of Macedonia and in at least two print daily papers out of which one is on the language of the minorities that is used by at least 20% of the citizens. The license-holder has possibility to submit a complaint be-

20 OSCE. *Legal Analysis of the Draft Law on Media and Audiovisual Media Services of the Former Yugoslav Republic of Macedonia*, Assessed on September 14, 2016: <http://www.osce.org/fom/102135>.

21 Association of Journalists of Macedonia, *Note on the Draft Law on Media and Audiovisual Media Services published on 08.04.2013, proposed by the Ministry of Information Society and Administration*, Skopje: 2016. Accessed on 14, 2016: <http://znm.org.mk/wp-content/uploads/2016/03/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0-%D0%BD%D0%B0-%D0%9D%D0%B0%D1%86%D1%80%D1%82-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D1%82-%D0%B7%D0%B0-%D0%BC%D0%B5%D0%B4%D0%B8%D1%83%D0%BC%D0%B8-%D0%97%D0%9D%D0%9C-%D0%BC%D0%B0%D1%98-2013.pdf>.

22 Association of Journalists of Macedonia, *Amendment of Media Laws of the MIOA*, Skopje: 2013, Accessed on September 14, 2016: <http://znm.org.mk/wp-content/uploads/2016/03/A%D0%BC%D0%B0%D0%BD%D0%B4%D0%BC%D0%B0%D0%BD%D0%B8-%D0%BD%D0%B0-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8-%D0%B7%D0%B0-%D0%BC%D0%B5%D0%B4%D0%B8%D1%83%D0%BC%D0%B8-%D0%BE%D0%B4-%D0%9C%D0%98%D0%9E%D0%90-12.08.2013.doc>.

23 European Commission, *The Former Yugoslav Republic of Macedonia 2014 Progress Report*, Brussels: October, 2014, p.28. Accessed on September 14, 2016: http://ec.europa.eu/neighbourhood-enlargement/sites/neighborhood/files/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf.

24 Three amendments to the Law on Media, see: http://avmu.mk/index.php?option=com_content&view=category&layout=blog&id=61&Itemid=99&lang=mk

25 "Закон за медиуми на Република Македонија" [Law on Media of the Republic of Macedonia], Article 2.

26 Data about the revoked licenses of broadcasters is published on the web page of the media regulator, see: http://avmu.mk/index.php?option=com_content&view=article&id=1038&Itemid=445&lang=mk.

for the competent court within 30 days of the receipt of the decision.²⁷

The AAAMS has register of all media outlets (TVs, radio stations and print papers) that is updated and published on its web page.²⁸ The Law guarantees transparency and fairness for granting licenses to broadcasters; however, the manner in which these provisions are being implemented is strongly criticized by media outlets and local CSOs. Recently, occurred two examples that point to this case: the case of Radio Free Europe - RFE (national media) and the case when six regional TV stations were bought in suspicious way. The example of RFE, is indicative because the radio station had very high earnings right after it was established and at that time, it had only one employee. In addition, RFE earned EUR 240.000 in only 20 days.²⁹

The second example is about three anonymous people from Skopje, which in 2013 on the same day, established three companies. Ten days later, again on the same day, each of these businessmen bought two regional TV stations³⁰ (total of six) and all these newly bought media outlets are being quite scattered around the country. Within these media outlets, the new owners invested in new equipment and human resources and the media outlets are on the list as receivers of budget funds for promotion of governmental policy. Although these examples give impression that all legal aspects are in place for obtaining license for broadcasting, they among other, are giving the general impression that we have situation where some of the media outlets have owners that are close to the ruling parties and are buying/establishing media outlets under suspicious circumstances. Through these media outlets, later large income is generated from the Budget and is promoting government politics.

Based on the study that monitors the implementation of LAAMS conducted within the Project South East European Media Observatory³¹, is scanned the transparency of the Agency and is criticized the process of

granting licensing as insufficiently transparent and biased. Some findings of this research indicate that the procedure for granting licenses to certain media close to the ruling party was agreed on in advance. Such practices contribute towards distrust in the Agency's commitment for transparency as one of the main conditions of its independence.

Another problem is the large number of broadcasters compared to the size of the market. Based on the latest register, currently there are 133 television channels and radio stations. All these broadcasters are trying to compete in very small and limited market (around EUR 20 million annual) and this creates situation where political parties and other centres of power can easily influence the media outlets.

Based on the first Law on Broadcasting from 1997³², permits were issued by the Government, and with the Law on Broadcasting from 2005, the Broadcasting Council undertook the role. Key media, licensed at the state level were established before 2005, at the time when the Government issued licenses. The regulator continued the practice of reissuing the licenses despite the large number of media and lack of serious analysis if new media are necessary, given the limited media market.

There are also cases of revoking licensees of national terrestrial broadcasters and in 2001 was closed the biggest private TV station A1 that was considered for being quite critical towards the Government. The official reason behind it was tax evasion, but it was evident that the real reason was routed in the conflict of media owner and the Government as the media outlet was strongly criticizing the government policies. Aside from this, serious consequence from the closing the TV station and later the three newspapers that were related the TV station, was fact that numerous journalists lost their jobs, and that had negative effect over media pluralism.

Amendments to the Broadcasting Law in July 2011 changed the composition of the members of the Broadcasting Council and it was increased from 9 to 15 – all newly-nominated by state institutions were close to the ruling party. Despite of the warning of local media organizations, the law was amended and subsequently the Council revoked the license of the television channel A2 on grounds that the programming content was not in line with the license requirements. In the Report that followed, due to these practices, the EC expressed its concerns about the political independence of the AAAMS.

27 Закон за аудио и аудиовизуелни медиумски услуги на Република Македонија [Law of Audio and Audio-visual Media Services of the Republic of Macedonia], Article 84.

28 The registry of TV stations is published on the web page of the media regulator, see: http://avmu.mk/index.php?option=com_content&view=article&id=1146&Itemid=342&lang=mk.

29 The publication can be retrieved from the following web page: http://mediapepida.mk/strazuvanja/radioslobodna-makedonija-ima-sestra-televizija_mk.

30 Apostolov Vlado, Jordanovska Meri and Cvetkovska Sashka, "New Media Harvest of the Government Advertising Combine", NovaTV, December 5, 2014. Accessed on September 14, 2016: <http://novatv.mk/novamediumska-zhetva-vo-vladiniot-reklamen-kombajn/>.

31 Nikodinoska Vesna, "Monitoring the Law on Audio and Audiovisual Media Services in Macedonia: Transparency of the Regulator Strengthened, But Not Fully Implemented", South East European Media Observatory, 2015, Accessed on September 14, 2016: <http://mediaobservatory.net/radar/transparency-regulator-strengthened-not-fully-implemented>.

32 "Законот за радиодифузна дејност на Република Македонија" [Broadcasting Law of the Republic of Macedonia].

Five out of seven members of the Council of the Agency are affiliated with the ruling parties (VMRO–DPMNE and DUJ). They are selected by the Parliament after being nominated by the Parliamentary Committee for Elections and Appointments and the Association of Units of Local Self Government of Macedonia (AULSGM), civil organization of the mayors, which is controlled by the government coalition of the ruling political parties, as well as from the Chamber of Attorneys. Accidentally, or not, the president of the Chamber of Attorneys is the private attorney of the leader of the ruling party VMRO-DPMNE, Nikola Gruevski.

With the new LAAVMS was changed the list of nominators of members of the Council of the Agency and only five out of the seven members from the previous composition of the Council of the Agency were elected. The old members, Lazo Petrushevski and Selver Ajdini were nominated by the Parliament, while the AULSG purposes Milaim Fetaj who was previously proposed by the Parliament. Even more indicative is the case when the Chamber of Lawyers proposes Alma Masovic, who was previously nominated by the Parliament. She is mechanical engineer, which is directly in collision with Article 16 of the Law that defines the profile of the members of the Council. The Council member, Lazar Trajcev, is attorney with previous experience as Director of Legal Department within the national Health Insurance Fund and is now nominated by the so-called Macedonian Journalistic Association (MJA), which is publicly known as close to the ruling party VMRO-DPMNE as it was noted in the EU progress report of 2015.

The 2014 Report on Media Market in Macedonia, published by the AAAMS noted that there are 65 commercial TV stations, out of which five are national TV stations that distribute services through digital terrestrial networks, another five national TV stations through satellite, 28 regional and 27 local that provide service either through regional DTT networks or via cable operators³³. In total, Macedonia has around 200 traditional media outlets (TV, radio and print), and more than 100 web-portals that publish media content. Media outlets compete in small, distorted market, covering only around 2 million citizens and they do not have financial sustainability unless, they align their interests with the governing parties and politically connected large businesses. Apart from the public broadcaster (MRTV), the vast majority of the media are in private hands. However, the Government was at the top on the list of largest advertisers in the country in 2012 and in 2013 with twice more campaigns

in the private media³⁴ than the larger local mobile operator T-Mobile.

The Progress Report for Macedonia by the European Commission for 2015³⁵ raised this as a serious concern stating that the: “Government advertising provides the largest single source of funding and has a major influence on the media market at both national and local level. There is no systematic or detailed reporting on government advertising”. DG Enlargement report of June 2013³⁶ says that at least 1% of the annual national budget of Macedonia (20 million euros) is invested in media outlets through government campaigns and advertising. This highlights the authorities’ huge influence in the media field and was again repeated as a major concern in Progress Report by EC for 2014³⁷: “Government influence on media output is exercised through, *inter alia*, state-financed advertising”. Governmental media campaigns are mostly used for daily propaganda in which government projects are advertised. The campaigns do not serve public interest and are used as alibi to allocate funds to pro-government media outlets. The end goal of this is to affect and control editorial policies of the media. Professionals are fired and obedient mouthpieces replace people with personal integrity, while a huge number of journalists are living in professional insecurity. Behind the veil of “economic reasons”, critical media are vanishing.

In July 2016, the Government came forward with a concept to legalize such advertising, for campaigns that have value exceeding the amount of EUR 100.000 through the draft Law on Informative and Advertising Campaigns that was introduced by MIOA³⁸. Similar as in the previous instrument (i.e. Article 92) here again this model was welcomed by the media owners (specifically the Association of Private National TV stations), but was fiercely criticized by the journalistic and media community. AJM strongly condemned this law, and considered it as part of the legalization of media corruption i.e. promotion of government propaganda in the media paid

33 AAVMS, *Analysis of the Market of Audio and Audiovisual Media Services in 2014*, Skopje: 2015. Accessed on September 14, 2016: http://www.avmu.mk/images/Analiza_na_pazarot_na_AVMU_za_2014_godina.pdf

34 AAVMS, *Third Public Meeting of the Agency for Audio and Audio-visual Media Services in 2014, Obtained Views and Opinions of the Agency*, Skopje: 2014, Accessed on September 14, 2016: http://www.avmu.mk/index.php?option=com_content&view=article&id=1246%3Ajaven-povik&catid=94%3A2013-03-04-09-53-19&Itemid=427&lang=mk.

35 European Commission, *The Former Yugoslav Republic of Macedonia 2015 Progress Report*, Brussels: October, 2015.

36 *Particip, Western Balkans and Turkey Media and Freedom of Expression: Fact-Finding and Scoping Study*, Freiburg: April 2013, p. 23, Accessed on September 16, 2016: <http://www.speakup2.conference.eu/files/cms1/wbt-media-study635062109588840375.pdf>.

37 European Commission, *The Former Yugoslav Republic of Macedonia 2015 Progress Report*, Brussels: October 2015, p.2.

38 MIOA, *Draft Law on Informational and Promotional Campaigns of Public Institutions*, Accessed on December 12, 2016: http://www.mioa.gov.mk/files/pdf/dokumenti/zakoni/Predlog-Zakon_za_reklamiranje_mioa.pdf.

with taxpayer's money. As a result, on July 6th, 2016 – AJM left the consultative meeting held by the Ministry of Information Society and Public Administration, when the government was pretending to have a debate, held for the concept of the Law.³⁹ The position of the AJM regarding media funding for promotion of government activities (i.e. ruling parties' activities), in the form of advertising or campaigns is that such practice should be banned with a law, and in addition to it there should be established a media subsidy system in which specific media content would be funded. In August 2016, this draft law was revoked from the Parliament with official explanation that should be revised.

For the purpose of this report, AJM in May 2016 has formally submitted 105 letters based on the Law on Free Access to Public Information of the Republic of Macedonia⁴⁰ to all municipalities and ministries and several other public entities. With this formal request, AJM asked the public institutions the following questions:

- How much from the total funds for 2016, is spent on media and journalists, on any base?
- What is the plan for funding the media and journalist, on any base until the end of the year?

In addition to this, in the sent request were asked the questions for the name of the media outlets or journalists.

The following conclusions were made from the request:

- Out of all 105 sent requests; were received 80 answers (24% of all the institutions did not delivered answer to both questions);
- Out of all 84 municipalities in Macedonia; 61 gave answer (27% of all municipalities did not delivered answer to both questions);
- Out of 15 Ministries, 11 answered (27% of the ministries have not delivered any answer);
- Answer was not received from the Agency for Electronic Communication (AEK) which is considered as one of the largest spenders in the private media sector according to market research;
- Only 11 out of 80 institutions answered that they did not spent money on media services in the first half of 2016;
- The data analysis provided by the institutions in the first six months of 2016 the institutions have spent around EUR 353.000, while from the ministries that answered; they have spent around EUR 100.000 less compared with the municipalities that spent around EUR 250.000. Most

of these funds were made to regional broadcasters and national newspapers. The funds are used for commercials, subscriptions, and advertisements in newspapers. There are cases where municipalities are funding production of media content, which can be considered as a PR content for the work of the municipality;

- The biggest amount spent on media is in the municipality Bitola. In the first six months were spent EUR 32.000, whereas the largest spender from the ministries is the Ministry of Interior Affairs. According to their budget, in the first half of 2016, EUR 21.300 were spent only on newspaper subscriptions, and additional EUR 31.000 are planned to be spend in the second half of the year;
- 42 out of 80 institutions submitted information about how much funds they will spend in the second half of 2016. In total, this amount is EUR 1.086.000,00 that is roughly three times more than in the first half of 2016. Most of the funds are foreseen to be spent by the Ministry of Information Society and Public Administration and this is EUR 700.000.

It is also important to note that some of the municipalities, such as Karposh or Centar answered that they are not spending public funds for media services, referring to the Law. The general conclusion is that public institutions, in particular the municipalities are using large amounts of public funds for privately owned media outlets without any kind of criteria whatsoever, which is against the law. In addition, almost half of the institutions are non-transparent at providing data about the amount of money they spent for media services. Another conclusion, based on the data, is that part of the public institutions have foreseen to spend three times more funds in the second half of 2016 compared to the first half of the year. This indicates that public institutions significantly influence the media markets by creating financial dependence allowing for clientelistic relationship between them and the media.

The LAAAVS, in article 92,⁴¹ stipulates strict obligations for the broadcasters to produce certain amount of domestic documentary and film content. It also stipulates that the Ministry of Information Society and Administration (MISA) will pay half of the expenses for this content through decisions brought by the Inter-

39 "AJM has Left the Briefing of Minister Tomovska", Association of Journalists of Macedonia. Last modified July 4, 2016: <http://znm.org.mk/?p=2460>.

40 "Закон за јавни набавки на Република Македонија" [Law on Public Procurement of the Republic of Macedonia].

41 According to Article 92 (paragraph 8) from the Law on audio and audio-visual media services, "broadcasting companies that broadcast television program service with general format at the state level through the transmission capacity of digital terrestrial multiplex, are obliged to produce and broadcast at least 10 hours of domestic documentary program in the period from 7:00 to 23:00 am, no later than November 25 of the current year, a the public broadcasting service at least 30 hours of domestic documentary, from 7:00 to 23:00 am, no later than November 25 of the current year.

Ministerial Commission. This Commission, based on the Law, is comprised of seven members who are all nominated by public institutions including the Cabinet of the President of the Government and the Public Revenues Office. Having this in mind and the current political situation there is a risk that this Commission can approve financial aid on a biased manner promoting media that are close to the ruling parties and discriminate the ones that are being critical. In addition, the Commission can impose specific topics of the documentaries that will promote the ruling political party's ideology.

Apart from the risk of political influence on the decisions of the Inter-Ministerial Commission, an additional problem arises from the lack of expertise of the members. It cannot be expected that civil servants from MISA, the PRO or the Prime Minister's Office to be experienced in the field of domestic production.

The Law introduces penalties for broadcasters who will not meet the requirements to produce domestic programs. The Director of the AAAMS, according to the Article 23 (paragraph 2), submits request to initiate infringement proceedings without sending warning to the broadcasters.

This financial instrument is differently perceived between the main TVs and the journalistic and media associations. While some TV stations perceive this as opportunity to develop its domestic production, media community fears that in this manner the Government will influence the content the media outlets and on the editorial policy at the same time. It is strange that the government subsidizes media content in the national private broadcasters, and does not subsidize printed, and local media of minorities, as is the practice in Western Europe.

Currently, according to the Government's decision for determining the total number of subsidies for reimbursement of 50 percent of the domestic documentary and feature program, five TV stations with national terrestrial license receive EUR 2.254 per hour, in the form of subsidy for production of documentaries and EUR 5.548 per hour for the production of feature films programs.⁴² Apart from this, it is not clear, by which criteria the Government defines the cost of production for one-hour documentary and feature programs, since there are variety of different national television and different nature of the program, which depending on the quality and nature of the production of one hour may differ, it can be smaller or bigger.

The current legal solution at the same time places a burden for the national private media with unnecessary obligations that are constantly increased in relation to the production of domestic content. Thus, according to the Law (Article 92), in 2014, at least 30% of the broadcasted program was supposed to be originally created in Republic of Macedonia in Macedonian language or the languages of the communities living in the Republic of Macedonia. From the beginning of 2015, the obligation of 30% domestic programme is increased to 40%, however, from 2016; the obligation for domestic programme is increased to 50%.

Macedonian radio television (MRTV) since the independence of the country in 1991, continued to be under strong political control of the ruling structures. During these 24 years of independence, of Macedonian democratic transition, citizens and the opposition in continuation never considered MRTV for public service. The ratings, confidence, and influence of MRTV in the public have always been low.⁴³

Editorial independence of the MRTV is guaranteed under the law, but this is insufficient to provide actual independence, due to the inexistence of independent funding and the insufficient independence of its management bodies. In the period after 2005, almost all, starting with the Executive Directors at MRTV were people close to one or another political party and significant progress in the transformation of MRTV towards a genuine public service broadcaster was not done.⁴⁴

Institutional autonomy and independent editorial policy of the public service depends on the composition of the supervisory board, or in the case of MRTV, the Programming Council. Based on the LAAVMS, Article 117 the authorized nominators are the following entities: Inter-University Conference (nominate one member-candidate); the National Institution – Albanian Theatre (nominate one member-candidate); the National Institution – Turkish Theatre (nominate one member-candidate); the two Journalists' Associations (nominate each one member-candidates); the Association of the Local Self-Government Units (nominate three member-candidates); the Committee for Elections and Appointments of the Parliament of the Republic of Macedonia (nominate five member-candidates).

Although Article 116, paragraph 4, provides that the Program Council of MRTV protects the interests of the public in terms of program content and "should represent the diversity of the Macedonian society", in practice the current Program Council is highly politicized and partisan. Out of the 13 Council members, political

42 Association of Journalists of Macedonia, *Assessment of Media System in Macedonia*, Skopje: 2015, p. 13, Accessed September 14, 2016: <http://znm.org.mk/wp-content/uploads/2016/03/Assesment-media-reforms-Sep-2015-ENG.pdf>.

43 *Ibid.* p.57.

44 Brodi, Elda et al. *Freedom of Media in Western Balkans*, Directorate General for External Policies, European Union, Brussels: October 2014, p.16.

institutions nominate eight; such are the Committee for Election and Appointment of Parliament and the Community of Local Self-Government. The ruling parties control both institutions; the Commission and the Community of Local Self-Government Units and therefore members of the Council proposed by them have strong political ties with the Government. As result to this structure of nominators, in the Council are selected two former MPs that belong to the current government and Council President is spokesperson of one Municipality in Skopje, while the Deputy President of the Council is former ambassador. One member of the Council is the former manager of local television and it is not clear whether at the moment when he was elected, he has left the position due to conflict of interest. With this are breached the European standards since the majority members of the Council are nominated by organizations that are closely connected to ruling political parties and are not authentic representatives of different groups of citizens and the Macedonia NGO' sector.

Other concerns about the MRTV functioning are related to certain neglected obligations related to the cultural pluralism, especially with respect to the programs of smaller ethnic communities⁴⁵ and the lack of political pluralism.

License fees predominantly fund the Public broadcaster, but it also receives significant funds from the state budget due to the inefficiency of the tax collection system. PBS also receives advertising revenues, but having in mind that the advertisement airing time is restricted, this source of funding is significantly reduced (up to 10%).⁴⁶ Over the years, the practice of continuous funding from the state budget has created a culture of dependence in the PSB, as the budget funding was received, both based on legal provisions for producing program for emigrants and programme in the languages of the neighbouring countries, as well as ad-hoc budgetary funding when financing from broadcasting is low insufficient.

For comparison, the total planned budget of MRTV for 2012 is approximately 20 million euro and the Croatian public service for the same year had 192 million euro.⁴⁷ In the area of public duties from the budget for the same year, the Macedonian public service has provided EUR 15.8 million and the Croatian public broadcaster EUR 157 million. HRT has a budget that is ten times larger in the area of public duties than MRTV. Croatia has, roughly, twice-larger territory, larger population, and GDP, and HRT has ten times greater budget than the Macedonian. In addition, HRT mainly produces program in Croatian and Macedonian

public service produces program in seven languages, which further burdens the budget of MRTV. Through this example can be noted that the Macedonian authorities do not have the political will to provide sufficient funds for proper functioning of the MRTV.

Critics for the work of the MRTV are also stated in the last progress reports of the EC. The EC 2015 progress report notes that regulation of the public service broadcaster MRTV is in line with EU standards, yet financing is not independent from the government and despite measures to improve license fee collection, this revenue source is not sufficient. Other ways to ensure financial independence have been discussed, but no decision has been reached yet. MRTV's editorial independence is still not ensured. Failure to inform the public on issues of public interest, including the wire-tapping scandal, in a balanced and non-selective manner continues to undermine its role as a public broadcaster.

The working group established in December 2013 between the Association of Journalists of Macedonia and the MISPA, adopted the conclusion to find solution for sustainable funding for MRTV in the six forthcoming months. As a result of this, is was established working group in which AJM had active participation d for more than one year. AJM proposal within the working group was 1% of the country national budget to be given to MRTV. This was accepted by MIOA and formal proposal was sent to the Government in 2015. The Government later rejected it and this is still pending issue.

The same solution, 1% from the budget to be allocated to MRTV was also joint proposal of the AJM and the largest media organizations in the country including the Independent Journalistic Union of Macedonia. This proposal in form of amendments of the LAAVMS was submitted in March 2016.⁴⁸ In the context of MRTV, was also proposed new list of authorized nominators for members of the Program Council that will predominantly represent the civil sector. The proposal was not adopted; only 35 MP's in the Parliament out of 123 voted in favour of the proposal.

Similar proposals for systematic, long-term solutions in the media sector were also offered in the Blueprint for Urgent Democratic Reforms⁴⁹, which represents a joint effort of the group of civil society organizations, academia, and independent experts as way to exit the political crisis created with the wiretapping scandal.

45 Micevski, I., Trpevska, S. and Trajkoska, Z. *Media of the Non-Majority Communities in Macedonia, Skopje: 2013*, pp. 99–122.

46 *Ibid.*

47 *European Broadcasting Union, Funding of Public Service Media, November 20, 2013*, Accessed on: September 14, 2016: <http://bit.ly/1V4qCtm>.

48 "Member of Parliament of the Ruling Political Party do Not Like Freedom of Media", *Association of Journalists of Macedonia*. Last modified: April 5, 2016. <http://znm.org.mk/?p=1977>.

49 *Blueprint for Urgent Democratic Reforms, Skopje: June 2016*, Accessed on: September 14, 2016: http://respublica.edu.mk/attach/BPI_ENG_FINAL_08.07.2016.pdf

A.2 Do Defamation Law cause a 'chilling' effect among journalists?

Libel and defamation were decriminalized in 2012 with the adoption of the Law on Civil Liability for Defamation and Insult.⁵⁰ In July 2016, there were around 40 cases of defamation and insult against journalists, while before the decriminalization this number was around 330. Although decriminalized according to the new legislation, defamation is still harshly penalized and creates self-censorship. In its report for 2015, Freedom House⁵¹ states that there are "existing inappropriately large fines"... Dozens of civil defamation cases had been issued against journalists in 2013/14, although many are settled out of court. In September 2014, the weekly newspaper FOKUS received adverse ruling according to which the editor and the journalists were condemned to pay USD 12,000.00 and legal expenses for article published in 2013 that deemed defamatory against chief of the secret police at that time, Mr. Sasho Mijalkov.⁵² AJM and other credible local and regional association and organizations condemned this case.⁵³ The funds for the payment of the fines were collected from journalists and citizens under the action of solidarity launched by the AJM and the weekly newspaper Focus.

In the 2015 report "Freedom of the Press for Macedonia", the Freedom House states that the Macedonian Constitution includes basic protections for freedom of the press and of expression, but the authorities do not uphold them impartially:

"Defamation was removed from the penal code in 2012, but a parallel change to the civil defamation law authorized large fines for reporters, editors, and media owners. At least 580 civil defamation suits had been filed since the change by the end of 2014, including dozens of cases against journalists. Many are dropped or settled out of court, often because defendants yield to the threat of crippling financial penalties."⁵⁴

The 2015 EC Progress Report also denotes the frightening effect on freedom of expression that comes from the tendency of politicians and public officials to sue, instead of engaging in an open debate.⁵⁵ The fact that the tendency to sue for libel and defamation influences the work of the journalists in Macedonia can be confirmed with the survey with the journalists, conducted within this study. Asked if the threat of libel/defamation has any influence on the work of the journalists, 60% of respondents stated that the Defamation Law in a way influence on their journalistic work. To assess the state of affairs, regarding defamation and libel in Macedonia, in the beginning of 2015, the AJM followed 39 defamation/insult cases against journalists and monitored a total of 106 cases.⁵⁶ The purpose was to analyse the implementation of the Law on Civil Liability for Defamation and Insult and the Law on Civil Procedure by the Basic Court Skopje I, if it is applying the practice of the European Court of Human Rights in Strasbourg. At the same time, was assessed the quality of attorney (legal) representation of the journalists that were sued. Journalists who were present at the judicial hearings and that previously were trained by lawyers received detailed guidelines to monitor each session and conducted the monitoring of all cases. The data from each session were recorded in questionnaire and then analysed to draw conclusions about the implementation of the law.

Out of the 39 monitored cases in a period of one year, the Court issued eight judgments. In 7 verdicts, it court acquitted the journalist of all responsibility, and in one case, the court partially upheld the request, however no compensation was ruled. According to the AJM's assessment, in all monitored cases, the Court acted in accordance with the Law on Civil Liability for Defamation and insult and called on the jurisprudence of the European Court of Human Rights in Strasbourg. In all seven cases, the court found that the journalist did not intend to harm the plaintiff and that the journalist published article with public interest. In the one case, where the complaint was partially upheld, the Court concluded that there was defamation, but did not impose a fine based on a non-pecuniary damage. It should be noted that 17 of the cases (44% of all cases) were court cases in which both sides were Where journalists and editors are suing each other for libel.

50 Закон за граѓанска одговорност за клевета и навреда [Law on Civil Liability for Defamation and Insult].

51 Freedom House, Report on the Freedom of the Press, 2015. Accessed on: September 14, 2016: <https://freedomhouse.org/report/freedom-press/2015/macedonia>.

52 Järvinen Heini, „Macedonian Investigative Magazine Punished for Defamation,” EDRI, October 22, 2014. Accessed: September 14, 2016: <https://edri.org/macedonian-investigative-magazine-fined-in-defamation-case/>.

53 "The Court Verdict of Focus in Contrary to the Law on Defamation"; Association of Journalists of Macedonia. Last modified: September 30, 2014. <http://www.znm.org.mk/drupal-77/en/node/797>

54 Freedom House, Report on the freedom of the press, 2015. Accessed on: September 14, 2016: <https://freedomhouse.org/report/freedom-press/2015/macedonia>.

55 European Commission, The Former Yugoslav Republic of Macedonia 2014 Progress Report, Brussels: October 2014, p.21.

56 Association of Journalists of Macedonia, Analysis of Cases of Defamation and Insult, Skopje: September 2015. Accessed on: September 15, 2016: http://www.znm.org.mk/drupal-77/sites/default/files/Defamation%20and%20insult%20assessment%20ENG%20Sep%202015_1.pdf.

The AJM analysis shows that the trials on defamation are lengthier than average court processes in Macedonia. Three separate time segments were analysed in terms of time length of court proceedings. The average delay time from one to another proceeding in the period October to December 2014 was 48 days. In the next period, January-May 2015 the delay period increased to 56 days, with the shortest period of delay of 8 days and the longest 86 days. In the period, May- June 2015, the delay period increased to 80 days, with the longest delay was 122 days. The reason for this is the beginning of the holiday period, when according to the law courts do not work with clients, except in urgent cases. According to the method of operation of courts in Macedonia in the civil area, within acceptable delay in the hearings for cases is between 30 and 40 days.

The court respects the obligation to publish the decisions, but does not meet the legal deadlines for their publication within the period specified by law. In addition, journalists who followed the hearings had no access to the judgments on the website of the court and to communicate electronically with the court because the court had no internet connection. In all observed cases, a lawyer except in one case represented the parties.

Based on the Law on Access to Public information, AJM asked the responsible court for defamation/libel cases (Basic Court – Skopje II) to provide detailed information on the number of active court cases for defamation/libel for the previous year, in order to see whether there is a tendency of decline of suing for defamation/libel. According to the data delivered by the Court, until July 15, 2014 the number of active cases where defendants as well as claimants for defamation and insult are journalists, is 54. Therefore, we can conclude that in 2015, there was decreased number of court cases, compared to the previous year. On average, on yearly filed seven new lawsuits against journalists.

In the last three years, there have been at least 10 cases where state official, politicians and even from public institutions sued journalists for defamation or insult. Some of the cases were rejected by the court, some are still active, but there are cases where the court fined the editor and journalist (e.g. the critical weekly newspaper “Focus”). It should be noted that the journalists’ community demonstrated solidarity for their peers from Focus and in several activities organized by AJM, were raised funds used to pay the fine on behalf of the editor and journalists of Focus.⁵⁷

Other cases that are indicative are the ones where the mayor of municipality of Bitola and the mayor of municipality of Gevgelija, submitted law suits against critical media and journalists. In addition to the Law that is prohibiting the possibility for suing based on libel, there are cases where public institutions (AAVMS and Macedonian Post Office) submitted lawsuits towards media and journalists. It is unclear how the court will deliberate on these lawsuits, which by law are insufficient.

In the past, when the journalists were charged for defamation and insult following the Criminal Law, were submitted more suits by public officials towards journalists. Current practice shows that the number of lawsuits is decreased and has different content. According to estimations, in the past three years there were only around 10 cases where members of public institutions or high representatives of political parties were suing journalists for defamation and insult.

57 “Call for Solidarity of Journalists for the Macedonian Weekly “Focus””; Association of Journalists of Macedonia. Last modified: October 8, 2016. <http://www.znm.org.mk/drupal-77/en/node/805>

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

The legal framework for protection of pluralism in the media before and during elections is comprised of three laws: LAAVMS⁵⁸, Law on Media⁵⁹ and Electoral Code. The AAAMS is responsible for the monitoring and implementation of the provisions related to the protection of political pluralism during election campaign, but there is no explicitly stipulated obligation for the regulator to monitor and undertake measures regarding the political pluralism before or after the elections.

The LAAVMS in Article 61 outlines several basic principles for the programs aired by broadcasters: equality of freedoms and right regardless of political leanings; objective and impartial depiction of events and equal treatment of opinions and view; enabling the public to form its opinion regarding events and issues; respect of the confidentiality of the information source; guarantee of right to reply and correction; independence, autonomy and responsibility of editors, journalists and other authors in the creation of the programs and editorial policy.

In this way, certain aspects of the journalistic standards are proscribed with the law and become legal obligation for the media outlets in the entire broadcasting sector, including the public broadcaster, private media, and non-profit media. The Public Broadcaster has additional responsibilities (article 110) and additional standards and principles (article 111). It is important to note that these articles refer to the ethical standards and due to this are not subject of sanctions towards neither the journalists nor the media outlets. When the Code of Ethics is breached, the only sanction that can be imposed is moral one by the peers in the sector through self-regulation in the media and here exist two bodies, the Council of Honor within AJM and the Commission for Compliances within the Council of Media Ethics of Macedonia.

Based on this political agreement, was established the ad-hoc body composed of 5 journalists, two proposed by the ruling party, two by the opposition and one elected through open call (for whom it was agreed to be ethnic Albanian). The body follows the manner in which media are reporting, 100 days before the elections. Based on the reports from the monitoring, the ad-hock body

will propose fines to the media outlets that do not respect the professional reporting. This concept was heavily criticized by the AJM, the media organizations and by the expert community, as being unacceptable solution that does not provide sustainable reforms in media, in line with the CoE recommendations, and the need for achieving departization of the regulatory authority.

In the wake of the announced, the Institute of Communication Studies (ICS) conducted project monitoring the democracy in Macedonia⁶⁰ (MODEM) and monitored the manner in which the national televisions report on various political views and ideas and the extent to which they provide access for political actors to their programmers.⁶¹ The analyses confirmed that political pluralism in the media in the non-election period is seriously jeopardized:

1. *The news programs of the most influential TV stations are used as political marketing of the government and the leader of VMRO-DPMNE.* A positive image of the operation of government is uncritically presented in the news. Journalism fails to function as a watchdog of the public interest and as a neutral and independent critic of the government politics. Instead of protecting the interest of the citizens, the journalism turned into informative propaganda of the ruling party;
2. *There is a selective censorship of political expression.* The strategy of the ruling party is to “allow” the opposition party certain access to the pro-governmental media in order to create false picture of pluralism and balance in the news and to ‘justify’ the extensive coverage of the activities of the prime-minister;
3. *A media-orchestrated crackdown on opponents.* The strategy of directed orchestration of the editorial policy of the pro-government television broadcasters continues can be noted with the purpose of publicly discrediting and delegitimizing certain political actors, institutions, organizations and individuals.

⁵⁸ “Закон за аудио и аудиовизуелни услуги на Република Македонија” [Law of audio and audiovisual media services of the Republic of Macedonia].

⁵⁹ “Закон за медиуми на Република Македонија” [Law on media of the Republic of Macedonia].

⁶⁰ The analysis examines 11 news programs and 38 editions of 11 different current-affairs programs of the Public Service Broadcaster (MTV 1 and MTV2) and of 7 private television broadcasters (Site!, Kanal 5, Alfa, Telma, Alsat M, 24 Vesti and TV2!), based on a qualitative analysis of various aspects of informing in the news and the informative programs.

⁶¹ Third Monthly Report based on the monitoring of media content through the Rapid Response Media Mechanism of the Institute of Communication Studies (time-frame: 6th February-4th March 2016). The report can be retrieved from their web page: http://respublica.edu.mk/modem/06-04-mart-2016/Third-Monthly-report-MODEM_EN_opt.pdf.

In conclusion, MODEM finds that the largest TV stations (*Sitel, Kanal5 and Alfa*) continuously violate the basic principles for news established in Article 61 of the Law on Audio and Audio-visual Media Services.

In addition, the Public Broadcaster violates the standards and principles of the programmes established in Article 111 and in particular, the responsibility established in Article 110 ... not to advocate or defend positions or interests of a specific political party... and to protect the programmes that is developing s from any kind of influence from the Government, political organizations or other centres of economic and political power.

The Law on Audio and Audio-visual Media Services deals with election in two specific articles: article 96 that prescribes that during electoral campaigns, the broadcasters and the Regulator are obliged to follow Electoral Code rules. The second article foresees that the public broadcaster is not allowed to broadcast paid political messages (article 53).

The general rules for reporting during elections are incorporated in the Electoral Code, which was subject to several amendments. The lawmaker in the Article 75-GJ, stipulates that all media in the election period should provide equal access to political parties. The Law foresees a number of penalties for breaches of the Law ranging up to 4.000 EUR, including print and internet media. AJM, the Independent Trade Union of Journalists and Media Workers of Macedonia strongly condemned these harsh penalties imposed by the new law on their joint statement on November 202015 and stated they are disproportionate towards smaller media and put them, especially web and print media in unequal position, compared to the larger electronic national media, such as national TV stations. In addition, both organizations protested the fact that through this Law, the Government pushed through “backdoor” the regulation for the internet media.⁶²

In past electoral cycles with the end of 2014 Presidential and Parliamentary elections, rules regarding political pluralism have not been respected. Even the regulator, who is responsible for the implementation admits this in its 2014 report on Presidential and Early Parliamentary elections in 2014:

“The results from the monitoring of electoral coverage show that in the creation of editorial policy during election, private national terrestrial TV stations, are not governed by professional principles, and do not abide to the legal obligations for fair and balanced campaign coverage”

From the above-mentioned report, it is obvious that most national TV stations cover predominantly the activities of the ruling party at the expense of the opposition parties, thus creating situation of unequal access to the media during election campaigning.

Based on the political agreement from August 2016, the four mainstream political parties agreed that the main opposition party SDSM should nominate main editor in chief for the MRTV, 100 days’ prior the election. This will allegedly help for more balanced reporting of the PBS prior to the early parliamentary elections in Macedonia.⁶³ Again, this concept was criticized by AJM and the local media organizations and expert community as solution, which derogates the basic professional principle of journalism – journalists must be distanced from any political party.

62 “Joint Protest of AJM and Trade Union: Penalties for Media of the Electoral Code are Scandalous”, *TeraTV*. Last modified: November 20, 2015. <http://tera.mk/znm-i-ssnm-kaznite-za-mediumite-od-izborniot-zakonik-se-skandalozni/>.

63 “Leaders’ Meeting Tomorrow at 13:00”. *Meta.mk*, Last modified: August 30, 2016. <http://meta.mk/en/leaders-meeting-tomorrow-at-13-00/>.

A.4 Is freedom of journalists' work guaranteed in the law?

In the Republic of Macedonia, the Government does not require licenses for journalists. However, the media legislation that was adopted in December 2013, for the first time is defining the profession of journalist. This is stipulated in the on-Law Media in Article 2, indent 4 with the following formulation: "Journalist shall mean a person who collects, analyses, processes, edits and/or classifies information published in a media and is employed by the media publisher or has an employment contract with the latter, or is a person who provides journalist activities as independent profession (freelance journalist)". This definition is problematic and it may limit the work of the journalists, therefore should be deleted as the AJM, the Independence Union of Journalists of Macedonia, and the Macedonian Institute of Media requested it.⁶⁴ It is useless to define the profession, since in whole Europe definition for a "journalist" does not exist.

Although for the moment, there is no formal licensing for journalists, this topic was and is present in the mainstream media which are close to the Government and which are spreading propaganda for the need of such restriction.

Journalists are able to follow parliamentary sessions with proper accreditation. A major violation of this rule happened on December 24, 2012, when the Court Police cleared the Parliamentary gallery from journalists, in order to prevent them from reporting on the ousting of the opposition from the Parliament. For this case, AJM in 2013 exhausted all legal possibilities to seek justice in the country and in the end, submitted formal case to the European Court of Human Rights⁶⁵. AJM, the Union and many other media organizations condemned this event and asked political and legal responsibility for the incident.⁶⁶ However, no one was taken accountable for the violent expulsion of journalists from the Assembly gallery.

There are cases that are noted by AJM where some journalists were not permitted to report from some events such as court hearings. In some of these incidents,⁶⁷ the journalists' accreditations were not sufficient to let them perform their work since members of the institutions asked them for a "license". Journalists were even given a "lesson" about the Law on Media by representatives of the Basic Court in Skopje saying that they are not journalists since the web portals are not regulated under Law on Media. It was a clear subtle pressure on journalists and media, initiated by the government with the help of the court to agree on toughening the legal regulation of the Internet-portals.

AJM noticed that journalists from Bulgaria and Kosovo were not permitted to enter in the country due to unclear reasons. Some of the local media reported on these cases, yet the institutions did not provide clear explanations.⁶⁸ IN 2015 the government expelled three Turkish journalists from the country. This was reported to AJM, and according to the contents of the court decision, the reasons for why the journalists were expelled from the country are not clear.

Yes, majority of the journalists are organized in a professional association. The biggest and oldest is the AJM that was founded in 1946. AJM is member of International Federation of Journalists (IFJ) and of the European Federation of Journalists (EFJ). AJM is independent, non-governmental, and non-political party organization whose purpose is to be the protector and promoter of professional standards and freedom of expression.⁶⁹ In 2010, after changes in the statute were made, management of the association is appointed with free elections, in which all members of the association can take part of, according to the principle, one member, one voice.

Aside from AJM, there is also the Macedonian Association of Journalists (MAJ), which was established in 2003, reactivated in 2013, in order to legitimize the new media legislation, proposed by the government. In fact, in all AJM public debates it was critical in regards to the legal provisions that limit freedom of expression and were prepared non-transparently, MAN supported the views of the ruling party.

64 "Law of Media: Journalists Were Divided on the Question Who is a Journalist", *Telegraf.mk*. Last modified: July 30, 2016. <http://www.telegraf.mk/aktuelno/makedonija/newsarticle-19945-zakon-za-mediumi-novinarite-se-podelija-za-prasanjeto-koj-e-novinar.nsp>.

65 Marulic Jakov Simona, "Macedonian Journalists to Seek Justice in Strasbourg" *Balkan Insight*, June 5, 2014, Accessed on: September 15, 2016: <http://www.balkaninsight.com/en/article/macedonia-journalists-to-see-justice-in-strasbourg>.

66 "Joint Statement of the Media Organisations in Macedonia", Association of Journalists of Macedonia, Last modified: December 27, 2016. <http://www.znm.org.mk/drupal-77/en/node/524>

67 This was reported by anonymous journalist at the office of AJM in June 2014 and the case was immediately resolved after an intervention by the President of AJM to the Supreme Court in Skopje

68 "Three Bulgarian Journalists Were Bared From Entering Macedonia, PlusInfo, Last modified: April 18, 2016. <http://plusinfo.mk/vest/66847/-na-trojca-bugarski-novinari-imbil-zabranet-viez-vo-makedonija>

69 Information about the Association of Journalists of Macedonia can be retrieved from their web page: http://znm.org.mk/?page_id=719&lang=en.

The EC progress report of 2015 about this situation says:

“...Here too, polarization occurs along political lines, with the recently reactivated MAN tending towards pro-government stances on most issues. The older of the organizations, the AJM, has continued to draw attention to a number of important issues such as the impact of government advertising on the diversity of the media and the role of the media during the political crisis. Job security is fragile and labour rights are still not adequately implemented, contributing to lasting problem of self-censorship...”⁷⁰.

In addition to this, it should be noted that the President of MAN, Slagjana Dimishkovska, and the general secretary of MAN, Cvetin Chilimanov, in August 2016 were nominated by VMRO-DPMNE for members of the ad-hoc body for monitoring the reporting of the traditional media outlets.⁷¹ This is clear indicator of the close linkages between MAN and VMRO-DPMNE.

AJM was strongly opposed this concept, where the political parties are creating temporary body to control the implementation of professional standards in the media, saying that systematic changes are necessary in the media sector in order to achieve positive real results.⁷²

After the establishment of MAN, AJM received complaints from journalists that media owners and editors are under pressure to become members of the other organization. Such cases were registered in the regional, local media, where journalists are in position that is more fragile, and where media owners are directly linked to the ruling party.⁷³

Part of the journalists and media workers are members of the Independent Union of Journalists and Media Workers (SSNM)⁷⁴ organization that was established in 2010. This was the first journalistic union that was established in Macedonia. Formally, another union of journalists exists within the public broadcaster (MRTV), although, information about this union are not available on the web page neither of MRTV nor about their recent activities.

The president of Independent Union of Journalists Tamara Chausidis was fired from the privately owned Alsat-M TV, where she was working. While her employers stated that her departure was based on mutual agreement, Chausidis said that the signature on her resignation letter had been forged and that she had been fired for being active in the Union, established in November 2010 to help journalists in ensuring their labour rights.⁷⁵

There is no statistic how many of journalists from the private media outlets and from MRTV are members in SSNM and the Union within MRTV. As for SSNM, they also have “secret members” saying that the reason for this is the members would have pressure if it were known that they are engaged within the Union⁷⁶.

In 2016 occurred information in media for establishing new journalistic union with members’ journalists from media outlets close to the ruling party. It is presumed that the motive behind establishing such a “counter union” is connected to the on-going talks for the media reform and the SSNM intention to introduce draft Collective agreement, which is expected to be supported by the media outlets.

70 European Commission, Former Yugoslav Republic of Macedonia 2015 Progress Report, Brussels: October, 2015, p.22.

71 “Agreement Between the Four Political Parties 20 July, 2016”, EWB, Last modified: July 20, 2016: <https://europeanwesternbalkans.com/2016/07/20/agreement-between-the-four-political-parties-20-july-2016/>.

72 “The Parties Will Not Give Up Their Control on Media”, Association of Journalists of Macedonia, Last modified: 21 July, 2016. <http://znm.org.mk/?p=2517&lang=en>

73 Kostadin Demilitov, “Low Blows for Membership or For Power?”, Deutsche Welle, July 10, 2013. Accessed on: September 15, 2016: <http://www.dw.com/mk/%D0%BD%D0%B8%D1%81%D0%BA%D0%B8-%D1%83%D0%B4%D0%B0%D1%80%D0%B8-%D0%B7%D0%B0-%D1%87%D0%BB%D0%B5%D0%BD%D1%81%D1%82%D0%B2%D0%BE-%D0%B8%D0%BB%D0%B8-%D0%B7%D0%B0-%D0%BF%D1%80%D0%B5%D0%B2%D0%BB%D0%B0%D1%81%D1%82/a-16939815>.

74 SSNM information can be found at the following website: <http://ssnm.org.mk/?lang=en>.

75 Dimiškova G. L., Nations in Transition 2012: Republic of Macedonia, Freedom House: 2016. Accessed on September 14, 2016: <https://freedomhouse.org/report/nations-transit/2012/macedonia>.

76 “SSNM Meeting with vanHaute”, TelmaTV, Last modified: November 19, 2015. <http://telma.com.mk/vesti/ssnm-na-sredba-so-vanhaute>.

A.5 What is the level of legal protection of journalists' sources?

The Constitution of Republic of Macedonia guarantees the right of confidentiality of journalist's source.⁷⁷ The journalist has right not to reveal the source of information, or reveal information that would reveal the identity of the source.

The Law on Media prescribes this same right, stipulating that when the journalist would like to publish information, should notify the editor. The same right is exercised by others who are familiar with the source due to their professional connection with the journalist.

The Law on Civil Responsibility for Libel and Defamation regulates the civil responsibility for damage to honour and reputation of physical and legal entities with libel or defamation, however it stipulates that it cannot be imposed upon the journalists to reveal their sources. The court can ask the journalist to reveal information regarding circumstances that would lead to certifying the truthfulness of the information, without identifying the information source.

For the purposes of this research, AJM analysed the Penal Code and found no restriction regarding protection of journalistic sources. However, the court practice is such that different legal provision was used to imprison journalist, because the identity of the source was not revealed. In 2013, the journalist Mr. Tomislav Kezarovski was imprisoned and received four and half-year sentence for allegedly revealing the identity of protected witness in 2008. This verdict was brought by the court 5 years after the text published in a small, unknown paper for the wider public. The case of Kezarovski became globally known and had negative effect in regarding the indexes for freedom of expression and the independence of media in Macedonia conducted by credible international organizations.

Within the survey, (see Table 1) we asked the journalists the question "How often do you seek access and maintain contacts with sources of information while reporting on matters of public interest?"

Table 1: Maintaining contacts with sources of information

Frequency of seeking and maintaining contacts with sources of information while reporting on matters of public interest	Number of Answers	Share of total (in %)
Almost never	3	3
Rarely	3	3
Sometimes	8	8
Very often	25	25
Always	23	23
Don't know	1	1
Refused	6	6

A very high percentage of responders (70%) answered that they very often or always seek and maintain contacts with their sources, while very small percentage 8% answered that they never do this, 12% answered that they sometimes seek and maintain contacts with their sources. This shows that high percentage of journalists in Macedonia maintain their relationship with sources.

A.6 What is the level of protection of the right to access to information?

Law on Free Access to Public Information, which exists since 2006 has been amended and revised in several occasions⁷⁸. This Law is generally harmonized with the basic principles determined in international law. According to analyses from the European Union's DG for external policies the regulation on the right to free access is still not fully implemented as many citizens and organizations are experiencing difficulties in practicing this right. According to some analysis, the Commission for Free Access to Public Information is still not independent and lacks sufficient capacity and resources to perform its tasks⁷⁹.

The present Law on Free Access to Public Information regulates the conditions, manner, and procedure of exercising the right to free access to information of public character disposed by state administration bodies and other bodies and institutions established by law. The 2015 EC progress report points towards a lack of penalties for institutions that do not comply with their legal obligation i.e. are transparent:

⁷⁸ "Закон за слободен пристап до информации од јавен карактер" [Law on Free Access to Public Information].

⁷⁹ Brodi, Eida et al., *Freedom of Media in Western Balkans*, Directorate General for External Policies, European Union, Brussels: October 2014, p.17.

⁷⁷ Constitution of Republic of Macedonia, Article 16.

“The implementation of the Law on Free Access to Public Information remains ineffective and in practice penalties are not imposed for failure to comply.” With its legal deadline of 30 days for providing a response to a request for public information, the Republic of Macedonia belongs to the group of European countries with the longest deadlines.

The Center for Civil Communication (CCC), a Macedonian think-tank organization, conducted in 2012 research on the application of the right to free access to public information by the journalists⁸⁰ titled “Access to information – a source of greater quality of informing”. Within the research, survey was conducted by using standardized questionnaire that involved 60 journalists from 30 media in the country, including 12 TV stations. Additionally, 40 requests for access to public information on the part of journalists were conducted by submitting requests to institutions.

The research found that journalists are insufficiently acquainted with the right to free access to public information. Only 50% of the surveyed journalists were completely familiar with this right. Most journalists, (58%) had never submitted a request for access to public information in the first six years of the implementation of the law. There was a prevalent negative experience among journalists regarding the way they were treated by institutions when they requested access to free public information. 87% of the surveyed journalists, which had experience in requesting public information, evaluated the received responses as incomplete. Two key arguments from the journalists are explaining the poor application of the right to free access to public information: the lack of trust that the institutions would provide the requested information and the long deadlines for receiving a response. Out of 40 institutions to which the journalists submitted requests for public information, 37.5% provided the requested information.

Within this research the AJM conducted similar survey with journalists (May 2016) and asked them whether they ever have been refused by public authorities to get access to public information necessary for their reporting. The replies of the surveyed journalists show that the percentages of both those who have never sought access to public information, and those who have been refused remain high (29% and 28%, respectively).

Table 2: Requests for access to public information

Refused by public authorities to get access to public information necessary for reporting	Number of answers	Share of total (in %)
I have never required access to public information	20	29
I have required access to public information but I have never been refused	4	6
I have required access to public information and I have been refused	19	28
Don't know	5	7
Refused	20	29

With the survey conducted within this research, the journalists were asked about the transparency of different institutions.

⁸⁰ Centre for Civil Communication, *Research on the Application of the Right to Free Access to Public Information on the Part of Journalists, Skopje: September 2012*, Accessed on: 15 September, 2016: <http://www.ccc.org.mk/images/stories/research.pdf>.

Table 3: Transparency of different institutions, in %

%	No transparency	Little transparency	Some transparency	Great deal of transparency	Complete transparency	Don't know	Refused
Parliament	6	25	31	7	1	4	25
Government	21	25	21	3	1	4	25
Political parties	10	31	28	9	4	1	16
Politicians (general)	9	38	24	9	3	1	16
Judiciary	24	24	25	6	3	3	13
Police	12	28	25	16	1	1	16
Military	10	28	21	10	3	6	25

The least transparent institutions, according to journalists are the judiciary: 48% of journalists responded that they were not or are slightly transparent. A similar assessment is given for politicians in general terms (47%) and the government (46%). Followed by political parties (41%), police (40%), military (38%), and the Parliament (31%). It can be concluded that, according to journalists, none of the state institutions show great degree of transparency, i.e. all state institutions have tendency of closure or concealment of information.

B

Journalists' position in the newsrooms, professional ethics and level of censorship

By examining various aspects of the professional, economic, and social position of journalist, mainly through conducting a survey and interviewing journalists, this section of the survey finds that there is serious limitation to journalist's freedoms in Macedonia, which undoubtedly is due to poor economic, social, and professional status. Worryingly small percentage of journalists have job security, social and employments benefits, the salaries are low and irregular, and majority of journalists earn less than the average income in Macedonia. In addition, there is editorial and managerial pressure. Most of media outlets rely on financial support from government entities, therefore owners and managers pay more attention to requests made by the Government, than they do on producing quality journalistic content.

B.1 Is economic position of journalists abused to restrict their freedom?

There is no precise statistical data on the number of journalist employed/and or with signed work contract in Macedonia. There is no registry of professional journalists. AJM's position over the years has been that there should not be licensing and registration procedure for journalists in Macedonia due to the dangers of the Government's tendency to use administrative and legal requirement to overregulate and control the profession.

AJM has "active members" and "associate members". The first category consists of people conducting with verified professional journalistic work over the past 12 months. The number of "active members" of AJM, which means active journalists that in the past 12 months were working in any media, in December 2016, was 450 persons. However, the database of AJM consists of more than 1000 members or individuals that at some point over the past fifteen years, since the database was established were active journalist and had an annual membership.

In the absence of official data to assess the number of journalists with signed contracts as journalists in Macedonia can be derived from other available data. According to, the data on the number of employees in the audio-visual media outlets in Macedonia, which is published in regular (annual) media market analysis conducted by the AAMS in 2015⁸¹ was 3062: In the PBS were employed 901 persons, in commercial TV stations 1723 persons and in commercial radio 438 persons. From the total number of persons employed in the media sector, 2444 were regularly employed, and 634 persons had honorary employment contracts. Out of all, 1047 were journalists and 202 were editors, in the PBS there were 239 journalists employed and 86 editors, in the commercial TV stations there were 211 journalists and 68 editors employed, and in commercial radio 197 journalists and 48 editors. In the total, however, the number of journalists and editors of the print sector and on-line news media should be added as well.

Several NGO, have led own research projects that investigated the size of the community of employed journalists in Macedonia, as well as the qualitative aspects of their social status. Such report is part of a "White Book on Professional and Labour Rights of Journalists and Media Workers" by IUJMW in 2014.⁸² Within this research a representative sample of 300 professional journalists (only 2% of the surveyed were non-journalists, i.e. they were media workers) was surveyed. The survey showed that 59% of the professional journalists have a full-time work contracts with all the accompanying social benefits. The percentage of journalists engaged with contracts with definite-time is 12%. The average length of such contracts is 6.4 months.

The others have no social benefits, as they either have honorary employment – 17% (part-time employed) or have no signed contracts whatsoever (11%). This means that more than a quarter of professional journalist in Macedonia had no social security benefits that arise from the full-time employment contracts in 2014.

"Honorary employment, freelance contract, author's contract, internship...- these are just some of the ways media create a legal cover for denying media worker's labour rights that derive from the Macedonian Labour Law"⁸³

Despite the fact that research is conducted on a random sample, the results of AJM conducted in June 2016 showed a similar trend regarding the employment status of the interviewed journalists.

Table 1: Employment status of journalists

Current employment status	Number of answers	Share of total (in %)
Full-time employment	32	46
Part-time employment	3	4
Freelancer	1	1
Other	22	32
Don't know	2	3
Refused	10	14

81 AAVMS. Market Analysis of Audio and Audiovisual Media Services for 2014, Skopje: 2015, p.6. Accessed on September 28, 2016: http://www.avmu.mk/images/Analiza_na_pazarot_na_AVMU_za_2014_godina.pdf

82 Independent Trade Union of Journalists and Media Workers of Macedonia, White Book on Professional and Labour Rights of Journalists and Media Workers, Skopje: 2014, p.77.

83 White Book, p. 41

Only 46% of journalists have employment contract with full time, while others have some kind of agreement that does not provide full social benefits and benefits of employment. It is noticeable that large percentage (32%) of surveyed journalists considered their employment status as “other”, i.e. what does not fall into any of the categories above and / or a mixture of several of them.

Along with this finding, it is important to note that 40% of journalists are employed by more than one media/newsrooms as can be inferred from table 2:

Table 2: Number of employers of journalists

Number of newsrooms journalists work for	Number of answers	Share of total (in %)
One	46	32
More than one	40	28
Don't know	2	1
More than one	12	8

Furthermore, almost every third journalist surveyed by AJM conducts other on-journalistic activities to increase and / or supplement their income.

Table 3: Paid professional activities of professional journalists outside of journalism

Other professional engagements aside from journalism	Number of answers	Share of total (in %)
Yes	19	28
No	48	69
Don't know	0	0
Refused	2	3

To understand the size and characteristics of journalistic labour market, i.e. the extent to which non-formal practices of unsecure (and often illegal) engagement of the journalists by media, IUJMW in 2014, conducted a research of the journalistic work in Macedonia.⁸⁴With research sample of over 104 professional journalists through a structured interview, 77% consider their current journalistic engagement is insecure (33,7% consider it very insecure, while 43,3% generally insecure). Most of these journalists are on freelance contracts. The research shows that 41.3% of respondents consider that their socio-economic position is worsened compared to the last year, while another 34,6% consider it to be unchanged, however it is very bad. The report also finds that:

⁸⁴ *Independent Trade Union of Journalists and Media Workers of Macedonia, Precariat Work in the Media Industry, Skopje: 2014, p.65.*

“The effect of social anxiety and overtime work of freelancers, especially when compared with the journalists of a higher rank, results in lack of motivation, avoiding investigative journalism, politically unsuitable topics, and improvisation in the job.”⁸⁵

It is difficult to ensure precise data regarding the income of journalists coming from different sectors, because there is no official statistical data, nor either is comprehensive data obtained from other studies. The state statistics does not have data on the average income of journalists of media workers, as they are not part of the official categories in the regular salary surveys conducted by the State Statistic Office of the Republic of Macedonia.

In the survey conducted for the needs of this project, was asked the question about the earnings of journalists: 32% of the interviewed journalist earn up to 200 EUR net incomes per month. Considering that the average monthly gross salary⁸⁶ in Macedonia in June 2016 was 32.637 Macedonian Denars, or EUR 529, whereas the average net salary⁸⁷ in Macedonia, according the official statistics was 22,187 Macedonian Denars or EUR 359, it means that every third journalists earns less than a third of the average monthly income in the country.

Table 4: Income categories of journalists

Monthly salary, after taxes, in MKD	Number of answers	Share of total (in %)
0-12,000	32	21
20,000-18,000	16	11
18,000-24,000	18	12
24,000-30,000	9	6
30,000-36,000	3	2
36,000-42,000	3	2
42,000-48,000	0	0
48,000-56,000	0	0
Above 60,000	0	0
Don't know	1	1
Refused	1	1

⁸⁵ *Ibid, p.66.*

⁸⁶ *Source: State Statistic Office of Republic of Macedonia: Accessed on September 28, 2016: <http://www.stat.gov.mk/>.*

⁸⁷ *Ibid.*

Table 4, shows that 48% of surveyed journalists earned 18.000 MKD (around EUR 300) which is below average net-income in the country. 18 % fall under the category of people with average monthly income (between EUR 300-400), 9 percent earn between 24.000 and 30.000 MKD (between EUR 400-500), and only 6 percent have income between EUR 500 and 700. Only a significant percent (1%) fall under the category of high earners.

The majority of journalists surveyed (54%) think that the economic position of journalists has worsened, compared to the previous period, 7% think no changes have occurred, and 9% that their economic position has somewhat increased. Only 7% of the journalists that have undertaken the survey believe that the economic position of journalists has increased a lot, compared to previous years. The time horizon of the comparison is the previous 5 years (2011-2016).

Table b5: Opinions on economic position of journalists

Economic position of the journalists	Number of answers	Share of total (in %)
Decreased a lot	21	28
Somewhat decreased	18	26
Did not change	5	7
Somewhat increased	6	9
Increased a lot	5	7
Don't know	0	0
Refused	14	22

Indicator points towards the economic position of journalists and their work-related engagement outside of the newsroom and journalism. As example, 29% of the interviewed journalists (see Table 3) answered that they are engaged in different activities outside of their profession, whereas, 40% of them work for more than one media outlet. In this way, they manage to have different sources of income aside from their salary.

An indicator of the economic position of journalists is the number of working hours: 39% of the interviewed journalists, answered that, compared to the previous period, the number of working hours has increased, while 22% answered that the number has not changed.

Table 6: Perceptions on number of working hours

Average working hours of journalists	Number of answers	Share of total (in %)
Decreased a lot	7	10
Somewhat decreased	3	4
Did not change	15	22
Somewhat increased	12	18
Increased a lot	14	21
Don't know	2	3
Refused	15	22

These findings are in line with those presented by Freedom House in its 2014 Report on “The Freedom of the Press in Macedonia”. Namely, this international organization noted that journalists have low salaries, face poor job security and working conditions, and editorial pressure from owners, and most outlets rely on financial support from government entities or owners’ other businesses.⁸⁸

According the White Book of IUJMW, those journalists that work in unsafe working conditions and are without basic Labour Law protection are more inclined to work longer hours in quest for securing basic income. These practices are widespread among Macedonian media outlets despite the fact that this type of employment does not exist in the legal system.⁸⁹ It is a public secret that the honorarium-based engagement is one of the most widespread in Macedonian media. On the other hand, the state inspection implements the law selectively, thus enabling an increase in the number of unprotected journalists. The basic characteristic of this group of journalists is the low pay, long working hours and no social benefits, which contribute to their poor social and existential (economic) security. The research denotes that the biggest numbers of honorarium-based journalists are working for large media outlets as local correspondents. Aside from the low wages this category of journalists work under bad conditions:

“Working in substandard working conditions, using their own work assets (computers, cameras, vehicles, and often doing several jobs in order to survive”⁹⁰

88 Freedom House, Report on the Freedom of the Press, 2014. Accessed on: September 28, 2016:

<https://freedomhouse.org/report/freedom-press/2014/macedonia>.

89 Independent Trade Union of Journalists and Media Workers of Macedonia, White Book on Professional and Labour Rights of Journalists and Media Workers, Skopje: 2014, p.8.

90 Ibid, pp. 8-9.

An illustration of the situation in which many journalists are is the fact that few of them only work on a topic for which they are specialized. Only 15% of respondents said that journalists are in charge of covering only one area, while even 77% do not have one focus in news content, or work at more than one subject.

Table 7: Journalists and subject covered

Number of subjects and topics covered	Number of answers	Share of total (in %)
One	10	15
More than one	53	77
Don't know	1	1
Refuted	5	7

This shows that many journalists are not in the position to specialize in one topic, and either are used by employers to cover multiple subjects, sometimes unrelated to each other, or are running after any story or genre they can get, in order to receive extra income. It is often the case that journalists, in addition to the journalistic aspect of the story (content), they have to take care of technical and administrative aspects of their work. The owners the media outlets are often are prepared to decrease the number of employees and are not willing to investment in quality content and professionalization of the employees. It generally reflects the general credibility of the profession.

As shown in the table below, the journalists themselves believe that their status affect public perception of the journalistic profession. Almost half (49%) of surveyed journalists believe that the credibility of the journalistic profession has decreased over the past five years.

Table 8: Credibility of Journalist

Credibility of Journalist	Number of answers	Share of total (in %)
Decreased a lot	17	25
Somewhat decreased	17	24
Did not change	9	13
Somewhat increased	6	9
Increased a lot	5	7
Don't know	0	0
Refused	15	21

B.2 What is the level of editorial independence from media owners and managing bodies?

According to the in-depth interviews conducted with experts, only the larger media have written and adopted systems, procedures, and internal acts that govern the editorial work and keep the marketing departments separate from the newsroom. However, albeit the fact that these departments may be separate, since they are both controlled by the economic and political interests of the owner, they interfere in the work of the media and influence the way it reports. Most of the interviewed experts and journalist express their opinion that media does not report negatively on those who advertise, and in that respect, there is concern that the Government uses lot of tax payers' funds to purchase so called "governmental campaign ads" that are propaganda vehicles and tools for corrupting private media. Since the economic interest prevails, in essence it turns into "political propaganda with public funds"⁹¹.

According to the interviews, even when there are such rules for editorial independence from media owners and managing bodies in the media outlet, in practice they are not being enforced. Very rarely media criticizes large marketers, especially for the Government, as it is the largest media service recipient.

According to the findings, none of the private media outlet has adopted internal Code of Ethics. Large portion of media outlets are members of the Ethics Council (ECMM), self-regulatory body established in the year 2014, and as such are obliged to adhere to the Code of Ethics. Journalists that are members of AJM adhere to the Code of Ethics. AJM has its own self-regulatory body – Council of Honor.

There are different forms of pressure exercised by media owners and managers on journalists. There are even risks of losing their job and physical treats, mostly causing auto-censorship. One anonymous respondents stated that "threat of dismissal, along with the threat of dismissal of a relative who is employed in the public administration"⁹².

91 Saso Ordanoski, interview by a team member of AJM, July 13, 2016.

92 Anonymous interview conducted by a journalist in private media, July 2016

B.3 What is the level of editorial independence of the journalists in the PBS?

MRTV does not have a general Code of professional reporting, although it is responsibility of the public service, which is envisaged in the Statute. In 2016, with the support of the British Embassy and the Macedonian Institute for Media, a Code of Ethics about reporting during election campaigns was developed. However, the general principles set out in this Code are the same general principles of professional reporting that apply in any period.

Article 14 of the Statute of MRTV, foresees that the public broadcaster should provide "... Permanent, truthful, complete, impartial, just and timely information."⁹³The statute is accompanied by 17 bylaw acts, including the Regulation on Internal organization, Ethical Code, Rules for work protection, etc. Journalists and newsrooms are not independent and usually are under the direct influence of editors and management, and in many cases influenced by high government officials. Exactly these forms of pressures were the reason the public service was one of the key points discussed in the political negotiations of the Przino Agreement. As a result of these negotiations, it was agreed that one hundred days before the election appointed editor of the news program on the first channel in the public service on proposal from the main opposition party and additional changes to the Election Law, which would halve the penalties for the media, regarding the respect of working conditions, and the manner of reporting on the election campaign.

Journalists in the public service suffered great pressure from the government for years. A question that was constantly emphasized as a concern in the EC progress reports. For example, in the Progress Report for 2015, the European Commission, in the context of public service, the wiretapping scandal of 2015:

"There are serious concerns about MRTV's editorial independence. It provided limited reporting of the interception revelations, and some of the published recordings implied that government officials had threatened public service journalists' job-security if they did not report along their 'desires'"⁹⁴

⁹³ Statute of MRTV, Chapter II, Article 14.

⁹⁴ European Commission. *The Former Yugoslavia Republic of Macedonia 2015 Progress Report*. Brussels: October 2015.

B.4 What is the level of editorial independence of the journalists in the non-profit sector?

In September 2016, in the non-profit broadcasting sector, there were only three⁹⁵ licensed radio stations in the country, which were established at the main universities. They broadcast programs aimed for and produced by students.

Several media function under NGO registration regime in the online media sphere, yet there has not been any separate analysis of their work and the status and independence of journalist in the newsroom is such media.

B.5 How much freedom do journalists have in the news production process?

Most of the interviewees see widespread censorship and self-censorship as well as other forms of pressure affecting the work of Macedonian journalists. According the media expert Sefer Tahiri⁹⁶, "very few journalists publicly admit they have been pressured in some way or censored, while self-censorship is widespread and is the main obstacle of journalist to perform their duty. Sonja Delevska,⁹⁷ a journalist confirms this conclusion, while adding, "Censorship is admitted in public gatherings and in general terms, without pointing out any specific examples"

Few questions in the survey referred to the level of censorship, influence, and pressure that journalists suffer from various sources.

⁹⁵ Source: Registry of TV Stations, Accessed on September 14, 2016: http://www.ovmu.mk/index.php?option=com_content&view=article&id=1150&Itemid=343&lang=mk

⁹⁶ Sefer Tahiri, interview by a team member of AJM, July 11, 2016

⁹⁷ Sanja Delevska, interview by a team member of AJM, July 14, 2016

Table 9: Role of censorship

Censorship	Number of answers	Share of total (in %)
Not relevant to respondent's work	1	1
Not influential	6	9
Little influential	11	16
Somewhat influential	10	15
Very influential	13	19
Extremely influential	13	19
Don't know	0	0
Refused	14	21

As can be inferred from Table above, only 25% of journalists find censorship to be little or non-influential, while the other 55% argue that censorship is, more than somewhat influential, to their work.

Table 10: Influence of editors, media managers, and owners

Potential sources of influence	Not relevant to respondent's work	Not influential	Little influential	Somewhat influential	Very influential	Extremely influential	Don't know	Refused
Your editorial supervisors and higher editors	3	7	18	28	22	3	0	19
The managers of your news organization	10	10	19	16	21	3	0	21
The owners of your news organization	13	9	21	10	26	3	0	18
Government officials	1	10	19	21	21	4	0	24
Politicians in general	1	18	10	26	15	6	0	24
People for the business	1	18	15	22	10	6	1	26

When it comes to the impact of various individuals from immediate or wider environment (see Table 10) of journalists, it can be noted that the editors are the ones that most affect journalists work - 53% of respondents said that they have part, big or extreme impact on their work. Immediately after them come the politicians in general (47%), followed by government officials (46%), and followed by media managers (40%) and media owners (39%) and eventually business people (38%). Individuals that journalists do not come in daily contact have less impact on their work.

As response of their individual freedom over the work, the journalists give different answers of their general perceptions of the different forms of influence on journalists in general, as can be inferred from table 11b.

Table 11: Freedom in selecting news stories

Degree of freedom in selection of a news story and the angle	Selection of news stories (in %)	Angle of the news story (in %)
No freedom at all	3	3
Little freedom	11	4
Some freedom	24	16
A great deal of freedom	36	39
Complete freedom	21	32
Don't know	0	0
Refused	6	6



This section of the report directly examines the cases of recorded violation of journalists' rights in the past three years. It examines all observed attacks and registered them by type into several categories. In details, present the extreme examples of attacks and threats against journalists or media, the identity of the attackers and the possible response of the institutions. Parts of the report highlighted that the attacker is not sanctioned in almost none of the reported cases. This creates atmosphere of complete impunity for attackers, so the mood among the journalists of fear and self-censorship in the implementation of tasks.

C.1 Safety and Impunity Statistics

Since 2011 AJM has been closely monitoring, recording, and documenting all cases of attacks against journalists that were registered, announced, and/or processed, with or without the desire of the journalist who was a subject of the attack. In this five-year period, thirty-three cases (33) that fall into the above categories have been recorded, and 30 of them have been reported to Ministry of Internal Affairs. According to the AJM register,⁹⁸ attacks against journalists are aimed at endangering their safety and / or members of their family.

Seven cases were recorded in the period 2011-2012, but for the purposes of this research, we will focus on the analysis of cases in the last three years (2013-2016). No cases were recorded in 2013, and in 2014, according to the Analysis of AJM, five cases have been reported. The first case that was denounced is connected with the forceful confiscation of private property (cameras and recorded material) of the journalists, Saska Cvetkovska (TV Nova), Marija Mitveska (Radio Free Europe) and Meri Jordanovska (Focus) by a police officer during the protest in Gorce Petrov, Skopje. The institutions took no charges. According to the investigation of the Ministry, all 34 police officers who participated in the event were questioned, however, yet no charges are made. The very same situation happened to journalist Dehran Muratov from "TV Nova". A police officer forcefully confiscated the cell phone and erased its contents. Following the formal complaint of AJM the Department of Internal control of Mol reviewed the case, found no evidence, and disputed the case as ungrounded.

In July of 2014, the journalist IsakRamadani from "Voice of America" was attacked by the participants of protest in front of the Court in Skopje. The incident was reported to police and at the same time was filmed and broadcasted on the national television. The identity of the attacker is determined, but still there is no report or information on any formal action taken by relevant institutions. A journalist from daily newspaper "Lajm" Besim Ibrahim was arrested by the police, under the charge of "Participation in a mob, which prevents an officer in the performance of official duties". After an immediate intervention of AJM, the journalist was free and charges were dropped. It is worth to note, that to this date, until September 2016, the appropriate authorities (prosecutor, police, courts, etc.) processed none of these five cases from 2014.

In the period of January 2015 - June 2016 many attacks against journalists are registered in comparison with the previous years. This period largely coincides with the deep political crisis that started in the beginning of 2015, with the revelations of the wiretapping scandal and the ensuing anti-government protests that started in the spring of 2015 and were restarted in April 2016. Consequently, 21 cases have been recorded in the entire 2015 and the first half of 2016. It is worth to note that while in the previous year's attacks were mostly verbal, large number of cases in 2015 are characterized by physical violence against journalists, denying of the right to report as well as confiscation of property (cameras and mobile phones).

Table 1: Attacks on Journalists 2014-2016

Type of case	2014	2015	2016
Threat/Endangerment of Security	0	0	0
Physical Assault on Journalist/ Editor	1	6	3
Forceful confiscation of private property	2	3	1
Arrest	1	0	0
Verbal assault	1	7	2
Denied the right to report	0	0	4
Damaging of private property	0	0	1
Attack on Media outlet	0	1	1
TOTAL	5	17	12

The first two incidents in 2015 were verbal assaults against journalists: death threat by unknown person to the journalist Borjan Jovanovski who writes critically about the government and verbal threat to Dejan Nikolovski, a pro-government journalist, editor of Netpers by the leader of opposition political party. Both incidents are properly reported in the Ministry of Interior, but it was not taken any formal action by the institutions for none of these cases.

On May 6th, during the period of massive anti-government demonstrations in Skopje, police officers physically assaulted the journalist Bojan Shashevski from the portal "www.mkd.mk" during a protest in front of Government building. Even though the reporter has made effort to report the incident, two days after it occurred, in the police station Beko – Skopje municipality, he was denied the right to do so by the police officers that work in the police station.

During May 2015, a large number of attacks were reported. On 14 May, unknown persons burned the private vehicle of the journalist Branko Trichkovski, a harsh criticizer of Macedonian government, in front of his house. Several days later, the Minister of Economy Bekim Neziri sent death threats to Naser Selmani, President of AJM. On May 23, unknown persons beat the journal-

⁹⁸ Association of Journalists of Macedonia, Analysis of Cases of Violation of Journalists' Right and Responses from Institutions, Skopje: June 2016, p.1, Accessed on September 28, 2016: http://znm.org.mk/?page_id=1362.

ist Saselvanovski, critic of the government. All these attacks are on journalists who are strongly critical towards the ruling parties. However, on May 7, was recorded and attack against journalist who supported the government, the editor of the newspaper Vecer, Ivona Taleska was physically attacked by unknown perpetrators.

July 2015 was the month when were reported most of incidents involving attacks against journalists. On 11 July 2015, the security staff of the Minister of Finance, Zoran Stavrevski, forcibly took Sashe Ivanovski-Politiko's video camera recorder and erased all video recordings and photos which included the Mr. Stavrevski and the ex-minister of interior affairs Gordana Jankulovska. The incident occurred during the opening ceremony of the festival "Ohridsko leto". Four days later, another high official of the Macedonian Government physically attacked the same journalist. On 15 July 2015, the vice-prime minister Vladimir Pesovski physically assaulted the editor chief of the portal "Maktel", Sashe Ivanovski-Politiko, while approaching the vice-prime minister to ask questions regarding the "Przino Agreement". The assault was recorded on camera and then the video was published on internet. No formal actions were taken in regard of neither of these incidents. In addition, neither of the Government officials involved in the incidents suffered any political responsibility, in spite of the fact that both incidents were widely publicized and in one case, there is a filmed footage from the incident. The last incident was reported in July, another physically assault over journalist. The owner of the web portal "Dokaz", Marjan Stamenkovski was brutally bitten in front of coffee bar located in Municipality Skopje. He received serious injuries to the head – broken nose. After he was treated in the local hospital, he reported the assault in "Police Station – Centar". As in other cases, there are no formal actions taken by institutions.

The trend of large-spread and open attacks on journalist continued into 2016. This report only covers the first half of the year (January – June 2016). The first incident is in March 2016 and it involved verbal threats from representatives of the ruling political party (DUI) towards the editor of the national cable television station "TV Shenja" Muhamed Zekiri. The same month, the Constitutional Court of the Republic of Macedonia without any explanation, banned journalists to report from the Court session at which they evaluated the constitutionality of the Law on Amnesty. According to the rulebook of the Constitutional Court, sessions are held behind closed doors, only when disclosure of information on the topics of discussion could endanger national interest. Another incident occurred in a small municipality in Macedonia, when journalist Jane Mamuchevski working for the web portal "MaleshevskiVesnik", following the order of the Mayor of Berovo, Dragi Nadzhinski was expelled from the Berovo municipality Council meeting.

According to journalist, the same motives lie behind the incident in which his private vehicle was damaged.

A group of journalists and photojournalists were physically assaulted by the police while monitoring the protest against the decision of the President of the Republic of Macedonia for amnesty of the persons which were involved in the wiretapping scandal, which took place in front of the President's office in downtown Skopje. A police officer hit the journalist Goran Naumovski from the web portal "Plusinfo" inflicting him a head injury that knocked him unconscious. At the same event, police officer's despite being properly marked as professional journalists assaulted the photojournalists Ognen Teofilovski from "Vest", Nakje Batev from "Večer" and Borche Popovski from "Sloboden pecat", as well as Tome Georgiev from "Focus".

In one incident, foreign journalists were involved that were willing to report on Macedonia. In this case, the three journalists from Bulgarian daily "24 Casa", were not permitted to cross the national boarder and enter the Republic of Macedonia at the crossing point "Deve Bair" in April 2016. In the same month, Vladimir Boshkovski, camera operator employed in the TV station "Mega" from Bitola was physically assaulted during the protest organized by the opposition. He was pushed, verbally assaulted, and ordered to stop video recording the event. A day later, 22 April 2016, another journalist from Bitola was attacked: The journalist and photo reporter Petar Stavrev from Bitola was physically assaulted by a known assailant, while reporting on the protests against the mayor of Bitola municipality – Mr. Taleski. The journalist was physically assaulted, after which police officers intervened.

The journalist Vanja Miceska from the national radio station "Kanal 77" was denied the right to follow the gathering of the civil movement (GDOM). Some of the participants used physical force on her and did not permit her to take photos. Also worth noting is the fact that the incident occurred in front of local police officer, which aside from doing nothing, asked her to leave the protest.

The final incident in this report happened on 17.06.2016, when two members of the security of former Prime minister, and leader of ruling party VMRO-DPMEN Nikola Gruevski entered the yard of "Televizija 21" and erased recordings from the phone of the journalist Kristijan Landov, who previously filmed the former Prime minister while taking a walk on Macedonia Street. Although the incident was recorded with security cameras of the TV station, the official attitude of the police was that such an incident never occurred.

C.2 Do the state institutions and political actors undertake responsibility for protection of journalists?

Out of 33 reported incidents covered with this report, 31 were reported before the appropriate institution. Based to AJMs' findings, there is no single court sentence towards the attackers.

Apart from the AJM, any of the public institution, including the court and the prosecution, does not keep register of attacks over journalists, similar registry, or mechanism for monitoring and preventing attacks on journalists. Moreover, there is lack of cooperation with state institutions for journalists issues related to their safety.

Despite formal and declaratory commitment to freedom of the press, no politician has ever bore any political consequences for the threat or attack on journalists despite the fact that five politicians were directly involved or associated with such attacks. According to the findings of AJM, so far are not taken any disciplinary action against of the perpetrators.

This creates atmosphere of impunity and restricts the free journalism and media in the country, as noted in the EC Progress report on Macedonia for 2015.⁹⁹

“There were several reports of intimidation and harassment of journalists, two reports of property damage and two death threats against journalists in 2015. Journalists continued to report a general climate of self-censorship and the publication of intercepted telephone conversations confirmed that journalists had been under extensive and unlawful surveillance for several years.

It is worth noting that the contents of recorded conversations revealed that many journalists were illegally recorded by the secret police.¹⁰⁰ As written in the EC report, some of the wiretapped conversations indicated that the media were under direct or indirect government pressure on how to report. Through the publication of these photos by the largest opposition party, the public was able to hear from senior representatives of the political party in power and state officials and ministers are making direct pressure of chief editors of the largest private media to edit their news.

⁹⁹ European Commission, *The Former Yugoslav Republic of Macedonia 2015 Progress Report*, Brussels: 2015, p.21.

¹⁰⁰ *Ibid.* p.57.

C.3 Does the criminal and civil justice system deals effectively with threats and acts of violence against journalists?

There are no special institutions as special court or prosecutor that would work towards reducing the trend of policy of impunity for attacks on journalists. In addition, it is unknown the existence of special procedures within the state institutions that would provide instructions how to handle attacks on female journalists.

The criminal and justice system does not provide any effective legal or statutory protection of journalist during the course of their professional work. The journalists do not enjoy any special status and are treated as any private citizen before the Criminal Code. Beside this, those few cases for attacks on journalists that are raised by the public prosecutor remain unresolved, without any judicial resolution. It would be understandable, perhaps, if the Ministry of Interior, the prosecution, and the courts are not able to solve part of those 33 cases of attacks towards journalists, but in circumstances where none of these cases, some of them is without any court verdict for years, it becomes clear that there is a policy of impunity present in Macedonia.

In addition to this, representatives of the Government and the political actors do not have proper reaction in situations where journalists are attacked or threatened. They not only show lack of political will to resolve these issues properly, but also, they have tendency for creating such situation in which as consequence, the journalists are afraid to do their job in proper and professional manner.

Appendix

List of interviewed individuals

Name	Anonymous (Y/N)	Position/Organization	Date of the interview
Saso Ordanoski	No	Journalist, independent expert	13 July, 2016
Dr. Marina Tuneva	No	Executive Director, Council of Media Ethics of Macedonia	15 July 2016
Dr. Zaneta Trajkovska	No	Executive Director of the School of Journalism and Public Relations	13 July, 2016
Dr. Sefer Tahiri	No	Professor, independent expert	11 July, 2016
Journalist	Yes	TV Journalist	12 July 2016
Sonja Delevska	No	Journalist of the daily newspaper Vest	14 July 2016
Journalist	Yes	Radio journalist	20 July, 2016
Journalist	Yes	TV journalist	14 July, 2016
Journalist	Yes	Web portal	11 July 2016
Zoran Fidanovski	No	Member of the Council AAVMS	12 July 2016
Todor Pendarovski	No	Member of the Office of Public Relations within the Parliament	12 August 2016

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